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THE
ACTS
OF THE
GENERAL ASSEMBLY
OF
PRINCE EDWARD ISLAND.

from

THE ESTABLISHMENT OF THE LEGISLATURE, IN THE
THIRTEENTH YEAR OF THE REIGN OF HIS MAJESTY
KING GEORGE THE THIRD, A. D. 1773,

to

THE SEVENTH YEAR OF THE REIGN OF HER PRESENT MAJESTY QUEEN
VICTORIA, A. D. 1844, INCLUSIVE.

VOL. I.



PRINTED BY GEORGE THOS. HASZARD, AT THE ROYAL GAZETTE OFFICE.

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and 12 VIC. CAP. 23.

ROBERT HODGSON,
JOHN LONGWORTH, } Commissioners.
JOSEPH HENSLEY, }

A TABLE
OF ALL
THE ACTS
PRINTED IN THIS VOLUME.

13° Georgii III.—1773.

	PAGE.
I. An Act for confirming the past Proceedings of His Majesty's Governor and Council, antecedent to the calling of a General Assembly, - - - - -	1
II. An Act to confirm and make valid in Law all manner of Process and Proceedings in the several Courts of Judicature within this Island, from the First day of <i>May</i> , One thousand seven hundred and Sixty-nine, to this present Session of Assembly, - - - - -	2
V. An Act for ascertaining Damages on Protested Bills of Exchange, - - - - -	4

16° Georgii III.—1774.

I. An Act for regulating Fees, - - - - -	11
IV. An Act to confirm and make valid in Law all manner of Process and Proceedings in His Majesty's Supreme Court of Judicature of this Island, from the Twenty-fifth day of <i>July</i> , in the year of our Lord One thousand Seven hundred and Seventy-five, to this present Session of Assembly. - - - - -	28

 20° *Georgii III.*—1780.

- V. An Act for preventing the running at large of Stone Horses or Stallions, and for the killing of Partridges at improper Seasons, 31

 20° *Georgii III.*—1780.

- I. An Act for establishing and regulating a Militia, - - 37
- II. An Act to enable Proprietors to divide their Lands held in common, and for ascertaining the mode of carrying such division into execution, - - - - 45
- III. An Act for the due Observance of the Lord's Day, - - 47
- IX. An Act to enable Creditors to recover their just Debts out of the Effects of their absent or absconding Debtors, - - 50

 21° *Georgii III.*—1781.

- II. An Act relating to Wills, Legacies, and Executors, and for the Settlement and Distribution of the Estates of Intestates, 56
- IV. An Act for determining Differences by Arbitration or Umpirage, 65
- XI. An Act for amending and rendering perpetual several Laws near expiring, - - - - 67
- XVII. An Act for the Limitation of Actions, and for avoiding Law-suits, - - - - 69

 25° *Georgii III.*—1785.

- IV. An Act to amend, render more effectual, and to reduce into one Act, the several Laws made by the General Assembly of this Island, relative to the Duties of Impost on Wines, Rum, Brandy, and other Distilled Spirituous Liquors; and for allowing a Drawback on all Wines, Rum, Brandy, and other distilled Spirituous Liquors, exported from this Island, - - 76
- VI. An Act for establishing the Rate of Interest - - 93

	PAGE.
VIII. An Act for admitting Depositions, <i>de bene esse</i> , of Witnesses, aged, infirm, or otherwise unable to travel, and of Witnesses departing from this Island, - - - -	95
X. An Act for permitting Persons of the Profession of the People called Quakers to make an Affirmation instead of taking an Oath, - - - -	97

26° Georgii III.—1786.

III. An Act for preventing Abatement and Discontinuance of Suits, -	102
IV. An Act for amending Defects in Pleas, Processes, and Records, -	104
VII. An Act for Reformation of Jeofails and Mispleadings, and to prevent Arrests and Reversals of Judgments, and for the better advancement of Justice, - - - -	106
IX. An Act for more especially making Lands and Tenements liable for the payment of Debts; also to enable the holders of Mortgages to sell the Premises mortgaged to them more speedily and at less expense than heretofore; as also to repeal an Act made in the Twenty-first year of His present Majesty's Reign, intituled <i>An Act making Lands and Tenements liable for the payment of Debts</i> , - - - -	111
XIII. An Act for the Trial of Actions in a Summary way, -	119
XIV. An Act to prevent the Multiplicity of Law Suits, - -	123
XV. An Act to empower the Governor, Lieutenant Governor, or Commander in Chief for the time being, to appoint a Sheriff or Sheriffs for this Island; also to regulate the Office of Sheriffs, and the manner in which they shall return and pass their Accounts of all Fines and Forfeitures levied by them, for the use of the Crown, - - - -	124

30° Georgii III.—1790.

II. An Act to establish authenticated Copies of the Records of His Majesty's Council of this Province as legal Evidence, -	140
IV. An Act for repealing so much of an Act, made and passed in the Twenty-sixth year of His present Majesty's Reign, intituled <i>An Act to amend, render more effectual, and reduce into one Act, all the Acts made by the General Assembly of this Island concerning Bail, and to prevent frivolous and vexatious Arrests</i> , as	

	PAGE.
relates to the Attachment of the Goods, Chattels or Estate of any Debtor or Debtors, - - - -	141
V. An Act to empower the Lieutenant Governor to give Grants of Lands, under the Great Seal of this Island, to such Loyalists and Disbanded Troops as are in the Occupation thereof, by virtue of Locations formerly made by the Governor and Council,	142
VI. An Act for quieting the minds of His Majesty's Dissenting Protestant Subjects in the Island of <i>Saint John</i> . - -	146
VII. An Act to oblige the respective Proprietors of Lots or Townships of Land, or of parts of Lots or Townships of Land, in this Island, and who have contributed nothing towards the Settlement or Improvement of this Island, and whose Lands lie in a waste and uncultivated state, to pay their proportion of the Public Charges for the making and repairing of the Highways, Roads and Bridges of the said Island, - - - -	147

31° Georgii III.—1790.

II. An Act for the more speedy Assignment and Recovery of Dower,	154
IV. An Act to prevent the unnecessary firing off Guns, and other Fire-arms, in the Town and Suburbs of <i>Charlottetown</i> . -	159
V. An Act for regulating the Fees of Magistrates and Constables in certain cases, and for amending an Act made and passed in the Sixteenth year of His Majesty's Reign, intituled <i>An Act in addition to and amendment of an Act made and passed in the Thirteenth year of His present Majesty's Reign, intituled 'An Act for the more easy and speedy Recovery of Small Debts,'</i> -	160
VII. An Act for compelling persons owning Lands adjoining to each other to make their respective parts or proportions of the Fence between them; and for empowering the Grand Jury to nominate Fence Viewers, - - - -	161

35° Georgii III.—1795.

II. An Act for confirming Titles and quieting Possessions, -	166
V. An Act to prevent the running at large of Geese within the Town of <i>Charlottetown</i> , - - - -	168

	PAGE.
VIII. An Act to alter and amend an Act made and passed in the Twenty-sixth year of His Majesty's Reign, intituled <i>An Act for more especially making Lands and Tenements liable to the payment of Debts; and also to enable the holders of Mortgages to sell the Premises mortgaged to them more speedily and at less expense than heretofore; as also to repeal an Act made in the Twenty-first year of His present Majesty's Reign, intituled 'An Act making Lands and Tenements liable to the payment of Debts,'</i>	170
X. An Act for raising a Duty on Wine, Rum, and other distilled Spirituous Liquors, and for imposing a Duty on Porter, Ale and Strong Beer, - - - - -	171

36° Georgii III.—1796.

III. An Act to render valid Conveyances of Real Estates of Married Women, by them made, or to be made, during their Coverture, - - - - -	174
IV. An Act to explain and amend an Act made and passed in the Twentieth year of His present Majesty's Reign, intituled <i>An Act to enable Proprietors to divide their Lands held in common, and for ascertaining the mode of carrying such Division into execution,</i> - - - - -	176
V. An Act to prevent disorderly persons from taking and riding or using the Horses of others, without their leave or permission, - - - - -	177
VII. An Act for appointing Commissioners of Sewers, - - - - -	178

39° Georgii III.—1798.

I. An Act for altering and changing the name of this Island from <i>Saint John</i> to that of <i>Prince Edward Island,</i> - - - - -	185
--	-----

43° Georgii III.—1802.

I. An Act for making perpetual certain Laws therein mentioned, and for continuing sundry other Laws that are near expiring, - - - - -	193
II. An Act for repealing an Act intituled <i>An Act for the effectual Recovery of certain of His Majesty's Quit Rents in the Island of Saint John,</i> and for the enforcing in future a due and regular payment of the Quit Rents payable to His Majesty, His Heirs and Successors, - - - - -	194

	PAGE.
VI. An Act for the better and more effectual Establishment of the Church of <i>England</i> in this Island, - - -	204

48° Georgii III.—1808.

II. An Act to amend an Act made and passed in the Twenty-sixth year of His present Majesty's Reign, intituled <i>An Act to empower the Governor, Lieutenant Governor, or Commander in Chief for the time being, to appoint a Sheriff or Sheriffs for this Island: also to regulate the Office of Sheriffs, and the manner in which they shall return and pass their Accounts of all Fines and Forfeitures levied by them for the use of the Crown</i> —and to indemnify persons claiming under Deeds executed by the Deputy or Under Sheriff of this Island, - - -	214
--	-----

49° Georgii III.—1809.

I. An Act for establishing a Meridional Line, to regulate Surveyors in this Colony, - - -	219
---	-----

50° Georgii III.—1810.

III. An Act to prevent the harbouring Deserters from His Majesty's Navy or Army, and for giving a Reward for apprehending Deserters; and to prevent harbouring Deserters from Ships in the Merchant Service, - - -	226
--	-----

52° Georgii III.—1812.

IV. An Act to alter and amend two several Acts of the General Assembly of this Island, <i>videlicet</i> , an Act intituled <i>An Act to amend, render more effectual, and to reduce into one Act, the several Laws made by the General Assembly of this Island relative to the Duties of Inpost on Wines, Rum, Brandy, and other distilled Spirituous Liquors, and for allowing a Drawback on all Wines, Rum, Brandy, and other Distilled Spirituous Liquors exported from this Island:</i> and an Act intituled <i>An Act for raising a Duty on Wine, Rum, and other distilled Spirituous Liquors, and for imposing a Duty on Porter, Ale and Strong Beer,</i> -	230
---	-----

57° Georgii III.—1817.

- I. An Act to continue an Act intituled *An Act for raising a Fund, to make and keep in repair the Pumps, Wells and Streets of Charlotletown, and for other purposes therein mentioned,* - - 237
- III. An Act to enable Creditors more easily to recover their Debts from Co-Partners and Joint Debtors, - - - 238

59° Georgii III.—1818.

- II. An Act to prevent Acts of the General Assembly from taking effect from a time prior to the passing thereof, - - 244
- IV. An Act to enable the Justices of the Supreme Court of Judicature to issue Commissions for examining Witnesses out of this Island, - - - - - 245
- VII. An Act to regulate the sale of the Interest of Leaseholders when taken in Execution, - - - 246
- IX. An Act for Barring Estates Tail, - - - 249

5° Georgii IV.—1825.

- XII. An Act to regulate the Fisheries of this Island, - - 257
- XVI. An Act to provide a Remedy for Injuries arising from improper burning of Woods, - - - - 262
- XVIII. An Act to empower His Excellency the Lieutenant Governor, or Commander in Chief for the time being, to appoint Commissioners to issue Treasury Notes, - - - 263

6° Georgii IV.—1825.

- I. An Act to render perpetual an Act made and passed in the Fifty-seventh year of the Reign of His late Majesty, intituled *An Act to enable Creditors more easily to recover their Debts from Co-Partners and Joint Debtors,* - - - 269

	PAGE.
XII. An Act to authorize the Commissioners named and appointed under an Act made and passed in the Fifth year of the Reign of His present Majesty, intituled <i>An Act to empower His Excellency the Lieutenant Governor or Commander in Chief for the time being, to appoint Commissioners to issue Treasury Notes, to issue Notes of the value of Ten Shillings each,</i> - -	273

8° Georgii IV.—1827.

VII. An Act to continue and amend an Act passed in the Fifty-ninth year of His late Majesty's Reign, intituled <i>An Act to regulate the Sale of the Interest of Leaseholders, when taken in Execution,</i>	277
---	-----

9° Georgii IV.—1828.

VI. An Act to render perpetual an Act intituled <i>An Act to enable the Justices of the Supreme Court of Judicature to issue Commissions for examining Witnesses out of this Island,</i> - -	282
--	-----

10° Georgii IV.—1829.

IV. An Act to enable Tenants in Tail to execute Leases, and grant Terms of years of a long Endurance. - -	286
V. An Act to alter and amend an Act made and passed in the Thirty-first year of the Reign of His late Majesty, intituled <i>An Act for compelling persons owning Lands adjoining to each other to make their respective parts or proportions of the Fence between them, and for empowering the Grand Jury to nominate Fence Viewers,</i> - - - -	288
IX. An Act for the Establishment of an Academy in Charlottetown,	290
XI. An Act for the Security of Navigation, and for preserving all Ships, Vessels and Goods, which may be found on shore, wrecked or stranded upon the Coasts of this Island, and for punishing persons who shall steal Shipwrecked Goods, and for the Relief of persons suffering loss thereby, - -	293

11° *Georgii IV.*—1830.

V. An Act to require Clergymen and others authorized to solemnize Marriages, to return Certificates thereof to the Surrogate of the Island, and to require Clergymen to keep a Record of Baptisms, - - - - -	306
VII. An Act for the Relief of His Majesty's Roman Catholic Subjects, - - - - -	308
IX. An Act for the further security and recovery of Moneys due to His Majesty upon Duties of Impost and Excise—and for regulating the Offices of Treasurer and Collector of Impost, - - - - -	313
XVI. An Act to authorize a further Issue of Treasury Notes, and to continue an Act intituled <i>An Act to revive and continue two certain Acts therein mentioned</i> , - - - - -	317

1° *Gulielmi IV.*—1831.

VI. An Act to amend an Act made and passed in the Fifth Year of His late Majesty's Reign, intituled <i>An Act to provide a Remedy for Injuries arising from improper Burning of Woods</i> , - - - - -	322
IX. An Act to authorize Justices of the Peace to enforce the attendance of Witnesses, in certain cases, - - - - -	323
XIII. An Act to discourage Litigation, by regulating the Set-off of Mutual Debts in Actions at Law, - - - - -	325
XV. An Act to authorize a further Issue of Treasury Notes, - - - - -	327

2° *Gulielmi IV.*—1832.

II. An Act to prevent the destruction of Oysters, by burning the same, for the purpose of converting the Shells thereof into Lime, - - - - -	332
III. An Act to enable certain persons to put their Marriages upon Record, - - - - -	333
XI. An Act to prevent Tavernkeepers, Innkeepers, or other persons, from harbouring or entertaining Soldiers at improper hours, - - - - -	336
XIII. An Act to prevent the Importation and Spreading of Infectious Diseases within this Island, - - - - -	337

	PAGE
XIV. An Act to confirm and render valid certain Marriages heretofore solemnized within this Island, and also to declare by whom and in what manner Marriages shall be celebrated in future, and to provide for the Public Registry of the same,	349
XV. An Act establishing the mode of recovering Penalties and Costs before Justices of the Peace, where the same are imposed by certain Acts of the General Assembly of this Island, and no provision is made for the enforcing thereof, - -	354
XVII. An Act to Incorporate the Minister and Trustees of <i>Saint James's Church</i> , in the Town of <i>Charlottetown</i> , - -	355
XVIII. An Act to Incorporate the Minister and Elders of <i>Saint John's Church</i> , in the District of <i>Belfast</i> , - -	362
XXIII. An Act to regulate the Salary of the Collector of Impost and Excise for the District of <i>Charlottetown</i> , - -	365

3° *Gulielmi IV.*—1833.

I. An Act to repeal two certain Acts therein mentioned, for the Regulation of Statute Labour, - - -	367
VIII. An Act to repeal two certain Acts therein mentioned, for Licensing and Regulating Ferries, and to make other provisions in lieu thereof, - - -	369
X. An Act to regulate the Registry of Deeds and Instruments relating to the Title to Land, and to repeal the Laws heretofore passed for that purpose, - - -	374
XIII. An Act to authorize a further Issue of Treasury Notes, to the amount of Five Thousand Pounds, and to repeal an Act therein mentioned, - - -	386
XIV. An Act appointing the Registration of His Majesty's Orders in Council, and Proclamations signifying the Royal Allowance or Disallowance of Acts of this Island, - - -	389
XIX. An Act to repeal an Act made and passed in the Thirty-fifth year of the Reign of His late Majesty King <i>George</i> the Third, intituled <i>An Act for ascertaining the standard of Weights and Measures in this Island</i> , and to make other provisions in lieu thereof, - - -	391
XX. An Act to enable the several Congregations of the Church of <i>England</i> in this Islaad to choose Church-wardens and Vestries, and for Incorporating the same; and to repeal the former Act for appointing Vestries, - - -	395

	PAGE.
XXI. An Act to regulate the Weight and Quality of Bread within the Town and Royalty of <i>Charlottetown</i> , - - -	398
XXIII. An Act to empower the Administrator of the Government to shut up such Roads, or parts of Roads, as are no longer required, - - - - -	404
XXVI. An Act for repealing an Act of the Thirty-fifth year of the Reign of King <i>George</i> the Third, intituled <i>An Act for regulating Servants</i> , and for substituting other provisions in lieu thereof,	406
XXX. An Act for repealing certain parts of the Act intituled <i>An Act for the establishing and regulating a Militia</i> , and for substituting other provisions in lieu thereof, - - -	410
XXXI. An Act to regulate the Salary of the Treasurer of this Island,	414

4° *Gulielmi IV.*—1834.

V. An Act for the appointment of Sheep Reeves, and to restrain Rams from being at large at improper seasons; and to repeal the Acts formerly passed for that purpose, - - -	418
VII. An Act to enable the Supreme Court to give Costs in Cases of Certiorari, - - - - -	421
XI. An Act to repeal certain Acts therein mentioned, - - -	423
XII. An Act for continuing the General Assembly, in case of the death or demise of His Majesty, His Heirs and Successors,	424
XIV. An Act authorizing Collectors of Impost to appoint Deputies,	425
XV. An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the Duty of Surveyors, and to repeal a certain Act therein mentioned, - - - - -	426
XVIII. An Act for the better Conveyance of the Mails in the Winter Season, - - - - -	434

5° *Gulielmi IV.*—1835.

FIRST SESSION.

IV. An Act authorizing Commissions to be issued for taking the Depositions of Witnesses out of this Island, in cases where Judgment hath been marked by Default, - - -	440
--	-----

	PAGE.
V. An Act concerning the Property of the Methodist Society at <i>Charlottetown</i> , - - - - -	441
VI. An Act relating to Distress for Rent, and to regulate the practice of the Supreme Court in cases of Replevin, - - - - -	452
X. An Act for establishing a Court of Divorce in this Island, and for repealing a certain Act therein mentioned, - - - - -	459
XI. An Act to amend and render perpetual certain Laws now in force relating to Treasury Notes, - - - - -	462
XIII. An Act to authorize the sale of Lands in this Island, reserved as Sites for Churches and for Glebe and School Lands, - - - - -	464

6° *Gubielmi IV.*—1836.

III. An Act to restrain the Issue of certain Promissory Notes, - - - - -	474
VI. An Act to authorize the closing of a certain Road within the <i>Royalty of Princetown</i> , - - - - -	476
VII. An Act to prevent persons indecently Bathing in the Waters contiguous to <i>Charlottetown</i> , - - - - -	477
XII. An Act for the appointment of a Commissioner, to ascertain and determine the amount to be paid by this Island towards the support and maintenance of Light Houses, - - - - -	479
XIV. An Act to authorize the sale of a Building heretofore used as an Episcopal Church in <i>Charlottetown</i> , - - - - -	480
XV. An Act relating to the abolition of Oaths in the United Kingdom of <i>Great Britain and Ireland</i> , and other places out of this Island, - - - - -	482
XVI. An Act concerning the Registration of certain Original Grants or Patents of Lots or Townships of Land in this Island, - - - - -	483
XVII. An Act relating to the Office of Administrator of the Government for the time being, - - - - -	484
XXI. An Act to improve the Administration of Justice in Criminal Cases, - - - - -	485
XXII. An Act to provide for the punishment of Offences against the Person and Property, and to repeal the Act relating to Treasons and Felonies, - - - - -	502
XXIII. An Act to incorporate the Trustees of <i>Saint Andrew's College</i> , and to repeal a certain Act therein mentioned, - - - - -	523

7° *Gubielmi IV.*—1837.

II. An Act to authorize the appointment of a Sheriff for each of the Counties in this Island, - - - - -	538
X. An Act to explain and amend an Act passed in the Fourth year of His present Majesty's Reign, intituled <i>An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the duty of Surveyors, and to repeal a certain Act therein mentioned</i> , - - - - -	541

	PAGE.
XIV. An Act relating to the Titles to Lands acquired under Deed from Sheriffs or Coroners, - - -	544
XVIII. An Act relating to a certain Road in the Royalty of <i>Charlottesville</i> , - - -	547
XIX. An Act to regulate the duties and charges of Pilots, and to repeal the Acts formerly passed for that purpose, - -	549
XXI. An Act for granting Patents for Useful Inventions, -	552
XXII. An Act for establishing the Standard Weight of Grain and Pulse, and for the appointment of Officers for measuring and weighing the same, - - -	558
XXIII. An Act to repeal the Laws now in force for regulating Pounds, and to make more effectual provision in lieu thereof, -	560
XXIV. An Act to confirm certain Sales of Lands and Tenements made under the Act of the Legislature of this Island, enabling Creditors to recover their just Debts out of the Effects of their absent or absconding Debtors, - - -	562
XXIX. An Act for vesting all Estates and Property in this Island belonging to or occupied for the Ordnance Service, in the Principal Officers of His Majesty's Ordnance, and for granting certain powers to the said Principal Officers, - -	565
XXX. An Act to repeal certain parts of an Act, intituled <i>An Act for the Limitation of Actions and for avoiding Law-suits</i> , so far as the same relate to Actions concerning Real Estate, and to make other provisions in lieu thereof, - - -	575

1° *Victoria*—1838.

X. An Act for the regulation of Grist Mills in this Island, and to repeal the Acts formerly passed for that purpose, - -	591
XIV. An Act to prevent disorderly Riding, and to regulate the driving of Carriages on the Streets and Public Roads, - -	596
XV. An Act relating to the Office of Surrogate and Judge of Probate of Wills, and for granting Letters of Administration, -	437
XVIII. An Act to reduce the Penalty imposed on certain offences by an Act of the Imperial Parliament, passed in the seventh year of the Reign of His late Majesty, intituled <i>An Act for punishing Mutiny and Desertion, and for the better payment of the Army and their Quarters</i> , - - -	601

2° *Victoria*.—1839.

FIRST SESSION.

II. An Act to further continue an Act intituled <i>An Act to regulate the Fisheries of this Island</i> , - - -	606
--	-----

SECOND SESSION.

IV. An Act to revive and continue an Act, for regulating the sale of the Interest of Leascholders, when taken in Execution, -	610
VII. An Act to revive and continue an Act therein mentioned, relating to the shutting up of old Roads, - - -	611
IX. An Act to amend a certain Act therein mentioned, relating to Pounds, - - - - -	612

 3° *Victoriæ*.—1840.

X. An Act to prevent the running at large of Sheep and Goats in the Town of <i>Charlottetown</i> , - - -	619
XII. An Act to regulate the floating of Logs, Scantling, Deals, and other kinds of Wood, down the Rivers and lesser Streams in this Island, - - - - -	622
XV. An Act to authorize the Sale in certain cases of Vessels, Boats, Goods, Wares and Merchandize, and other things, seized as forfeited, under any Revenue Law of this Colony, - - -	626
XVI. An Act to prevent the bringing Persons convicted of Felonies and Misdemeanors to this Island, from the Island of <i>Newfoundland</i> , or elsewhere in America, - - -	628
XXI. An Act to authorize the erection of a Building near <i>Charlottetown</i> , as an Asylum for Insane persons, and other objects of Charity, and to provide for the future maintenance of the same, - - - - -	630
XXIV. An Act to amend the Act enabling Married Women to convey Real Estate during their Coverture, - - -	633
XXVII. An Act to establish the Salary payable by this Island to the Colonial Secretary and Registrar and Clerk of the Executive Council, - - - - -	635

 4° *Victoriæ*.—1841.

VII. An Act to amend the Act relating to Weights and Measures, -	641
VIII. An Act to authorize the appointment of Coroners in Prince and King's Counties, - - - - -	643
IX. An Act to prohibit the interment of Human Bodies within the limits of the Town of <i>Georgetown</i> , and to establish Burial Grounds in the Common thereof, - - - - -	644
X. An Act to amend an Act of the Seventh year of the Reign of His late Majesty King William the Fourth, intituled " <i>An Act to repeal certain parts of an Act, intituled 'An Act for the limitation of Actions, and for avoiding Lawsuits, so far as the same relate to Actions concerning Real Estate, and to make other provisions in lieu thereof,'</i> " - - - - -	647

TITLES OF THE ACTS.

xv

PAGE.

5° *Victoriæ*—1842.

I. An Act to confirm and render valid certain proceedings of the Executive Government of this Island, - - -	651
VI. An Act to consolidate, amend, and reduce into one Act, the several Acts, and parts of Acts, relating to the qualifications and mode of summoning Grand and Petit Jurors, - - -	655
XII. An Act to prevent the taking and carrying away of Boats, Canoes or Flats, without the consent of the Owners thereof, and to repeal an Act formerly passed for that purpose, - - -	660
XIV. An Act to regulate the letting of Stalls in Charlottetown Market House, and for other purposes therein mentioned, - - -	662
XV. An Act to repeal part of an Act made and passed in the Third year of Her present Majesty's Reign, to authorize the erection of a Building near Charlottetown, as an Asylum for insane persons, and other objects of charity, and to provide for the future maintenance of the same, and to substitute other provisions in lieu thereof, - - - - -	666
XVII. An Act to continue an Act intituled <i>An Act to regulate the floating of Logs, Scantling, Deals, and other kinds of Wood, down the Rivers and lesser Streams in this Island,</i> - - -	667

6° *Victoriæ*—1843.

I. An Act to consolidate and amend the Laws relating to Statute Labour, and the Expenditure of public Moneys on the Highways, - - -	671
II. An Act to compel persons appointed to the office of Constable, to serve as such, - - - - -	690
VIII. An Act to amend the Marriage Law, - - - - -	692
IX. An Act to amend the Act regulating the Floating of Logs, Scantling, Deals, and other kinds of Wood, down the Rivers and lesser Streams in this Island, and for other purposes therein mentioned, - - - - -	695
XIV. An Act relating to the Fisheries, and for the prevention of illicit Trade in Prince Edward Island, and the Coasts and Harbours thereof, - - - - -	698
XV. An Act to amend and explain an Act, passed in this present Session of the General Assembly, intituled <i>An Act to consolidate and amend the Laws relating to Statute Labour and the Expenditure of Public Moneys on the Highways,</i> - - -	707
XIX. An Act to amend the Act relating to distress for Rent, and to regulate the practice of the Supreme Court in cases of Replevin, - - -	709
XX. An Act relating to Landlord and Tenant, - - - - -	711
XXI. An Act to alter and amend the Act for the establishment of an Academy in Charlottetown, - - - - -	716
XXV. An Act to enable Married Women to convey Freehold Property to which they may be entitled in their own right, - - -	720

	PAGE.
XXVI. An Act to repeal an Act made and passed in the Twenty-first year of the Reign of King George the Third, intituled <i>An Act relating to Wills, Legacies, and Executors, and for the settlement and distribution of the Estates of Intestates</i> , and to make other provisions in lieu thereof, - - -	722
—	
7° <i>Victorice</i> .—1844.	
I. An Act to amend certain Errors in Two several Acts therein mentioned, relating to Commissioners of Highways and Commissioners for recovery of Small Debts, - - -	755
II. An Act relating to the recovery of Small Debts, and to repeal certain Acts therein mentioned, - - -	758
XIII. An Act in further amendment of the Laws for making Lands and Tenements liable for the payment of Debts, and for other purposes, - - -	796
XIV. An Act to consolidate and extend the provisions of the Laws now in force, relating to the Fire Engine Companies of Charlottetown, - - -	797
XV. An Act for the regulation of the Public Wharf at Georgetown, and other Wharfs, - - -	806
XIX. An Act to establish a reward for the destruction of Bears and Loupcerviers, - - -	813
XX. An Act to alter the Act authorizing the erection of an Asylum for Insane persons, - - -	814
XXI. An Act to provide Salaries for Sub-Collectors of Customs at the several Out Ports therein mentioned, - - -	815
XXIII. An Act to regulate the manner of proceeding upon controverted Elections of Members to serve in the General Assembly, - - -	816
XXIV. An Act to regulate the publishing of Notices and Advertisements relating to the Public Service, - - -	820
XXVI. An Act to prevent the going at large, within the Town of Charlottetown, of Horses, Bulls, Cows, and other Neat Cattle, - - -	822
XXIX. An Act for the preservation of the Herring and Alewives Fisheries, in this Island, - - -	823
XXX. An Act relating to Entire Horses, - - -	825

THE
ACTS
OF THE
GENERAL ASSEMBLY,
&c.

At the General Assembly of His Majesty's
Island of *Saint John*, begun and holden at
Charlottetown, the Seventh day of *July*,
Anno Domini 1773, in the Thirteenth
Year of the Reign of our Sovereign Lord
GEORGE the Third, by the Grace of
God, of *Great Britain, France and Ire-*
land, King, Defender of the Faith:

1773.

W. PATTERSON
Governor.

JOHN DUPONT,
President of
Council.

R. STEWART,
Speaker.

Being the First General Assembly convened in
the said Island.

C A P. I.

An Act for confirming the past Proceedings
of His Majesty's Governor and Council,
antecedent to the calling of a General
Assembly.

WHEREAS it has been found absolutely
necessary and expedient, by His Majesty's
Governor and Council of this Island, to make
several Resolutions, Rules, Ordinances, and
Regulations, for the good Government of said
Island:

All Ordinances, &c., by Governor and Council, antecedent to calling a General Assembly, repealed, saving rights of parties.

Proceedings thereunder confirmed.

Be it therefore enacted, by the Governor, Council and Assembly, That all the Resolutions, Rules, Ordinances and Regulations made by His Majesty's Governor and Council, antecedent to the calling of a General Assembly within this Island, are hereby repealed and made void; saving always, to all and every person or persons whatsoever, what was and is his, her or their Rights and Benefits, which he, she or they had by the said Resolutions, Rules, Ordinances and Regulations; and also, saving harmless and indemnified all and every person or persons who hath or have acted or done any thing in consequence of or pursuance to any of them: and all Proceedings heretofore had and done in pursuance of such Resolutions, Rules, Ordinances and Regulations, and every of them, shall be, and the same are hereby ratified and confirmed, to all intents and purposes whatsoever.

C A P. II.

An Act to confirm and make valid in Law all manner of Process and Proceedings in the several Courts of Judicature within this Island, from the First day of *May*, One thousand seven hundred and sixty-nine, to this present Session of Assembly.

See 16 G. 3, cap. 4.

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

Be it therefore enacted, by the Governor, Council and Assembly, That all Writs, Pleas,

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

All prior proceedings of Courts confirmed,

saving to parties Writs of Error.

CAP. III.

An Act for establishing the Times and Places of holding the Supreme Court of Judicature.

Repealed by 12 Vic. cap. 9.

CAP. IV.

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

Repealed by 35 G. 3, c. 6.

CAP. V.

An Act for ascertaining Damages on Protested Bills of Exchange.

Foreign Bills of Exchange returned protested, subject to 10 per cent. damages, and 6 per cent. Interest, per annum.

BE it enacted, by the Governor, Council and Assembly, that from and after the First day of *August*, in the year of our Lord One thousand seven hundred and seventy-three, all Bills of Exchange drawn from and after said time, by any person or persons residing within this Island, upon any person or persons in *Europe*, and which shall be protested and returned to this Island under Protest, each and every such protested Bills of Exchange shall be subject to Ten Pounds *per centum* Damages, and Six Pounds *per centum per annum* Interest, over and above all charges of Protest, Postage, and other attendant expenses; the same to be calculated on such Bill or Bills from the day of the date of the Protest, up to the time of payment.

Bills drawn on other Colonies, subject to 5 per cent. damages, with Interest.

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

Inland Bills, 6 per cent. Interest.

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

CAP. VI.

An Act to prevent the throwing of Ballast into Rivers and Creeks on this Island. Repealed by 12 Vic., c. 18.

CAP. VII.

An Act for indemnifying persons who shall burn small Bushes, rotten Windfalls, decayed Leaves, and all other Brush and Rubbish, upon the Lands and in the Woods on this Island. Repealed by 39 G. 3, c. 2.

CAP. VIII.

An Act for the more easy and effectual Trial of Criminal Offenders, also Trials of Property, or any other Suit or Suits, of what nature or kind soever; and for the ascertaining the Qualifications of Jurors in Trials of such Offenders, as also in Trials of Property, or any other Suit or Suits, of what nature or kind soever. Repealed by 5 Vic., c. 6.

CAP. IX.

An Act empowering His Excellency the Governor, or other Commander in Chief for the time being, to direct the making of public Roads, and to appoint persons to carry the same into execution. Repealed by 21 G. 3, c. 5.

CAP. X.

An Act prohibiting all Masters of Ships or Vessels, or any other Person, from transporting or conveying away any person or persons out of this Island, or the Territories adjacent thereto, without a Licence or Pass, except only such as are thereinafter excepted. Repealed by 25 G. 3, c. 9.

CAP. XI.

Repealed by 2
W. 4, c. 1.

An Act for the more easy and speedy Recovery of Small Debts.

CAP. XII.

Amended by 25
G. 3, c. 5, and 6
G. 4, c. 8—Sus-
pended by 11 G.
4, c. 18—Repeal-
ed by 9 Vic., c.
26.

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

CAP. XIII.

Repealed by 43
G. 3, c. 2.

An Act for the effectual Recovery of certain of His Majesty's Quit Rents in the Island of *Saint John*.

ANNO DECIMO QUARTO

GEORGII III. REGIS.

At the General Assembly of His Majesty's
Island of *Saint John*, begun and holden
at *Charlottetown*, the Fourth Day of *October*,
Anno Domini 1774, in the Fourteenth year
of the Reign of our Sovereign Lord **GEORGE**
the Third, by the Grace of God, of *Great Britain, France*
and *Ireland*, King, Defender of the Faith:
1774.
W. PATTERSON
Governor.
P. CALLBECK,
President of
Council.
R. STEWART,
Speaker.

Being the First Session of the Second General
Assembly convened in the said Island.

CAP. I.

An Act for Licensing and Regulating Ferries.

Continued by 21
G. 3, c. 11—
Amended by 9 G.
4, c. 5—Repeal-
ed by 3 W. 4, c.
8.

CAP. II.

Expired.

An Act to prevent the Non-attendance of Members to serve in General Assembly.

CAP. III.

Continued by 21 G. 3, c. 11—
Amended by 49 G. 3, c. 6, and 57 G. 3, c. 5—Repealed by 1 G. 4, c. 3.

An Act for regulating the Measure of Boards, and all other kind of Lumber; and for appointing Officers to survey the same.

CAP. IV.

Repealed by 21 G. 3, c. 5.

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

CAP. V.

Virtually repealed by 25 G. 3, c. 4, s. 1.

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

CAP. VI.

Expired.

An Act for the purpose of making the whole of this Island one County.

CAP. VII.

An Act for the better Regulation of the Proceed-^{Expired.}
ings of His Majesty's Supreme Court in Civil
Suits, and concerning Bail.

CAP. VIII.

An Act entitling People called Quakers to cer-
tain Privileges.

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

ANNO DECIMO SEXTO

GEORGI III. REGIS.

At the General Assembly of His Majesty's 1776.
Island of *Saint John*, begun and holden at
Charlottetown, the Fourth Day of *Octo-*
ber, Anno Domini 1774, in the Fourteenth
Year of the Reign of our Sovereign Lord
GEORGE the Third, by the Grace of
God, of *Great Britain, France and Ire-*
land, King, Defender of the Faith:

P. CALLBECK,
President and
Commander-in-
Chief.

J. R. SPENNY,
President of
Council.

And from thence continued, by Prorogation, to
the Twenty-sixth Day of *June*, 1776, and in
the Sixteenth Year of His said Majesty's Reign;
being the Second Session of the Second Gene-
ral Assembly convened in the said Island.

JOHN BUDD,
Speaker.

C A P. I.

An Act for regulating Fees.

BE it enacted, by the Commander-in-Chief, No Officer to take
Council and Assembly, That no Officer, greater Fees than
Clerk, or other Person whatsoever, who is or are are by this Act
respectively in any manner whatsoever entitled to allowed.

receive or take any Fee or Fees, by virtue of this Act, nor any person or persons whatsoever, acting by or under him or them, shall from and after Fourteen days next ensuing the publication hereof, either directly or indirectly, receive or take of any person or persons whatsoever any greater or other Fee or Fees for his or their respective services than is or are herein-after expressed and allowed; that is to say—

HIS EXCELLENCY THE GOVERNOR OR
COMMANDER IN CHIEF'S FEES.

Fees of Governor
or Commander-
in-Chief.

	STERLING.
FOR a Writ of Appeal to him in Council - - -	£0 10 0
For the Great Seal to every Grant, not exceeding One thousand Acres	0 10 0
For all Grants exceeding One thousand Acres, for every Thousand Acres	0 5 0
For a Licence of Marriage, and all other Licences - - - -	0 5 0
For a Certificate under his Hand and Seal - - - - -	0 10 0
For his Seal to a Register of a Vessel, or any other matter - - - -	0 5 0

PROVINCIAL SECRETARY'S FEES.

Provincial Se-
cretary's Fees.

FOR every Warrant, appointing any person to an employment -	0 5 0
Instructions of Office - - -	0 5 0
For every Grant passing the Seal of the Island, under One Hundred Acres	0 9 0
Ditto, Ditto, above a Hundred Acres, until it comes up to Five Hundred Acres, at the rate of Three Shillings <i>per</i> Hundred Acres	
Ditto, Ditto, from Five Hundred Acres to One Thousand, at One Shilling <i>per</i> Hundred.	

From One Thousand to Two Thousand, at Sixpence *per* Hundred; and so to continue for a greater number.

Entering a Certificate for Land	-	0	1	0
Warrant of Survey	- - -	0	2	6
Recording Acts, for the first side Three Shillings, and for every after One Shilling, Eight Words to a Line, and Twenty-eight Lines to a side.				
Commission of <i>Oyer</i> and <i>Terminer</i>		0	5	0
Every Commission for a Military Office, to be paid from the Public Revenue	- - - - -	0	2	6
Every Writ for electing of Assembly Men	- - - - -	0	6	9
For every Commission passing the Great Seal	- - - - -	0	9	0

PRIVATE SECRETARY'S FEES.

FOR drawing and presenting a Petition for a Town and Pasture Lot	0	2	3	Private Secretary's Fees.
All Licences under the Private Seal	0	5	0	

CLERK OF THE COUNCIL'S FEES.

FOR every Petition in Council	-	0	2	3	Clerk of Council's Fees.
For every Order in Council relating to a private person	- - -	0	3	4½	
For reading every matter in Council <i>per</i> side, relating to any private person	- - - - -	0	1	0	
For Copy of any matter from Council Records, <i>per</i> side	- - -	0	1	0	
For all Searches	- - -	0	1	0	

SPEAKER OF THE HOUSE OF ASSEMBLY'S
FEES.

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

CLERK OF THE ASSEMBLY'S FEES.

Clerk of Assembly's Fees.	FOR entering every Petition	- 0 2 0
	For every Order	- 0 2 0
	For every Copy of ditto	- 0 2 0
	For every private Bill, the several Readings	- 0 3 0
	For breviating Amendments, interlocutory Orders, and other Proceedings	- 0 1 3
	For every private Enacting Clause	0 1 0
	For every Copy of a Motion in Committees appointed in private matters, or of Committees in public matters, taken out by any private person	- 0 1 0
	For every Order of Commitment, or Discharge of any person	- 0 1 0
	For Copies of all Petitions or other matters out of the Journals, at the rate of One Penny for every Fifteen Words.	
	For every Search in the Journals	0 1 0
	For engrossing Bills, at the rate of One Penny for every Ten Words.	
	For every hearing at the Bar, from each side	- 0 1 0
	For attending Committees of the whole House, or Grand Committees on private concern	- 0 2 6

For preparing the Report, and transcribing	-	-	-	-	0	2	6
For reading at the Table, and interlining in the Journals	-	-	-	-	0	1	0
A Report in private matters, if long,					0	1	0
For swearing every Member	-	-	-	-	0	1	0

N. B. The Clerk to find Stationary for the above purposes.

THE PROVOST MARSHAL OR SHERIFF'S FEES,
WHEN ACTING AS SERJEANT TO THE HOUSE
OF ASSEMBLY.

FOR taking a Member in Custody	0	4	6	Provost Marshal or Sheriff's Fees, when acting as Serjeant at Arms.	
For Travelling Charges, when ordered by the House, <i>per</i> Mile	-	-	0		0

IN THE SUPREME COURT.—CHIEF JUSTICE'S
FEES.

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

CLERK OF THE CROWN'S FEES.

FOR drawing Indictment, if found	0	2	3	Clerk of the Crown's Fees.			
Every Submission	-	-	0		2	3	
Every Cause continued by Traverse or otherwise	-	-	-	-	0	1	0
Every Recognizance	-	-	-	-	0	2	0
Discharging ditto	-	-	-	-	0	1	0

CLERK OF THE CROWN'S FEES ON OTHER MATTERS.

Clerk of the Crown's Fees on other matters.	EVERY Presentment proceeded on, to be paid by the Delinquent -	0	3	4
	Crown Capias - - - -	0	1	0
	Certificate of administering State Oaths	0	2	0

CLERK OF THE COURT'S FEES.

Clerk of the Court's Fees.	FOR every Writ and Seal - - -	0	1	0
	An Affidavit for Bail, if drawn by him	0	1	0
	Filing every Precept, Warrant of At- torney, Appearance, Declaration, Plea, &c. for each - - - -	0	1	0
	For every Rule of Court - - -	0	1	0
	Entering up Judgment - - - -	0	2	6
	Enrolling the same - - - -	0	2	6
	Every Execution - - - - -	0	2	0
	Every Subpcena - - - - -	0	1	0
	A Writ of Error, and entering thereon	0	2	3
	Continuing a Cause to another Court	0	1	0
	Copies of all Papers, at the rate of One Penny for every Fifteen Words.			
	Taking Special Bail at Bar - - -	0	2	3
	Receiving and Filing Returns of Ex- ecution - - - - -	0	1	0
	Searching the Records - - - -	0	1	0
	Certifying the Judgment, and the Seal of the Court - - - - -	0	2	3
	If above Two hundred Words, at the rate of One Penny for every Fifteen Words, over and above the Two hundred.			
	For every Commitment from the Court, for Contempt or otherwise - - -	0	1	0
For every Warrant to levy Fines, to be levied with the Fine - - -	0	1	0	
Minuting a Motion - - - - -	0	1	0	

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

ATTORNEY'S FEES.

ISSUING of Writs for Ten Pounds or under	0	1	0	Attorney's Fees.
Between Ten and Twenty Pounds	0	1	6	
From Twenty Pounds upwards	0	2	3	
Drawing Affidavits of Debts	0	1	6	
Drawing Declaration	0	4	6	
Special Declarations, that are of necessity long, from the nature of the Cause, to be taxed by the direction of the Court.				
Attending the Court on Trial, and arguing the Cause	0	9	0	
On Default	0	4	6	
Special Pleas in Abatement, Bar, Demurrers, Replication and Rejoinder each	0	2	3	
Entering an Appearance	0	1	0	
Plea to the Issue	0	1	0	
Warrant of Attorney	0	1	0	
In real Action in Ejectment, or <i>Scire Facias</i> , filing the Writ or Summons, Declaration and Copy	0	6	0	
Service to the Tenant in Possession	0	1	0	

Preparing the Rule	-	-	-	0	3	0
Affidavit of Service for the first Person	0	1	0			
If any more in the same cause, for each ditto	-	-	-	0	0	6
Motion and Rule for Judgment	-	0	2	3		
The <i>Habere</i>	-	-	-	0	2	3

PROVOST MARSHAL OR SHERIFF'S FEES.

Provost Marshal
or Sheriff's Fees.

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

PROVOST MARSHAL, OR SHERIFF'S FEES FOR PRISONERS, UNTIL THERE IS A JAIL BUILT.

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

CORONER'S FEES.

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

PETTY JUROR'S FEES, IN CIVIL CAUSES.

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

WITNESSES' CHARGES.

Witnesses' Charges.	ATTENDANCE for each Cause	0	1	6
	If more than one day, to be paid at the rate of One Shilling and Six-pence <i>per</i> Day.			
	For Travelling Charges, Three-pence <i>per</i> Mile, to be computed from the place of his or her residence, to the place of Trial, and back again, upon his or her making it appear that he or she attended upon that business only.			

CRYER'S FEES.

Cryer's Fees.	FOR calling a Jury in a Private Suit	0	1	0
	A Verdict - - - - -	0	0	6
	For every Oath sworn in Court - - - - -	0	0	4
	Every Bill brought into Court, or Exhibit - - - - -	0	0	4
	Every Bail taken in Court - - - - -	0	0	6
	Every person who takes the Oath of Allegiance in Court - - - - -	0	1	0

CONSTABLES' FEES.

Constables' Fees.	ATTENDING a Jury, for each Cause - - - - -	0	1	0
	Service of a Warrant - - - - -	0	1	0
	Travelling Expences, to be computed from the place where the Warrant is issued, to the place of service, and back again; and in no case to be paid more Miles than he proves to have travelled, <i>per</i> mile. - - - - -	0	0	3

JAILER'S FEES.

FOR turning the Key for every Prisoner confined on all Civil Actions	0	1	0	Jailer's Fees.
For Discharge of every Prisoner	0	1	0	
For turning the Key for all Prisoners committed for Breaches of the Peace	0	2	3	
For Discharge of every such Prisoner	0	2	3	
Prisoners lying in the best Lodgings, to pay <i>per</i> night, if found with Sheets and other Bedding, the Bed to be sheeted with clean Sheets once a Fortnight	0	0	4	
In case the Prisoner finds his own Bedding, <i>per</i> night	0	0	2	
Prisoners lying in the worst Lodgings, if found Bedding, and the Bed to be sheeted with clean Sheets once <i>per</i> month, to be paid <i>per</i> night,	0	0	2	
In case the Prisoner finds his own Bedding, <i>per</i> night	0	0	1	
In case the Prisoner chooses to have a Bed to himself in the best Lodgings, to pay <i>per</i> night, if found Bedding	0	0	6	
If the Prisoner finds his own Bedding, <i>per</i> night	0	0	3	
Every Prisoner that goeth abroad with the Keeper, to pay <i>per</i> day	0	1	0	
If the Keeper finds his own provisions, <i>per</i> day	0	1	8	

COURT OF THE PROBATES OF WILLS—JUDGE'S FEES.

FOR granting Administration and Bonds, for every sum under Ten Pounds	0	3	0	Judge of Probate's Fees.
For every Probate, Ten Pounds, or under	0	2	3	

For granting Administration and Bond, from Ten to Twenty Pounds	0	4	6
For every Probate, from Ten to Twen- ty Pounds - - - -	0	3	6
For granting Administration and Bond, from Twenty to Thirty Pounds	0	5	6
For every Probate, from Twenty to Thirty Pounds - - - -	0	4	6
For granting Administration and Bond, from Thirty to Fifty Pounds -	0	6	0
For every Probate from Thirty to Fifty Pounds - - - -	0	5	0
For granting Administration and Bond, from Fifty Pounds and upwards -	0	7	0
For every Probate, for Fifty Pounds and upwards - - - -	0	6	0
For every Citation - - - -	0	2	3
For every Caveat - - - -	0	1	0
For every Oath - - - -	0	1	0
Every Warrant of Appraisement -	0	2	0
Examining every Exhibit - -	0	1	0
Letters <i>ad Colligendum</i> - -	0	9	0
Definitive Decrees upon Estates under Fifty Pounds - - - -	0	4	6
Attendance upon the same, if above one day, for every day exceeding, at <i>per day</i> - - - -	0	4	6
For Allowing of Appeals, and trans- mitting of Papers relative to them, and for all Expences attending the same - - - -	0	4	6

REGISTER'S FEES.

Register's Fees.	FOR Registering Letters of Admi- nistration, for every sum under Ten Pounds - - - -	0	2	6
	For Registering a Will of the same sum, and Copy of ditto, at the rate of One Penny for every Twenty Words.			

For Registering all Probates, Ten Pounds, or under	-	-	-	0	1	6
For Registering Letters of Administration, for every sum between Ten and Twenty Pounds	-	-	-	0	3	0
For Registering a Will, the same sum, and copy of ditto, at the rate of One Penny for every Seventeen Words.						
For Registering all Probates for the same sum	-	-	-	0	2	0
Letters of Administration, from Twenty to Thirty Pounds	-	-	-	0	3	6
A Will for the same sum, and copy of ditto, at the rate of One Penny for every Sixteen Words.						
A Probate for the same sum	-	-	-	0	2	6
Letters of Administration, from Thirty to Fifty Pounds,	-	-	-	0	4	0
A Will for the same sum, and copy of ditto, at the rate of One Penny for every Fourteen Words.						
A Probate of the same sum	-	-	-	0	3	0
Letters of Administration, from Fifty Pounds and upwards	-	-	-	0	5	0
A Will from Fifty Pounds and upwards, and copy of ditto, at the rate of One Penny for every Twelve Words.						
A Probate, from Fifty Pounds and upwards	-	-	-	0	4	0
Definitive and Interlocutory Decrees upon Estates under Fifty Pounds				0	1	0
Ditto, for all above	-	-	-	0	2	0
For his Attendance in Court, <i>per day</i>				0	2	3
For his Attendance with Records, <i>per day</i>	-	-	-	0	2	3
For every Search	-	-	-	0	1	0
Copies of all Writings, at the rate of One Penny for every Fifteen Words.						

APPARITOR'S OR MARSHAL'S FEES.

Apparitor's or Marshal's Fees.	FOR serving every Citation in Town	0	1	0
	For serving every Decree or Citation whatsoever, in the Country, Two- pence <i>per</i> Mile, for travelling Ex- pences, reckoning from the Court to the place of service, and back again.			
	For every Sentence	-	-	0 1 0
	If his attendance for the same be more than one day, <i>per</i> day	-	-	0 2 6

APPRAISER'S FEES.

Appraiser's Fees.	TO be paid when employed, at the rate of Four Shillings and Sixpence <i>per</i> day, but not to be obliged to meet on any business under One Shilling each.
	Travelling Expences, Threc-pence <i>per</i> Mile, to be computed from the place of their residence to where they are employed, and back again.

JUSTICES OF THE PEACE'S FEES.

Justice of Peace's Fees.	FOR taking an Affidavit or Examina- tion	-	-	-	-	0	1	0
	Warrants	-	-	-	-	0	1	0
	Recognizance	-	-	-	-	0	1	0

NOTARY PUBLIC'S FEES.

Notary Public's Fees.	FOR noting Bills for Non-accept- ance	-	-	-	-	0	1	0
	For every Protest	-	-	-	-	0	3	6

For every Certificate under Seal of his Office - - - - -	0	2	3
For Registering Protests, and other Writings, at the rate of One Penny for every Fifteen Words.			

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SURVEYOR GENERAL'S FEES.

FOR the Survey of each Town and Pasture Lot, together - - -	0	9	0	Surveyor General's Fees.
For Surveying of Lands, for himself, <i>per</i> day, to be computed from the day he leaves his own house, to the day of his return, no unnecessary time to be allowed - - -	0	10	6	
One Chainman to be allowed the Surveyor, if found provisions, to have <i>per</i> day - - - - -	0	2	0	
In case he finds himself, to have, <i>per</i> day - - - - -	0	3	0	
The Employerto find the other Attendants.				
Every Search in his Office - - -	0	1	0	
Every Certificate - - - - -	0	1	0	
Except for the Town and Pasture Lots, for which there is to be no Charge of Certificate.				
For a Plan of every Survey under One hundred Acres - - - - -	0	2	6	
Every Plan between One hundred and One thousand Acres, at the rate of Three-pence <i>per</i> Hundred, and all above at the rate of One Penny <i>per</i> Hundred Acres.				
The person employing him to choose the Scale he will have the Plan drawn upon, he paying for Paper.				
For drawing every Plan of a Township, copied from the original Survey	0	4	6	

If done upon a larger Scale than the
original Survey, for each - - 0 9 0
Persons who employ to pay for Paper.

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

II. And be it further enacted, That each and every of the Officers, Clerks, and other persons before-mentioned, as also all others acting by or under him or them, who from the nature of their respective Appointments do keep, or ought to keep, a Public Office for the purpose of executing their several Trusts, shall cause to be posted up, in some conspicuous part thereof, a List drawn out in words at full length, of the several Fees appertaining to his or their Office or Offices; there to remain and to be resorted to, by all persons interested therein, or who shall or may be desirous to inspect the same.

Particular Officers, if required, to give an Account of their Charges to the person applying;

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

or forfeit Five Pounds.

IV. And be it further enacted, That all and every the said Officers, Clerks, or other persons, and all persons acting by or under him or them, who shall refuse to give and deliver to the person applying therefor, such Account as is hereinbefore directed, shall, for each and every Offence,

forfeit and pay to the party aggrieved, the sum of Five Pounds.

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

Officers demanding larger Fees than herein limited, to be fined.

VI. And be it further enacted, by the authority aforesaid, That each and every the person or persons before mentioned, who shall offend against this Act, or any part thereof, shall, for each and every such Offence, forfeit and pay to the party thereby aggrieved the sum of Five Pounds—to be recovered, with treble Costs of Suit, in His Majesty's Supreme Court of Judicature, where no Essoin, Protection or Wager of Law, nor more than one Impar lance, shall be allowed. Provided nevertheless, such Action or Suit shall be commenced within Six Months next from the time when such Offence shall or may have been committed.

Penalty for offences against this Act.

Mode of recovery.

Limitation of Actions.

** So much of this Act as relates to Fees to be taken in the Court of Chancery, being repealed by 12 Vic. cap. 14, is not herein inserted.

CAP. II.

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

Repealed by 2 W. 4, c. 1.

CAP. III.

Repealed by 12
Vic., c. 16.

An Act to prevent Trespasses upon Crown Lands.

CAP. IV.

See also 13 G. 3,
c. 2.

An Act to confirm and make valid in Law all manner of Process and Proceedings in His Majesty's Supreme Court of Judicature of this Island, from the Twenty-fifth Day of *July*, in the year of our Lord One thousand seven hundred and seventy-five, to this present Session of Assembly.

13 G. 3, c. 3.

WHEREAS the said Supreme Court of Judicature has, from time to time, agreeable to and by virtue of an Act made and passed in the Thirteenth year of His present Majesty's Reign, intituled *An Act for establishing the Times and Places of holding the Supreme Court of Judicature*, sat and adjourned for the purposes therein mentioned: And whereas the said Court, on the said Twenty-fifth day of *July*, was continued from that time, by adjournment, to the Third *Tuesday* in *February* then next following, as prescribed by the said herein-before recited Act: And whereas, in the month of *November* last, the Capital of this Island was invaded by two Provincial Privateers, who, among other wanton depredations, made Prisoners of, and carried away the then and present Commander-in-Chief, the Surveyor General of the Island, and most of the Effects belonging to the former; as also several of the public, as well as his private Papers, together with many of the Records of the said Supreme Court of Judicature, the Public Seal of this Island, His Majesty's Commission, and divers other necessary and valuable Papers and Effects belonging to this Colony—by

reason whercof, and more especially as, at or about that time, a Chief Justice appointed by His Majesty to this Island, arrived therein, who, on account of the distracted state of it, occasioned as aforesaid, could not procure his Commission as directed by His Majesty's Royal Order; by means of which unfortunate events, the said Supreme Court of Judicature did not sit on the said Third *Tuesday in February*, for the despatch of the business thereof, agreeable to the adjournment; as prescribed in and by the said hereinbefore recited Act: And whereas, notwithstanding there have been many and various proceedings had in said Court; and in order to expedite Justice, the said Court, agreeable to said Act, did sit on the last *Tuesday* (being the Twenty-fifth day) of *June* last, and proceeded upon such business as was then ready, and adjourn to the Third *Tuesday in February* next, according to the requisition of said Act: And whereas doubts have since arisen as to the legality of such Proceedings, on account of the said Court not having been continued over from last *February*: Be it therefore enacted, by the Commander-in-Chief, Council and Assembly, That all Writs, Pleas, Process, Actions, Bills, Suits, Indictments, Informations, Judgments, Orders and Sentences, given or awarded of and concerning any matter or thing whatsoever, which was sued or prosecuted to Judgment, or otherwise, in the said Supreme Court of Judicature, at any time or times from and after the said Twenty-fifth day of *July*, to the end of this present Session of Assembly, and the present adjournment of said Court, shall be deemed, construed, and taken to be good and effectual in the Law, to all intents and purposes whatsoever: Provided always, that nothing herein contained shall extend, or be construed to extend, to take away such Errors in Law as shall or may have arisen upon the misusing of Process, Mispleadings, and erroneous rendering of Judgments in the said Supreme

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

Not to extend to
take away Errors
in Law, arising
from misusing of
Process, &c.

Parties aggrieved
 may have
 Writ of Error.

Court; but that in all such cases, the parties aggrieved may have their Writ of Error upon such erroneous Judgments, any thing herein contained to the contrary in any wise notwithstanding.

CAP. V.

Repealed by 21
 G. 3, c. 5.

13 G. 3, c. 9.
 14 G. 3, c. 4.

An Act in addition to and amendment of Two Acts made and passed in the Thirteenth and Fourteenth years of His present Majesty's Reign, severally entitled *An Act empowering His Excellency the Governor, or other Commander in Chief for the time being, to direct the making of Public Roads, and to appoint persons to carry the same into execution.*

CAP. VI.

Expired.

An Act for continuing sundry Laws that are near expiring.

ANNO DECIMO NONO

GEORGII III. REGIS.

At the General Assembly of His Majesty's
Island of *Saint John*, begun and holden at
Charlottetown, the Eighth day of *October*,
Anno Domini 1779, in the Nineteenth
Year of the Reign of our Sovereign Lord
GEORGE the Third, by the Grace of
God, of *Great Britain, France and Ire-*
land, King, Defender of the Faith:

1779.

T. DESBRISAY,
Lieut. Governor.

P. STEWART,
President of
Council.

Being the First Session of the Third General
Assembly convened in the said Island.

D. HIGGINS,
Speaker.

C A P. I.

An Act for continuing sundry Laws that are near Expired
expiring.

CAP. II.

Virtually repealed by 25 G. 3, c. 4, s. 1.

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

CAP. III.

Expired.

An Act for regulating Weights and Measures, and the conduct of Store-keepers.

ANNO VICESIMO.

GEORGII III. REGIS.

At the General Assembly of His Majesty's 1780.

Island of *Saint John*, begun and holden at
Charlottetown, the Eighth Day of *October*,
Anno Domini 1779, in the Nineteenth
Year of the Reign of our Sovereign Lord
GEORGE the Third, by the Grace of
God, of *Great Britain, France and Ire-*
land, King, Defender of the Faith:

W. PATTERSON
Governor.

T. DESBRISAY,
President of
Council.

W. BERRY,
Speaker.

And from thence continued, by Prorogation, to
the Thirteenth Day of *March*, 1780, and in
the Twentieth Year of His said Majesty's
Reign; being the Second Session of the Third
General Assembly convened in the said Island.

CAP. I.

An Act to prevent forestalling the Market.

Expired.

CAP. II.

Expired.

14 G. 3, c. 5.

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

CAP. III.

Expired.

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

CAP. IV.

Made perpetual by 21 G. 3, c. 11. Disallowed by His Majesty, 29th June, 1781.

An Act ascertaining the Privileges of the Members of the General Assembly, their Servants, and the mode of general and partial Elections, &c.

CAP. V.

Amended and made perpetual by 21 G. 3, c. 11.

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

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

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

Penalty of 20s. for Stone-Horses above one year old, being at large between 15th March and 1st November.

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

If found at large, may be impounded.

Persons impounding, to give Notice thereof.

Owners of Horses neglecting, after Notice, to take them away, how to be proceeded against.

Application of Penalty.

III. And whereas the killing of Partridges in the pairing and hatching Season, and before they

Partridges not to be killed between 1st April and 1st August, under a penalty of 10s. Extended to 1st September by 21 G. 3, c. 11.

can fly, has greatly reduced the breed of that useful Bird, and endangers a total loss of the same: to prevent which—Be it enacted, by the authority aforesaid, That from and after the publication hereof, no person or persons whatever shall presume to shoot, kill, or destroy any Partridge or Partridges, between the First day of *April* and the First day of *August* in each and every Year, under the Penalty of forfeiting the sum of Ten Shillings for each Partridge so shot or killed.

Penalties, how recovered and applied.

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

Continuance of Act.

V. And it is hereby declared, That this Act shall continue and be in force for the space of Three years next after the publication hereof, and to the end of the then next Session of the General Assembly of the Island, and no longer.

C A P . V I .

Continued by 21 G. 3, c. 11—Repealed by 12 Vic. c. 16.

An Act for preventing Trespasses by unruly Horses, Cattle, and Sheep, and for preventing the running of Hogs at large through the Town of *Charlottetown*.

ANNO VICESIMO

GEORGI III. REGIS.

At the General Assembly of His Majesty's Island of *Saint John*, begun and holden at *Charlottetown*, the Eighth Day of *October*, Anno Domini 1779, in the Nineteenth year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of *Great Britain, France and Ireland*, King, Defender of the Faith: 1780.

W. PATTERSON
Governor.

T. DESBRISAY,
President of
Council.

W. BERRY,
Speaker.

And from thence continued, by several Prorogations, to the Third Day of *July*, 1780, and in the Twentieth Year of His said Majesty's Reign; being the Third Session of the Third General Assembly convened in the said Island.

CAP. I.

An Act for the establishing and regulating a Militia.

WHEREAS the security and preservation of this Island at all times, and especially during the continuance of the present War and unhappy Rebellion, greatly depends upon a Militia being established and embodied, as soon as

Amended by 35 G. 3, c. 1, and 37 G. 3, c. 1—
For other Acts relating to the Militia, see 3 W. 4, c. 30, 9 Vic. c. 6.

possible, under such Regulations as may make the same most useful for the support and defence thereof; and that the Inhabitants should be well armed, and properly trained up in the Art Military, as well for the Honor and Service of His Most Sacred Majesty, and the security of this his Island, against any hostile Attack or Invasion whatsoever, as for the preservation of their own Lives and Fortunes; and that every person may know his duty herein, and be obliged to perform the same:

Persons liable to serve in the Militia.

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

This clause altered by 3 W. 4, c. 30, s. 7.

Persons enrolled in a Company, to do duty therein until orderly dismissed.

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

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

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

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

Mode of Recovery.

VII. That the Commissioned Officers of any Company, or the major part of them, may order the correcting and punishing disorders and contempt committed while on duty; the said Punishment not being greater than Commitment for a time not exceeding Forty-eight hours, or the payment of Five Shillings as a Fine.

Officers of Companies to punish disorders, by Commitment or Fine.

VIII. That there be Military Watches appointed and kept at such times, in such places, in such numbers and under such Regulations, as the Governor or Commander-in-Chief of this Island for the time being shall appoint; and that all persons able of body, and who are of age, shall themselves, or by some proper person in their stead, to the satisfaction of the Commanding Officer of the Watch, attend the same, on Penalty of forfeiting Five Shillings for each neglect, there having been due warning previously given.

Military Watches may be appointed by the Governor, &c.

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

XII. That the Captain and Commissioned Officers of each Company shall, and they are hereby fully empowered to nominate and appoint proper persons to serve as Serjeants and Corporals in their respective Companies, and to displace them and appoint others in their room, as they shall or may see occasion.

Officers empowered to appoint and displace Serjeants and Corporals.

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

Persons so appointed, and who refuse to serve, subject to a Fine of 40s.

XIV. And be it further enacted, That if any Serjeant or Corporal appointed as aforesaid shall be guilty of any neglect of duty, or be drunk or disorderly while on duty, he shall forfeit and pay,

Serjeants and Corporals who neglect their duty &c., shall forfeit for each offence 10s. or be com

mitted for 24
hours.

Manner of reco-
very and applica-
tion.

Persons attend-
ing Musters shall
be exempted from
all Arrests in ci-
vil Causes while
there, and in go-
ing to or coming
from the place of
Muster.

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

Persons serving
shall be sworn.

Form of Oath.

Clerk's allow-
ance for levying
Fines.

Overplus of all
Fines received

for each and every offence, the sum of Ten Shillings, or be committed for Twenty-four hours:— which Fines shall or may be recovered and applied in the same manner as is herein-after directed for a person refusing to serve as Clerk.

XVI. And be it further enacted, That all persons who shall attend at places of Muster, in order to be trained and instructed in Military Discipline, shall be, and they are hereby declared to be, exempted and freed from all Arrests in civil Causes, as well while going to such place of Muster, as while they may be there, or coming from thence, during the space of Twenty-four hours—the same to be allowed for the time and continuance of such Muster.

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

‘ **YOU** do swear truly to perform the Office of Clerk of the Militia Company, under the command of *A. B.* Captain, to the utmost of your skill and power, in all things appertaining to your Office, according to Law. So help you God.’

And for every Distress made for any Fine not exceeding Forty Shillings, the said Clerk shall have one quarter part thereof for his pains and trouble; and for the levying and recovering such Fines, he may make Distress for, *ex officio*—the said Distress to be made subject to such Rules as the Law hath provided in other cases; and

after Ten days' notice for that purpose, he shall pay the Captain or Chief Officer all such Fines as he shall or may have received, his own part being deducted therefrom.

by him to be paid to the Captain.

XVIII. The Chief Officer of the Regiment, as often as he may see cause so to do, shall require the Captain or Chief Officer of each Company in his Regiment to meet at such time and place as he shall or may appoint, and there to confer with them, and to give in charge such orders, as shall by them, or the major part of them, be judged meet, for the better ordering and settling their several Companies, and for the more effectually promoting military discipline amongst them: And the said Chief Officer is hereby empowered, by virtue of his Warrant, directed to any Clerk or Officer of his Regiment, to summon or cause to be brought before him, any Offender against this Act, and, according to Law, to hear and determine all matters proper for their cognizance, and to give Sentence, and to award Mittimus, or Warrant of Distress, to the Clerk of the Company where the Offence shall or may be committed—for executing which Warrant, if for levying above Forty Shillings, he shall have Ten Shillings out of the same, for his pains and trouble therein, and no more.

Chief Officers of Regiments may require Captains of Companies to meet and confer.

Chief Officer empowered to try and punish Offenders against this Act.

Allowance to Clerks for executing Warrants.

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

No Clerk to make Distress, *ex Officio*, for any Fines until six days after offence is committed.

Clerk neglecting to account for Fines, &c., how punished.

Alarm how to be
made at *Char-*
lottetown.

XXI. That any Alarm which may be given or made at *Patterson's Battery*, in *Charlottetown*, upon such occasions as are agreeable to Instructions to be given by the Governor or Commander-in-Chief for the time being, to the Officer commanding at the said Battery, shall be by setting on fire or lighting a Beacon at the summit of the Hill of *Queen's Street*, or at such other place as the Governor or Commander-in-Chief for the time being shall or may hereafter appoint for that purpose, and by firing two Guns distinctly at the said Battery, or at such other place or places as the Governor or Commander-in-Chief for the time being shall or may appoint for the aforesaid purpose; as also by firing two Guns in like manner at the *Tartar's Wharf*, the same to be so fired at the space of Five Minutes after the firing the aforesaid Guns at the Battery, or at such other place as may be appointed as aforesaid; and thereupon all the trained Officers, Soldiers, and other persons able to bear Arms, who shall or may be then resident in the said Town; or the Suburbs thereof (in case of such Alarm), shall forthwith appear complete with their Arms and Ammunition, according to the directions of this Act, at such place or places of Rendezvous as may from time to time be appointed by the Governor or Commander-in-Chief for the time being; there to attend such commands and orders as shall or may be given for His Majesty's service, on Penalty of forfeiting the sum of Five Pounds, or suffering Three Months' Imprisonment. And the Members of His Majesty's Council, Justices of the Peace, and Provost Marshal, are hereby required to attend upon the Governor or Commander-in-Chief, if he or they should be then at *Charlottetown*—but if he or they should happen, in case of such emergency, to be at any other place or places in this Island, then to appear there, and advise with the chief Military Officers of such place or places where such Alarm may be made,

Penalty for not
appearing upon
Alarm.

Duty of Members
of Council, Jus-
tices, &c., on
such occasions.

and to be assisting in His Majesty's service, according to their quality and rank.—And all persons wilfully making false Alarms, shall be fined to His Majesty in the sum of Fifty Pounds, for the support of His Government, or suffer Twelve Months' Imprisonment.—And all Alarms which shall or may be made in other parts of this Island, shall be made according to the Instructions given by the Governor or Commander-in-Chief for the time being to the Officers commanding there.

Penalty of £50, or 12 Months' imprisonment, for making false Alarms.

Alarms how to be made at other parts of the Island.

XXII. And be it further enacted; That every person who shall, in pursuance of this Act, adventure himself as a Militia-man in the defence of this Island, upon any Invasion, and shall, while in such service, happen to be maimed, or receive any hurt, so as to be rendered incapable of getting a livelihood; that then such person or persons shall, according to the degree of his or their disability, receive a yearly Pension or Allowance, the same to be paid out of the Public Moneys of this Island; and if slain, then his or their Widow or Widows, during the time of her or their Widowhood, and his and their Children, shall have a competent Allowance, to be paid yearly out of the said Public Moneys—each and every such Pension or Allowance to be estimated and fixed by the Governor or Commander-in-Chief; by and with the consent and advice of His Majesty's Council.

Allowance to Militia-men who may be wounded in defence of the Island, in case of Invasion.

Allowance to the Widows and Children of such as may be slain.

XXIII. And for the better preventing false Alarms—Be it further enacted, by the authority aforesaid, That no Captain, Master or Commander of any Ship or Vessel, riding at anchor, or being within the Harbour of *Charlottetown*, or any other person or persons whatsoever, either afloat or on shore, within the Town or Suburbs of *Charlottetown*, &c., or at places within Twenty Miles therefrom, shall presume to fire any Guns or

No guns to be fired, nor drums beat after sunset,

small Arms, or beat any drum after sunset, unless on some lawful occasion, under the Penalty of forfeiting Forty Shillings for every Gun or small Arm so fired or Drum so beaten—the same to be levied by Warrant of Distress from any of His Majesty's Justices of the Peace in this Island, and Sale of the Offender's Goods; and for want of sufficient Distress, then to commit such Offender or Offenders to Jail, there to remain until Payment shall have been made of such Fine or Fines.

under a penalty of 40s.

Mode of Recovery.

Not to extend to His Majesty's Ships or Troops.

XXIV. Provided always, That this last mentioned Clause shall not be construed to extend to any Captain or other Officer of any of His Majesty's Ships of War, for their firing at setting the Watch, nor to any of His Majesty's Troops on shore or on board, in the due execution of their duty.

Persons exempted from training shall, notwithstanding, provide Arms, &c.

XXV. That all persons exempted by this Act from training, shall, notwithstanding such exemption, be provided with Arms and Ammunition complete, or suffer the same Penalty as those that are obliged to train.

Persons not to be liable to any Penalty for want of Arms; but when provided with Arms, &c. to be subject to the Regulations contained in this Act.

XXVII. And whereas the situation of many of the Settlers of this place cannot bear the expence of purchasing Fire Arms and Ammunition—Be it therefore further enacted, That notwithstanding the Regulations relative thereto as contained in the preceding part of this Act, no person shall be subject to any Penalty or Forfeiture on that account; but that, as soon as the Governor or Commander in Chief for the time being shall have provided the Fire Arms and Ammunition, the several enrolled Militia-men, also those who shall or may receive the same, shall thereupon be, and they are hereby declared to be, subject to the Regulations above mention-

ed, with respect to their keeping their Arms, &c. in good order, and always fit for service.

. Several Sections of the above Act, having been repealed by 3 W. 4, c. 30, and 9 Vic. c. 6, are not herein inserted.

CAP. II.

An Act to enable Proprietors to divide their Lands held in common, and for ascertaining the mode of carrying such Division into execution.

Amended by 36
G. 3, c. 4.

WHEREAS many of the Proprietors of certain Half, Third, and Fourth Parts of Lots or Townships of Land, belonging to this Government, have never been in the Island, nor appointed Agents or Attorneys to manage their respective affairs there; whereby the settlement and improvement of the Parts or Shares of such Proprietors as do reside and live in the Island, or in their occasional absence, have committed the management of their affairs to Attorneys or Agents, have been delayed and impeded, to the general prejudice and injury of the said Island: For remedy whereof, Be it enacted, by the Governor, Council and Assembly, That when and so often as any of the Proprietors of such Land shall be desirous of having a Division or Partition of the same, in order that such Proprietors may know their own Lands with certainty, and thereby be enabled to proceed with effect in the settlement and cultivation thereof, any of the said Proprietors, or their Attorneys, may apply to the Governor or Commander in Chief for the time being, and to His Majesty's Council, who are hereby empowered and required to appoint some fit person to act as Agent or Attorney for the absent Proprietor or Proprietors; and after administering to such Agent or Attorney an Oath for the faithful discharge of the trust

Proprietors of Land resident in the Island, desirous of dividing Lands held in common with non-resident Proprietors, to apply to Governor and Council, who are to appoint an Agent for the absent Proprietors, who shall be sworn.

A qualified Surveyor, with the assistance of 3 Landholders, shall make an equal division.

Draft of Division to be reported and Lots drawn for, in presence of the Governor and Council, who are to certify the same.

Certificate thereof to be registered, and shall be held unalterable against parties interested.

Party claiming Division, to defray all expences incurred thereby, but to be afterwards reimbursed one-half the amount.

reposed in him by the said appointment, shall thereupon appoint the Surveyor General, or some other well qualified person, to make an exact Survey of such Lands or Lots, and by and with the advice of Three judicious Landholders or Farmers (one of whom to be elected by each of the parties, and the other to be appointed by the Governor and His Majesty's Council) to divide and lay out the said Lands in equal parts, and ascertain, by distinct and permanent Marks, Metes, or Boundaries, the Line or Lines of Divisions of the different Shares; and that as soon as the same shall or may be done, the person or persons claiming or suing for such Division, and the Attorney or Agent appointed in manner aforesaid, are to report a Draft or Survey of said Division, and to draw Lots in the presence of the Governor or Commander in Chief, and His Majesty's Council, for the said Division: and the respective Shares or Divisions, to which each of the parties may have right in consequence of such Draft, shall be attested by the said Governor and Council, in writing; and the written Certificate thereof shall be immediately recorded in the Registrar's Office, in a Book to be kept by him for that purpose, and shall be held as authentic and unalterable, and received and allowed in Evidence on any Trial against the party interested in the said Lands for ever thereafter.

II. And be it further enacted, That the Proprietor or his Agent claiming a Division in manner aforesaid, shall be obliged to defray all Expences incurred thereby; but at the conclusion thereof he may, and he is hereby empowered, to lay an Account of the Expence incurred by him before the Governor and Council: and upon their examining and certifying their approbation thereof, the said party shall be considered as a real Creditor upon the Estate or Property of the absent Proprietor or Proprietors, to the amount of one half of said Account; which moiety shall

bear Interest in his favour from and after the date of the said Attestation, at the rate of Six *per centum per annum*, till paid: and unless the same shall have been paid within the space of Three years, that then, upon application to the Supreme Court, the Chief Justice thereof is hereby empowered and required to grant a Warrant to the Provost Marshal, or to his Deputy, to expose to public sale (Advertisements being duly posted up for Thirty days previous thereto, in all the usual places, notifying the time and place thereof), so much of the Lands of the absent Proprietor or Proprietors as will satisfy and pay the one half of the said Account of the Expences so as aforesaid incurred and approved of, as well in obtaining the said Division, as for the Expences and Charges incurred in the application hereby appointed to be made to the Sepreme Court, and the Sale in consequence thereof.

Remedy, if not paid within 3 years.

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

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

CAP. III.

An Act for the due Observance of the Lord's Day.

WHEREAS the due Observance of the Lord's Day in this Island has been hitherto much neglected, and many abuses of the same have been committed, to the manifest prejudice and dishonor of Religion, and the shameful violation of public decorum and good order.

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

Milk and Fresh Fish may be sold before 9 a. m. and after 5 p. m.

No Labour or Business to be performed,

nor any Sport or Pastime practised.

Penalty of 10s. for each offence.

I. Be it therefore enacted, by the Governor, Council and Assembly, in order that all persons may be restrained from such indecent and irregular conduct in future, and may be prompted to apply themselves to the rational duties of Religion and true piety, both publicly and privately, no Tradesman, Storekeeper, or any other person or persons whatsoever, shall hereafter open, or cause or suffer to be opened, his, her, or their Shop or Store-house, or, either by himself or herself, or by his or her Servant or Servants, Child or Children, sell, expose, or offer to sale, upon any Bulk, Stall or Shed, or send or carry out any manner of Goods or Merchandize on the Lord's Day, or any part thereof. Provided nevertheless, that this Act shall not extend to prohibit any persons from selling or exposing to sale Milk and Fresh Fish, before the hour of Nine o'clock in the morning, and after Five of the clock in the afternoon of the said Day.

II. And be it further enacted, by the authority aforesaid, That no Truckman, Driver of Carts, Labourer, or other person whatsoever, shall hereafter do or perform any Labour, Work or Business appertaining to his or their respective ordinary callings or professions, or other worldly Labour, or suffer the same to be done by his, her, or their Child or Children, Servant or Servants, either by Land or by Water (works of necessity and charity only excepted), or practise, or suffer to be practised, any Sport, Fowling, Fishing, Game, Play or Pastime whatsoever, in any of the County Towns or other Parts or Places wheresoever within this Island on the Lord's Day, or any part thereof, upon pain that every person so offending, upon conviction thereof by the Oath of one credible Witness, before any of His Majesty's Justices of the Peace in this Island, or upon view of such Justice, shall, for every such offence, forfeit and pay the sum of Ten Shillings; the same to be levied, in case of non-payment, by Warrant of

Distress and Sale made of the Offender's Goods
 —All Fines and Penalties incurred by this Act to be applied to the use of the Poor, and disposed of at the discretion of the Justice or Justices before whom the Offenders shall or may be convicted; the said Justice or Justices to keep a Record of the Fines levied and disposed of by them.

How to be recovered and applied.

Justices to keep a Record of Fines.

CAP. IV.

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

Repealed by 12 Vic. c. 16.

CAP. V.

An Act to regulate the Salmon, Salmon Trout, and Eel Fishery.

Amended by 21 G. 3, c. 1—Repealed by 4 W. 4, c. 11.

CAP. VI.

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

Passed with a suspending clause and not approved of by His Majesty.

CAP. VII.

An Act directing the Proceedings against forcible Entry and Detainer.

Disallowed by His Majesty in Council.

CAP. VIII.

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

Amended by 25 G. 3, c. 1. 41 G. 3, c. 5. 49 G. 3, c. 4. Repealed by 3 W. 4, c. 10. This Act affects Titles to Lands.

CAP. IX.

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

Goods and Estate of absconding debtors may be attached, and

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

subjected to Execution.

Agent of an absconding Debtor to be summoned to Court.

II. And be it further enacted, That where no Goods, Lands, Houses or Effects of such absent or absconding person in the hands or under the management of his Agent, Factor, Attorney or Trustee, shall be exposed to view, or can be come at, so as to be attached, it shall and may be lawful to and for any person entitled to any such Action as aforesaid, to file a Declaration against such absent or absconding person, in the Office of the Clerk of the Supreme Court of Judicature, therein setting forth particularly his Debt and Damage, and how they may have arisen; and also to cause the Attorney, Factor, Agent or Trustee of such absent or absconding person to be served with a Summons out of the said Clerk's

Office, being annexed to the Declaration Fourteen days previous to the sitting of the said Supreme Court; which being duly served, and Return duly made thereof, under the hand of the Provost Marshal, or any of his Deputies, shall be sufficient in Law to bring forward a Trial, without other or further Summons, unless the Principal be an Inhabitant, or hath for some time had his residence within this Island; in which case a like Summons, with an attested Copy of the Declaration thereto annexed, shall also be left at his Dwelling House, Lodging, or Place of his last and usual abode, Fourteen days before the sitting of the Court: and such Attorney, Factor, Agent, or Trustee, upon his desire, shall be admitted to defend the Suit, on behalf of his Principal, throughout the course of the Law, and an Imparlance shall be granted Two Terms successively, that he may have an opportunity to notify his Principal thereof; and at the Third Term, without special matter alleged and allowed in Bar, Abatement, or further Continuance, the Cause shall peremptorily come to Trial; and if Judgment shall have been rendered for the Plaintiff, then all the Goods, Effects, Credits and Estate of any kind whatsoever, of such absent or absconding person, in the hands of such Attorney, Factor, Agent or Trustee, or under his care or management, which were in his hands, or under his management and direction, at the time of his being served with the Summons and Declaration aforesaid, to the amount of the Sums contained in the said Judgment (if so much there be), shall be liable and subject to the Execution granted upon such Judgment, for or towards satisfying the same; and from the time of serving the Summons as aforesaid, shall be liable and secured in Law in his hands, to answer the same, and may not be otherwise disposed of or converted.

Process and trial thereupon.

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

III. Provided nevertheless, and be it enacted, by the authority aforesaid, That if upon Summons

Plaintiff to be non-suited where no effects are in Agent's hands;

being served as above mentioned, the supposed Attorney, Factor, Agent, or Trustee shall come into Court at the First Term thereof, and declare that he had not in his hands, nor under his care or management, at the time of the service of such Summons, any Lands, Goods, Effects, or Credits whatsoever of the absent or absconding person, and shall submit to an Examination upon Oath respecting the same; and if upon examination it shall appear, to the satisfaction of the Court, that he had not any Lands, Goods, Effects, or Credits whatsoever of the absent or absconding person in his hands, or under his management, at the time of his being summoned as aforesaid, then and in every such case, the Plaintiff shall become non-suited; and shall pay to him, who may have been so summoned as Attorney, Agent, Factor or Trustee, his reasonable Costs, to be taxed in common form by the Court.

and to pay Costs.

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

IV. And be it therefore further enacted, That if any Attorney, Factor, Agent or Trustee, who being duly served with Summons and Declaration as aforesaid, shall not appear at the First Term, and then either acknowledge himself to have had in his hands, or under his management, some Lands, Goods, Effects, or Credits of the absent or absconding person, at the time of the service aforesaid, and thereupon pray that he may be admitted to defend the Action, or otherwise submit himself to an Examination upon Oath as aforesaid, he shall be liable to pay to the Plaintiff all such Costs as shall or may arise upon his Suit, the same to be taxed by the Court in common form.

Execution to be levied on the

V. And be it further enacted, That in case any Attorney, Factor, Agent, or Trustee, from and after the time of his being served with Summons and Declaration as aforesaid against his Principal (being an absent or absconding person),

shall transfer, remit, dispose of, or convert any of the Lands, Goods, Effects, or Credits of such absent or absconding person in his hands, or under his management, at the time of such service, so that there shall not be sufficient to satisfy the Judgment, (the Debt being afterwards ascertained by Judgment of Court) or that shall not discover, expose, and subject the Lands, Goods, Effects and Credits of such absent or absconding person in his hands, or under his management, to be taken in Execution towards the satisfaction of the said Judgment, so far as the same will extend, shall be liable to satisfy the same out of his own proper Goods and Estate, as of his own proper Debt; and a Writ of *Scire facias* may be sued out of the said Supreme Court of Judicature, and served on him as the Law directs, to appear and show cause (if any he hath) to the contrary; and where, upon default of appearance, or refusal to disclose upon his Oath (which Oath the Chief Justice is hereby empowered and required to administer), what Lands, Houses, Goods, Effects, or Credits of the absent or absconding person are in his hands, or under his management, and to what value Judgment shall be entered up against him of his own proper Goods, and Execution be awarded accordingly.

Agent's proper Goods, &c. if he transfer the Effects of his Principal.

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

VI. Provided nevertheless, and be it further enacted, That if it shall appear that the Attorney, Factor, Agent or Trustee, so summoned as aforesaid, and having in his hands, or under his management, at the time of such Summons, any Lands, Houses, Goods, Effects or Credits of the absent or absconding person, hath not remitted, disposed of, or in any manner converted the same, after the Summons being served on him as aforesaid, but that he hath discovered and subjected them to be taken in Execution, to satisfy the Judgment recovered against the absent or absconding person as aforesaid; then, and in such case, the party who may have commenced the

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

Suit shall pay such Attorney, Factor, Agent or Trustee his reasonable Costs, the same to be taxed in common form by the Court.

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

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

General Issue.

Principal entitled to re-hearing within three years.

VIII. Provided nevertheless, and be it further enacted, That any absent or absconding person, against whom Judgment shall or may be recovered as aforesaid, shall be entitled to a rehearing of such Cause at any time within Three Years next after such Judgment: and the Plaintiff in such Action, before any Execution shall issue on such Judgment, shall give sufficient Security, to the satisfaction of the Court, for repayment of all such Monies as may be levied by said Execution, in case the said Judgment be reversed on such rehearing as aforesaid.

CAP. X.

Repealed by 49 G. 3, c. 7.

An Act to enable the Governor, or other Commander in Chief, to lease out certain Parts of the Common of *Charlottetown*, Rent free, for the space of Ten years.

ANNO VICESIMO PRIMO

GEORGII III. REGIS.

At the General Assembly of His Majesty's Island of *Saint John*, begun and holden at *Charlottetown*, the Eighth day of *October*, *Anno Domini* 1779, in the Nineteenth Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of *Great Britain, France and Ireland*, King, Defender of the Faith :

1781.

W. PATTERSON
Governor.

T. DESBRISAY,
President of
Council.

W. BERRY,
Speaker.

And from thence continued, by several Prorogations, to the Thirteenth Day of *February*, 1781, and in the Twenty-first Year of His said Majesty's Reign; being the Fourth Session of the Third General Assembly convened in the said Island.

CAP. I.

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

Repealed by 4
W. 4. c. 11.

CAP. II.

Repealed by 26
G.3, c. 26, which
Act came into
operation on the
1st January,
1844.

Any person may
by last Will and
Testament, de-
vise Lands, &c.

Feme Coverts,
Minors, &c. ex-
cepted.

No Devise in
Writing to be re-
vocable, except
by another Will
or Codicil, also
in Writing.

An Act relating to Wills, Legacies and Ex-
ecutors, and for the Settlement and Distri-
bution of the Estates of Intestates.

BE it enacted, by the Governor, Council and
Assembly, That every person in this Gov-
ernment shall have power to give and devise, by
his or her last Will and Testament, in writing,
and subscribed by the Party so giving and devi-
sing, or by some other person in his or her pre-
sence, and by his or her express directions and
authority, and attested and subscribed, in the
presence of the Devisor, by Three or more credi-
ble Witnesses, any Lands, Tenements, or Here-
ditaments, whereof he or she shall, at the time of
his or her so giving or devising the same by such
Will, be lawfully seized, either of a sole Estate
in Fee Simple, or of any Estate in Coparcenary,
or in common in Fee Simple, in Possession, Re-
version, or Remainder, as much as in him or her
of right is to the said Lands, Tenements and
Hereditaments, or in like manner to devise any
Rents or Profits out of the same at his or her
pleasure. Provided nevertheless, that Wills
made for any Lands, Tenements or Heredita-
ments, or of any Rents or Profits out of the same,
by any *Feme Covert*, or person within the age of
Twenty-one years, Idiot, or of unsound mind,
shall not be good in Law.

II. And be it further enacted, That no Devise
in Writing, of any Lands, Tenements or Heredi-
taments, shall be revocable, otherwise than by
some other Will or Codicil, also in Writing,
subscribed in the presence of Three or more
Witnesses.

III. Be it further enacted, by the authority
aforesaid, That from and after the publication

hereof, no *nuncupative* Will shall be good where the Estate thereby bequeathed may exceed the value of Thirty Pounds, except the same be proved by the Oath of Three Witnesses, who were present at the making thereof, and unless it be proved that the Testator, at the time of pronouncing the same, desired the persons present to bear witness that such was his Will, or words to that effect; and unless also such *nuncupative* Will shall have been made during the time of the last sickness of the deceased.

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

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

No testimony to be received to prove such Will, except, &c.

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

Letters Testamentary, &c. not to pass any Court till 14 days after Testator's decease, &c.

VI. And be it further enacted, That no Will in Writing, concerning any personal Estate, shall be repealed or revoked, nor shall any Clause, Devise or Bequest therein be altered or changed by Words or Will (by word of mouth only), except the same be, in the Life of the Testator, committed to writing, and after the writing there-

No Will in writing concerning personal Estate to be altered by word of mouth only, unless committed to writing in the lifetime of the Testator.

of, read unto the Testator, and allowed by him, and proved to have been so done by Three Witnesses.

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

on penalty of £5 for every month's delay.

Mode of Recovery.

Application of Forfeiture.

Penalty for suppressing Wills.

VII. And be it further enacted, by the authority aforesaid, That if any Exccutor or Executors of the Will of any person deceased, knowing of their being so named and appointed, shall not, within Thirty Days next after the Death of the Testator, or his, her or their appointment being made known to him, her or them respectively, cause such Will to be proved and recorded in the Register's Office, or present the Will and give in a written Declaration of his, her or their refusal of the Executorship, every Executor so neglecting his or her duty in that behalf (without just excuse made and accepted for such delay), shall forfeit the sum of Five Pounds every Month from and after the expiration of the said Thirty Days, until he, she or they shall have caused Probate of such Will to be made, or have presented the same in the manner above appointed—each and every such Forfeiture to be had and recovered by Action of Debt in the Supreme Court of Judicature of this Island, at the suit of any of the Heirs or Creditors who shall or may prove, to the satisfaction of said Court, that any injury has accrued to him, her or them respectively by the said delay, and to and for the proper use of him, her or them, who shall inform and sue for the same: And upon any such refusal of the said Executor or Executors, the Judge shall order and commit Administration of the Estate of the deceased, with the Will annexed, unto the Widow or next of Kin to the deceased; and in case of their refusal, to one or more of the principal Creditors, as he shall or may think fit.

VIII. And be it further enacted, That if any person or persons shall be found guilty of suppressing any Will and Testament, such person or persons shall be subject and liable to the same

Penalty as is directed in and by this Act for persons neglecting to prove any last Will and Testament.

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

Legacies ascertained, recoverable at Common Law.

X. And be it further enacted, That henceforth every Executor named in any Will, and taking upon himself that charge, by proving such Will within the space of Three Months next after the Probate thereof, (or at such further or longer time as the Judge of Probate shall think proper to allow, or the circumstances of the Estate may require,) shall exhibit in the Register's Office, upon Oath, a full and true Inventory of the whole Estate of the deceased, so far as the same has then come to his hands and knowledge, on pain of forfeiting his office of Executorship, together with the sum of Five Pounds for every Month's neglect thereof, as is by Law provided for not presenting a Will, and to be recovered in like manner. Provided nevertheless, that in Wills where, after the payment of Debts, and of any certain particular Legacy or Legacies, the residue or remainder of the Estate is bequeathed generally to any one or more persons, other than the Executors themselves; in every such case an Inventory of the Estate is hereby required to be presented on Oath as aforesaid, and the Executors shall be liable to account as Administrators are by Law obliged to do: And any Executor, being a residuary Legatee, may bring his Action of Account against his Co-executor or Executors

Executors to exhibit an Inventory of the Estate of the deceased, within 3 Months after Probate, on pain of £5 for each Month's neglect.

Executors liable to account in like manner as Administrators.

Residuary Legatee may bring Action of Account against Executors.

of the Estate of the Testator in their hands, and may also sue for and recover his equal and rateable part thereof—and any Residuary Legatee may have the like remedy against the Executors.

Administration

XI. And be it further enacted, That when and so often as it shall happen that any person dies Intestate, upon the application of the Widow, or next of Kin, within Thirty Days after the death of such Intestate, the said Judge of the Probate shall grant Letters of Administration to such Widow or next of Kin: and in case they neglect applying within the said Thirty Days, upon first citing such Widow, or next of Kin, and their refusing to accept the same, such Judge of Probate shall grant Administration to such person or persons as he shall or may judge fit—Creditors being always considered as having a preferable right to persons in no wise interested in the affairs of the deceased: And to whomsoever the said Judge shall grant Administration, according to the Regulations and Directions contained in this Act, he shall oblige him, her or them to give Bond, with sufficient Sureties, in the manner as is directed by the Statute of the Twenty-second and Twenty-third Years of the Reign of *Charles the Second*, Chapter the Tenth, intituled *An Act for the better settling Intestates' Estates*; and shall and may proceed to call such Administrators to account for and touching the Goods of the Intestates; and upon due hearing and consideration thereof (all just Debts and Funeral Expences being first allowed), the said Judge shall, and he is hereby fully empowered to order and make a just Distribution of the Surplusage, or remaining Goods and Estate, as well real as personal, in manner following: that is to say—One third part of the Personal Estate to belong to and vest in the Wife of the Intestate forever, besides her Dower in the Houses and Lands during life, where such Wife shall not be otherwise endowed before Marriage: and the said Judge having ap-

and distribution of Estates of Intestates.

pointed Guardians, in manner as hereafter shall or may be by Law directed, shall then, out of all the Residue of such Real and Personal Estate, distribute Two Shares, or a double portion, to the eldest Son then surviving (where there is no Issue of the first born, or of any other elder Son); and the remainder of such Residue equally to and among his other Children, and such as shall or may legally represent them. Provided, that Children advanced by Settlement or Portions, not equal to the other Shares, shall have so much of the Surplusage as may make the Estate of all to be equal, except the eldest Son then surviving (where there is no Issue of the first born, or of any other elder Son), who shall have Two Shares, or a double Portion of the whole.

Children advanced by settlement.

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

Children advanced in the lifetime of the Intestate, to account therefor on Oath.

XIII. And be it further enacted, That the Division of such Lands or Tenements shall be made by Five capable Freeholders upon Oath, or by any Three of them, to be for that purpose appointed and sworn by the Judge. Provided always, that if all the Parties interested in such Lands or Tenements, being of lawful age, shall by Deed agree to a Division, such Agreement, the same being acknowledged by the Parties thereto before the Judge, and being entered on Record in the Probate Office, shall be deemed a legal and valid Partition and Settlement of such Estate, as effectually, to all intents and purposes

Division of Lands.

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

whatsoever, as if the same had been divided and settled by Writ of Partition, and shall be received and allowed in Evidence on any Trial against the Parties so interested in the said Lands and Tenements. Provided nevertheless, that where any Estate in Houses and Lands cannot be divided among all the Children, without great prejudice to the whole, the said Judge may, on sufficient Evidence of the same, order the whole to the oldest Son—or, upon his refusal, to any other of the Sons successively—he paying unto the other Children of the deceased their equal and proportionable Parts or Shares of the real value of such Houses and Lands, upon a just Appraisement thereof, to be made by Three sufficient unexceptionable Freeholders upon Oath, to be appointed and sworn as aforesaid; or giving good Security to pay the same in such convenient time as the said Judge shall or may limit, making reasonable allowance in the mean time, at the rate of Six Pounds on the Hundred in the Year. And if any of the Children should happen to die under Age, or before Marriage, then the Portion of such deceased Child shall be equally divided among the Survivors: and in case there be no Children, nor any legal Representatives of them, then One Moiety of the Personal Estate shall be allotted to the Wife of the Intestate for ever, as also One Third of the Real Estate for her term of life: and the Residue both of Real and Personal Estate shall be allotted equally to every of the next of Kin of the Intestate in equal degree, and those who shall or may legally represent them—no Representatives to be admitted among Collaterals, after Brothers' and Sisters' Children: And if there be no Wife, then the whole shall be distributed among the Children; and in case of no Child, then to the next of Kin to the Intestate in equal degree, and their legal Representatives as aforesaid, and in no other manner whatsoever. And every one to whom any Share shall be allotted, shall give Bond, with sufficient Sureties,

to the satisfaction of the said Judge of Probate, if Debts afterwards be made to appear, conditioned to refund and pay back to the Administrator his or her rateable part thereof, and of the Administrator's Charges.

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

Widow's Dower, after her death, how to be divided.

Appeal to the Governor and Council.

XV. And be it further enacted, That all such Estate, whether Real or Personal, which shall or may not be comprised in any last Will and Testament, or which shall or may not be devised or given by the same, shall be distributed in the same manner as the Estates of Intestates are directed to be distributed by this Act.

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

XVI. And be it further enacted, That in case personal Assets shall be deficient for the payment of any Debts or Legacies, and it shall be found necessary by any Executor or Administrator to make sale of any part of the Real Estate of the deceased for the payment of any Debts or Legacies; then such Executor or Administrator shall apply to the Governor or other Commander-in-Chief for the time being, and to His Majesty's Council, to give order and direction for the sale of such part of such Real Estate as may be most convenient for the payment of such Debts or Legacies; and before any sale be made of any Real Estate, the Executor or Administrator shall give

Real Estate may be sold for payment of Debts and Legacies, where personal Assets are insufficient.

Thirty Days public notice, by posting up Notifications in the most public places in *Charlottetown*, *Georgetown* and *Princetown*; and whoever will give most, or appear to be the highest bidder, shall have the preference at such Sale: And in case the Estate of such Intestate shall be Insolvent, then the Executor or Administrator shall make like application to the Governor or other Commander-in-Chief for the time being, and to His Majesty's Council, for an Inquiry, and for the appointment of Commissioners to inquire into such Insolvency, and examine and settle the claims of all the Creditors, and into the amount of the Estate of such Insolvent, and to authorize such Executor or Administrator to sell the Lands and Tenements of such Insolvent, and to divide the Produce of the whole of such Estate in due proportions to and amongst the Creditors.

In case of Insolvency, Governor and Council to appoint Commissioners to examine claims of Creditors, and to sell Real Estate to pay them.

XVII. And be it further enacted, That if any person shall in future presume to act as Executor or otherwise, by intermeddling with the Goods of the deceased, without being duly authorized thereto as is directed in and by this Act, such person shall forfeit the sum of Twenty Pounds for every such officious intermeddling; the same to be recovered in any of His Majesty's Courts of Record, by the Executor, Administrator, or other person interested in the Estate of the deceased; one half of which Penalty shall be paid to the person suing for the same, and the other half to and for the use of His Majesty's Government: And such person so intermeddling shall be further obliged to account for and pay into the hands of the Executor or Administrator, whatever Effects he may have got possession of in such an irregular manner, with full Costs of Suit.

Any person not duly authorized, intermeddling with effects of any deceased person, shall forfeit £20.

Mode of Recovery.

Application of Forfeiture.

CAP. III.

Repealed by 26 G. 3, c. 9. An Act making Lands and Tenements liable for the Payment of Debts.

CAP. IV.

An Act for determining Differences by Arbitration or Umpirage.

WHEREAS References made by Rule of Court may contribute much to the ease of the subject, in determining Controversies, (especially in matters of Account, and other Mercantile transactions of a complicated nature, which are often difficult to be accurately adjusted on Trials at Law,) as thereby the Parties, become obliged to submit to the Award of the Arbitrators, or Umpire, under Penalty of Imprisonment for their Contempt, in case they refuse Submission: Be it therefore enacted, by the Governor, Council, and Assembly, That it shall and may be lawful for all Merchants, Traders and others, or their respective Agents or Attornies, who shall or may be desirous of ending any Controversies, Suits or Quarrels (for which there is no other remedy but by personal Action or Suit in Equity,) by Arbitration, to agree that the Submission of all such Controversies, Suits or Quarrels,—to the Award or Umpirage of any person or persons, shall be made a Rule of His Majesty's Supreme Court of this Island, and to insert such their Agreement in their Submission, or in the condition of the Bond whereby they had obliged themselves respectively to submit to such Award or Umpirage: which Agreement, being so made and inserted in the Submission or Condition of their respective Bonds, shall or may, upon producing an Affidavit made by the Witnesses thereto, or any one of them, in the said Court, of the due execution thereof, and upon reading and filing the same, such Submission shall be there entered of Record, and a Rule thereupon made by the said Court for the respective Parties to submit thereto, and be finally concluded by the Award and Determination of such Arbitrators or Umpire

Persons desirous of ending suits or quarrels by Arbitration, may agree that the Submission be made a Rule of Court.

In case of disobedience, parties to be punished as for a contempt;

unless Arbitrators act improperly.

therein severally named, the same being made in pursuance of said Submission or Bond: And in case of disobedience to the Award and Determination of such Arbitrators or Umpire, the Party neglecting or refusing to obey the same, or any part thereof, shall incur and be subject to all the Penalties of contemning a Rule or Order of Court; and the said Court, on motion, shall issue Process accordingly, unless such Award be set aside for contempt or other misbehaviour in the Arbitrators or Umpire, on satisfactory proof made thereof by Oath to the said Court within one Term after the Award or Determination shall have been so made—in which event, the same shall be judged void and of no effect, anything in this Act contained to the contrary notwithstanding.

CAP. V.

Altered by subsequent Acts—
Repealed by 35
G. 3, c. 3.

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

CAP. VI.

Expired.

An Act giving a Reward for the Killing of Bears.

CAP. VII.

Virtually repealed and re-enacted by 25 G. 3, c. 4, s. 1.

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

CAP. VIII.

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

Virtually repealed and re-enacted by 25 G. 3, c. 4, s. 20.

CAP. IX.

An Act for continuing sundry Laws near expiring. Expired.

CAP. X.

An Act appointing Vestries.

Repealed by 3 W. 4, c. 20.

CAP. XI.

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

WHEREAS the several Acts herein-after mentioned, which are near expiring, have been found to be variously useful and beneficial, viz:—An Act made and passed in the Fourteenth Year of His Majesty's Reign, intituled *An Act for Licensing and Regulating Ferries* (a)—an Act made and passed in the said Fourteenth Year of His Majesty's Reign, intituled *An Act for regulating the Measure of Boards, and all other kind of Lumber, and for appointing Officers to survey the same* (b)—an Act made and passed in the Twentieth Year of His Majesty's Reign, intituled *An Act to ascertain the Privi-*

14 G. 3, c. 1.

14 G. 3, c. 3.

20 G. 3, c. 4.
(1st session.)

(a) Repealed by 3 W. 4, c. 8. (b) Repealed by 1 G. 4, c. 3.

leges of the Members of the Assembly &c. (c)—
 an Act made and passed in the said Twentieth
 Year of His Majesty's Reign, intituled *An Act*
to prevent Swine running at large in Charlotte-
town (d)—and an Act made and passed in the
 said Twentieth Year of His Majesty's Reign,
 intituled *An Act to prevent the running at large*
of Stone Horses, and killing of Partridges in
the pairing and hatching Season: And whereas
 it is found that the First Friday of August is too
 early for killing of Partridges—Be it therefore
 enacted, by the Governor, Council and Assembly,
 That from and after the publication hereof, it
 shall not be lawful for any person or persons
 whatsoever, to shoot, kill, or otherwise destroy,
 or to have in his, her, or their possession, any
 Partridge or Partridges, between the First day
 of April and the First day of September, annual-
 ly; and all persons offending herein, shall be
 subject to the same Penalties as mentioned in the
 said last recited Act—which Penalties are to be
 recovered and applied in the same manner as is
 directed by the said Act.

20 G. 3, c. 6.

20 G. 3, c. 5.

No person to kill
 or have in pos-
 session, Partrid-
 ges, between 1st
 April and 1st
 September, under
 the Penalty in-
 flicted by 20 G.
 3, c. 5.

Recited Acts
 made perpetual.

II. And be it further enacted, That the several
 Acts herein-before mentioned, and every Clause,
 matter and thing therein contained, together with
 the foregoing Clause, altering, amending and en-
 larging the said Act, intituled *An Act to prevent*
the running at large of Stone Horses, and killing
of Partridges, from henceforth be, and the same
 are hereby declared to be, in full force and effect
 for ever.

(c) This Act was disallowed by His Majesty in Council, the 29th of June, 1781.
 (d) Repealed by 3 W. I, c. 27.

CAP. XII.

Sec 26 G. 3, c. 1. An Act for raising a Fund to make and keep in
 Repair the Streets and Wells of *Charlottetown*.

CAP. XIII.

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

Passed with a suspending clause, and not approved of by His Majesty.

CAP. XIV.

An Act to prevent disorderly riding of Horses, and driving of Carts, Trucks and Sleds, or any other Carriage whatsoever, within *Charlottetown*.

Repealed by 1 Vic. c. 14.

CAP. XV.

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

Repealed by 6 G. 4, c. 7.

CAP. XVI.

An Act for the preservation of Highways.

Amended by 25 G. 3, c. 7—Repealed by 36 G. 3, c. 6.

CAP. XVII.

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

See 7 W. 4. c. 30.

III. And be it further enacted, That all Actions of Trespass *quare clausum fregit*, all Actions of Trespass, Detinue, Action of Trover, and Replevin for taking away of Goods and

All Actions of Trespass, &c., to be commenced within six years after the cause of such Action.

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

Battery, &c.,
within one year.

Words within six
Months.

Any of the said
actions reversed
by error, or in
arrest of judgment,
may be
commenced *de
novo* within one
year.

IV. And be it further enacted, That if in any of the said Actions or Suits, Judgment be given for the Plaintiff, and the same be reversed by Writ of Error; or if a Verdict pass for the Plaintiff, and upon matter alleged in arrest of Judgment, the Judgment be thereupon given against the Plaintiff, that he or she take nothing by his or her Plaint, Writ or Bill; or if any of the said

Actions be brought by Original, and the Defendant therein be outlawed, and shall afterwards reverse the Outlawry—that in any or all such cases the Party Plaintiff, his Heirs, Executors or Administrators (as the case may require), may commence a new Action or Suit, from time to time, within One Year after such Judgment reversed, or such Judgment given against the Plaintiff, or Outlawry reversed, and not after.

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

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

VI. And be it further enacted, That in all Actions of Trespass, Actions for Assault and Battery, and in all Actions for slanderous Words, to be sued or prosecuted by any person or persons whatsoever, after the end of the present Session of the General Assembly, if the Jury upon the Trial of the Issue in such Action, or the Jury that shall inquire of the Damages, do find or assess the Damages under Forty Shillings, that then the Plaintiff or Plaintiffs in such Action

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

unless the Judge
certify, &c.

Proviso, in case
of non-age, *Feme
Covert, non com-
pos mentis*, &c.

shall have and recover only so much Costs as the Damages so given or assessed amount unto, without any further increase of the same. Provided, the Judge, at the Trial of any Action of Assault and Battery, or Action of Trespass, shall and do certify, under his Hand, upon the back of the Record, that the Assault was sufficiently proved; or that the Freehold and Title of the Land mentioned in the Plaintiff's Declaration was chiefly in Question; or that the Trespass was voluntary and malicious; that then the Plaintiff, in such case, shall recover his full Costs, though the Jury should find Damages to be under Forty Shillings. Provided nevertheless, that if any person or persons that is or are, or that shall or may be entitled to any such Action of Trespass, Detinue, Action of Trover, Replevin, Action of Account, Debt, Trespass for Assault, Menace, Battery, Wounding or Imprisonment, Actions on the Case for Words, be, at the time of any such Cause of Action given or accrued, within the age of Twenty-one Years, *Feme Covert, non compos mentis*, imprisoned, or beyond the Seas—in any or either of which cases, such person or persons shall or may be at liberty to bring the same Actions, so as the same be done within such times as are herein-before limited after their coming to or being of full age, discoverd, of sane memory, at large, and returned from beyond the Seas, as by other persons having no such impediment should or might be done.

Actions against
persons beyond
the seas, may be
brought after
their return.

VII. And be it further enacted, That if any person or persons against whom there is, shall or may be any Cause of Suit, or Action of Trespass, Detinue, Trover, or Replevin for taking away any Goods or Cattle, or of Action of Account, or upon the Case, or of Debt grounded upon any Lending or Contract without Specialty, of Debt for Arrearages of Rent, or Assault, Menace, Battery, Wounding and Imprisonment, or any of

them, be, at the time of such Cause of Suit or Action given or accrued, beyond the Seas; that then such person or persons who are or may be entitled to any such Suit or Action shall be at liberty to bring the said Actions against such person and persons after their return from beyond the Seas, so as they commence the same within such times after their return, as are respectively limited for the bringing of the same by this Act.

* * * 7 W. 4, c. 30, repeals so much of this Act as related to "the Limitation of Actions of or for Real Estate;" the two first Sections relating thereto, are therefore omitted.



ANNO VICESIMO QUINTO

GEORGII III. REGIS.

At the General Assembly of His Majesty's
Island of *Saint John*, begun and holden
at *Charlottetown*, the Twenty-first Day of
March, Anno Domini 1785, in the Twenty-
fifth year of the Reign of our Sovereign
Lord GEORGE the Third, by the Grace
of God, of *Great Britain, France and
Ireland*, King, Defender of the Faith:

1785.
W. PATTERSON
Lt. Governor.

P. STEWART,
President of
Council.

Being the First Session of the Fourth General
Assembly convened in the said Island.

A. FLETCHER,
Speaker.

CAP. I.

An Act to explain, alter and amend an Act made
and passed in the Twentieth Year of His pre-
sent Majesty's Reign, intituled *An Act ap-
pointing the Recording of all Deeds of Sale,
Conveyances and Mortgages.*

This Act, and the
Acts 41 G. 3, c.
5, and 49 G. 3, c.
4, in addition
thereto, repealed
and re-enacted,
with amend-
ments, by 3 W.
4, c. 10.

** The provisions of this Act may affect titles to lands, but are omitted pursu-
ant to Act 12 Vic. cap. 23.

CAP. II.

This Act did not receive His Majesty's approbation.

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

CAP. III.

Repealed by 35 G. 3, c. 3.

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

CAP. IV.

For Acts relating to the Revenue, see—
35 G. 3, c. 10.
52 G. 3, c. 4.
11 G. 4, c. 9.
4 W. 4, c. 14.
10 Vic., c. 4, &
12 Vic. c. 10.

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

BE it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the publication hereof, there shall be raised, levied

collected and paid unto His Majesty, His Heirs and Successors, to and for the public uses of this Island, and towards the support of His Government therein, by the importers of all Wines, Rum, Brandy, and other Distilled Spirituous Liquors, which shall or may be imported, or by any ways or means brought into this Island, the several Rates and Duties as follows—*videlicet*, for every Gallon of Wine, the sum of Sixpence, as also for every Gallon of Rum, Brandy, or other Distilled Spirituous Liquors, in lieu of all former Duties, the said sum of Sixpence.

Duty of 6^d per Gallon on Wine, Rum, Brandy, &c.

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

To be paid at landing, if under £10.

If above £10, and not exceeding £50, Three Months' credit to be given.

If above £50, and not exceeding £100, Six Months' credit

If above £100, Nine Months' credit.

Security to be given for payment of Duties.

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

Masters of Vessels to report their Cargoes before breaking Bulk, and to be sworn.

IV. And be it further enacted, That all Masters of Ships, Coasting, Fishing, and all other Vessels whatever, coming into any Harbour, Port, River, Creek, or any part of the Coasts of this Island and its Dependencies, shall, before breaking bulk, and within Twenty-four hours after his or their arrival, make report, in writing, and upon Oath, to the Collector and Receiver, or Collectors and Receivers of the Duties for the time being, of all Wine, Rum, Brandy, or other Distilled Spirituous Liquors, on board the said Ship or Vessel, specifying therein the kinds of Casks or other Vessels in which the same shall be contained, together with the marks and numbers thereof, and that they have not landed or suffered to be landed, sold, bartered or exchanged, any Wine, Rum, Brandy, or other Distilled Spirituous Liquors, at any Port or Place within this Island, or on the Coasts thereof, since their sailing from the Port or Place where the same were laden on board the said Ship or Vessel for Exportation: which Oath the said Collector and Receiver or Collectors and Receivers is or are hereby empowered to administer, in the form following, *viz* *videlicet*:

Master's Oath.

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

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

After entry, all Wine, &c. not duly entered, found on board any Vessel, shall be forfeited.

VI. And be it further enacted, That no post Entry of any Wine, Rum, Brandy, or other Distilled Spirituous Liquors, shall be permitted to be made by such Collector and Receiver, or Collectors and Receivers of the said Duties, by any person whatever, except by the Master of such Ship or Vessel, and that within Twenty-four hours after the same shall have arrived.

No post Entry shall be made but by the Master.

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

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

VIII. And be it further enacted, That if any Wine, Rum, Brandy, or other Distilled Spirituous Liquors, shall be landed from on board such Ship or Vessel, after Report shall have been made, other than such as shall have been specified and contained in such Report or Manifest so

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

as aforesaid directed by this Act to be made, then and in such case all such Wine, Rum, Brandy, or other Distilled Spirituous Liquors, or the value thereof (the same to be estimated at the highest price such commodities shall or may respectively then bear), shall be, and the same are hereby declared to be forfeited, and shall and may be seized by any or either of the said Collectors and Receivers of the Duties for the time being, or by any or either of the said Land-Waiters or Guagers: And if such Wine, Rum, Brandy, or other Distilled Spirituous Liquors, shall be concealed or stove, so as that Seizure cannot be made of the same, then the Master of such Ship or Vessel, or the Owner or Owners thereof, or the Receiver or Receivers of such articles so concealed or stove, shall, on being duly convicted therefor, pay the value thereof according to the aforesaid estimate.

and if concealed or stove, to prevent seizure, the Master, Owner or Receiver shall pay the value.

Masters of Vessels refusing obedience to this Act,

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

shall forfeit £100.

All Wines, &c. landed contrary to law, and found in the custody of any person on shore, shall be forfeited.

X. And be it further enacted, That if any Wine, Rum, Brandy, or other Distilled Spirituous Liquors, shall be landed from on board any Ship or Vessel, contrary to the Rules prescribed in and by this Act, and found in the custody, possession, care or keeping of any person or persons whatever on shore (not having a Permit therefor), the same shall be forfeited, and the

person or persons with whom the same shall or may be found, shall forfeit the sum of Fifty Pounds, unless he, she or they shall be able to prove the same to have been legally entered and landed.

and such person shall forfeit £50.

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

Persons, &c. concerned in clandestinely landing any Wine, &c.

shall forfeit £50, or suffer six months' imprisonment.

XII. And be it further enacted, That no Wine, Rum, Brandy, or other Distilled Spirituous Liquors, which by this Act are made liable to a Duty, shall be landed or delivered from on board any Ship or Vessel, or afterwards put into any Warehouse, or other place, (except in the day time—that is to say, after Sunrise and before Sunset of the same day), unless the same be done in the presence and with the consent of the said Collector and Receiver, or Collectors and Receivers for the time being, on pain of forfeiting all such Liquors, and all and singular the Lighters, Boats, or other Vessels which shall or may be employed in landing the same, together with the Trucks, Carts and Horses which may be employed in conveying the same away.

Wine, &c. not to be landed, but in the day time, unless by permission and in the presence of Collector, on pain of forfeiture, with the Vessels, Trucks, &c. employed therein.

XIII. And be it further enacted, That the Master of any Ship or Vessel importing any Wine, Rum, Brandy or other Distilled Spirituous Liquors as aforesaid, shall be, and he is hereby made liable to pay the Duties for so much thereof as may be contained in his said Report, not being duly entered, nor the said Duties paid, by the

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

and may detain such Wine, &c. or deliver the same to Collector for security of Duties.

person or persons to whom such Wine, Rum, Brandy, or other Distilled Spirituous Liquors, are or shall be consigned: And it shall and may be lawful to and for the Master of any Ship or Vessel to detain in his hands and possession, or to deliver to the said Collector and Receiver, or Collectors and Receivers, for the security of such Duties, all such Wine, Rum, Brandy, or other Distilled Spirituous Liquors, as shall not have been duly entered—which said Collector and Receiver, or Collectors and Receivers, or any or either of them, is or are hereby empowered and directed to receive and keep the same, at the Owner's risk, until the Duties due thereon, with the Charges, have been paid: And if the Duties due and payable on such Wine, Rum, Brandy, or other Distilled Spirituous Liquors, shall not be paid, or secured to be paid, by the Owner or Owners thereof, within the space of Three Months, then and in such case the said Collector and Receiver, or Collectors and Receivers, is or are hereby empowered to sell and dispose of so much thereof as shall be sufficient to pay the Duties due thereon, and also the Freight, Charge of Custody, and Sale thereof.

Vessels may be attached, unless the Masters give security to abide Judgment.

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

Persons importing for their own use, liable to the same Duties, and

XV. And whereas doubts have arisen, whether Wine, Rum, Brandy, or other Distilled Spirituous Liquors, brought into this Island by persons for the consumption of the Inhabitants thereof,

and not for sale, are or ought of right to be liable to the Rates, Duties and Impost which are by Law payable on other Wine, Rum, Brandy, or other Distilled Spirituous Liquors, imported or brought into this Island—Be it therefore further enacted, that all and every person or persons bringing, or causing to be brought, into this Island, any Wine, Rum, Brandy, or other Distilled Spirituous Liquors, for their own consumption, shall, from and after the publication hereof, render a just and true Account or Manifest of the same to the said Collector and Receiver, or Collectors and Receivers, in such manner and within such time as are prescribed by this Act on Entries made in other cases; and also pay, or secure to be paid, the same Rates, Duties and Impost imposed or laid by this Act on other Wine, Rum, Brandy, and other Distilled Spirituous Liquors; and on failure thereof, they are hereby subjected to the like Penalties and Forfeitures as are inflicted on other breaches or violations of this Act.

to render an account, as in other cases.

XVI. And be it further enacted, That it shall or may be in the power of the Governor, Lieutenant Governor, or Commander-in-Chief for the time being, with the advice of His Majesty's Council, to appoint a proper person to be Collector and Receiver of the several Rates, Duties, and the Impost herein-before mentioned, for the Port of *Charlottetown*, and for every other Port in this Island where he and they shall or may think expedient and necessary for the effectually carrying into execution this Act*—each and every of which person or persons, appointed as aforesaid, is or are to give approved Security, payable to His Majesty, His Heirs and Successors, in such amount as he and they shall, from time to time, judge sufficient, to effect the faithful discharge of the Trust reposed in such persons: also in like manner to appoint Surveyors or Land

Governor, with advice of Council, to appoint Collectors, who are to give security.

For duties of Collectors of Impost, see

52 G. 3, c. 4.
11 G. 4, c. 9.
4 W. 4, c. 14.
8 Vic. c. 1.
9 Vic. c. 21.
10 Vic. c. 8.
11 Vic. c. 3, s. 17.
11 Vic. c. 12, and
12 Vic. c. 10.

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

* By 1 W. 4, c. 14. Collectors of Impost are authorized to appoint Deputies.

Waiters for the said Port of *Charlottetown*, and such other Ports as may by him and them be judged necessary for the purposes aforesaid—and in the presence of some one of them, or in the presence of the Collector and Receiver, or Collectors and Receivers aforesaid, or any or either of them, all Wine, Rum, Brandy, or other Distilled Spirituous Liquors, shall be landed at the said several Ports, and be duly guaged at the time the same shall have been so landed, in manner as is herein-before prescribed. And all Wine, Rum, Brandy, or other Distilled Spirituous Liquors, which shall or may be landed in this Island, contrary to the intent and meaning of this Act, shall be forfeited, and shall and may be seized and prosecuted by such Collector and Receiver, or Collectors and Receivers, or any or either of them, as by any or either of the said Surveyors or Land Waiters.

Their Duty.

Wine, &c. landed contrary to this Act, may be seized.

XVII. And be it further enacted, That in case any Wine, Rum, Brandy, or other Distilled Spirituous Liquors, shall be landed in any Port or other parts of this Island, without being regularly entered, and the Duties paid thereon, as above directed, and the Importer or Importers of the same shall have quitted the Island before the Collector and Receiver of the said Rates, Duties and Impost shall have had notice thereof—then and in such case the purchaser or purchasers thereof shall be liable to the payment of the Duties due and payable thereon, and of a further sum (being equal to the amount of the said Duties) as a Penalty for purchasing the same before Entry, with an intent to elude the payment of the said Duties.

Wine, &c. landed without being regularly entered and Duties paid, and the Importers having quitted the Island, the Purchaser shall be liable to the Duties—also to a Penalty for purchasing the same before entry.

Agents for Vessels seized, or taken as Prizes, to render a true account of the contents of the Cargo liable to Duty, or Penalty of £100.

XVIII. And be it further enacted, That all Agents, or other persons concerned for Vessels taken as Prizes, or for Vessels seized for illegal Importation, shall, immediately on their arrival, deliver to the said Collectors and Receivers res-

pectively a true account, upon Oath, of the contents of the Cargo so taken or seized, (the same being liable to the Duties imposed by Law in this Island) and delivered into their care: And if the true contents of the said Cargo shall or may be then unknown to such Agent or Agents, or other person or persons concerned as aforesaid, then and in such case he or they shall respectively make oath to render a true and faithful account of the said Cargo when the same shall have come to his or their knowledge, so that the Duties due thereon may be accurately ascertained, under the Penalty of forfeiting One hundred Pounds for each and every offence.

XIX. And be it further enacted, That all Wine, Rum, Brandy, and other Distilled Spirituous Liquors, which shall or may be brought into any Port or Place in or belonging to this Island, as Prize, or which shall or may be condemned therein as such, at any time from and after the publication hereof, shall be subject to all and singular the several Rates, Duties, and the Impost imposed or laid by this Act: And the Marshal of the Court of Vice Admiralty, or his Deputies, as well as all Auctioneers, or Vendue Masters in this Island, is and are hereby directed not to deliver any such Wine, Rum, Brandy, or other Distilled Spirituous Liquors which may have been sold by him or them respectively, at Public Auction or otherwise, to the purchaser or purchasers thereof, without a Permit first had and obtained therefor from the said Collector and Receiver, or Collectors and Receivers, and before he or they shall have rendered a true and perfect account to such Officer or Officers, or some one of them, upon oath, of the quantity of all such Wine, Rum, Brandy, or other Distilled Spirituous Liquors, which he or they shall or may have so sold, and of the names of the persons to whom the same were so sold, under the Penalty

Prize Wine,
Rum, &c. subject
to same Duties.

Marshal of Vice
Admiralty, Auc-
tioneers, &c.
shall not deliver
any such Wine,
&c. without Per-
mit.

and shall render
upon Oath, an
account thereof,

on Penalty of
£200.

of forfeiting the sum of Two hundred Pounds for each and every offence.

Drawback on
Exportation.

XX. And be it further enacted, That from and after the publication hereof, there shall be allowed on all Wine, Rum, Brandy, or other Distilled Spirituous Liquors, which shall have been already imported, or which shall or may in future be imported into this Island, on exportation of the same therefrom, a Drawback of Fourpence *per* Gallon out of the whole Duty paid, or secured to be paid thereon, on importation thereof.

This and the
three following
Clauses suspended
by 12 Vic. c.
10, s. 24.

This Clause sus-
pended as above.

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

Drawback how
payable.

Bond with one
Security, to pro-
duce Certificate
of landing.

ted to take such Certificates in payment of any Duties to be paid by the Importers of any of the said Liquors. And for the better and more effectually preventing frauds herein, the following Oath shall be taken for the future by all Exporters of such Liquors (and which Oath the said Collector and Receiver, or Collectors and Receivers, are hereby respectively required to administer), in the presence of the Master of the Ship or Vessel on-board of which the same shall or may be taken, to the end that such Master may not pretend to be ignorant of any part of his duty, as directed and prescribed in and by this Act, *videlicet*:

Oath to be taken
by Exporter.

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

Form of Oath.

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

Wine, &c. frau-
dulently reloaded
to be forfeited,
with the Vessel.

This Clause sus-
pended.

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

Naval Officer not
to clear out any
Vessel till certi-
fied that the Mas-
ter hath complied
with this Act.

This Clause sus-
pended.

that the said Master has complied with the directions contained in this Act.

Drawback on
Wine, &c. issued
for the use of His
Majesty's Navy.

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

Manner of pro-
ceeding for ob-
taining the
Drawback.

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

said Wine, Rum, Brandy, or other Distilled Spirituous Liquors, mentioned in the Governor's said Permit, had been actually received on board the same for the use aforesaid, and for no other use or purpose whatever.

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

Wine, &c. for the use of the Navy landed after Drawback received or claimed, forfeited;

and the person found guilty of such fraud fined £50.

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

No Drawback for a less quantity than 30 gallons.

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

Collector, &c. to account quarterly,

on Penalty of £50.

XXIX. And be it further enacted, That all Causes or Trials for Forfeitures and Penalties inflicted on breaches of this Act, shall and may be commenced and prosecuted in any of His Majesty's Courts of Record which now are or which

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

may hereafter be established in this Island : and upon motion duly and regularly made, a Special Jury shall be awarded and summoned to try the matter in question, agreeable to the form and manner of awarding and summoning Special Juries in the Courts of *Westminster* in *Great Britain* : and the Defendant or Defendants in such Suit shall be subject to pay all Costs, if the Verdict therein be given against him or them.

Application of Penalties, &c.

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

Prosecutions to be commenced within twelve months.

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

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

Appropriation.

XXXII. And be it further enacted, That the Monies arising from the Duties imposed by this Act, shall be applied and laid out in making and repairing public Roads, and the further establish-

ing Ferries within this Island, and such other uses to and for His Majesty's Government, as the Governor, Lieutenant Governor or Commander in Chief for the time being, with the advice of His Majesty's Council, shall, from time to time, order and direct, (the said sums so to be appropriated, to be issued according to His Majesty's Instructions, by Warrant from the Governor, Lieutenant Governor, or Commander in Chief for the time being, by and with the advice aforesaid, for the purposes of the said Appropriation.) And if the Treasurer of this Island shall issue or pay any of the said Monies for other purposes than are herein declared and expressed, he shall forfeit and pay treble the sum so issued or paid, and be rendered incapable of holding the said Office of Treasurer—the said Forfeiture to be applied to and for the public uses herein-before expressed, and to be recovered in any of His Majesty's said Courts of Record in this Island.

Penalty on Treasurer disobeying this Act.

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

Recovery and application of Penalties. &c.

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

Appeal from any Inferior Court to Supreme Court.

This Act to be
the rule and guide
of Collectors, &c.

XXXV. And be it further enacted, 'That the Provisions, Directions and Regulations in this Act contained, shall be the rule and guide of the Collector and Receiver, or Collectors and Receivers of the said Rates, Duties and Impost, in all matters incident to their respective Offices, and of the Officers employed by or under them, in collecting and receiving the same: And also that this Act may be pleaded by the Parties to any Suit instituted for breaches or violations thereof, according to their several and respective cases; and whereof the Justices of His Majesty's said Supreme Court of Judicature are hereby required to take notice, and govern themselves accordingly—any former Law, usage, or custom to the contrary notwithstanding.

And may be
pleaded on Pro-
secutions.

Monies arising
by this Act, how
to be accounted
for.

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

C A P. V.

Repealed by 9
Vic. c. 26.

An Act in addition to and amendment of an Act made and passed in the Thirteenth Year of His present Majesty's Reign, intituled *An Act prohibiting the sale (by Retail) of Rum, or other Distilled Spirituous Liquors, without first having a Licence for that purpose, and for the due Regulation of such as shall be Licensed.*

CAP. VI.

An Act for establishing the Rate of Interest.

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

No greater Interest than Six per cent. per Annum to be taken.

II. And be it further enacted, That all Bonds, Contracts and Assurances whatsoever, for payment of any Principal or Money to be lent, or covenanted to be performed, upon or for any Usury, whereupon or whereby there shall be reserved or taken above the Rate of Six Pounds in the Hundred as aforesaid, shall be utterly void; and that all and every person or persons whatsoever, who shall, upon any Contract to be made, take, accept and receive, by way or means of any corrupt Bargain, Loan, Exchange, Chevizance, Shift, or Interest of any Wares, Merchandize, or other thing or things whatsoever, or by any deceitful way or means, or by any Covin, Engine, or deceitful Conveyance, for the forbearing or giving Day of Payment for one whole Year, of and for their Money, or other thing or things, above the sum of Six Pounds for the forbearing of One hundred Pounds for a Year, and so after that Rate for a greater or lesser Sum, or for a longer or shorter time, shall forfeit and lose, for every such offence, the Monies, Wares, Merchandize, and other things so lent, bargained, exchanged, or shifted; one Moiety thereof to be to the King's Most Excellent Majesty, his Heirs and Successors, for the public use and support of

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

Persons who shall on any Contract for Goods, &c. take more than Six per cent. Interest.

to forfeit the whole value--one half to the King, and the other to the prosecutor.

Not to extend to
loan or hire of
Grain, Cattle,
&c. on shares:

Nor to Hypothecation,
Bottomry,
&c.

Contracts upon
Loan at Interest,
heretofore made,
shall be good.

his Government on this Island, and the other Moicty to him or them who shall or may sue for the same in His Majesty's Supreme Court of Judicature, or in any other of His Majesty's Courts of Record that now are, or which may hereafter be established within this Island, by Action of Debt, Bill, Plaint or Information, in which no Essoin, Wager of Law, or Protection shall be allowed. Provided always, that nothing in this Act shall extend, or be construed to extend, to prevent any person or persons from contracting and agreeing with each other for the Loan or Hire of any quantity of Grain of any kind, or for any number of Cows, Horses, Oxen, Heifers, Sheep, Swine, or any other kind of Cattle, nor for Poultry of any kind, upon Halves or otherwise, as the Lender and Hirer may agree; and that no such dealings shall be accounted Usury; any thing herein contained to the contrary notwithstanding. Provided also, that nothing in this Act shall extend, or be construed to extend, to any Specialty, Hypothecation, Instrument or Agreement whatever, in Writing, which shall or may be made, entered into, or executed for any Money lent or advanced upon the Bottom of any Ship or Vessel—any thing herein contained to the contrary notwithstanding. Provided also, that all Contracts and Agreements upon Loan at Interest, upon any other Rate heretofore made than is prescribed by this Act, shall be good, valid and effectual, to all intents and purposes whatsoever, in the same manner as if this Act had not been made.

Prosecutions to
be commenced
within twelve
Months.

Persons aggrieved
at Judgment

III. And be it further enacted, That all Prosecutions which may be brought for any offence hereafter done or committed against this Act, shall be brought by the person or persons aggrieved, or by any person or persons who shall or may sue for the same, within Twelve Months from the time the offence was committed; and it shall and may be lawful for any person or persons

who shall think themselves aggrieved by any Judgment of any Inferior Court in this Island, to bring his Writ of Error, returnable in His Majesty's Supreme Court of Judicature.

of any inferior Court to bring Writ of Error.

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

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

CAP. VII.

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

Repealed by 35 G. 3, c. 6.

21 G. 3, c. 16.

CAP. VIII.

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

See 59 G. 3, c. 4, and note.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That when it shall so happen that any of the Witnesses who may be judged necessary to be produced on the Trial of any Cause between Party and Party, shall be infirm, aged, or otherwise unable to travel, or when any such Witness is obliged to leave this Island, it shall and may be lawful for any one of the Justices of His Majesty's Supreme Court of Judicature of this Island, or for any one of the

Any Justice of Supreme Court, after due notice to adverse Party, or Attorney, may take the Deposition of Witnesses, infirm, or about to leave the Island; which shall be sealed up and directed to the Court where Cause is to be tried.

Justices of any other of His Majesty's Courts of Record that now are, or which hereafter shall or may be established therein, where such Cause is to be tried, after due notice in writing hath been given to the adverse Party or Parties, or to his, her or their Attorney or Attorneys, to be present (if he, she, they, or any of them see fit,) to take the Deposition of such infirm or aged person or persons, so unable to travel, or who is or are obliged to leave this Island as aforesaid: and such Depositions, so taken and certified under the Hand and Seal of the Justices of said Courts respectively (before whom such Deposition has been taken), and sealed up and directed to the Court where such Suit or Action may be depending, shall be received as legal Evidence in such Cause. Provided, proof shall be first made on Oath, that due written notice was given to the adverse Party or Parties, or to his, her or their Attorney or Attorneys, of the time and place of taking such Depositions: and each and every such written Notice shall be duly served, at least Six Days previous to the day appointed for taking such Evidence, if the same should be between the First day of *May* and the First day of *November* in each Year; and if between the First day of *November* and the First day of *May*, then the same to be served Ten Days before such Caption—each of said stated days to be exclusive of the day of Service. And provided nevertheless, that if such Witnesses shall, at the time of the Trial of the Cause, be on this Island, or able to travel, they shall be required to give their Testimony, *viva voce*, at such Trial, in the same manner as if such Depositions had not been taken. Provided also, that all benefit of Exceptions to the credit of such Deponents shall be reserved in the same manner as on producing Witnesses for Examination, *viva voce*, at the Trial.

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

If at time of trial, such Witnesses are in the Island, and able to travel, to be examined *viva voce*.

Benefit of Exceptions to the Credit of such Witnesses.

Quakers allowed to make Affirmation.

II. And be it further enacted, That every person of the profession of the people called Quakers,

who shall be required to take an Oath as aforesaid, shall, instead of an Oath, be permitted to make his or her solemn Affirmation.

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

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

C A P. I X.

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

13 G. 3, c. 10.

C A P. X.

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

BE it enacted, by the Lieutenant Governor, Council and Assembly, That all persons of the Religious Profession of the People called Quakers, who shall or may be required upon any lawful occasion to take an Oath, may, instead of an Oath in the usual form, be permitted to make his, her or their solemn Declaration or Affirmation in the following words, to wit: *I A. B. do solemnly, sincerely, and truly declare and affirm:*

Quakers may make Affirmation instead of taking an Oath.

Form of Affirmation.

Which solemn Affirmation being duly administered, shall be adjudged and taken to be of the same force and effect, in all cases where by Law an Oath shall or may be required, as if such Quakers had taken an Oath in the usual form.

False Affirma-
tion punished as
perjury.

II. And be it further enacted, That all persons who shall or may have made such solemn Affirmation, and who shall or may have been duly convicted of having wilfully, falsely and corruptly affirmed any thing, which, if the same had been sworn in the usual form of an Oath, would have amounted to wilful and corrupt Perjury, are hereby made to incur the same Penalties as other persons convicted of wilful and corrupt Perjury. Provided nevertheless, that no Quaker, or reputed Quaker, shall, by virtue of this Act, be admitted to give Evidence in any Criminal Prosecution whatever, under the sanction of such solemn Declaration or Affirmation. Provided also, that no person or persons whatever shall be deemed or construed to be Quakers, within the true intent and meaning of this Act, except such as shall affirm, in the form before directed, that he, she or they is or are of the said Profession of People called Quakers, and have been so for one Year next before such Affirmation made.

Affirmations not
admitted in Cri-
minal Prosecu-
tions.

Persons profes-
sing to be Qua-
kers, to affirm
they have been so
for one Year.

Public Act.

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

CAP. XI.

Disallowed by
His Majesty in
Council.

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

CAP. XII.

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

Disallowed by
His Majesty in
Council.

CAP. XIII.

An Act for continuing sundry Laws that are near expiring. Expired.

CAP. XIV.

An Act for granting the sum of One Hundred and Sixty-one Pounds, Two Shillings and Eleven Pence, for the support of His Majesty's Government. Executed.



ANNO VICESIMO SEXTO

GEORGI II. REGIS.

At the General Assembly of His Majesty's Island of *Saint John*, begun and holden at *Charlottetown*, the Twenty-first day of *March*, Anno Domini 1785, in the Twenty-fifth Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of *Great Britain, France and Ireland*, King, Defender of the Faith:

1786.

W. PATTERSON
Lt. Governor.

P. CALLBECK,
President of
Council.

A. FLETCHER,
Speaker.

And from thence continued, by several Prorogations, to the Fifteenth Day of *March*, 1786, and in the Twenty-sixth Year of His said Majesty's Reign; being the Second Session of the Fourth General Assembly convened in the said Island.

CAP. I.

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

§3- The provisions of this Act affect the Titles to Lands but are omitted pursuant to 12 Vic. c. 23.

* For other Acts which have reference to this subject, see 30 G. 3, c. 3; 41 G. 3, c. 3; 48 G. 3, c. 7; 52 G. 3, c. 6; 6 G. 4, c. 9; 8 G. 4, c. 11; 10 G. 4, c. 17; 1 W. 4, c. 17; 3 W. 4, c. 27; 4 W. 4, c. 11; 6 Vic. c. 4, and 10 Vic. c. 5.

CAP. II.

Suspended by 6
W. 4, c. 9.
Repealed by 7
Vic. cap. 3.

An Act for the Relief of Insolvent Debtors.

CAP. III.

An Act for preventing Abatement and Discontinuance of Suits.

Plaintiff or De-
fendant dying be-
tween interlocu-
tory and final
Judgment, Ac-
tion not to abate.

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

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

II. And be it further enacted, That if there be two or more Plaintiffs or Defendants, and one or more of them should die, if the Cause of such Action shall survive to the surviving Plaintiff or Plaintiffs, or against the surviving Defendant or

Defendants, the Writ or Action shall not be thereby abated ; but such Death, being suggested upon the Record, the Action shall proceed at the suit of the surviving Plaintiff or Plaintiffs, against the surviving Defendant or Defendants.

III. And be it further enacted, That in all Actions, personal, real or mixt, the death of either Party between the Verdict and the Judgment thereupon shall not be alleged for Error, so as that such Judgment be entered within Two Terms after such Verdict.

Death of either Party between Verdict and Judgment.

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

Judgment obtained by an Executor or Administrator.

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

No Suit before Justices shall be discontinued by a new Commission.

CAP. IV.

Sec 26 G. 3, c. 7,
and 10 Vic., c.
17.

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

No Judgment,
&c. to be reversed
for any Writ
razed or inter-
lined.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the publication hereof, that for Error in any Record, Process or Warrant of Attorney, original Writ, or judicial Panel, or Return, in any Places of the same razed or interlined, or in any addition, subtraction, or diminution of words, letters, syllables, or titles found therein, no Judgment or Record shall be reversed or annulled; but the Justices of the Courts before whom such Records and Process may be depending, shall have power to examine such Records and Process, Words, Pleas, Warrants of Attorney, Writs, Panels, or Returns, and to reform and amend, in affirmance of the Judgments of such Records and Processes, all that which to them seemeth to be the Misprision of the Clerk (except Appeals, Indictments of Treason, Felonies and Outlawries for the same), and the substance of the proper Names, Surnames, and Additions left out in the original Writs, and Writ of Exigent, and any other Writs containing Proclamation.

Justices of
Courts may
amend all defects
which are mis-
prision of their
Clerk.

Cases excepted.

Writ of Error
varying from the
Record may be
amended.

II. And be it further enacted, by the authority aforesaid, That all Writs of Error, Appeals from Judgments in any Action, real, personal or mixt, according to the course of proceedings in this Island, wherein there shall be any variance from the original Record, or other defect, may, and the same shall be amended and made agreeable to such Record, by the Courts where such Writ or Writs of Error, or such Appeals shall be returnable; and that where any Verdict shall be given in any Action, Suit, Bill, Plaintiff, or Demand, in any of His Majesty's Courts of Record, which now are or which hereafter shall

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

or may be established within this Island, the Judgment thereupon shall not be stayed or reversed, for any defect or fault, either in form or substance, in any Bill, Writ, original or judicial, or for any variance in such Writs from the Declaration, or other Proceedings.

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

Not to extend to appeal of Felony, &c.

CAP. V.

An Act to render good and valid in Law, all and every of the Proceedings in the Years One thousand seven hundred and eighty, and One thousand seven hundred and eighty-one, which in any respect related to or concerned the Suing, Seizing, Condemning, or Selling of the Lots or Townships herein-after mentioned, or any part thereof.

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

CAP. VI.

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

Repealed.

25 G. 3. c. 3.

CAP. VII.

See 26 G. 3. c. 4, and 10 Vic. c. 17.

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

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

When Warrants of Attorney shall be filed.

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

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

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

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

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

Divers Jeofails
in suits of Law
prevented and re-
formed.

In what case Judgment, after Verdict, shall not be stayed for want of Form in pleading.

IV. And be it further enacted, That Judgment shall not be stayed or reversed, after Verdict, for want of Form or Pledges, returned upon the original Writ, or because the name of the Sheriff is not returned on the original Writ, or for want of entering Pledges upon any Bill or Declaration, or for not alleging the bringing into Court any Bond, Bill, Indenture, or other Deed mentioned in the Declaration or other Pleading, or for want of Allegation of bringing into Court any Letters Testamentary, or Letters of Administration, or for omission of "by Force of Arms, and against the Peace," or of mistaking the Christian Name or Sirname of the Plaintiff or Defendant, Demandant or Tenant, Sum or Sums of Money, Day, Month or Year, by the Clerk, in any Bill, Declaration or Pleading, where the right Name, Sirname, Sum, Day, Month, or Year, in any Writ, Plaint, Roll, or Record preceding, or in the same Roll or Record, where the mistake is committed, is or are once truly and rightly alleged, whereunto the Plaintiff might have demurred and shewn the same for Cause; nor for want of Averment of, *This he is ready to verify*, or for *This he is ready to verify by Record*, or for not alleging as it appears by Record; or for that there is no right *Venire*, so as the Cause were tried by a Jury of the proper Country or Place where the Action is laid; nor for that the increase of Costs after a Verdict in an Action, or upon a Non-Suit in Replevin, are not entered to be at the request of the Party for whom the Judgment is given; nor by reason that the Costs in any Judgment whatsoever are not entered to be by consent of the Plaintiff—but that all such Omissions, Variances, Defects, and all other matters of the like nature, not being against the Right of the Matter of the Suit, nor whereby the Issue or Trial are altered, shall be amended by the Justice or Justices of His Majesty's said Supreme Court of Judicature, or of any other of the Courts of Record aforesaid where such Judgments are or shall

be given, or whereunto the Record is or shall be removed by Writ of Error or by Appeal, in any Action, real, personal or mixt, according to the Usage and Course of Proceedings in this Island.

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

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

Exceptions.

Judgment according to the very right of the Cause as aforesaid, without regarding any such imperfections, omissions and defects, or any other matter of the like nature, except the same shall be specially and particularly set down and shewn for cause of Demurrer.

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

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

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

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

To what this Act shall not extend.

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

No dilatory Plea to be received,

IX. And be it further enacted, That no dilatory Plea shall be received in His Majesty's said

Supreme Court, or in any other Court of Record which now is or which shall or may be established, unless the Party offering such Plea do, by Affidavit, prove the truth thereof, or shew some probable matter to the Court where the Suit may be depending, in order to induce them to believe that the Fact of such dilatory Plea is true.

unless on Affidavit.

CAP. VIII.

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

See 11 G. 4, c. 7.

CAP. IX.

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

Altered and amended by 35 G. 3, c. 8. and 7 Vic. c. 18.

21 G. 3, c. 3.

WHEREAS great inconveniences have arisen to the Creditors, as well as Owners of real Estates within this Island, from the manner in which Lands and Tenements have been heretofore made liable to the payment of Debts: For remedy whereof—Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the publication hereof, an Act made in the Twenty-first Year of his present Majesty's Reign,

Revised Act re-
pealed.

intituled *An Act making Lands and Tenements liable for the payment of Debts*, shall be no longer in force within this Island, but that the same, and every part thereof, is hereby repealed.

Lands, &c. made
liable for pay-
ment of Debts.

II. And whereas it will tend to the great benefit of this Island, to make Lands and Tenements liable, like Goods and Chattels, to the payment of Debts, as thereby the value of Lands will be increased, and the Landholders more easily obtain Credit, by which means they will be enabled to extend their cultivations and improvements:—Be it therefore enacted, That from and after the publication hereof, all Lands, Tenements and Hereditaments within this Island, shall, and the same are hereby made liable to the payment of all Debts contracted by the Owner thereof, in as full and ample a manner as the Goods, Chattels or Effects of Debtors were heretofore made liable for the payment of their just Debts, subject only to the Rules and Regulations herein-after mentioned and expressed—that is to say, when any person or persons, after the publication hereof, shall recover Judgment in any of His Majesty's Courts of Record which now are or hereafter shall or may be established in this Island, for any sum or sums of Money, or for Costs of Suit, and the person or persons against whom Judgment shall be so obtained shall be either unable or unwilling to satisfy such Judgment in Money, or if he or some person in his behalf, shall not produce and shew sufficient personal Estate whereon to levy Execution on such Judgment; then and in such case, it shall and may be lawful for the Sheriff or his Deputy to extend such Execution on the real Estate of such Debtor or Debtors; and after such real Estate or Estates shall be so taken in Execution, it shall and may be lawful for the said Sheriff or his Deputy immediately to advertise, as herein-after is directed, the said Estate so taken in Execution, or so much thereof as shall be sufficient to discharge the Execution so extended

Any person recovering Judgment, for want of other effects, Sheriff may levy Execution on the Debtor's real Estate; and advertise as much thereof as may be sufficient for discharging the Execution, &c. to be sold in Six Months.

thereon, with Costs and Charges, to be sold at the most public place within his Precinct, in Six Calendar Months,* to be computed from the day in which such Execution shall be extended, and Advertisements so posted; which Advertisements shall be posted at Three of the most public parts of *Charlottetown*, and shall also be posted upon the Premises so to be sold: and the said Premises so to be sold shall be thereupon put up to fair Auction, and shall be sold to the highest bidder, who shall be declared by the Sheriff or his Deputy to be the purchaser: And it shall and may be lawful for the said Sheriff or his Deputy to execute immediately, to such person or persons as shall purchase the Premises so sold at Auction as aforesaid, an absolute Deed of Sale, without any Clause of Redemption therein contained, specifying therein the consideration paid by the purchasers, as well as the name or names of the former Owner or Owners of said Lands, and the name or names of the person or persons at whose Suit such Lands have been sold; which Deed shall be good and sufficient in Law to create to and vest in such purchaser or purchasers, their heirs or assigns, a good and absolute Estate in Fee Simple, for ever, or otherwise as the nature of the Estate so sold shall admit of, and in the Premises comprehended in such Deed—Provided, such Premises were the absolute Estate in Fee Simple or otherwise as aforesaid, of the person or persons against whom the Execution, by virtue whereof such Sale shall be made, was issued: And it shall and may be lawful for the Sheriff or his Deputy, after such Deed shall have been so executed, to enter into the Premises specified in such Deed, and to put such purchaser or purchasers into the quiet and peaceable possession thereof.

Sheriff to execute a Deed to the purchasers of the Premises, without any clause of Redemption;

which Deed shall be to the purchaser a good Estate in Fee Simple.

Provide.

* Extended to Two Years by 35 G. 3, c. 8.

If Premises so sold shall be under lease, Sheriff to notify Tenant to attorn to the Purchaser.

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

In case only part of Premises under Lease may be necessary to be sold by said Execution,

Sheriff, &c. to swear Three Householders Appraisers to estimate the Rents, &c.

III. Provided nevertheless, That if the Premises so sold, or any part thereof, shall have been leased by Instrument in Writing, to any Tenant or Tenants, before the extending Execution thereon, whose Lease or Leases shall not have expired at the time of such Sale, that then it shall and may be lawful for the Sheriff or his Deputy, to notify such Tenant or Tenants that they must attorn and become Tenants to such Purchaser or Purchasers. And in case such Tenant or Tenants, after such notice received as aforesaid, shall refuse to attorn and become Tenant or Tenants to such Purchaser or Purchasers, according to Law, that then the Lease or Leases of such Tenant or Tenants shall be deemed null and void, to all intents and purposes, without any Process at Law whatsoever, the same as if such Lease or Leases had never been executed: and further it shall and may be lawful for such Purchaser or Purchasers, in any Court of Record which now is or which hereafter shall or may be established in this Island, to prosecute and recover against such Tenant or Tenants, Damages and Costs for such illegal overholding: And in case only part of the Premises included in the Lease or Leases of such Tenant or Tenants may be necessary to be sold by virtue of such Execution or Executions, and it may be uncertain how much of the whole Rent reserved in the Lease or Leases of such Tenants he or they ought to pay the Purchaser or Purchasers under such Execution or Executions, it shall and may be lawful for the Sheriff or his Deputy to estimate the same by the Appraisement of Three reputable impartial Householders, dwelling in the neighbourhood where such Lands shall or may lie, who shall be thereupon sworn by the Sheriff or his Deputy to decide impartially between the Parties—one of said Appraisers to be appointed by the Owner or Owners, Tenant or Tenants, or his or their Landlord or Landlords; the other by the Purchaser, and the third by the Sheriff: and if the said Parties, or some person lawfully autho-

rized thereto by them, after such notice given, shall neglect to attend the Sheriff to appoint Appraisers as aforesaid, it shall and may be lawful for the Sheriff or his Deputy to nominate as aforesaid for the persons so neglecting : and after such Appraisers shall have estimated the portion of Rent such Tenant or Tenants ought to pay to the person or persons so purchasing a part of the Premises leased to him or them, such Tenant, after being properly notified, shall attorn and become Tenant to such Purchaser ; and in case of refusal to attorn and become Tenant to such Purchaser, he or they shall thereupon be liable to the same Penalties in every respect, and to be prosecuted as aforesaid : and such Tenant or Tenants, upon attorning as aforesaid, shall stand discharged of and from the claims of his or their Landlord, for so much Rent as the said Appraisement shall amount to, and shall perform all such Covenants in his or their Lease, so far as the same may relate to the Premises so sold, to the Purchaser thereof, in as full and ample manner as he was bound to perform the same to his or their Landlord.*

IV. And be it further enacted, That the Sheriff or his Deputy shall appraise the value of all real Estates taken in Execution as aforesaid, by Three impartial respectable Householders, to be appointed as aforesaid, who shall be first sworn by the said Sheriff or his Deputy, whether he knows or is acquainted with the Premises so to be appraised, Fourteen Days before he shall proceed to sell the same ; and if they do know, or are acquainted with the said Premises, then such Householders shall be sworn by the said Sheriff or his Deputy, justly and truly to appraise and value such Estates : and if the appraised value thereof shall exceed the amount of such Execution, including the Sheriff's Fees, then it shall and may be lawful for the said Sheriff or his Deputy, to set up

Sheriff, 14 days before proceeding to sale of real Estates, to have the same appraised by 3 Householders, who shall be sworn.

Only so much to be sold as shall be sufficient to discharge the Execution, &c.

* This section is altered and amended by 7 Vic. c. 13.

In case Owner of such Estate, or some person in his behalf, shall not attend, Sheriff may then sell such part as he may deem least disadvantageous to the Debtor.

Overplus arising from Sale to be paid to Debtor, or into Court for his use.

For want of sufficient real Estate, Creditor to have an *alias* Execution.

at Auction, and sell only so much of said real Estate as will be sufficient to discharge the said Execution, and Costs and Charges: And in case the Owner of such Estate so to be sold, or some person on his behalf, shall neglect to attend the Sheriff or his Deputy, to point out which part of such real Estate it will be least inconvenient for such Debtor to be deprived of, then it shall be lawful for the said Sheriff or his Deputy, to set up and sell that part of the said Estate which shall appear at the time of such Sale to be of the least immediate advantage to the Debtor; and if the Proceeds of such sale shall exceed the amount of such Execution or Executions, and Costs and Charges, such Overplus shall be paid over to the Debtor, or to some person lawfully authorized to receive the same—and in case no such person appears, then the Sheriff, or his Deputy, shall pay the Overplus into the Court out of which such Execution issues, there to be lodged for the benefit of the right Owner—and in case there shall not be sufficient real Estate as aforesaid to satisfy such Execution, upon Return thereof, then the Party shall or may have an *alias* Execution for the remainder: and the Sheriff or his Deputy shall annex to all Executions, when they return the same, the Appraisement herein-before directed to be made. And the said Sheriff or his Deputy shall on no account disturb any person or persons in possession of Lands or Tenements at the time he shall levy Execution thereon, but shall leave such person or persons in the peaceable possession thereof, until final sale shall be made as aforesaid.

Not to affect any Suit now depending.

V. Provided always, and be it enacted, That nothing in this Act contained shall extend, or be construed to extend, to such real Estates against which any Action or Suit at Law has been already commenced, or is now depending, in pursuance of the said herein-before recited Act, but that

each and every such Action or Suit may be prosecuted without delay.

VI. And whereas the manner in which Mortgages are now foreclosed within this Island is found tedious and very expensive: For remedy whereof—Be it enacted, by the authority aforesaid, That from and after the publication hereof, it shall and may be lawful for any person or persons whatsoever, to whom any Lands or Tenements within this Island now are or may hereafter be mortgaged for any Principal Sum not exceeding Two hundred Pounds, he, she or they electing so to do, may bring an Action on the Case in His Majesty's Supreme Court of Judicature, at any of the Terms thereof, to recover the same against the Mortgager, his Executors or Administrators, and to set forth in his, her or their Declaration, the substance of such Mortgage: and in case the Mortgager shall appear and plead thereto, it shall and may be lawful for such Mortgager to give in Evidence and Proof all such Payments as have been made by him, on account of such Mortgage; provided, he shall have furnished the Mortgagee or his Attorney with such Account Fourteen days before Trial: and it shall and may be lawful for the Jury by whom such Issue shall be tried, to liquidate such Accounts, and to find a Verdict for the amount of the principal Sum and Interest then due on such Mortgage, calculating Interest thereon for Six Months after the end of the Term in which such Trial shall be had; and the said Supreme Court shall thereupon give Judgment for the same, with full Costs. And in case the said Mortgager shall neglect to appear, and suffer Judgment to go against him by Default, then the said original Mortgage shall be produced in open Court; and the Justices shall cause the amount of the Principal, and Interest due thereon, to be made up in their presence, allowing Interest as aforesaid, and Judgment shall be given for the

Lands, &c. mortgaged for any sum not exceeding £200, action may be brought in Supreme Court.

Substance of Mortgage to be set forth in Declaration.

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

Provided he shall furnish Mortgagee or Attorney, with Account thereof, fourteen days before Trial. Jury to liquidate all Accounts and allow Interest.

In case Mortgager shall neglect to appear, the Justices shall cause Principal and Interest to be made up in their presence.

On Judgment, Execution to issue, and Sheriff to sell as hereinbefore directed.

Mortgagee, in case of Premises, when sold, being insufficient to pay off, to have an *alias* Execution.

same, with full Costs; and Execution shall thereupon issue, directed to the Sheriff or his Deputy, who shall sell the mortgaged Premises, under the Restrictions, and in manner and form as hereinbefore specified for the Sale of Lands taken in Execution. And in case the Mortgaged Premises, when sold as aforesaid, shall not produce sufficient to discharge the amount of the Execution and the said Charges, the Party, on Return thereof, may have an *alias* Execution against the Mortgager's Body, Chattel Interest, or Real Estate, for the Balance unsatisfied on such Execution.

Not to extend where principal sum exceeds £200;

VII. Provided always, That nothing^d herein contained shall extend, or be construed to extend, to any Mortgages wherein the principal sum shall exceed Two hundred Pounds, or where any Suit has already been brought to foreclose the same; but that such Mortgages shall be proceeded on in the usual form, any thing herein contained to the contrary notwithstanding.

Nor to Sale of Houses on which Execution has been levied, and may sell for more than the amount of Execution.

VIII. And be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to the Sale of Houses or Lands on which Execution shall have been levied, and which may sell for more than the amount of such Execution; in which case the Overplus shall be paid in manner and form as hereinbefore is directed, respecting Sales of Real Estates.

Suspending Clause.

IX. Provided also, That nothing in this Act contained shall have any force or effect until His Majesty's pleasure therein shall be known.

. This Act was allowed by His Majesty, 18th August, 1790.

CAP. X.

An Act to amend, render more effectual, and reduce into one Act, all the Acts made by the General Assembly of this Island concerning Bail, and to prevent frivolous and vexatious Arrests.

Amended by 7 Vic. c. 12—Repealed by 12 Vic. c. 17

CAP. XI.

An Act in addition to and amendment of an Act, made and passed in the Thirteenth Year of His present Majesty's Reign, intituled *An Act for establishing the Times and Places of holding the Supreme Court of Judicature.*

This Act altered by 35 G. 3, c. 7; and 3 W. 4, c. 12—Repealed by 12 Vic., c. 9.

CAP. XII.

An Act for re-investing His Majesty, for a limited time, with certain Tracts of Land in the Island of *Saint John.*

This Act has not received His Majesty's approbation.

CAP. XIII.

An Act for the Trial of Actions in a Summary way.

WHEREAS the Recovery of small Sums has heretofore been tedious, and very expensive, by disproportioned Costs: And whereas the trial of Causes in a summary way, so far as the same has been in practice, has been found useful, and a means of determining many Suits with little Costs:

Supreme Court
to proceed in a
summary way, in
causes not ex-
ceeding £20.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the publication hereof, the Justices of His Majesty's Supreme Court of Judicature shall be, and they are hereby empowered, in all Actions of Debt, Case, Trover, Trespass, or Detinue (and all other Actions wherein the Title of Lands shall not be drawn in question), and which shall or may be brought before them, and wherein the Sum or Damages demanded shall not exceed Twenty Pounds, of lawful money of this Island, to proceed in a summary way, upon the appearance of both Parties, or upon it being proved in open Court, upon oath, by one competent Witness, that the Defendant had been duly served with the usual Process of the said Court; after which the said Court shall proceed to examine the merits of such Causes by Witnesses (wherein no dilatory Plea shall be allowed), and to determine either for the Plaintiff or Defendant, according to Law and Equity, and to make up Judgment accordingly.

Defendant, on
Trial, to have
the benefit of the
ordinary Forms
of Law or Equity.

II. And be it further enacted, That the Defendant or Defendants in such Actions shall, on the Trial or Hearing thereof, have the benefit of all matters in his, her or their defence, that he, she or they might have had, if he, she or they had been sued in the ordinary forms of common Law heretofore and now practised in the said Court, or in any Court of Equity in this Island; and the said Justices are hereby empowered and required so to do.

When the Fact
may be doubtful,
or parties desire
it, Jury may be
sworn to try the
same.

III. Provided always, That when, on examination of the Witnesses (which is hereby directed to be taken in Writing), the matter of fact, from a consideration of the whole Evidence, may appear doubtful; or when either of the Parties shall desire it; and so elect; the said Court shall, in all such cases, thereupon order the Sheriff or his Deputy immediately to summon a Jury for

the Trial of such matter of fact, or, if it be found necessary, appoint a day for such Trial: and Judgment on the Verdict shall or may be entered up and signed for the Party in favour of whom the same shall have been given.

IV. And be it further enacted, That any of the Justices of the said Court, either in Term or Vacation time, is or are hereby empowered, in all Causes of Action brought there, where the Debt does not exceed Twenty Pounds, to take the voluntary Confession of the Debtor for the sum demanded by the Creditor, as agreed between the Debtor and Creditor; and upon such Confession, so made by the Debtor, and the Specialty, Contract or Account on which the said Debt arose, being left with the said Justice, and afterwards filed in the Clerk's Office of the said Court, together with the whole Proceedings, and a Record made of the same, such Justice is hereby empowered to order Execution thereon, according to such Agreement as shall appear upon the said Record to have been made between the Parties for stay of Execution—such Creditor, or his or her Attorney, Agent or Factor, prior to such Execution being issued, making oath, that the Debt is, at the very time, *bona fide* due to him or her—which Affidavit shall be, in like manner as aforesaid, filed. And the whole of which said last mentioned Proceedings, together with the Proceedings which shall or may be had in the said summary Actions, shall or may operate in the same manner, in every respect, as if the said Actions had been tried as heretofore in the said Court—the said Execution to be sued out against the Body or Goods of the Defendant in the Suit, at the option of the Plaintiff, which, together with the Proceedings or *Mesne Process* in such Suit, the Sheriff or his Deputy shall execute in like manner as Writs heretofore issuing out of the said Supreme Court have or ought to have been executed, and shall be answerable in

Any one Justice of the Court may take the confession of the Debtor, and grant Execution thereon;

Creditor or Attorney first making Affidavit that the Debt is due.

Execution to be against Body or Goods, at the option of the Plaintiff.

like manner, as in other cases he may have been heretofore answerable, for neglect of duty.

Costs, on Trial and Recovery, not to exceed One Shilling and Sixpence in the Pound.

V. And be it further enacted, That the whole Costs on the said Actions so as aforesaid proceeded upon or tried in a summary way, shall not exceed One Shilling and Sixpence upon each Pound, so sued for and recovered: and on such Confession and Record of the same, as is hereinbefore mentioned, together with the said Execution, and the Costs thereof, shall not exceed One Shilling in the Pound: And the said Costs so allowed and directed shall be exclusive of any Charge or Costs for or attendant on a Jury impanelled for the purposes aforesaid; also the Sheriff or his Deputy, Bailiffs, Crier, Court-keeper and Gaoler's Fees.

On Confession, One Shilling in the Pound;

Exclusive of Jury, Sheriff, &c.

VI. And be it further enacted, That for the future, no Action for any Debt, except those hereinbefore particularly mentioned, where the whole Cause of Action does not exceed Five Pounds, shall be brought against any person or persons whatsoever in the said Court.

No Action for less than £5 to be brought in Supreme Court.

VII. And be it further enacted, That all Persons who shall or may be legally served with a Ticket, by virtue of a Writ of *Subpœna*, to give Evidence in any summary Action, and shall, at the same time, have his, her or their reasonable charges tendered to him, her or them, shall be obliged to appear as therein commanded, and give his, her or their Testimony, or in default thereof, be subject to be proceeded against in the said Supreme Court of Judicature, for his, her or their Contempt for such neglect; as also to make good the Damages that the injured Party may have sustained in such Action, for want of the benefit of his, her, or their said Testimony: and the Costs attending such *Subpœna* Ticket and Attendance, (the same to be ascertained and taxed by any one of the said Justices,) shall be

Witnesses legally served with *Subpœna*, to attend and give Evidence, or be subject to be proceeded against for Contempt, and to make good damages sustained by Party injured.

allowed over and above the several other Costs herein-before mentioned.

VIII. And be it further enacted, That all persons who shall or may be examined on oath before the said Justices of the said Supreme Court, or any one of them, by virtue of this Act, and who shall commit wilful Perjury, and be thereof duly convicted, shall be severally set in and upon the Pillory, for the space of one hour, beside having his, her or their Ears nailed thereto.

Punishment for Perjury.

C A P. X I V.

An Act to prevent the Multiplicity of Law-Suits.*

BE it enacted, by the Lieutenant Governor, Council and Assembly, That in all Actions, sued on Book Accounts, the Defendants therein may file their respective Accounts against the Plaintiffs with the Clerk of His Majesty's Supreme Court of Judicature, or the Clerk of any other Court of Record that now is or which shall or may hereafter be established in this Island, wherein such Actions now are or hereafter shall or may be depending: Provided the same be filed, and an attested Copy thereof be served on the Plaintiff or his Attorney, at least Seven Days before the First day of the respective Terms of the said Courts: and the said Courts are hereby respectively empowered to proceed, on Issue joined, to inquire into the merits of both Accounts, before one and the same Jury, and on the Verdict of the Jury, to award Costs as they shall find, whether for the Plaintiffs or Defendants. And where the Action shall be commenced on any Bond, Bill, Note, or Agreement in Writing, the Defendant may in like manner file his Receipt

In Actions sued upon Book Accounts, Defendant may file Account with the Clerk of the Court seven days before the sitting thereof.

Plaintiff also to be served with a copy.

Both Accounts to be inquired into by the same Jury.

Actions commenced on Bonds, &c. Receipts may be filed and

* On this subject, see also 1 W. 4, c. 13.

proceeded on as
above directed.

See 31 G. 3, c. 1.

or Discharge for part or the whole, according as he hath made payment. Provided, such Receipt or Discharge be in Writing, and signed by the Plaintiff, or his Attorney lawfully empowered to receive the same: and the said several Courts are hereby empowered to proceed to examine into the merits of the same, in like manner as in Book Accounts between Plaintiffs and Defendants, and equitably to reduce all such Bonds, Notes, Bills, and Writings obligatory, to the just Debt, with Interest, Damages and Costs, according to the nature of such Writing, Deed or Instruments: and the Jury are hereby empowered to give their Verdict accordingly.

C A P. XV.

Amended by 48
G. 3, c. 2.

See 7 W. 4, c. 2.

An Act to empower the Governor, Lieutenant Governor, or Commander in Chief for the time being, to appoint a Sheriff or Sheriffs for this Island; also to regulate the Office of Sheriffs, and the manner in which they shall return and pass their Accounts of all Fines and Forfeitures levied by them, for the use of the Crown.

WHEREAS the important Duties of Sheriff have been hitherto executed in this Government by a Provost Marshal, an Officer whom His Majesty has been graciously pleased to appoint in the infancy of his respective Colonies, before fit persons could be had to fill and supply that office: and although such appointment may have been highly necessary and expedient in this Island, at the time it was made, yet, as the same is not annual, as is that of Sheriff, and the salary allowed for such an office not being sufficient to maintain him as a Gentleman, without having recourse to other means for subsistence: And whereas the

most probable means for him to adopt for that purpose, are such as his office may afford, and which a needy man is too apt, if continued long therein, to find out, and to be induced thereby to practice extortion, and to become variously oppressive to His Majesty's subjects: For remedy whereof, and to bring this Government, as near as may be, to resemble the envied and happy Constitution of our Mother Country—Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the publication hereof, it shall and may be lawful for the Chief Justice, or in his absence, for the eldest Justice of His Majesty's Supreme Court of Judicature in this Island, once in every year, that is to say, on the *Third Monday in April* annually, to nominate Three proper and fit persons to be made High Sheriff for this Island at large,* (the same to be done in Writing); and a Copy of which Nomination, being signed by the said Chief Justice, or eldest Justice, he so signing the same, is hereby directed immediately thereupon, to present to the Governor, Lieutenant Governor or Commander-in-Chief for the time being, who is hereby empowered immediately to prick one out of the said number to serve the office of High Sheriff as aforesaid, for the ensuing year: which Sheriff, being so appointed, shall thereupon take the usual Oaths of Office, together with the Oaths hereinafter prescribed: And immediately upon his receiving his Patent, and having entered good and sufficient security, to be approved of by the Governor, Lieutenant Governor, or Commander-in-Chief, and His Majesty's Council, for the faithful execution of his Office, in the Provincial Secretary's Office, he shall be fully invested with all the powers and authorities of a High Sheriff, and be subject to all such Acts, made and passed in this Island, as may in any manner have related to

The Chief Justice on every third Monday in April, annually, to nominate three fit persons for the office of High Sheriff.

List of persons nominated to be presented to the Governor,

who is thereupon to prick out one to serve the ensuing year.

Sheriff to take the usual Oaths of Office, &c. and give approved Security.

* The Act 7 W. 4, c. 2, repeals so much of this Act as authorizes the appointment of one Sheriff for the whole of this Island, and instead thereof, provides for the appointment of one Sheriff for each of the three Counties.

the Duties and Execution of the office of Provost Marshal, and be entitled to the same Fees as are established by Law for the said Provost Marshal; and shall also have, possess, and enjoy, during the continuance of his office, all and every the powers and authorities which His Majesty's Provost Marshal has possessed or enjoyed, either by virtue of any Law of this Island, or in right of any Usage or Custom thereof.

Person appointed Sheriff, after eight days notice, and refusing to accept, to pay a fine.

Recovery and application.

II. And be it further enacted, That if any person or persons whatsoever, who may be so appointed to execute the said Office of High Sheriff, after eight days notice thereof duly served, shall refuse to accept the same, the person or persons so refusing shall be subject to a Fine of Ten Pounds, lawful money of this Island,* for such his refusal; which Fine shall and may be recovered by Bill, Plaint or Information in His Majesty's said Supreme Court of Judicature, and when recovered, the same shall be paid to the Treasurer of this Island, to and for the use and service thereof.

The Chief Justice, &c. upon every subsequent refusal, to make out another List, and deliver the same, as before directed, to Governor, who shall prick one thereout as aforesaid, who, after receiving notice and refusing to serve, shall be liable to the same Fine, &c.

III. And be it further enacted, That upon each and every such refusal, the Chief Justice, or in his absence the eldest Justice, shall make out another List of proper and fit persons to serve the office of Sheriff as aforesaid, and shall deliver the same as aforesaid to the Governor, Lieutenant Governor, or Commander-in-Chief, who is hereby empowered to prick one nominated person thereout, who, upon refusal, after having received notice as aforesaid, shall be liable to the said Fine—and so to continue by new Returns and Appointments, until a person shall be nominated that will consent to and actually serve the said office of Sheriff.

Sheriff to continue in office till

IV. And be it further enacted, That the Sheriff, so as aforesaid appointed and sworn, shall

* Increased to Twenty Pounds, by 48 G. 3, c. 2.

continue in office until another shall be appointed and sworn in his stead. another is sworn.

V. And he it further enacted, That if any Sheriff, or Under Sheriff, shall levy or receive any sum or sums of money whatsoever, by virtue of any Execution, Writ or Process whatsoever, and shall retain such sum or sums of money in his or their hands for the space of Twenty-four Hours after the person or persons legally authorized to receive the same, or any person lawfully by him or them appointed for that purpose, shall, in the presence of one credible Witness, demand such sum or sums of money to be paid over to him or them; that then and in such case, the said Sheriff shall forfeit to the Party entitled to receive such sum or sums of money, for each and every Week that he or his Under Sheriff shall retain the same, the sum of Five Shillings for every Pound of lawful money of this Island, which he or his Under Sheriff shall retain, after demand made as aforesaid—the same to be recovered by Bill, Plaint or Information, in the said Court.

Sheriff, &c. receiving money, to account for the same, if required, in Twenty-four hours, or be liable to a Fine of Five Shillings in the Pound, for every Week the same shall be detained, after demand made.

Mode of Recovery.

VI. And be it further enacted, That after any Writ, Process or Execution, directed to any Sheriff out of any Court of Record that now is or which hereafter shall or may be established in this Island, shall have been delivered to him or to his Under Sheriff, such Sheriff or Under Sheriff so receiving and taking delivery of any such Writ, Process or Execution, is hereby required to return the same, with his doings thereon endorsed, in due time, and according to the command thereof, into the Court where such Writ shall have been made returnable: and if the said Sheriff or his Under Sheriff shall neglect to make such Return on any Writ, Process or Execution, so as aforesaid delivered, the said Sheriff shall forfeit and pay the sum of Twenty Pounds of lawful money of this Island; the same to be recovered by any person or persons whatsoever, by Bill, Plaint or Infor-

Penalty for neglect of duly returning any Writ, &c.

Mode of Recovery.

mation, in any of His Majesty's Courts of Record that now are or which shall or may hereafter be established in this Island.

VII. And be it further enacted, That if any Sheriff, &c. liable to Fine, and Action for Damage, for compromising any Debt sued for by Writ, &c. without consent of the Party, or his Attorney.

Sheriff, &c. liable to Fine, and Action for Damage, for compromising any Debt sued for by Writ, &c. without consent of the Party, or his Attorney.

Mode of recovering Fine, and bringing Action for Damage.

Such Writs shall have issued, any sum or sums of money whatsoever, for or on account, or in full for such sum or sums of money as such Writs may have issued for the Recovery of; or shall return any such Writs settled or satisfied, without leave being first had and obtained, in writing, from the Party, or from his or her Attorney, suing out such Writs, thereby empowering him so to do; that then such Sheriff shall forfeit and pay to the Plaintiff in such Writs, for each and every offence, whatever sum or sums the Court out of which such Writs may have issued shall adjudge, beside being subject to an Action for the Recovery of Damage, or to an Attachment—the said Penalties so adjudged to be recovered by the said Plaintiff, by Attachment, or other Process; the same to be sued out of the Court that shall or may inflict the same.

VIII. And be it further enacted, That if any Sheriff shall happen to die before the full year of his appointment shall have expired, or before lawfully superseded, nevertheless the Under Sheriff so by him appointed shall continue to execute the said office, in the name of the deceased Sheriff, until another Sheriff shall have been appointed, and sworn into office as herein-before is directed; And the said Under Sheriff is hereby made answerable for the due execution of the said office, in all respects whatsoever, during such interval of time, in the same manner as the High Sheriff, so deceased or superseded, would or might have

Under Sheriff to continue to act in case of death or removal of High Sheriff, until another is appointed.

Under Sheriff answerable for the due execution of office during such interval; and the Security of Under Sheriff to High Sheriff

been, had he lived or continued in office until the expiration of the said Year: and the Security or Securities (if any) given to the High Sheriff, so deceased or superseded, by the Under Sheriff, as also his Pledges, shall stand as Security or Securities to the King's Most Excellent Majesty, his Heirs and Successors; and to all persons, their Heirs, Executors, Administrators, and Assigns, who may, in any respect whatsoever, be interested or concerned for such Under Sheriff's due performance of his office during such interval.

shall stand as
Security to His
Majesty, &c.

IX. And be it further enacted, That all Sheriffs who in future shall or may be appointed to their respective offices in this Island, shall, on their entering upon the performance of the same, take and subscribe the following Oath :

‘ I *A. B.* do solemnly swear, that I will truly
‘ serve the King in the office of Sheriff of this
‘ Island, and promote His Majesty's profit in all
‘ things belonging to my office, as far as I legally
‘ can or may. I will truly preserve the King's
‘ Peace, and all rights which belong to his Crown;
‘ and where I have any knowledge of the King's
‘ Revenue being diminished, concealed or wasted,
‘ or of any person or persons concerned in collect-
‘ ing the same being negligent in their duty, I will
‘ certify and inform the King's Representative
‘ within this Island, or some of his Judges, of the
‘ same. I will do right as well to poor as to rich,
‘ in all things belonging to my office. I will do no
‘ wrong to any person whatsoever, for any gift,
‘ reward or promise, nor for favour nor hatred.
‘ I will disturb no man's rights. I will, at the
‘ end of the Year, render to His Majesty's Su-
‘ preme Court of Judicature, at *Charlottetown*,
‘ a true and faithful account of such Debts, Du-
‘ ties, Fines, or Forfeitures to the Crown, as
‘ shall be levied by me, or otherwise come to my
‘ hands. I will do nothing whereby the King or
‘ any of his Subjects may lose, or whereby the

Sheriff's Oath.

‘ Revenue of this Island may be injured or dimi-
 ‘ nished. I will, without respite or delay, return
 ‘ and truly serve all the Writs coming to my
 ‘ hands, without favour or affection. I will take
 ‘ no Deputy or Bailiff into my service, but such
 ‘ as I will answer for; and I will cause each of
 ‘ them, before they enter on their office, to take
 ‘ and subscribe such Oaths as I do, in what be-
 ‘ longeth to their business and official duty. I
 ‘ will, during my continuance in office, truly set
 ‘ and return reasonable and due Issues of them
 ‘ that be within Precinct, according to their es-
 ‘ tate and circumstances, and make due Panels
 ‘ for Grand and Petty Juries, to the King’s
 ‘ Courts aforesaid, at their several Sittings, of
 ‘ persons able and sufficient, as directed by the
 ‘ Laws of this Island. I will not, during the con-
 ‘ tinuance of my office, receive from any person
 ‘ or persons whatsoever, either directly or indi-
 ‘ rectly, any fee, favour or reward, for constitut-
 ‘ ing such person or persons my Under Sheriff or
 ‘ Bailiff, but will keep a strict eye over such per-
 ‘ son or persons, that they do not exact unrea-
 ‘ sonable Fees, and that they are not guilty of
 ‘ extortion or oppression in their Offices. I will
 ‘ not ask or demand from any person or persons
 ‘ whatsoever, any more Travel for the service of
 ‘ any Writ or Process, than what I have actually
 ‘ and *bona fide* performed for the service of the
 ‘ same. I will truly and diligently execute the
 ‘ Laws and Statutes of this Island; and in all
 ‘ things will strictly behave myself in my Office
 ‘ for the honor of the King, and the good of his
 ‘ Subjects.

‘ So help me God.’

Sheriffs, every
 Trinity Term
 next after expi-
 ration of their
 Sherifalty, to
 render account
 of all Fines, &c.
 that shall have
 been levied.

X. And be it further enacted, That all She-
 riffs appointed to and serving the said Office as
 aforesaid, shall, on or before the Third Day’s
 Sitting of the said Supreme Court, at the *Trinity*
 Term thereof next after the expiration of each and
 every of their Sherifalty, render an Account, on

oath, in said Court, of all such Fines, Forfeitures, Penalties, or other Debts or Dues of the Crown, as shall be levied by him, together with the names of the persons on whom the same shall have been levied; and if any such Sheriff shall neglect or delay such service, longer than the time limited aforesaid, he shall, for each and every such neglect or delay, forfeit and pay the sum of **Twenty Pounds**—the same to be recovered by Bill, Plaint or Information, in His Majesty's said Supreme Court of Judicature, and when recovered, to be paid to the Treasurer of this Island, to and for the use and service thereof.

Twenty Pounds penalty on neglect.

Recovery and application of Forfeiture.

XI. And be it further enacted, That at the end of every *Trinity* Term of said Court in every Year, the Clerk thereof shall state a general Account of all Fines, Forfeitures and Penalties adjudged to the Crown in the said Court, or in any other Court of Record that now is or which shall or may hereafter be established on this Island, and which shall be returned or delivered to him by the Clerk or Clerks of any other Court or Courts of Record in this Island; such general Account particularising therein the names of the persons who shall or may be adjudged to pay such Fines, Forfeitures and Penalties, together with the sums appearing, by the Sheriff's Accounts as aforesaid, to have been levied on account thereof; as also the sums that shall or may be then due from the delinquent Party, and the names of the persons owing the same.—which said general Account, so stated as aforesaid, the said Clerk of the said Supreme Court is hereby directed to certify, under the Seal thereof, into the Treasury of this Island. And in case the said Clerk shall neglect so to return such Account, within Fourteen days next after the end of every *Trinity* Term of said Supreme Court, yearly and every year, he shall forfeit and pay the sum of **Twenty Pounds** for each and every such neglect; the same to be recovered by Bill, Plaint or Informa-

Clerk of Supreme Court to state a general account of all Fines, &c. adjudged to the Crown.

particularising the sums appearing by Sheriff's accounts to have been levied; as also the sums then due, and by whom.

Clerk to certify account, under Seal of Court, into Treasury.

Twenty Pounds Fine for every neglect.
Mode of Recovery.

and Application. tion, in the said Supreme Court, and when recovered, to be paid to the Treasurer of this Island, to and for the use and service thereof.

Power and authority of Pro-vost Marshal to cease.

XII. And be it further enacted, That from and after the time of appointing a Sheriff, and his entering on the duties and execution of his office, as is herein-before by this Act directed, all the power and authorities which now are or which heretofore have been vested in the office of Pro-vost Marshal of this Island, either by usage, custom, or the Laws thereof, shall cease and determine, to all intents and purposes, the same as if no such Officer had ever been appointed in this Government,—any thing heretofore in any wise to the contrary notwithstanding.

Sheriff, during time of exercising office, not to act as Justice of Peace, under a Penalty of £20.

XIII. And be it further enacted, That no High Sheriff appointed as aforesaid shall exercise the office of Justice of Peace in this Island, during the time he shall exercise the duties of that office: and all his acts and doings as a Justice of the Peace during the time he shall or may be in his said office, shall be, and the same are declared to be, null and void: and for each and every instance of such his misconduct, he shall forfeit and pay the sum of Twenty Pounds, one moiety whereof to the use of His Majesty's Government in this Island, and the other moiety to him or them who shall or may sue for the same; the same to be sued for and recovered in any of His Majesty's Courts of Record which now are or which hereafter shall or may be established in this Island.

Recovery and application of Fine.

No person obliged to serve as Sheriff for more than one year at a time, nor oftener than once in seven years.

XIV. And be it further enacted, That no person shall be obliged to serve the said office of High Sheriff for more than One Year at a time, nor to accept of the said office in less than Seven Years after his having served the said office as aforesaid.

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

Fines how to be accounted for.

CAP. XVI.

An Act for granting the Sum of Three hundred and Sixty-five Pounds, Fifteen Shillings and Tenpence, for the Support of His Majesty's Government.

Expired.

ANNO VICESIMO SEPTIMO

GEORGII III. REGIS.

At the General Assembly of His Majesty's
Island of *Saint John*, begun and holden
at *Charlottetown*, the Twenty-first Day of
March, Anno Domini 1785, in the Twenty-
fifth year of the Reign of our Sovereign
Lord GEORGE the Third, by the Grace
of God, of *Great Britain, France* and
Ireland, King, Defender of the Faith :

1786.

W. PATTERSON
Lt. Governor.

P. CALLBECK,
President of
Council.

A. FLETCHER.
Speaker.

And from thence continued, by several Proroga-
tions, to the Eighth Day of *November*, 1786,
and in the Twenty-seventh Year of His said
Majesty's Reign; being the Third Session of
the Fourth General Assembly convened in the
said Island.

CAP. I.

An Act for setting aside and annulling, at the
request of the present Proprietors, the Sales,
&c. of the herein-after enumerated Lots and
Shares of Lots of Land within this Island, and

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

for repealing so much of an Act passed in the Twenty-sixth Year of His present Majesty's Reign, intituled *An Act to render good and valid in Law all and every of the Proceedings in the Years One thousand seven hundred and eighty, and One thousand seven hundred and eighty-one, which in any respect related to or concerned the Suing, Seizing, Condemning, or Selling of the Lots or Townships herein-after mentioned, or any Part thereof, as relates to the said Lots or Townships, or Half Lots or Townships of Land.*

ANNO VICESIMO OCTAVO

GEORGII III. REGIS.

At the General Assembly of His Majesty's
Island of *Saint John*, begun and holden at
Charlottetown, the Twenty-second Day
of *January Anno Domini 1788*, in the
Twenty-eighth Year of the Reign of our
Sovereign Lord GEORGE the Third,
by the Grace of God, of *Great Britain*,
France and Ireland, King, Defender of
the Faith: 1788.

E. FANNING,
Lieut. Governor.

T. DESBRISAY,
President of
Council.

P. CALLBECK,
Speaker.

Being the First Session of the Fifth General
Assembly convened in the said Island.

CAP. I.

An Act in addition to two several Acts herein-
after in part recited; that is to say, an Act
made and passed in the Twenty-first Year of
His present Majesty's Reign, intituled *An Act
to explain, amend and render into one Act, all
the Laws now in being for the purpose of
making and repairing Highways in this Island;*

Repealed by 35
G. 3, c. 3.

21 G. 3, c. 5.

26 G. 3. c. 6

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

ANNO TRICESIMO

GEORGII III. REGIS.

At the General Assembly of His Majesty's 1790.
Island of *Saint John*, begun and holden at
Charlottetown, the Twenty-second day of
March, Anno Domini 1790, in the Thir-
tieth Year of the Reign of our Sovereign
Lord GEORGE the Third, by the Grace
of God, of *Great Britain, France* and
Ireland, King, Defender of the Faith:

E. FANNING,
Lt. Governor.

P. STEWART,
President of
Council.

A. FLETCHER,
Speaker.

Being the First Session of the Sixth General
Assembly convened in the said Island.

CAP. I.

An Act ascertaining the Toll to be taken at the
different Grist Mills in this Province.

Amended by 4
W. 4, c. 3.

Expired.

CAP. II.

An Act to establish authenticated Copies of the Records of His Majesty's Council of this Province as legal Evidence.

WHEREAS many Titles to Lands depend on Votes, and other Proceedings in His Majesty's Council, and become frequently necessary Evidence in Suits at Law: And whereas doubts may arise relative to the admissibility of such Evidence; and as the producing the original Records in Court is attended with great inconvenience: To remedy the same—Be it enacted, by His Excellency the Lieutenant Governor, Council and Assembly, That hereafter the Transcript or Copy of any Vote or Proceedings of His Majesty's Council, relating to the Grants or Titles of Lands, attested as a true and genuine Extract from the said Records, and signed by the Clerk of the Council, shall be deemed, admitted and received as legal Evidence in any Cause depending, or that may at any time hereafter be depending, in any of His Majesty's Courts within this Province. And the Clerk of the Council is hereby required and directed, upon the application of any of the Parties to the said Suits, or their Attorneys, to give an exact Copy or Extract of all such Resolutions or Proceedings of Council relative to Lands, attested and signed by him; and that there shall be paid for the same—for every Search One Shilling; for every authenticated Copy Six Shillings (if under One hundred words;) and for every Hundred Words above the first hundred, at the rate of One Shilling for every Hundred Words.

Copy of proceedings of his Majesty's Council, relative to Titles of Lands, properly attested, made legal evidence.

Clerk of the Council to give attested copies of such proceedings.

CAP. III.

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

This Act continued by 26 G. 3. c. 1, for three years.

Expired.

CAP. IV.

An Act for repealing so much of an Act made and passed in the Twenty-sixth Year of His present Majesty's Reign, intituled *An Act to amend, render more effectual, and reduce into one Act, all the Acts made by the General Assembly of this Island concerning Bail, and to prevent frivolous and vexatious Arrests, as relates to the Attachment of the Goods, Chattels or Estate of any Debtor or Debtors.*

26 G. 3. c. 10.

WHEREAS the aforesaid Act, so far as the same extends to the Attachment of the Goods, Chattels or Estate of any Debtor or Debtors, has, in its operation, been found, in many instances, injurious and oppressive to the Inhabitants of this Island :

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, and by the authority of the same it is hereby enacted, That from and after the publication hereof, so much of the said Act, intituled *An Act to amend, render more effectual, and reduce into one Act, all the Acts made by the General Assembly of this Island concerning Bail, and to prevent frivolous and*

Repealing Clause.

vexatious Arrests, as extends to the Attachment of the Goods, Chattels or Estate of any Debtor or Debtors, be, and the same is hereby repealed.

Not to affect Suits now depending.

II. Provided nevertheless, That this Act shall not extend to affect any Suits now depending under the said Act, so as the same are prosecuted without delay.

Suspending Clause.

III. Provided also, That nothing herein contained shall be of any force or effect until His Majesty's pleasure is known.

* * * This Act has been allowed by His Majesty, dated June 22d, 1796.

C A P. V.

An Act to empower the Lieutenant Governor to give Grants of Lands, under the Great Seal of this Island, to such Loyalists and Disbanded Troops as are in the Occupation thereof, by virtue of Locations formerly made by the Governor and Council.

WHEREAS in the Year One thousand seven hundred and eighty-three, a number of the Proprietors of Lands in this Island, or their Attorneys for them, signed and delivered a Paper to the Right Honourable Lord North, at that time one of His Majesty's Principal Secretaries of State, of which the following is a Copy, *videlicet*:

Copy of Tender to Government of Lands for the benefit of American Loyalists, made by certain Land Proprietors in this Island.

' **W**E the undersigned Proprietors of Lands in
' the Colony of *Saint John*, being informed that
' many of the Loyalists at *New York* prefer a
' Settlement in that Island to one in *Nova-Scotia*;
' and being very desirous of encouraging such a
' preference, and of affording an Asylum to those
' deserving fellow subjects, do engage for our-

‘ selves, or as Attorneys for others, to grant, as
‘ we hold of the Crown, and in the same propor-
‘ tions to each family as the other Loyal Emi-
‘ grants receive in *Nova Scotia*, one Fourth of
‘ the quantity of Lands placed opposite to our
‘ Names, which they shall receive, upon their
‘ arrival at *Charlottetown*, by application to the
‘ Governor and Council: and that they may re-
‘ ceive the said Lands in the fairest and most im-
‘ partial manner, we will direct that the whole be
‘ divided by the Surveyor General into Parcels,
‘ of not less than One Thousand Acres each,
‘ and drawn for by Ballot before the Governor
‘ and Council. In consideration of the prefer-
‘ ence expressed by those Loyal Emigrants, and
‘ of the conditions offered by us, we have the
‘ fullest confidence that your Lordship will give
‘ instructions to the Commander-in-Chief of His
‘ Majesty’s Forces at *New York*, to furnish such
‘ Loyalists as prefer a settlement in *Saint John’s*,
‘ with Provisions and Transports to carry them
‘ to *Charlottetown*, and every other necessary,
‘ such as is given to those who go to *Nova Scotia*:
‘ and that your Lordship will also give such in-
‘ structions to the Governor of *Saint John’s*, as
‘ will place such Emigrants, in every respect, on
‘ a similar footing with their brethren who settle
‘ in *Nova Scotia*. The undersigned are the more
‘ zealous in promoting this measure, as they are
‘ persuaded it will greatly advance the prosperity
‘ of an infant Colony, which, from its natural and
‘ relative situation, is peculiarly adapted to be-
‘ come a permanent and valuable possession to
‘ *Great Britain*. And they confide in your Lord-
‘ ship’s wisdom and equity, that you will obtain
‘ for them such an abatement of Quit-Rent, as
‘ will place them on an equality with their neigh-
‘ bouring Colonies, and, by that means, remove
‘ a cause which may prevent many faithful sub-
‘ jects to this Country from emigrating to that
‘ Island from the *American States*, and which

‘ has hitherto obstructed the settlement and prosperity of this Colony.’

(Signed)	Edward Lewis,	20,000 Acres.
	John Townson,	10,000
	John Stuart,	10,000
	Richard Burke,	15,000
	John Moteux,	20,000
	Robert Mackay,	20,000
	Alexander Anderson,	20,000
	John Patterson,	20,000
	John Patterson, Attorney for Walter Patterson,	40,000
	John Patterson, Attorney for Andrew Todd,	21,000
	John Patterson, for Isaac Todd,	20,000
	John Townson, for Charles Pearce,	10,000
	Daniel Berreau, for Isaac Panchard,	20,000
	Lawrence Sullivan,	80,000
	Phillip Stephens,	20,000
	Lord Townshend, for Acres and gives Two Thousand to a Loyalist, who is to draw for it in the mode prescribed above,	20,000
	Lord Townshend, for General Honeywood	10,000
	Lord Townshend, for the Lord Chief Baron Montgomery,	60,000

And whereas, on receipt thereof, the Governor of said Island, by the advice of His Majesty's Council, issued a Proclamation, thereby promising all persons of the above description, who should choose to become Settlers in the Island

of *Saint John*, certain proportions of the Lands so signed for, in the same manner as should be given to them in the neighbouring Provinces of *Quebec* and *Nova Scotia*; in consequence whereof, a number of those deserving subjects did repair to this Island, and have had, by the orders of the Governor and Council, parts of the aforesaid Lands laid out and allotted to them, and have been put in possession thereof, as also made considerable improvements thereon— notwithstanding which, and that years have elapsed since the said Proprietors covenanted and engaged with Government to make Conveyances of the said proportions of Lands so allotted and laid out to the said Settlers, many of them have not yet fulfilled their said engagement, whereby, and in consequence of which, numbers of those who came to this Island returned to the Continent, many more have been deterred from coming, and those who remain are rendered unhappy, from the uncertainty under which they hold their Lands :

For remedy whereof, and to promote the Settlement and Prosperity of this Colony—Be it enacted, by the Lieutenant Governor, Council and Assembly, and by the authority of the same it is hereby enacted, That from and after the publication hereof, it shall and may be lawful to and for the Governor, Lieutenant Governor, or other Commander-in-Chief for the time being, to give Grants, under the Great Seal of this Island, of such proportions of the aforementioned resigned Lands as are now in the possession of such Loyalists and reduced Officers and Soldiers, by virtue of, and under the authority of the Governor and Council of this Island, as have not received Deeds or Grants from the said Proprietors.

Governor empowered to give Grants of Lands to such Loyalists, &c. as are now in possession thereof.

II. Provided, That nothing herein contained shall have any effect until His Majesty's pleasure shall be known.

Suspending Clause.

* * This Act received His Majesty's Allowance, July 31, 1793.

CAP. VI.

An Act for quieting the Minds of His Majesty's Dissenting Protestant Subjects in the Island of *Saint John*.

WHEREAS a groundless report has prevailed, of an intention upon the part of Government to subject His Majesty's Dissenting Protestant Subjects to the payment of Tythes, and other Rates and Taxes, for the support of the Established Church of *England*:

Dissenters to have liberty of conscience, &c.

I. Be it enacted, by the Lieutenant Governor, Council and Assembly, That Protestants dissenting from the Church of *England*, whether they be Presbyterians, Quakers, or any other denomination whatsoever, shall have free liberty of conscience; and may erect and build Meeting-Houses for Public Worship; and may choose and elect Ministers or Pastors for performing divine service, and the administration of Sacraments, according to their several opinions: and all Contracts made between such Dissenting Ministers and their Congregations, for the support of the Ministry, are hereby declared valid, and shall have their full force and effect, according to the tenor and condition of such Contracts. And all such Dissenters shall be excused, and are hereby exempted and excused, from the payment of any Rates or Taxes to be made and levied for the support of the Established Church of *England* in this Island.

and exempted from the payment of Rates, &c.

Suspending Clause.

II. Provided, That nothing herein contained shall be of any force or effect, until His Majesty's pleasure is known.

* * * This Act received His Majesty's Allowance, July 31, 1793.

CAP. VII.

An Act to oblige the respective Proprietors of Lots or Townships of Land, or of parts of Lots or Townships of Land, in this Island, and who have contributed nothing towards the Settlement or Improvement of this Island, and whose Lands lie in a waste and uncultivated state, to pay their proportion of the Public Charges for the making and repairing of the Highways, Roads and Bridges of the said Island.

See 10 G. 4, c
10.

WHEREAS many of the Lots or Townships of Land, or parts of Lots or Townships of Land, in this Island, are owned by persons not residing or living therein, and have been greatly increased in value by the Highways, Roads and Bridges, which have at different times been erected and made at the expence, and by the labour of His Majesty's subjects, Inhabitants of this Island, without any aid or assistance whatever from the said Proprietors: And whereas many of the Inhabitants of this Island have long complained, and do still complain, of this neglect on the part of the said Proprietors, as a grievance that ought to be redressed, truly alleging, that the said Proprietors are benefited by their labour, and at their expence, without bearing any proportion of it among themselves: To remedy which in future —Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the First day of *August*, One thousand seven hundred and ninety-one, it shall and may be lawful to and for any Three of His Majesty's Justices of the Peace, (*Quorum unus*) in this Island, and they are hereby required and directed, in either of the Months of *June* or *July*, annually, to assess a certain sum of money to be charged on the said Lots or Townships of Land, or on the said parts of Lots or Townships of Land, in this Island, as

Any Three Justices empowered to assess Lots of Land, &c. for the purposes herein mentioned.

the true and equitable proportion which the said Proprietor or Proprietors ought respectively to pay for the purpose hereinbefore recited.

No Township to be assessed, when Ten persons liable to Statute Labour reside thereon.

II. Provided always, and it is hereby further declared, That the said Justices shall not be empowered to assess any Lot or Township of Land, wherein a number of Inhabitants (liable to Statute Labour) equal in proportion to Ten for every Township shall or may reside.

Public notice to be given, warning Proprietors to pay their Assessments within Six Months, &c.

III. And be it further enacted, by the authority aforesaid, That immediately after the said Assessment shall have been so made, public notice shall be given, in writing, by the said Justices, and posted up at *Charlottetown*, *Princetown* and *Georgetown*, and at three or more other of the most frequented places at or near the place where the Land so assessed shall or may lie, expressing therein, that unless the said Assessment shall be paid by such Proprietor or Proprietors, or by some person or persons duly authorized thereto, into the Public Treasury of this Island, within Six Months next after the date thereof—that then so much of the improved or other parts of the Lands of the delinquent Proprietor or Proprietors shall be by such Justices leased out, as may produce a Rent sufficient to pay his, her or their said Proportion or Assessment: and that if the said Proportion or Assessment shall not be paid by such Proprietor or Proprietors, or by some person or persons duly authorized thereto, into the said Public Treasury, within the time limited for the same to be done in the said Notice, that then and in such case, the said Three Justices are hereby empowered and directed to proceed to lease out the said improved or other parts of the Lands of such delinquent Proprietor or Proprietors, in manner as is hereinbefore expressed in the said Notice.

If the Assessments are not paid within that time, then Justices are to lease out such lots of Land.

IV. And be it further enacted, by the authority aforesaid, That if the said improved or other parts of the Lands of the said delinquent Proprietor or Proprietors cannot be leased out by the said Three Justices so advantageously as in their judgment to produce the Rent sufficient for the purpose aforesaid, that then and in such case, public notice shall be by them immediately thereupon given, in writing, and posted up in manner aforesaid, expressing therein, that unless the said Assessment or Proportion shall be paid by the said delinquent Proprietor or Proprietors, or by some person or persons duly authorized thereto, into the Public Treasury of this Island, within Six Months next after the date thereof, that then and in such case, so much of the improved or other parts of the Lands of the said delinquent Proprietor or Proprietors shall be sold, as shall or may produce money sufficient to pay his, her or their said Assessment or Proportion.

If the Lands cannot be leased out so as to produce Rent sufficient for the purpose aforesaid, then Justices are to notify Proprietors that the Lands will be sold.

V. And be it further enacted, by the authority aforesaid, That at the expiration of the said Six Months' notice, it shall and may be lawful to and for the said Three Justices, and they are hereby directed and required, to award a Precept directed to the Sheriff, commanding him to take the Goods and Chattels of such delinquent Proprietor or Proprietors, wheresoever or in whosoever hands the same may be found in this Island, and of the same to make public sale, and the produce of such sale, in money, to pay into the hands of the said Three Justices; and that, if no Goods and Chattels of such Delinquent Proprietor or Proprietors can be by him found in his aforesaid Precinct, or if enough can only be found to satisfy his, her or their Assessment or Proportion in part, that then he shall proceed to make Public Sale of so much of the Lands and Tenements of such delinquent Proprietor or Proprietors, as shall or may produce money sufficient to pay and

Precept to be awarded to Sheriff, directing him to take the Chattels of delinquent Proprietors, and to sell the same, &c.

If Chattels cannot be found, then to sell so much of the Lands as may be sufficient to pay off Assessments.

discharge his, her or their Assessment or Proportion, either in whole or in part, as the case may happen to be, together with the costs and charges attending the same; which Precept shall be tested by the said *Quorum unus* the day on which the same shall or may be issued, and be made returnable to the said Three Justices within Thirty Days after such *Teste*.

Sheriff, after sale of Lands, to make Deeds of Conveyance to Purchasers.

VI. And be it further enacted, by the authority aforesaid, That immediately after the said Sale or Sales shall be so as aforesaid made and perfected, the said Sheriff is hereby authorized and directed to make and execute to the Purchaser or Purchasers of the Lands of such delinquent Proprietor or Proprietors, a Deed or Deeds thereof, thereby conveying to such Purchaser or Purchasers an absolute Estate of Inheritance, in Fee Simple.

Application of money arising from the Sale of Lands, &c.

VII. And be it further enacted, by the authority aforesaid, That all the Monies arising from the Sales of the Lands and Tenements of such Proprietors shall be paid by the said Justices into the Public Treasury of this Island, within ten days after they shall have received the same, and be afterwards applied towards making and repairing the High-Roads and Bridges within this Island.

Suspending Clause.

VIII. Provided, that nothing herein contained shall have any force or effect, until His Majesty's pleasure shall be known.

** This Act received His Majesty's Allowance, July 31, 1793.

CAP. VIII.

Repealed by 12 Vic. c. 17.

An Act for taking Special Bail in the Country, upon Actions depending in His Majesty's Supreme Court of this Province.

CAP. IX.

An Act to prevent the malicious Killing, Wounding or Maiming of Cattle. Repealed by 12 Vic. c. 16.

CAP. X.

An Act to prevent unnecessary Expence and Delays in certain Actions wherein Judgments have passed by Default. Repealed by 6 G. 4. c. 5.



ANNO TRICESIMO PRIMO

GEORGII III. REGIS.

At the General Assembly of His Majesty's 1790.
Island of *Saint John*, begun and holden at
Charlottetown, the Twenty-second Day
of *March*, Anno Domini 1790, in the Thir-
tieth Year of the Reign of our Sovereign
Lord GEORGE the Third, by the Grace
of God, of *Great Britain, France* and
Ireland, King, Defender of the Faith:

E. FANNING,
Lt. Governor.

P. STEWART,
President of
Council.

J. ROBINSON,
Speaker.

And from thence continued, by several Proroga-
tions, to the Tenth Day of *November*, 1790,
and in the Thirty-first Year of His said Majes-
ty's Reign; being the Second Session of the
Sixth General Assembly convened in the said
Island.

CAP. I.

An Act for admitting persons to swear to their
own accounts in certain cases, and for amend-
ing certain practical parts of the Law, in order
to the more easy and speedy attainment of
Public Justice in this Island.

Repealed by 12
Vic. c. 17.

CAP. II.

An Act for the more speedy Assignment and
Recovery of Dower.

WHEREAS certain Provisions and Directions in the Law are become necessary, for the more speedy and less expensive Remedy in the Recovery of Dower, by such persons as are by Law dowable of Houses, Lands, Tenements and Hereditaments in this Island :

Heir, &c. to render Dower within two months next after demand, or

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, and by the authority of the same it is hereby enacted, That in all cases where any person or persons whatsoever having the Freehold of any Houses, Lands, Tenements and Hereditaments within this Island, shall neglect to assign and set out to the Widow of the deceased, her just or full third part of such Houses, Lands, Tenements and Hereditaments, within Two Months next after demand shall have been made by her of the person or persons so having the Freehold thereof, it shall and may be lawful to and for such Widow, to sue for and recover her said Dower, by Writ of *unde nihil habet*, against such person or persons as hath or have the Freehold of such Houses, Lands, Tenements and Hereditaments, in the form following, that is to say—

Widow may have Writ of *unde nihil habet*, for the Recovery thereof.

Writ of Dower.

‘ *GEORGE* the Third, by the Grace of God,
‘ of *Great Britain, France and Ireland*,
‘ King, Defender of the Faith, and so
‘ forth.

‘ To the Sheriff (*or Provost Marshal, as the case
‘ may be*), of our Island of *Saint John*,
‘ greeting.

‘ Command *A. B.* of &c. that justly and without
‘ delay render unto *C. D.* the wife of *E. F.*
‘ late of, &c., deceased, her reasonable Dower,

‘ which happens to her of a certain House, &c.
 ‘ (*as the case may be*) with the Appurtenances,
 ‘ situate in &c. in possession of the said *A. B.*
 ‘ and which was in the Seizin and Possession of
 ‘ her said Husband, and whereof he was seized
 ‘ in his Demesne as of Fee, during the Cover-
 ‘ ture, and whereof she hath nothing (*as she saith*),
 ‘ and the said *C. D.* complains that the said *A. B.*
 ‘ hath deforced her thereof. And unless the said
 ‘ *A. B.* shall so do, then summon the said *A. B.*
 ‘ that be before the Justices of our Supreme
 ‘ Court of Judicature, to be holden at *Charlotte-*
 ‘ *town*, upon the *Tuesday* in then
 ‘ and there to shew cause, why to the said *C. D.*
 ‘ her reasonable Dower as aforesaid doth
 ‘ not render. And have you then there this Writ.
 ‘ Witness, &c. at our Supreme Court of Judica-
 ‘ ture, the day of in the year of our
 ‘ Reign, *Annoque Domini.* L. M. Clerk.

II. And be it further enacted, by the authority aforesaid, That if the Defendant does not appear on the return day of said Writ, it shall and may be lawful for the Plaintiff in the Action (the said Sheriff having duly returned the said Writ, with his doings thereon), thereafter to enter common appearance for the said Defendant, and to proceed thereon as if the said Defendant had actually entered his or her appearance; any Law or Usage to the contrary notwithstanding: and common Bail being duly filed and entered, either by the Plaintiff or Defendant in the said Suit (*as the case may be*), the Plaintiff therein may thereupon file her Declaration in the Clerk’s office of the said Supreme Court of Judicature, as in other cases.

If the Defendant does not appear on the return day of the Writ, the Plaintiff may file common Bail for him, and file Declaration, &c.

III. And be it further enacted, by the authority aforesaid, That in case the Defendant in such Suit do plead to the Declaration therein, and Judgment be thereupon rendered for the Plaintiff to recover her Dower in such Houses, Lands,

Reasonable damages to be assigned to the Widow;

Tenements or Hereditaments (whereof her Husband had been seized during the Coverture,) in that case, as also in the case where Judgment shall have been signed for want of a Plea, reasonable Damages shall be assigned to her from the time her demand of Dower shall be proved to have been made of the person or persons so having the Freehold of such dowable Estate: And thereupon it shall and may be lawful to and for the Plaintiff in such Suit, to sue out His Majesty's Writ of Seizin, directed to the Sheriff of the said Island, in manner following, that is to say :

And she may have her Writ of Seizin for the same.

‘ *GEORGE* the Third, by the Grace of God,
 ‘ of *Great Britain, France and Ireland,*
 ‘ King, Defender of the Faith, &c.

‘ To the Sheriff (or *Provost Marshal* as the case
 ‘ may be,) of our Island of *Saint John*, greeting :

Writ of Seizin.

‘ **WHEREAS** *C. D.* Widow, who was the Wife
 ‘ of *E. F.* late of in the Island of *Saint John*,
 ‘ deceased, before our Justices of our Supreme
 ‘ Court of Judicature, holden at *Charlottetown*,
 ‘ on the day of now last past, did receive
 ‘ her Seizin against *A. B.* of &c. of one third
 ‘ part of &c. with the Appurtenances, situate,
 ‘ &c. in the possession of the said *A. B.* as of her
 ‘ Dower of the Endowment of the said *E. F.* her
 ‘ Husband, by our Writ of Dower, whereof she
 ‘ hath nothing: Therefore we command you,
 ‘ that to the said *C. D.* full Seizin of one third
 ‘ part of the aforesaid, &c. with the Appurtenan-
 ‘ ces you cause to be had without delay. We
 ‘ command you also, that of the Goods and Chat-
 ‘ tels of the said *A. B.* within your Precinct, you
 ‘ cause to be paid and satisfied unto the said *C.*
 ‘ *D.* at the value thereof in money, the sum of
 ‘ &c. for Damages awarded her by our said
 ‘ Court, for her being held and kept out of her
 ‘ Dower aforesaid, and Costs expended on the
 ‘ Suit, with more for this Writ; and thereof
 ‘ also to satisfy yourself your own Fees. And

for want of Goods and Chattels of the said *A. B.* to be by him shewn unto you, or found within your Precinct, to satisfy the same, we command you to take his Body, and commit him to the Keeper of our Gaol in _____ in our County aforesaid, within the said Prison; whom we likewise command to receive the said *A. B.* and him safely keep until he pay unto the said *C. D.* the full sum abovementioned, and also satisfy your Fees. Hereof fail not, and make return of this Writ, and how you have executed the same, to our said Supreme Court of Judicature next, to be holden at _____ on the _____ day of _____ next. Witness _____ Esquire, at our said Court, the _____ Day of _____ in the _____ year of our Reign, *Annoque Domini*

A. D. Clerk.

IV. Provided nevertheless, and it is hereby further enacted, by the authority aforesaid, That in all cases where no Damages shall be awarded to the Plaintiff in such Suit for or by reason of her being held or kept out of her said Dower, the said Writ of Seizin shall run only for the Recovery of the Seizin and Possession of the third part of the said Dowable Estate, and Costs of Suit.

Where no Damages shall be assessed, the Writ to run only for Seizin, &c. with Costs.

V. And be it further enacted, by the authority aforesaid, That the Sheriff to whom such Writ of Seizin shall or may be directed, is hereby authorized and required, on receipt thereof, to nominate and appoint Five discreet persons (being Freeholders living or inhabiting near unto the place where such Houses, Lands, Tenements and Hereditaments shall be,) who shall thereupon repair to the said Premises, to set off unto the Plaintiff in such Suit, by Metes and Bounds (being previously sworn before a Justice of the Peace faithfully and impartially to do the same,

Dower to be set forth by five Freeholders, upon Oath;

And the same being duly returned by the Sheriff, the Court may give final Judgment.

and which Oath the said Justice is hereby authorized and required to administer,) one third part of all such Dowable Estate; and the same being duly returned by the Sheriff, the Court wherein the said Judgment shall have been given, shall thereupon give final Judgment for such Plaintiff to hold unto her the said third part of the said allotted Premises, in Severalty.

In what manner entire inheritance shall be assigned.

Widow shall not make strip or waste.

IV. And be it further enacted, by the authority aforesaid, That of Inheritances which shall or may appear to be entire, and whereof no division can by Law be made, in such manner as to enable Women to be endowed of their due proportion of the thing itself whereof Dower may be demanded, such Women may, in lieu of one third part of such dowable Inheritance, by Metes and Bounds, be endowed of one third part of the Rents, Issues, or Profits thereof—the same to be computed and ascertained by the said Five persons herein-before directed to be nominated and appointed by the Sheriff for the purpose aforesaid. And all persons endowed as aforesaid of any such Houses, Lands, Tenements and Hereditaments, in this Island, and who shall commit or suffer any Strip or Waste thereupon, are hereby made liable to such Action or Actions therefor, as Tenants in Dower are by Law liable to in that part of *Great Britain* called *England*.

CAP. III.

Altered by 11 G. 4, c. 11—Repealed by 7 W. 4, c. 23.

An Act for providing Pounds in the several Royalties in this Province.

CAP. IV.

An Act to prevent the unnecessary Firing off Guns, and other Fire-Arms, in the Town and Suburbs of *Charlottetown*.

BE it enacted, by the Lieutenant Governor, Council and Assembly, and by the authority of the same it is hereby enacted, That if any person or persons, of what age or degree soever, from and after the present Session of the General Assembly, shall unnecessarily fire off any Gun, Fusee, Musket, Pistol, or other Fire-Arms, in any of the Houses, Streets, Lanes, Wharves, Yards or Gardens, in the Town or Suburbs of *Charlottetown*, every person so offending, upon conviction thereof, upon the oath of one or more credible Witness or Witnesses, before any one of His Majesty's Justices of the Peace, shall forfeit the sum of Ten Shillings—to be levied by Warrant of Distress, under the Hand and Seal of such Justice, on the Offender's Goods and Chattels; and for want of Goods and Chattels, such Offender shall be, and the said Justice of the Peace before whom he may be convicted, is hereby empowered and required to commit him to Gaol for the space of Forty-eight Hours.

Persons convicted before one Justice of the Peace, of firing guns, &c.

shall forfeit 10s. to be levied on the Offender's Goods;

and for want thereof, to be imprisoned 48 hours.

II. And it is hereby enacted, by the authority aforesaid, That no prosecution shall be admitted for any offence against this Act, unless complaint be made thereof within Twenty-four hours after the offence is committed. And that all Forfeitures arising by virtue of this Act, shall be one half to the person who shall prosecute for the same, and the other half to the use of his Majesty's Government.

Complaint to be made within 24 hours.

Application of Forfeitures.

CAP. V.

An Act for regulating the Fees of Magistrates and Constables in certain cases, and for amending an Act made and passed in the Sixteenth Year of His Majesty's Reign, intituled *An Act in addition to and amendment of an Act made and passed in the Thirteenth Year of His present Majesty's Reign, intituled 'An Act for the more easy and speedy Recovery of Small Debts.'*

16 G. 3. c. 2.

Justices of Peace granting Warrants for the apprehension of offenders (except capital offences), to receive 1s. 6d. of the Complainant.

Constables to be allowed 1s. and travelling Fees.

WHEREAS there is no Law for regulating the Fees of Magistrates and Constables, for issuing and serving criminal Process—Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the present Session of the General Assembly, it shall and may be lawful for any of His Majesty's Justices of the Peace who shall or may grant any Warrant, for the apprehending any person or persons against whom complaint shall or may be made, of any offence (except capital offences) for which a Warrant shall be necessary to be granted, shall take and receive the sum of One Shilling and Sixpence, to be paid by the person complaining. And the said Constable shall take, for executing every such Warrant, the sum of One Shilling, together with travelling charges, the same as is allowed for the service of Executions.

* * The remainder of this Act being repealed by 2 W. 4, c. 1, s. 1, is not reprinted.

CAP. VI.

Repealed by 4 W. 4, c. 5. An Act to prevent the running at large of Rains at improper Seasons.

C A P. VII.

An Act for compelling persons owning Lands adjoining to each other to make their respective Parts or Proportions of the Fence between them; and for empowering the Grand Jury to nominate Fence Viewers.

Amended by
10 G. 4, c. 5.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That the Proprietor of any Field or Lands, adjoining to the Fields or Lands of others, enclosed or improved, in this Island, shall be obliged to erect and make his or her part or proportion of Fencing; and to maintain the same when so erected or made, with a good and sufficient Fence of Four Feet and a half high, on that part of such Land as is adjoining to his or her own: and in case the delinquent Party shall neglect so to do, within one Month* after notice shall have been given him, her or them, of such neglect, it shall and may be lawful to and for any one of the Fence Viewers, to be appointed as herein-after is directed, and the said Fence Viewer next or near unto the said improved Fields or Lands is hereby required to view the ground so proposed to be fenced, or the said Fence wanting repair, and grant a Certificate of the same to the complaining party, who is hereby empowered forthwith to cause such deficient Fence to be erected or made, or otherwise to repair any Fence already made, if the same shall appear by such Certificate to be insufficient; and the person or persons who of right ought to erect and maintain such Fence, shall be held to pay double the Expences, Costs and Charges expended for the doing thereof—to be ascertained by the said Fence Viewers.

Owners of Fields adjoining to each other, obliged to make and maintain their respective proportions of Fencing.

Duty and power of Fence Viewers.

Delinquent party to pay double expences, &c.

II. Provided nevertheless, and it is hereby further enacted, That no Fence Viewer shall be

* Altered by 10 G. 4, c. 5, to Twenty-four Hours, in certain cases.

Fence Viewers, when employed, to be allowed 3s. per day—and forfeit 20s. for neglect.

allowed more than Three Shillings for each day in which he shall have been employed, for his own trouble and time expended therein. And if any Fence Viewer shall neglect his duty herein, when duly notified, he shall forfeit Twenty Shillings for each and every such offence.

Penalties, how to be recovered and applied.

III. And be it further enacted, by the authority aforesaid, That the Penalty inflicted by this Act, in favour of the complaining party, shall and may be recovered by complaint made by him, her or them, to any Justice of the Peace, in the ordinary course of Law: And as to the Penalty hereby inflicted on the delinquent Fence Viewer, the same shall and may, in the same ordinary course of Law, before some Justice, be recovered and applied to and for the support and maintenance of the Poor in this Island.

Proprietors not obliged to fence wood or burnt land.

IV. Provided always, That when it shall happen that the Land shall be wood or burnt Land, and not under any Improvement, no Proprietor shall be obliged to make any part of the Fence to the said wood or burnt Land—any thing herein contained to the contrary notwithstanding.

Grand Jury to nominate Fence Viewers.

V. And be it further enacted, That the Grand Jury, at the Supreme Court of Judicature, at the *Hilary* Term thereof in every Year, shall nominate double the number of Fence Viewers which they shall think necessary to be appointed in the several Towns and Settlements in this Island; out of which the said Court shall strike out one half; and the remaining number shall be Fence Viewers in the several Settlements in this Island.

CAP. VIII.

Enacted

An Act for emitting certain Bills or Debentures of Public Credit, within this Island.

ANNO TRICESIMO TERTIO

GEORGI III. REGIS.

At the General Assembly of His Majesty's
Island of *Saint John*, begun and holden at
Charlottetown, the Twenty-second day of
March, Anno Domini 1790, in the Thir-
tieth Year of the Reign of our Sovereign
Lord GEORGE the Third, by the Grace
of God, of *Great Britain, France* and
Ireland, King, Defender of the Faith:

1792.

E. FANNING,
Lt. Governor.

P. STEWART,
President of
Council.

J. ROBINSON,
Speaker.

And from thence continued, by several Proroga-
tions, to the Sixth Day of *November*, 1792,
and in the Thirty-third Year of His said
Majesty's Reign; being the Third Session of
the Sixth General Assembly convened in the
said Island.

CAP. I.

An Act relating to Treasons and Felonies.

M2

Repealed by 6
W. 4, c. 22.

CAP. II.

Disallowed by
His Majesty in
Council.

An Act for the rescinding, annulling and making void all and every the Proceedings had in the Years One thousand Seven hundred and Eighty, and One thousand Seven hundred and Eighty-one, which in any respect related to or concerned the Suing, Seizing, Condemning, or Selling certain Lots or Townships of Land in this Island, herein-after mentioned, or any of them, or any part thereof.

CAP. III.

Expired.

13 G. 3, c. 8.

An Act in addition to and amendment of an Act made in the Thirteenth Year of His present Majesty's Reign, intituled *An Act for the more easy and effectual Trial of Criminal Offenders; also Trials of Property, or any other Suit or Suits of what nature or kind soever; and for the ascertaining the Qualifications of Jurors in Trials of such Offenders, as also in Trials of Property, or any other Suit or Suits of what nature or kind soever.*

CAP. IV.

Expired.

An Act for continuing sundry Laws that are near Expiring.

ANNO TRICESIMO QUINTO

GEORGII III. REGIS.

At the General Assembly of His Majesty's 1795.
Island of *Saint John*, begun and holden at
Charlottetown, the Twenty-second Day
of *March*, Anno Domini 1790, in the Thir-
tieth Year of the Reign of our Sovereign
Lord GEORGE the Third, by the Grace
of God, of *Great Britain, France and*
Ireland, King, Defender of the Faith:

E. FANNING,
Lieut. Governor.

P. STEWART,
President of
Council.

J. STEWART,
Speaker.

And from thence continued, by several Proroga-
tions, to the Sixteenth Day of *February*, 1795,
and in the Thirty-fifth Year of His said Majes-
ty's Reign; being the Fourth Session of the
Sixth General Assembly convened in the said
Island.

CAP. I.

An Act in addition to and amendment of an Act Amended by 37
passed in the Twentieth Year of the Reign of G. 3, c. 1.
His present Majesty, intituled *An Act for the* Expired.
establishing and regulating a Militia.

CAP. II.

This Act, so far as it can be supposed to be prospective in its operation, is virtually repealed by 7 W. 4, c. 30.

An Act for confirming Titles and quieting Possessions.

WHEREAS it is deemed expedient, and will tend to promote the speedy settlement and cultivation of this Island, that all *bona fide* Purchasers and Lessees of Lands, Tenements and Hereditaments, who now have, or hereafter shall have been in the quiet and peaceable possession thereof for the space of Seven Years, or who have derived [their Titles from such Purchasers, be confirmed in the possession of their said Lands :

Purchasers and Lessees who have been in peaceable possession of Lands for the space of Seven Years, and all persons claiming under them, confirmed in the same.

Purchasers and Lessees under persons in possession for the space of seven years also quieted.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That all persons who now have, or hereafter shall have been in the quiet and peaceable possession of Lands in this Island, for the space of Seven Years, by Lease or Purchase, and all persons claiming from, by, or under them, be, and they are hereby confirmed in such possession, according to the Right, Title or Interest intended to be conveyed in and by such Leases and Conveyances : And that all persons now in possession by Lease or Purchase from any person or persons who have been in the quiet and peaceable possession thereof for the space of Seven Years, previous to such Lease or Sale, shall be, and they are hereby confirmed in the peaceable and quiet possession of their said Land in all time coming—any want of Registry thereof in terms of an Act intituled *An Act to explain, alter and amend an Act made and passed in the Twentieth Year of His present Majesty's Reign, intituled 'An Act appointing the recording all Deeds of Sale, Conveyances, and Mortgages,'* in any wise notwithstanding.

II. And be it further enacted, by the authority aforesaid, That all Deeds of Sale of any Lands

or Tenements in this Island, heretofore made by the Provost Marshal, Sheriff or Coroner, or their Deputies, under Writs of Execution to them, or any of them, directed, for the satisfaction of any Judgment, and all purchases made in terms of the preceding Clause of this Act shall be, and they are hereby confirmed—any want of legal form in such Deeds of Sale notwithstanding.

Deeds of Sale by Sheriff also confirmed, notwithstanding defect in form.

III. And whereas there are a number of Grantees of Town and Pasture Lots, and other Lands from the Crown, who, either from ignorance of the Register Laws, or from neglect of the Register Office, have not had their Deeds registered agreeably to the provisions of the said Act—Be it therefore enacted, That all such Grants shall be, and they are hereby confirmed; any want of Registry of such Grants notwithstanding.

Grantees of Crown Lands confirmed, want of Registry notwithstanding

IV. Provided always, and it is hereby particularly provided and declared, That nothing herein contained shall extend, or be construed to extend, to the confirming of Titles, or quieting Possessions, of any persons claiming by virtue of Deeds of Sale or Conveyances from the Provost Marshal or his Deputy, of certain Lands prosecuted and sold in the Year One thousand seven hundred and eighty-one, under an Act intituled *An Act for the effectual Recovery of certain of His Majesty's Quit Rents in the Island of Saint John*.

Not to extend to sales under Quit Rent Act of 13 G. 3, c. 13.

V. And provided also, That all Possessors of Lands who have been Seven Years in the quiet and peaceable possession thereof, and whose Titles are hereby meant to be confirmed, shall have the same duly proved and registered within Ninety Days from the publication hereof.

All Titles to be recorded within Ninety days.

VI. And provided also, That nothing in the preceding Clause contained shall be construed to extend to enabling any persons claiming any

Proviso.

Lands, Tenements or Hereditaments in this Island, and who have neglected to register their respective Deeds according to Law, to set up any claim against the present actual Possessor, whose Title is duly proved or acknowledged, and registered according to Law, by now registering the same within Ninety Days as aforesaid.

Not to extend to the confirming errors in relation to Boundaries.

VII. And be it also further enacted, That nothing herein contained shall extend, or be construed to extend, to the confirming any Error which may have taken place in fixing the Boundaries between the different Lots or Townships in this Island.

CAP. III.

Amended by 41 G. 3, c. 2, and 43 G. 3, c. 4.—
Repealed by 3 W. 4, c. 1.

An Act to alter and amend the High Road Laws.

CAP. IV.

Repealed by 3 W. 4, c. 26.

An Act for regulating Servants.

CAP. V.

An Act to prevent the running at large of Geese within the Town of *Charlottetown*.

WHEREAS great complaints have been made, and many inconveniences have happened, from vast numbers of Geese being kept in the Town of *Charlottetown*.

Geese found at large in *Charlottetown* to be forfeited.

I. Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the First day of *May* next, no Geese shall be allowed

to go or run at large in the Town of *Charlottetown*, under the penalty of the same being forfeited.

II. And be it further enacted, That it shall and may be lawful for any person whatever, who shall or may find any Goose or Geese at large upon the Streets of said Town, to take up and seize such Goose or Geese, and within Twenty-four hours after securing the same, to make oath before any of His Majesty's Justices of the Peace, that he or they found the said Geese at large as aforesaid: and the said Justice shall thereupon order the said Geese, within a convenient time, to be disposed of at public auction: and one half of the price for which every such Goose or Geese shall or may sell, he shall cause to be paid to the person or persons who shall find, take up, and seize the same; and the other half to be given to the Poor of the said Town—which sums are to be paid and disposed of by the Justice who shall have given the said order for the sale of such Goose or Geese.

Geese so found at large may be seized.

Proceedings thereon.

III. And it is hereby declared, That this Act shall continue and be in full force, from and after the First day of *May* next, for the space of Three Years, and to the end of the then next Session of the General Assembly of the Island, and no longer.

Continuance of Act. Made perpetual by 43 G. 3. c. 1.

CAP. VI.

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

Executed.

CAP. VII.

Altered by 3 W.
4, c. 12, s. 6.
Repealed by 12
Vic. c. 9.

An Act to alter and amend an Act made and passed in the Twenty-sixth Year of His present Majesty's Reign, intituled *An Act in addition to and amendment of an Act made and passed in the Thirteenth Year of His present Majesty's Reign, intituled 'An Act for establishing the Times and Places of holding the Supreme Court of Judicature.*

CAP. VIII.

26 G. 3, c. 9.
See also 7 Vic.
c. 13.

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

WHEREAS in and by the said Act, Lands and Tenements are made liable to be sold within Six Calendar Months after they shall have been taken in Execution; and whereas this Provision of the said Act has been found to operate with great severity against Debtors: For remedy whereof—

Lands, &c. here-
after taken in
Execution, not

Be it enacted, by the Lieutenant Governor, Council and Assembly, and by the authority of the same it is hereby enacted, That from and after

the publication hereof, no Lands and Tenements hereafter to be taken in Execution, within this Island, by virtue of the said Act, shall be exposed to sale within less than Two Years after they shall have been taken in Execution; any thing in the said Act to the contrary notwithstanding.

to be sold in less than two years.

CAP. IX.

An Act to amend an Act made and passed in the Twentieth Year of His present Majesty's Reign, intituled *An Act to prevent Trespasses by unruly Cattle and Sheep, and for preventing the running of Hogs at large through the Town of Charlottetown.*

Repealed by 12 Vic. c. 16.

CAP. X.

An Act for raising a Duty on Wine, Rum and other Distilled Spirituous Liquors, and for imposing a Duty on Porter, Ale and Strong Beer.

For other Acts relating to the Revenue, see 25 G. 3, c. 4. 52 G. 3, c. 4. 11 G. 4, c. 9. 4 W. 4, c. 14. 10 Vic. c. 4. and 12 Vic. c. 10.

WHEREAS the Duties heretofore collected within this Island have been found insufficient to pay off the Debts and support the Expences of this Government: For remedy whereof—Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the Tenth day of *April* next, in this current Year, the following Duties shall be paid on the several articles herein-after enumerated:

Duties herein prescribed to be paid on importation of Rum, &c.

On all Rum and other Distilled Spirituous Liquors, Four Pence *per* Gallon over and above the present Sixpence *per* Gallon payable on the said Liquors imported into this Island:

On all Wines of every denomination, the like

additional Duty of Four Pence *per* Gallon, over and above the present Duty payable on the same :

On all Porter, Ale and Strong Beer, Two Pence *per* Gallon :

Collection to be made under Act of 25 G. 3, c. 4.

Which said several Duties shall be paid and collected in manner and under the Rules and Regulations mentioned and expressed in the Act of the Twenty-fifth Year of His present Majesty's Reign, intituled *An Act to amend, render more effectual and to reduce into one Act, the several Laws made by the General Assembly of this Island relative to the Duties of Impost on Wines, Rum, Brandy, and other Distilled Spirituous Liquors, &c.*

Monies arising by virtue of this Act, how to be accounted for.

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

CAP. XI.

Executed.

An Act for granting the sum of Four Hundred Pounds for supporting His Majesty's Government in this Island.

CAP. XII.

Repealed by 3 W. 4, c. 19.

An Act for ascertaining the Standard of Weights and Measures in this Island.

ANNO

TRICESIMO SEXTO

GEORGII III. REGIS.

At the General Assembly of His Majesty's Island of *Saint John*, begun and holden at *Charlottetown*, the Twenty-second Day of *March*, Anno Domini 1790, in the Thirtieth year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of *Great Britain, France* and *Ireland*, King, Defender of the Faith: 1796.

E. FANNING,
Lt. Governor.

P. STEWART,
President of
Council.

J. STEWART,
Speaker.

And from thence continued, by several Prorogations, to the Second Day of *February*, 1796, and in the Thirty-sixth Year of His said Majesty's Reign; being the Fifth Session of the Sixth General Assembly convened in the said Island.

C A P. I.

An Act for the preservation of Sheep, throughout the Island. Amended by 29 G. 3, c. 4. Expired.

CAP. II.

Repealed by 12
Vic. c. 16.

An Act to prevent the Robbing of Gardens and Orchards, Potato and Turnip Fields, and the throwing down of Fences; and for amending an Act made and passed in the Twentieth Year of His present Majesty's Reign, intituled *An Act for preventing Trespasses by unruly Horses, Cattle and Sheep, and for preventing the running of Hogs at large through the Town of Charlottetown.*

CAP. III.

See 6 Vic. c.
25, and 3 Vic. c.
24.

An Act to render valid Conveyances of Real Estates of Married Women, by them made, or to be made, during their Coverture.

WHEREAS it hath been heretofore usual for Married Women entitled to Dower in and to Lands and Tenements in this Island, to convey the same jointly with their Husbands during Coverture, and no inconvenience hath been found to result therefrom; nevertheless, without a Law to render such Conveyances valid, purchasers are liable to claims of Dower by such Women:

Deeds heretofore made by *Baron and Feme*, of Lands, &c. as valid to bar right of Dower as if made when sole, or by joining in levying Fine.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, and by the authority of the same it is hereby enacted, That all Grants and Deeds, and Conveyances heretofore made and executed by any Married Woman, jointly with her Husband, of any Lands, Houses or Tenements within this Island, whereof such Married Woman is dowable, shall be as good and valid in Law, as if the same had been made by a *feme sole*, or as if such Married Woman had

joined in levying a Fine according to the Law and practice in that behalf made and used in that part of *Great Britain* called *England*.

II. And be it further enacted, by the authority aforesaid, That all Grants and Conveyances, which shall hereafter be made by any Married Woman, jointly with her Husband, of Lands, Houses and Tenements, whereof she is by Law dowable, or in or to which she may have any present or future interest, either in her own right, or in or by any other way or means whatsoever, shall be as good and valid in Law, and of the same force and effect, as if the same Grants and Conveyances had been made by a *feme sole*, or as if such Married Woman had joined in levying a Fine in manner herein-before mentioned; any law, usage or custom to the contrary thereof notwithstanding.

Deeds hereafter to be made by *Baron & Feme*, of Lands, &c. as valid to bar Dower, as it made when sole, &c.

III. Provided such Deed or Deeds, so sealed and executed by such Married Woman, shall have been acknowledged in the presence of a Judge of the Supreme Court of Judicature of this Island, or any Justice of the Peace thereof, by such Married Woman, as her free and voluntary act and deed, and to have been executed for the purposes in the said Deed or Deeds mentioned, and that the same was done without any force or compulsion from her Husband; and that a Certificate of such acknowledgment, in the words following, *mutatis mutandis*,—

Provided such Deeds be acknowledged before a Judge or Justice of the Peace.

' BE it remembered, that on the day of
' in the Year of our Lord One thousand
' seven hundred and the within named
' (Wife of the within named) personally
' appeared before me one of the Justices of
' and being by me solely and separately
' examined apart from her said husband, did
' acknowledge that the within written Indenture
' of was by her duly signed, sealed and deli-

Form of Certificate of acknowledgment.

‘vered, and executed, as and for her free and
 ‘voluntary act and deed; and that she executed
 ‘the same without the compulsion or force of her
 ‘said husband; and that at the time of the exe-
 ‘cution thereof she knew the same to be a Con-
 ‘veyance of the Estates and Premises within
 ‘mentioned unto the within named his
 ‘heirs and assigns; free and clear of all Estate,
 ‘Right, Title, Interest, Claim and Demand, of
 ‘her the said in respect of her Dower or
 ‘otherwise’—under the Hand of the said Judge
 of the Supreme Court, or Justice of the Peace,
 before whom the same shall be made, be under-
 written or endorsed on each and every such Grant,
 or Deed of Conveyance.

C A P. I V.

20 G. 3, c. 2.

An Act to explain and amend an Act made
 and passed in the Twentieth Year of His
 present Majesty's Reign, intituled *An Act
 to enable Proprietors to divide their
 Lands held in common, and for ascertain-
 ing the Mode of carrying such Division
 into execution.*

WHEREAS by the provisions of the above
 recited Act, no person holding less than
 one fourth part of a Lot or Township is entitled
 to apply for a division of the Lot or Township in
 which his Land lies: And whereas since the date
 of the said Act, many persons have made pur-
 chases of smaller parts of undivided Lots, and
 are without any legal remedy to procure posses-
 sion thereof, to the great hindrance of the settle-
 ment of the Island, and the manifest injury of
 such Proprietors: To remedy which in time
 coming—Be it enacted, by the Lieutenant Gover-
 nor, Council and Assembly, and by the authority
 of the same it is hereby enacted and declared,

Upon application
 of persons own-
 ing Lands in un-
 divided Town-
 ships, &c. Gov-

That from and after the passing hereof, as often as any person holding not less than One thousand acres in a Township; nor less than Five hundred acres in a Half Township, being desirous to have his or their share or right set off and divided, such person or persons may, and they are hereby empowered, to apply to the Governor in Council, praying a division of such Township or Half Township, as the case may be; and the Governor and Council is hereby authorized and required to grant the necessary orders to the Surveyor General for dividing the said undivided Township or Half Township, and shall proceed to the final division thereof, agreeable to the mode prescribed by the before in part recited Act.

ernor and Council to direct Surveyor General to proceed to final division.

II. And be it further enacted, That the Surveyor General shall, as far as the same depends on him, be bound to complete the said division within Forty days from the date of the Governor's order to him for that purpose, on pain of forfeiting to the Proprietor petitioning for such division the sum of Ten Pounds—to be recovered in the Supreme Court, by Bill, Plaint or Information.

Such division to be completed in Forty Days.

Penalty on neglect.

C A P . V .

An Act to prevent disorderly Persons from taking and riding or using the Horses of others, without their leave or permission.

WHEREAS an unjustifiable practice has lately taken place of riding and using Horses without the consent or knowledge of the owners thereof: For remedy whereof—Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, and by the authority of the same it is hereby enacted, That from and after the Tenth Day of *March* in the present Year, all and every person and persons whatso-

Persons riding of using the Horses of others without their permission, to forfeit 20s. or suffer 14 days' imprisonment.

Mode of recovery.

ever, who shall ride or use any Horse or Horses belonging to any other person or persons, without their consent first had and obtained, shall, on conviction thereof before any one Justice of the Peace, forfeit to the Party injured the sum of Twenty Shillings, or suffer Fourteen Days' Imprisonment—the said Penalty to be over and above what may be adjudged to be the hire of such Horse, during such time as the owner or owners shall be deprived the use thereof, or any damages the injured party may prove to have been sustained thereby.

CAP. VI.

Executed.

21 G. 3, c. 16.

25 G. 3, c. 7.

An Act for repealing two several Acts hereinafter mentioned—that is to say, an Act made and passed in the Twenty-first Year of His Majesty's Reign, intituled *An Act for the Preservation of Highways*; also an Act made and passed in the Twenty-fifth Year of His present Majesty's Reign, intituled *An Act to explain and amend an Act made and passed in the Twenty-first Year of His present Majesty's Reign, intituled 'An Act for the Preservation of Highways.'*

CAP. VII.

An Act for appointing Commissioners of Sewers.

Upon application of Proprietors of any Marsh Lands, &c., Governor and Council authorized to appoint Commissioners of Sewers.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That upon each and every application of any of the Proprietors of any Marsh, Low Lands or Meadow, the Lieutenant Governor, or Commander-in-Chief, with the advice of His Majesty's Council, may and is hereby

authorized, by Commission, to appoint such able and discreet persons as to him shall seem meet, to be Commissioners of Sewers—in which Commission such Commissioners shall be authorized and empowered to convene and meet together from time to time as occasion may require, to consult, consider and devise means and methods for building, erecting or repairing such Dams, Dykes and Wares, as are or may be necessary to prevent Inundations, and for the draining or drowning of Marshes, Swamps, and other unprofitable Lands, and to employ Labourers and Workmen, for such reasonable wages as may be agreed on for that purpose, and to tax and assess all such persons, from time to time, as shall or may be owners of such Marshes, Meadows, Swamps, or unprofitable Lands as aforesaid, for defraying the expence thereof; having regard to the quantity of Land of each person, and benefits thereby to be received, as equally as they can, according to their best judgment: and also to appoint and swear a Collector or Collectors for collecting such Assessments, and paying the same to such persons as by said Commissioners shall be appointed; with powers to distrain all such persons as shall neglect or refuse to make payment of his, her or their proportions assessed as aforesaid, in like manner as is usually done in other cases by distress; and to call before them such Collector or Collectors, to account for his or their trusts in regard to the premises; and likewise to value such Repairs as may have been made to such Dykes and Wares by the Proprietors before the date of their said Commissions, and to apportion an Assessment for the payment thereof, by those who have been, or may be, benefited thereby, in the same manner as if such Repairs had been made by their own orders—which said Commissioners shall be sworn to a faithful discharge of their duty, and may receive out of such Assessment a reasonable compensation for their trouble, to be allowed by the Go-

Their power and authority.

Commissioners to be sworn and paid for their trouble.

To whom accountable.

vernor and Council, to whom such Commissioners shall be accountable.

If no person appear to pay delinquent Proprietor's Assessment, Commissioners may advertise land to let.

II. And be it further enacted, That if no person shall appear to pay the *Quota* or proportion of any delinquent Proprietor, in any Assessment made as aforesaid, for the dyking or draining such Lands, and no sufficient Distress shall be found to answer such Assessment, the Commissioners of Sewers, or major part of them, shall, by Advertisement, to be posted up on the Lands of such delinquent Proprietors, give Public Notice for letting the same; and if no person shall appear to hire the same, it shall and may be lawful for the said Commissioners, or the major part of them, by Warrant under their Hands and Seals, to order the Sheriff to sell at Public Auction, (giving Six Months previous notice by Advertisement) to the highest bidder, so much of such delinquent's Lands, so dyked in and drained, as may be sufficient to pay such Proportion or *Quota* due as aforesaid, with the charges of such Sale; and such Sheriff is hereby authorized and directed to execute a good and authentic Deed to the Purchaser or Purchasers thereof, their Heirs and Assigns.

If no person appear to hire, Commissioners may order Sheriff to sell so much land as will pay Assessment, &c.

Owners, &c. of Marsh, being duly notified, to assist in raising Dykes, &c.

III. And be it further enacted, That in all ordinary cases, either in raising or repairing Dykes, or draining Lands, each and every Owner or Possessor of Marsh or Low Lands in this Island, where such Commissioners are appointed, shall, upon receiving Six days notice from the Commissioners, attend, either himself, or provide a sufficient labourer, with proper tools, to work at such time and place as by them shall be appointed, agreeable to the Rules and Regulations made for that purpose, and according to the quantity or proportion of Land belonging to such Owner or Proprietor. And where it may be necessary to employ Oxen and Carts, each and every Owner or Possessor of such Lands who have them, shall in

Oxen and Carts may be employed instead of Labourers, at discretion of Commissioners.

like manner be obliged to attend with such Oxen and Carts for such work, according to the discretion of said Commissioners, or shall forfeit and pay, over and above his Tax or Assessment, the sum of Five Shillings for every day's neglect, and so in proportion for Oxen and Carts—to be recovered in any Court proper to try the same; and the Monies arising from such Fines to be paid into the hands of the Commissioners, to be appropriated for repairs of such Dykes.

Penalty on neglect.

How to be recovered & applied.

IV. And be it also further enacted, That in case of any sudden breach in any Dyke, or where the same is likely to be made, or inundation occasioned by high tides, storms, or otherwise, each and every Owner or Possessor of Land within such Dykes, shall immediately, on notice given by one or more of the Commissioners, repair to the place directed, with proper tools or teams, to labour and use their utmost endeavours to repair or prevent such Breach, and shall continue to work from day to day, so long as the Commissioners of Sewers shall judge necessary; or shall forfeit and pay, over and above their Tax or Assessment, the sum of Ten Shillings for each day's neglect, and so in proportion for Oxen and Carts—to be recovered in manner and applied to the uses aforesaid.

Breaches in Dykes, how to be repaired.

Penalty on neglect.

V. Provided always, That any person aggrieved by any procedure of such Commissioners, may prefer his or their complaint, by way of appeal, to the Governor in Council, for relief, at any time within Six Months—who are hereby authorized to grant redress, and on any groundless complaint, to tax single Costs in favour of such Commissioners.

Appeal to Governor in Council.



ANNO

TRICESIMO SEPTIMO

GEORGI II. REGIS.

At the General Assembly of His Majesty's 1797.

Island of *Saint John*, begun and holden at
Charlottetown, the Twenty-second Day
of *March*, *Anno Domini* 1790, in the Thir-
tieth Year of the Reign of our Sovereign
Lord GEORGE the Third, by the Grace
of God, of *Great Britain*, *France* and
Ireland, King, Defender of the Faith :

E. FANNING,
Lt. Governor.

P. STEWART,
President of
Council.

J. STEWART,
Speaker,

And from thence continued, by several Proroga-
tions, to the Eleventh Day of *July*, 1797, and
in the Thirty-seventh Year of His said Majes-
ty's Reign; being the Sixth Session of the
Sixth General Assembly convened in the said
Island.

CAP. I.

Expired.

20 G. 3, c. 1.

35 G. 3, c. 1.

An Act in addition to and amendment of an Act made and passed in the Twentieth Year of His present Majesty's Reign intituled *An Act for the establishing and regulating a Militia*; also, an Act made and passed in the Thirty-fifth Year of His present Majesty's Reign, intituled *An Act in addition to and amendment of an Act passed in the Twentieth Year of the Reign of His present Majesty, intituled 'An Act for establishing and regulating a Militia.'*

CAP. II.

Expired.

An Act for continuing sundry Laws that are near Expiring.

ANNO
 TRICESIMO NONO
 GEORGII III. REGIS.

At the General Assembly of His Majesty's Island of *Saint John*, begun and holden at *Charlottetown*, the Twenty-second Day of *March*, Anno Domini 1790, in the Thirtieth year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of *Great Britain, France and Ireland*, King, Defender of the Faith :

1798.

E. FANNING,
 Lt. Governor.

P. STEWART,
 President.

J. STEWART,
 Speaker.

And from thence continued, by several Prorogations, to the Twentieth Day of *November*, 1798, and in the Thirty-ninth Year of His said Majesty's Reign ; being the Seventh Session of the Sixth General Assembly convened in the said Island.

CAP. I.

An Act for altering and changing the Name of this Island, from *Saint John* to that of *Prince Edward Island*.

WHEREAS the name of *Saint John*, by which this Island hath hitherto been known and called, has from long experience, been frequently found to occasion much prejudice and inconvenience to individuals, as well as to His Majesty's service, by the miscarriage or delay of

Government Despatches and private letters, and even of merchandize and packages, sent out from *England* or other distant parts, addressed to persons in this Island, by being carried, through mistake, to *St. John's* in *Newfoundland*, or *St. John* in *New Brunswick*, or *St. John's* on the *Labrador* coast, or elsewhere; and which miscarriages and delays are likely unceasingly to occur, and most probably to multiply, from an increase of inhabitants, and the consequent more frequent occasion of intercourse between this Island and Foreign parts: For prevention whereof in future, as well as to perpetuate (*in omne volubile ævum*) the grateful remembrance of that peculiarly auspicious and happy period, of this Island having been under the command of Lieutenant General His Royal Highness Prince Edward, Commander-in-Chief of His Majesty's Forces in the District of *Nova Scotia*, Islands *St. John*, *Cape Breton* and *Newfoundland*; Knight of the most noble order of the Garter, and of the most illustrious order of Saint Patrick, &c. &c. &c. we the Lieutenant Governor, Council and Assembly of this Island, in General Assembly convened, most humbly beseech The King's Most Excellent Majesty that it may be enacted—

I. And be it enacted, by the Lieutenant Governor, Council and Assembly, and it is hereby enacted by the authority aforesaid, That the name of this Island shall be altered and changed from *Saint John's Island* to that of *Prince Edward Island*.

The name of this Island changed to *Prince Edward Island*.

II. And to the end that no temporary injury or prejudice whatever may result from the change and alteration of the name or appellation of this Island—Be it further enacted, by the authority aforesaid, That all Acts of Parliament and Laws of this Island, and all Commissions, both Civil and Military, and all Patents, Grants, Deeds,

Not to affect any Acts of Parliament, Commis-

Leases, Obligations, Recognizances, and all Writs and Processes in the Courts of Law or Equity, and all other Records and Writings whatsoever, wherein the name of *Saint John's Island* now is, or heretofore hath been inserted or mentioned, or to which there is any reference or relation whatever, are hereby declared to be, and shall continue to be, of equal force, power, validity, operation and effect, to all and every intent and purpose whatsoever, as if the name or appellation of this Island had never been altered or changed.

sions, &c. where-
in the name of St.
John's Island is
used. 1

III. And whereas, through mistake, inadvertency, or otherwise, it may so happen, that the name of *Saint John's Island*, instead of *Prince Edward Island*, may be written or inserted in some Law, Commission, Patent, Grant, Déed, Lease, Obligation, Recognizance, Writ, Process, Record, or other Writing, which shall or may hereafter be passed, issued, executed, made, done or entered into, in this Island or elsewhere, having reference or relation to the name of this Island—Be it further enacted, by the authority aforesaid, That no such error or mistake as aforesaid, in the name of this Island (provided the same shall happen within the space of Seven Years from the passing of this Act but not afterwards,) shall work any injury or prejudice whatever—but that all and every such Act of Parliament, Commission, Patent, Grant, Deed, Lease, Obligation, Recognizance, Writ, Process, Record, or other Writing whatsoever, shall notwithstanding be of equal force, validity, operation and effect, to all intents and purposes whatsoever, as if no such misnomer, error or mistake in the name of this Island had ever been made.

Provision against
mistakes occur-
ring from the
change of name.

IV. Provided, that nothing contained in this Act shall be of any effect, until His Majesty's pleasure is known.

Suspending
Clause.

* This Act received the Royal Allowance, February 1st, 1799.

CAP. II.

Executed.

13 G. 3, c. 7.

An Act to repeal an Act made and passed in the Thirteenth Year of His present Majesty's Reign, intituled *An Act for indemnifying Persons who shall burn small Bushes, rotten Wind-falls, decayed Leaves, and all other Brush and Rubbish, upon the Lands and in the Woods on this Island.*

CAP. III.

Expired.

36 G. 3, c. 1.

An Act in addition to and amendment of an Act made and passed in the Thirty-sixth Year of His present Majesty's Reign, intituled *An Act for the preservation of Sheep throughout the Island.*

CAP. IV.

Expired.

An Act for continuing sundry Laws that are near Expiring.

ANNO

QUADRAGESIMO PRIMO

GEORGII III. REGIS.

At the General Assembly of His Majesty's 1801.
Island of *Prince Edward*, begun and holden at *Charlottetown*, the Twenty-second Day of *July*, *Anno Domini* 1790, in the Thirtieth Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of *Great Britain, France and Ireland*, King, Defender of the Faith:

E. FANNING,
Lieut. Governor.

P. STEWART,
President]

J. CURTIS,
Speaker.

And from thence continued, by several Prorogations, to the Thirteenth Day of *July*, 1801, and in the Forty-first Year of His said Majesty's Reign; being the Eighth Session of the Sixth General Assembly convened in the said Island.

C A P. I.

An Act for granting a Bounty for growing and of cultivating Hemp in this Island, and for the purpose of Exportation. Expired.

CAP. II.

Repealed by 49
G. 3, c. 2.

35 G. 3, c. 3.

An Act in addition to and amendment of an Act made and passed in the Thirty-fifth Year of His Majesty's Reign, intituled *An Act to alter and amend the High Road Laws.*

CAP. III.

This Act was
passed for three
years.

Expired.

An Act to enable the Inhabitants of *Charlottetown* to meet annually on the *First Monday of August*, to rate and assess themselves, towards making and repairing the Pumps and Wells within the said Town.

CAP. IV.

Repealed by 47
G. 3, c. 3.

An Act for the better Regulation of Elections.

* * * The 11 Vic. c. 21 repealing 47 G. 3, c. 3, also re-enacts the repeal of this Act.

CAP. V.

This and the
other Acts on the
same subject (20
G. 3, c. 8, and
25 G. 3, c. 1.)
repealed, and re-
enacted with
amendments, by
3 W. 4, c. 10.

An Act to explain and amend the Laws of this Island, appointing and directing the Recording of Deeds of Sale, Conveyances and Mortgages.

* * * The provisions of this Act may affect Titles to Lands, but are omitted pursuant to Act 12 Vic. c. 23—*quod videt*.

CAP. VI.

Repealed by 2
W. 4, c. 1.

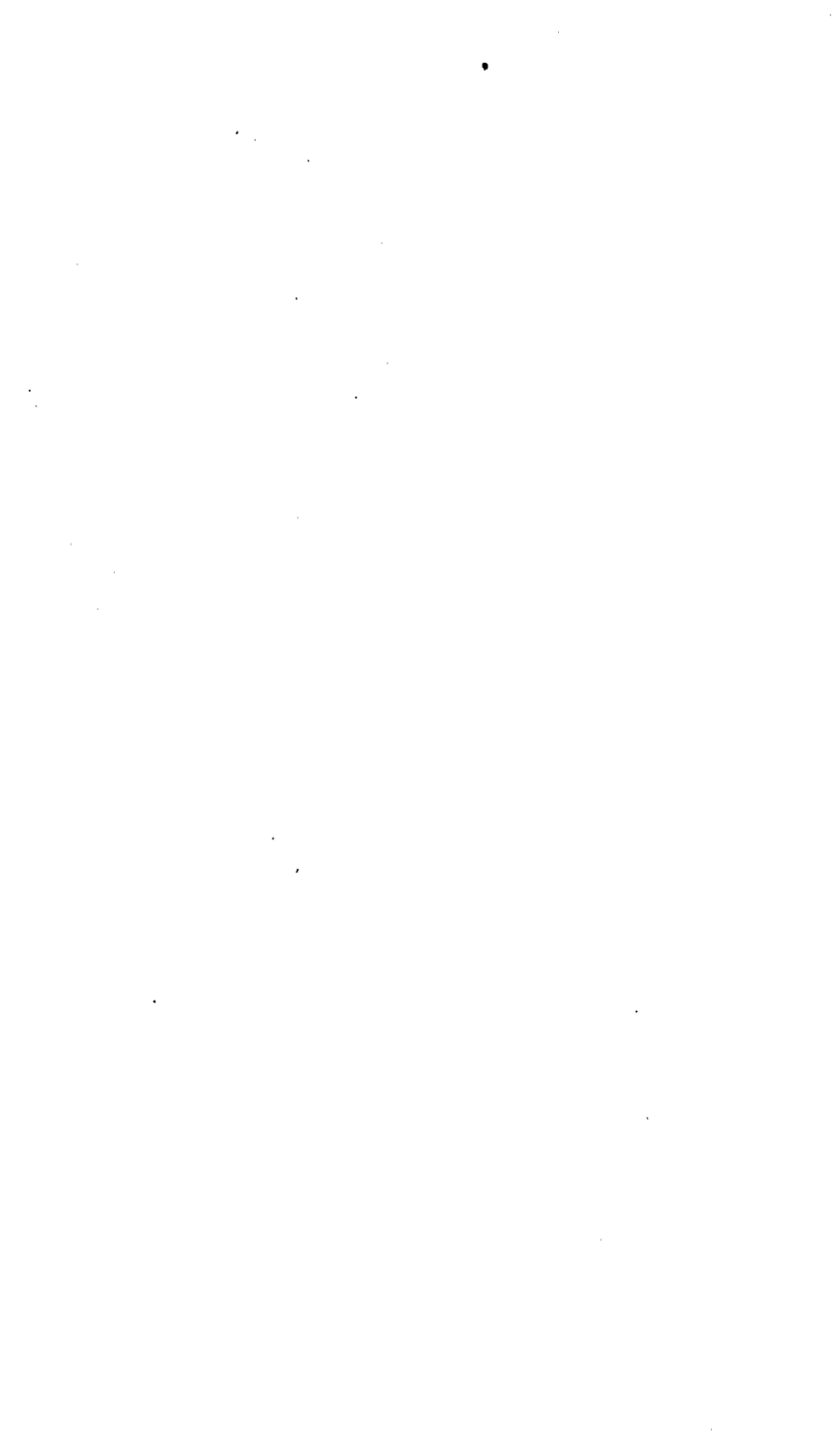
An Act in further addition to and amendment of an Act made and passed in the Thirteenth Year of His present Majesty's Reign, intituled *An Act for the more easy and speedy Recovery of Small Debts.*

CAP. VII.

An Act for continuing sundry Laws that are near Expired.
Expiring.

CAP. VIII.

An Act appointing and empowering *William* Expired.
Knox, Esquire, and *Thomas Knox*, Esquire,
to be Colony Agents for this Island.



ANNO

QUADRAGESIMO TERTIO

GEORGI III. REGIS.

At the General Assembly of His Majesty's
Island of *Prince Edward*, begun and hold-
en at *Charlottetown*, the Twenty-second
day of *March*, Anno Domini 1790, in the
Thirtieth Year of the Reign of our Sov-
ereign Lord GEORGE the Third, by the
Grace of God, of *Great Britain, France*
and *Ireland*, King, Defender of the Faith:

1802.

E. FANNING,
Lt. Governor.

R. THORP,
President.

J. CURTIS,
Speaker.

And from thence continued, by several Proroga-
tions, to the Second Day of *November*, 1802,
and in the Forty-third Year of His said
Majesty's Reign; being the Ninth Session of
the Sixth General Assembly convened in the
said Island.

C A P . * I .

An Act for making perpetual certain Laws
therein mentioned, and for continuing sun-
dry other Laws that are near expiring.*

WHEREAS the two several Acts herein-
after next mentioned are near expiring, and
having, from experience, been found beneficial in
their operation:

* This Act is repealed by 1 Vic. c. 10, so far as relates to 39 G. 3, c. 1.

Acts made perpetual,
30 G. 3, c. 1.

35 G. 3, c. 5.

Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the Thirtieth Year of His present Majesty's Reign, intituled *An Act ascertaining the Toll to be taken at the different Grist Mills in this Island*; and also an Act made and passed in the Thirty-fifth Year of His said Majesty's Reign, intituled *An Act to prevent the running at large of Geese within the Town of Charlottetown*, be, and the same are hereby declared to be perpetual.

* * * The remaining clause of this Act merely continues, for a limited period, two Acts relating to the Militia, both of which, although several times revived, have long since expired.

CAP. II.

13 G. 3, c. 13.

An Act for repealing an Act intituled *An Act for the effectual Recovery of certain of His Majesty's Quit Rents in the Island of Saint John*, and for the enforcing in future a due and regular Payment of the Quit Rents payable to His Majesty, His Heirs and Successors.

WHEREAS His Majesty has been graciously pleased to relinquish his claims against the Proprietors of Land in the Island of *Prince Edward*, on account of Arrears of Quit Rent, on condition of their paying, within a limited time, into the hands of the Receiver General of His Majesty's Quit Rents, a certain proportion of the sums due by them respectively, according to a Plan for that purpose, which has been approved by His Majesty :

And whereas it is highly expedient, that the regular and effectual payment and collection for the future of the Quit Rents reserved and pay-

able to His Majesty, His Heirs and Successors, should be properly provided for and secured : And whereas the provisions of an Act passed by the Legislature of this Province, on the Seventeenth day of *October*, One thousand Seven hundred and and *Seventy-four*, intituled *An Act for the effectual Recovery of certain of His Majesty's Quit Rents in the Island of Saint John*, apply to that part only of the Lands in the said Island upon which *Quit Rents* were then due ; and the said provisions have been found otherwise inadequate to the purposes for which the same were enacted ; and it is therefore necessary that other and more general Regulations should be made in that respect—We therefore pray Your Most Sacred Majesty, that it may be enacted—And be it therefore enacted, by the Lieutenant Governor, Council and Representatives, in this present General Assembly met, and by the authority of the same, that immediately from and after the passing of this Act, the said Act intituled *An Act for the effectual Recovery of certain of His Majesty's Quit Rents in the Island of Saint John*, and every part and clause thereof, shall be, and the same is hereby repealed.

13 G. 3, c. 13.

Recited Act repealed.

II. And be it further enacted, by the authority aforesaid, That if the *Quit Rents* reserved and due and payable to His Majesty, His Heirs and Successors, upon any *Lots*, or parts or shares of *Lots*, of Land in the said Island, shall at any time after the passing of this Act be in arrear and unpaid for more than one Year, it shall and may be lawful to and for the Receiver General of His Majesty's *Quit Rents* for the time being, or any person by him for that purpose duly authorized, to enter, in His Majesty's name, into and upon each and every of the said *Lots*, or parts or shares of *Lots* of Land, upon which the *Quit Rents* shall be so unpaid and in arrear, and to distrain for such *Quit Rents* ; and the *Distress* or *Distresses* on such *Lots*, or parts or shares of *Lots*,

Receiver General may enter, and distrain and sell, for *Quit Rents* in arrear and unpaid, for more than one year.

of Land, to take, lead, drive, carry away, impound, sell and dispose of, according to the Laws and practice of *Great Britain*, and this Island, not repugnant thereunto, for the Recovery of Rents.

If no distress sufficient, the Sheriff to make Proclamation and notify; if arrear not paid, application will be made to Supreme Court for Judgment.

III. And be it further enacted, by the authority aforesaid, That if no sufficient Distress or Distresses can or may be had or found upon the Premises, to satisfy the Quit Rents so in arrear and unpaid as aforesaid, it shall and may be lawful to and for the Sheriff of the said Island, or his Deputy, and he is hereby authorized and required, at the sittings of the Supreme Court next after the entry shall be made into and upon such Lots, or parts or shares of Lots, of Land, in arrear of Quit Rents as aforesaid, and upon which no sufficient Distress or Distresses shall be found, to make Proclamation of the said Lots, or parts or shares of Lots, so in arrear, with a notification that in case such arrear is not paid within Thirty Days from the day of such Proclamation, application will be made to the said Supreme Court, at their next sitting after the expiration of the said Thirty Days, for Judgment to be passed against each and every of said Lots, or parts or shares of Lots, of Land, in arrear, and proclaimed as aforesaid: And the said Sheriff or his Deputy shall put up at the *Court House* a Notice of such Proclamation, signed by him, and shall also publish such Notice in the *Gazette*, for and during the space of One Month; and in case no *Gazette* shall be printed in the said Island, then the said Sheriff or his Deputy shall post up, in the usual manner, and in the accustomed places, such Notice, in printing or writing, within Ten Days after such Proclamation shall be made as aforesaid.

Sheriff to post up notices of the said Proclamation.

Supreme Court shall, on proof, &c. give judgment.

IV. And be it further enacted, by the authority aforesaid, That the Supreme Court next sitting after the expiration of the space of One Month

as aforesaid, upon application being made by the Receiver General of the Quit Rents for the time being, and proof upon oath that the Proclamation, and the Notice and publishing the same, as herein-before directed, has been made and given, and also what Quit Rents were due and in arrear at the time of such Proclamation, shall, and the Judges thereof are hereby respectively authorized and directed, to give Judgment against such Lots, or parts or shares of Lots, of Land, in arrear as aforesaid, for the Quit Rents then due and in arrear, together with reasonable Costs; and shall issue a Writ of *Fieri Facias* thereupon, for such Quit Rents and Costs, directed to the Sheriff, or if necessary, to the Coroner, and returnable within a reasonable time into the said Court.

ment against land in arrear, and issue *Fieri Facias*.

V. And be it further enacted, by the authority aforesaid, That the Sheriff or his Deputy, or the Coroner, upon receipt of such Writ, shall proceed to attach such Lots, or parts or shares of Lots, of Land, and shall give notice that he shall proceed to the sale thereof, on a fixed day therein to be mentioned, and not to be less than Twenty, nor more than Thirty Days, from the date of such notice—such notice to be posted and published in like manner as the notice of Proclamation is herein-before directed to be made—and the said Sheriff or his Deputy, or the Coroner, shall proceed to sell the same, the day fixed upon for that purpose, as aforesaid, at public sale or vendue in *Charlottetown*, and the best Bidder shall be deemed the purchaser of such Lots, or parts or shares of Lots, of Land; and upon the payment of the purchase money, which will be within Twenty days after such sale, the Sheriff or his Deputy, or the Coroner as aforesaid, shall execute proper and absolute Deeds of Conveyance therefor, which Deeds shall be good and valid, to all intents and purposes, for conveying the same to the purchasers, and their heirs and assigns, for ever, subject in future to the same Quit Rents as before were payable

The Sheriff to proceed on the Writ, to sell, first giving notice; and make conveyance thereof to the best bidder.

Not to be sold if Quit Rent is paid subsequent to the attachment and before the sale.

for the said Lots, or parts or shares of Lots, of Land: Provided nevertheless, that if the Proprietors of such Lots, or parts or shares of Lots, of Land, attached as aforesaid, or any person in their behalf, shall at any time between the attachment and the time of sale, pay and discharge the Quit Rents in arrear, and the Costs attending the proceedings, such sale shall not take place, and the said Lots, or parts or shares of Lots, of Land, shall be freed and discharged from the Judgment given against the same, as aforesaid—any thing herein contained to the contrary notwithstanding.

Sheriff, within 20 days, to pay in the purchase money to the Receiver General.

VI. And be it further enacted, by the authority aforesaid, That the Sheriff or his Deputy, or the Coroner, shall, within Twenty days after the receipt of the purchase money as aforesaid, pay into the hands of His Majesty's Receiver General the Balance thereof, after deducting such Costs and Charges of proceedings and sale, as shall be taxed and allowed by the Supreme Court.

Receiver General to pay the Quit Rent out of the Purchase Money and pay the surplus to the Proprietors.

VII. And be it further enacted, by the authority aforesaid, That upon the receipt of the Balance of the purchase money from the Sheriff or his Deputy, or the Coroner, as aforesaid, the Receiver General shall deduct therefrom, and charge himself with, so much thereof as shall discharge the Quit Rents due and in arrear upon such Lots, or parts or shares of Lots, of Land, sold as aforesaid, and shall pay the surplus (if any shall be) to the Proprietors, their Heirs or Assigns, or their Attorney or Agent, upon the same being legally demanded, without any further charge or deduction whatever: and if any doubt shall arise who is the real Proprietor of the said Lots, or parts or shares of Lots, of Land, and entitled to receive the surplus of the said purchase money; or if it shall appear that any person or persons are interested in the said Lots, or parts or shares of Lots, as Mortgagees, or other legal incumbrancers, upon the same, or as claiming under any Settle-

ment, Will, or other Instrument in the Law, or otherwise legally interested in the Land sold, it shall be lawful for the said Court, and the Judges of the said Court are hereby authorized and required, upon application of any person interested as aforesaid, or upon the application of the said Receiver, to summon all such parties, or as many of them as they shall think fit to summon, and the said Receiver, and upon hearing of the matter in a summary way, to make such order therein, for adjusting the said claims, and determining the matter in dispute, and for paying and distributing the said surplus money, as to them shall seem meet, and cause the same to be carried into execution, in the same manner as any order or judgment of the said Court is executed by Law: and the said order shall and may be pleaded by [the said Receiver General, in bar to any Action or Suit that may be brought against him, for having acted in obedience to the said order; and the said order shall also be received in evidence on behalf of the said Receiver, in any such Action or Suit, upon a Plea of the General Issue.

VIII. And whereas it may happen that Proprietors of parts or shares of undivided Lots of Land may be willing to pay a just proportion of the Quit Rents payable for the same Lots, and the other Proprietors thereof may not be willing to contribute thereto; in order, therefore, to prevent the Proprietors who shall be ready to pay a just proportion from being injured by the operation of this Act—Be it enacted, by the authority aforesaid, That, upon application of any Proprietor of such parts or shares, or upon application of His Majesty's Receiver General for the time being, to the Supreme Court, setting forth the particular state of the case, it shall and may be lawful to and for the respective Judges of the said Court, to direct a survey to be made, in such manner and by such persons as they shall think fit, of the Lot of Land so circumstanced, in which

If Proprietors of parts of undivided Lots are willing to pay, they may apply to the Supreme Court, upon which survey may be made and Lots divided.

survey the said Lot shall be fairly and impartially divided into such shares, to be held in severalty, as bear a just proportion to the interest which each of the several Proprietors thereof shall be previously entitled to, in the said undivided Lots—regard being had, in making such division, to the appropriating to each Proprietor the improved Land which he before held in such Lot; and the Supreme Court shall order and direct, by an order, to be entered of Record in the office of Register of the said Island, which of such shares shall from thenceforth belong to each of the said Proprietors in severalty, and subject to what proportion of the said Quit Rent the same shall be held—regard being had, in estimating such proportions of the Quit Rent, to the nature and quality of the Land comprised in each share, before such Land was cultivated or improved—and the Supreme Court shall ascertain such proportions, in such manner and by such means as they shall think fit: and the shares so directed, by such order, to be holden by the said respective Proprietors in severalty, shall thenceforth be holden by them and their Heirs respectively in severalty, chargeable only with so much of the whole Quit Rent, payable for the undivided Lot, as shall be ascertained in the same order; and such respective share of the Lot so holden in severalty, shall be in future chargeable with such proportion only of the Quit Rent, but shall be subject to the like remedies for the payment and recovery of such proportions as are herein provided, with regard to any such undivided and entire Lot of Land; and all arrears of the entire Quit Rent which at the time of such order, made as aforesaid, shall be due from the said Lot of Land, shall be recovered in the same manner and in the like proportions, from the said respective shares, and the owners thereof.

IX. And whereas it may happen that the Tenants of Lots, or parts or shares of Lots, within

this Island, may have duly paid their Rents to their Proprietors of the said Lots, or parts or shares of Lots, or may be ready and desirous to pay the same, at the time of the Distress to be taken by virtue of this Act, and it would be extremely injurious to the said Tenants, if the Distress made upon the said Lots, or parts or shares of Lots, was to be levied of the Goods and Chattels of the said Tenants, in order to discharge the whole of the arrears of Quit Rents due from the said Proprietors in respect of such Lots, or parts or shares of Lots—Be it enacted, that it shall and may be lawful for any such Under Tenant to apply to the Supreme Court, and upon proof of such Tenants having paid the Rent due from him or them respectively, or upon payment of such part of the Rent as shall be in arrear to his Landlord and unpaid, to the Receiver General of His Majesty's Quit Rents, towards the discharge of the arrear of the said Quit Rents due, for or on account of the Lots belonging to the Landlords of such respective Tenants, the Goods and Chattels, absolutely the property of such Tenants, shall not be liable to be distrained or sold; and it shall be lawful for the respective Judges of the Supreme Court, and they are hereby required, on the application of any Tenant as aforesaid, to hear and determine the same, in a summary manner, and to make such order therein as the nature of the case may require; and the arrear of Rent due to the Landlord, which shall be paid by the Tenant to the Receiver General of His Majesty's Quit Rents as aforesaid, shall be applied in discharge of the Quit Rents due from the Landlord of such Tenant; and in case the same shall not be sufficient, the Lot or Lots of every such Landlord shall be sold, in order to make good the deficiency, subject to the Lease of the said Tenant. Provided always, that if such Tenant shall offer to pay the arrears of Quit Rent that shall be due, the said Receiver General shall receive the same, and the said

Under Tenants not to be prejudiced by distress for Quit Rent, beyond the sum they owe to their Landlords.

Tenants paying Quit Rents on account of their Landlords, may

hold the Lands as a security for the money so advanced.

Tenant shall be entitled to hold the Lot or Lots of Land, as against his Landlord, as a security for the money so advanced in payment of the arrears of Quit Rent, and to deduct out of his future Rent what he shall so pay ; but such security, or right to deduct, shall not prejudice any future payments of Quit Rents due to His Majesty, His Heirs and Successors, or prevent any remedy for recovery thereof.

Penalty on Sheriff or Coroner neglecting to make Proclamation, &c.

X. And be it further enacted, by the authority aforesaid, That if the Sheriff or his Deputy or the Coroner, shall neglect to comply with the directions of this Act, in respect to the making of Proclamation, and giving the proper Notices of such Proclamation and sale of any Lots, or parts or shares of Lots, of Land, attached, by virtue of this Act, so that the Proprietors be thereby prevented from discharging the same, by paying the Quit Rents due thereupon, such Sheriff or his Deputy, or the Coroner, shall forfeit and pay for every default, the sum of Fifty Pounds, to be recovered in the Supreme Court, and to be to and for the use of the Proprietors injured thereby, or such person who shall sue for the same ; and shall moreover be liable to answer for any special damages that shall be suffered by any such Proprietors, by reason of any such neglect, in any Action or Suit to be brought with the leave of the Supreme Court.

Proprietors residing in Great Britain or Ireland, may pay their Quit Rents in London ;

XI. And whereas many of the Proprietors of Land in the Island of *Prince Edward* are resident in *Great Britain* and *Ireland*, and cannot conveniently pay their Quit Rents in the said Island—Be it therefore enacted, by the authority aforesaid, That if any Proprietors of Lots, or parts or shares of Lots, of Land in the said Island, residing in *Great Britain* or *Ireland*, shall and do, on or before the First day of *August* next ensuing the passing of this Act, discharge

and pay their Quit Rents in arrear, and shall pay their future Quit Rents, annually and regularly in *London*, to the Receiver General of His Majesty's Quit Rents, or his sufficient Deputy, such Lots, or parts or shares of Lots, shall not be liable to be proceeded against, as directed by this Act: Provided nevertheless, that if such Proprietors do neglect to pay their Quit Rents from time to time, for the space of Six Months after the same shall become due and payable, according to their undertaking as aforesaid, the said Lots, or parts or shares of Lots, shall be liable to be proceeded against as herein directed; and the Receiver General of His Majesty's Quit Rents, or his Deputy as aforesaid, shall, for that purpose, transmit to the proper Officer, in the Island of *Prince Edward*, within Three Months from and after the expiration, from time to time, of the said Six Months, whenever such neglect shall happen, an account of such Proprietors who shall so neglect their payments, that the same may be made liable, and be proceeded against accordingly; and such account, so transmitted as aforesaid, shall be conclusive evidence, that the said Proprietors have so neglected to pay their Quit Rents, and that the said Lots, or parts or shares of Lots, are liable to be proceeded against as herein directed.

If done within 6 Months after the same shall become due—otherwise their Lands shall be proceeded against.

* * * It appears by Governor Smith's Proclamation, of 3d February, 1818, that this Act has received the Royal Allowance.

CAP. III.

*An Act to alter and amend an Act made and passed in the Twenty-sixth Year of His present Majesty's Reign, intituled *An Act for the Trial of Actions in a Summary way.*

Repealed by 6 G. 4, c. 3.
26 G. 3, c. 13.

CAP. IV.

Amended by 47
G. 3, c. 1.
Expired.

35 G. 3, c. 3.

An Act in addition to and amendment of an Act, made and passed in the Thirty-fifth Year of His present Majesty's Reign, intituled *An Act to alter and amend the High Road Laws*.

CAP. V.

Repealed by 4
W. 4, c. 5.

An Act to amend an Act, made and passed in the Thirty-first Year of His present Majesty's Reign, intituled *An Act to prevent the running at large of Rams at improper Seasons*.

CAP. VI.

An Act for the better and more effectual Establishment of the Church of *England* in this Island.

FORASMUCH as His Majesty, upon the Settlement of this Island, was graciously pleased, in his pious concern for the advancement of God's glory, and the more decent celebration of the divine ordinances amongst us, to grant a sum of money for the purpose of erecting a Church, for religious Worship, according to the usage of the Church of *England*, and which, although not appropriated according to His Majesty's gracious intentions, yet no less gratitude is due to His Majesty, for this manifestation of his gracious intentions in this behalf—In humble imitation of His Royal example, and for the more effectual attainment of His Majesty's pious desires, that we might, in the exercise of religious duties, be seeking for the divine favour and protection :

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the sacred Rites and Ceremonies of Divine Worship, according to the Liturgy of the Church established by the Laws of *England*, shall be deemed the fixed form of Worship amongst us; and the place wherein such Liturgy shall be used, shall be respected and known by the name of the Church of *England*, as by Law established. And that for the preservation of unity and purity of doctrine and discipline in the Church, and the right administration of Sacrament, no Minister shall be admitted to officiate as a Minister of the Church of *England*, but such as shall produce to the Governor, Lieutenant Governor, or Commander in Chief for the time being, a testimonial that he hath been duly licensed by the Bishop of *London*, or by the Bishop of *Nova Scotia*, and shall publicly declare his assent and consent to the Book of Common Prayer, and shall subscribe to be conformable to the Orders and Constitution of the Church of *England*, and the Laws there established; upon which the Governor, Lieutenant Governor, or Commander in Chief for the time being, is hereby requested to induct the said Minister into any Parish that shall make presentation of him. And if any other person, pretending himself a Minister of the Church of *England*, shall, contrary to this Act, presume to teach or preach, publicly, or privately, the Governor, Lieutenant Governor, or Commander in Chief, and His Majesty's Council are hereby desired and empowered to suspend and silence the person so offending.

The Liturgy of the Church of *England* shall be the fixed form of Worship.

Place of Worship shall be called the Church of *England*.

No Ministers to officiate, but such as have been licensed, &c.

Governor, &c. to induct Minister into any Parish making Presentation.

Governor and Council to suspend and silence pretended Ministers.

II. Provided nevertheless, and it is the true intent and meaning of this Act, that Protestants dissenting from the Church of *England*, whether they be Calvinists, Lutherans, Quakers, or under what denomination soever, shall have free Liberty of Conscience, and may erect and build Meeting Houses for Public Worship, and may choose and

Dissenters to have liberty of conscience.

30 G. 3, c. 6.

elect Ministers for performing divine service and administration of the Sacrament according to their several opinions, and according to the provisions of an Act of the General Assembly of this Island, made and passed in the Thirtieth Year of His present Majesty's Reign, intituled *An Act for quieting the minds of His Majesty's Dissenting Protestant Subjects in the Island of Saint John.*

ANNO

QUADRAGESIMO TERTIO

GEORGII III. REGIS.

At the General Assembly of His Majesty's 1803.

Island of *Prince Edward*, begun and holden at *Charlottetown*, the Twenty-second Day of *March*, *Anno Domini*, 1803, in the Forty-third Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of the United Kingdom of *Great Britain* and *Ireland*, King, Defender of the Faith :

E. FANNING,
Lieut. Governor.

R. THORP,
President.

J. CURTIS,
Speaker.

Being the First Session of the Seventh General Assembly convened in the said Island.

CAP. I.

This Act has not
received the Royal
Allowance.

An Act for effectually revesting in His Majesty,
His Heirs and Successors, all such Lands as
are or may be liable to Forfeiture within this
Island.

 CAP. II.

Expired.

An Act for the better preventing Accidents by
Fire, and for appointing Fire Wards in *Char-*
lottetown, and the Suburbs thereof.

ANNO

QUADRAGESIMO SEXTO

GEORGII III. REGIS.

At the General Assembly of His Majesty's
Island of *Prince Edward*, begun and holden
at *Charlottetown*, the Twenty-second
Day of *March*, *Anno Domini* 1803, in the
Forty-third Year of the Reign of our Sovereign
Lord GEORGE the Third, by the
Grace of God, of the United Kingdom of
Great Britain and *Ireland*, King, Defender
of the Faith: 1805.

J. F. W. DES-
BARRÉS,
Lt. Governor.

T. DESBRISAY,
President.

J. CURTIS,
Speaker.

And from thence continued, by several Prorogations,
to the Twelfth Day of *November* 1805,
and in the Forty-sixth Year of His said Majesty's
Reign; being the Second Session of the
Seventh General Assembly convened in the
said Island.

CAP. I.

Repealed by 3
W. 4, c. 11.

An Act in addition to and amendment of an Act made and passed in the Thirteenth Year of His present Majesty's Reign, intituled *An Act for the more easy and speedy Recovery of Small Debts.*

CAP. II.

Expired.

An Act for continuing sundry Laws that are near Expiring.

ANNO

QUADRAGESIMO SEPTIMO

GEORGII III. REGIS.

At the General Assembly of His Majesty's Island of *Prince Edward*, begun and holden at *Charlottetown*, the First Day of *December*, *Anno Domini* 1806, in the Forty-seventh year of the Reign of our Sovereign Lord **GEORGE** the Third, by the Grace of God, of the United Kingdom of *Great Britain* and *Ireland*, King, Defender of the Faith:

1806.

J. F. W. DES-
BARRES.
Lt. Governor.

T. DESBRISAY,
President.

R. HODGSON,
Speaker.

Being the First Session of the Eighth General Assembly convened in the said Island.

CAP. I.

An Act to alter and amend an Act, made and passed in the Forty-third Year of His present Majesty's Reign, intituled *An Act in addition to and amendment of an Act made and passed in the Thirty-fifth Year of His present Majesty's Reign, intituled 'An Act to alter and amend the High Road Laws.'*

Expired.

43 G. 3, c. 4.

CAP. II.¹

Continued by
subsequent Acts.
Expired.

An Act for raising a Fund for the purpose of defraying Contingent Expences of the General Assembly of this Island.

CAP. III.

Repealed by 11
Vic. c. 21.

An Act to repeal an Act made and passed in the Forty-first Year of His present Majesty's Reign, intituled *An Act for the better Regulation of Elections*, and to regulate Elections for Members to serve in General Assembly in future.

ANNO

QUADRAGESIMO OCTAVO

GEORGII III. REGIS.

At the General Assembly of His Majesty's 1808.
Island of *Prince Edward*, begun and holden at *Charlottetown*, the First day of *December*, Anno Domini 1806, in the Forty-seventh Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of the United Kingdom of *Great Britain*, and *Ireland*, King, Defender of the Faith:

J. F. W. DES-BARRÉS,
Lt. Governor.

C. COLCLOUGH,
President.

R. HODGSON,
Speaker.

And from thence continued, by several Prorogations, to the Eighth Day of *March*, 1808, and in the Forty-eighth Year of His said Majesty's Reign; being the Second Session of the Eighth General Assembly convened in the said Island.

CAP. I.

An Act appointing and empowering *Philip Codd*, Expired.
of *Kensington*, Esquire, to be Colony Agent
for His Majesty's Island *Prince Edward*.

CAP. II.

See 26 G. 3, c.
15, and notes.

An Act to amend an Act made and passed in the Twenty-sixth Year of His present Majesty's Reign, intituled *An Act to empower the Governor, Lieutenant Governor, or Commander in Chief for the time being, to appoint a Sheriff or Sheriffs for this Island; also to regulate the Office of Sheriffs, and the manner in which they shall return and pass their Accounts of all Fines and Forfeitures levied by them, for the use of the Crown*—and to indemnify persons claiming under Deeds executed by the Deputy, or Under Sheriff of this Island.

WHEREAS the Fine imposed by the said Act, on persons refusing to accept the office of High Sheriff of this Island, hath been found too small and inconsiderable :

Persons appointed to the office of Sheriff, and refusing to serve, shall pay a fine of £20.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, any person or persons who shall have been appointed to execute the said office of High Sheriff, and shall refuse to accept the same, in terms of the said Act, shall be subject to and pay a Fine of Twenty Pounds, of lawful money of this Island, instead of the Fine therein mentioned for such his refusal; the same to be recovered and applied in manner therein directed, with respect to the Fine thereby imposed for such refusal.

II. And whereas a practice has long prevailed, of returning Writs, executing Deeds of Conveyance of Lands, and doing such other matters and things as relate to the office of High Sheriff of this Island, in the name and as the act and deed

of the Deputy or Under Sheriff by him appointed, contrary to the established Law and practice of *England*: In order, therefore, to prevent those disputes which might otherwise arise, with respect to the validity of such acts, to the injury of *bona fide* purchasers, and those claiming under them—Be it further enacted, by the authority aforesaid, that all Returns of Writs heretofore made, and all acts and deeds heretofore done and executed, by and in the name of any Deputy or Under Sheriff of this Island, shall have the like force and effect, as though the same had been made, done and executed, in the name of his Principal—any Law, Custom, or Usage to the contrary notwithstanding.

All acts and deeds heretofore done in name of Under Sheriff, confirmed.

III. And be it further enacted, by the authority aforesaid, That from and after the passing of this Act, all Returns of Writs, execution of Deeds, and all other matters and things whatsoever appertaining to the office of High Sheriff of this Island, shall be made, done and executed in the name, and as the act and deed, of such Sheriff for the time being; and that all Returns of Writs, execution of Deeds, and all other matters and things relating to such office, and which shall be made, done and executed, by and in the name of any person or persons, by colour of any deputation or appointment to the office of Under Sheriff, shall be deemed and considered null and void, to all intents and purposes; and all and every person and persons taking advantage thereof, may give this Act, and the matter herein contained, in evidence, in any of His Majesty's Courts of Law or Equity in this Island.

All Returns of Writs, Execution of Deeds, &c. hereafter to be made in name of Sheriff, otherwise to be deemed void.

CAP. III.

Amended by 2
W. 4, c. 6.

Repealed by 12
Vic. c. 18.

An Act for repealing an Act intituled *An Act to prevent the throwing of Ballast into Rivers and Creeks on this Island*, and for the empowering the Governor, Lieutenant Governor, or Commander in Chief for the time being, to appoint Ballast Masters, and to regulate their duty.

CAP. IV.

It does not appear that this Act received the Royal Allowance.

An Act to alter and amend an Act made and passed in the Thirtieth Year of His present Majesty's Reign, intituled *An Act to oblige the respective Proprietors of Lots or Townships of Land, or of parts of Lots or Townships of Land, in this Island, and who have contributed nothing towards the settlement or improvement of this Island, and whose Lands lie in a waste and uncultivated state, to pay their proportion of the Public Charges, for the making and repairing of the Highways, Roads and Bridges of the said Island*.

CAP. V.

Expired.

An Act to revive two several Acts of the General Assembly of this Island, that have lately expired.

CAP. VI.

Expired.

An Act for raising a Fund for defraying the Expence of Printing the Laws of this Island, and for other purposes therein mentioned.

CAP. VII.

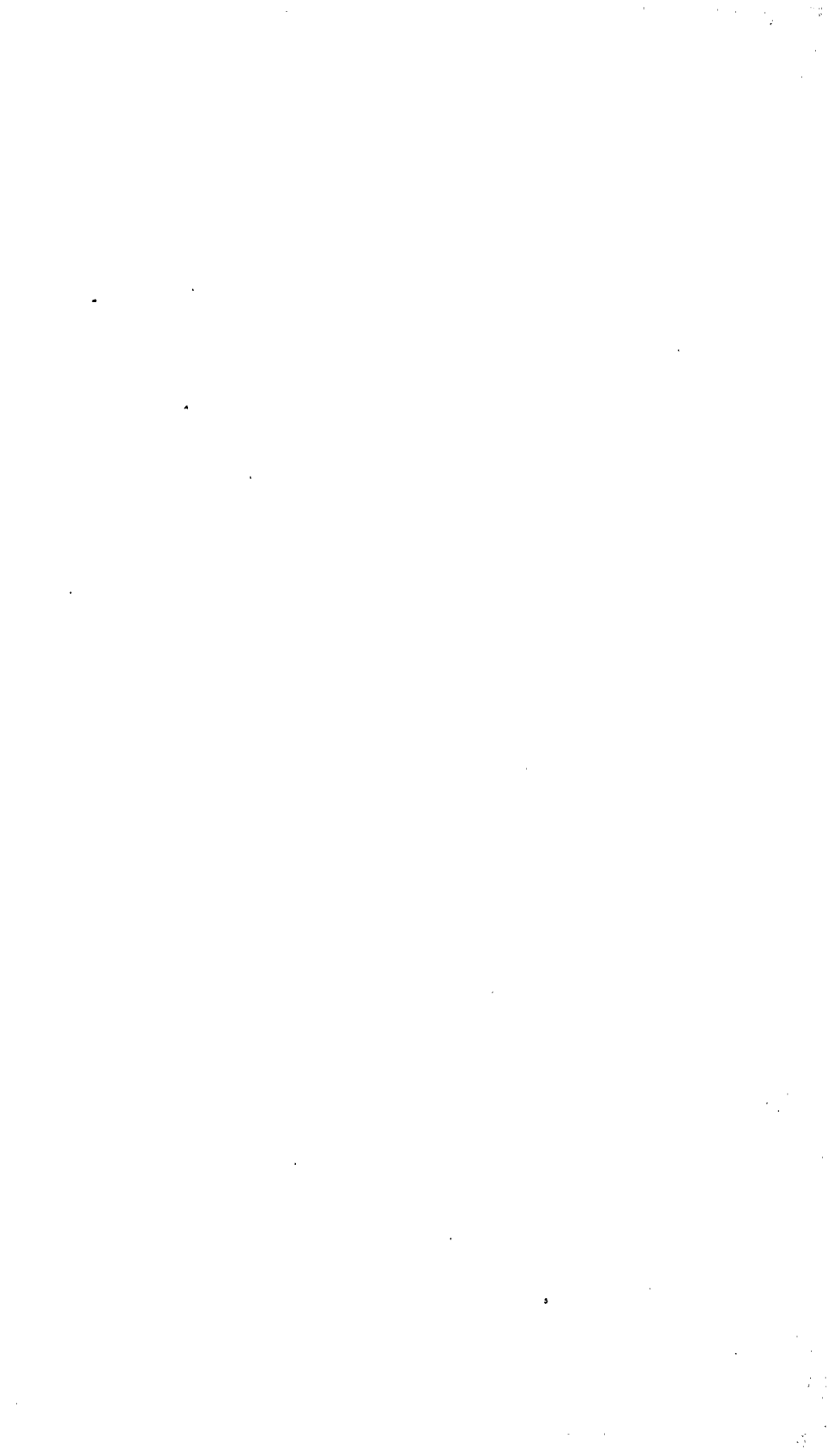
An Act for raising a Fund to make and keep in repair the Pumps, Wells, and Streets of *Charlottetown*.

Expired.
For other Acts which have reference to this subject, see note to 26 G. 3, c. 1.

. The provisions of this Act may affect Titles to Lands, but are omitted pursuant to Act 12 Vic. c. 23.

CAP. VIII.

An Act to revive two certain Acts of the General Assembly of this Island that have lately expired. Expired.



ANNO

QUADRAGESIMO NONO

GEORGII III. REGIS.

At the General Assembly of His Majesty's Island of *Prince Edward*, begun and holden at *Charlottetown*, the First Day of *December*, *Anno Domini*, 1806, in the Forty-seventh Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of the United Kingdom of *Great Britain* and *Ireland*, King, Defender of the Faith :

1809.

J. F. W. DES-
BARRÉS.
Lieut. Governor.

C. COLCLOUGH,
President.

R. HODGSON,
Speaker.

And from thence continued, by several Prorogations, to the Twentieth Day of *March*, 1809, and in the Forty-ninth Year of His said Majesty's Reign; being the Third Session of the Eighth General Assembly convened in the said Island.

CAP. I.

An Act for establishing a Meridional Line, to regulate Surveyors in this Colony.

See 9 Vic. c. 20,
establishing a
line running East
and West.

WHEREAS it is highly necessary, to promote accuracy in surveying the Lands of this Colony; that a Meridional Line should be established by Astronomical Observation:

Governor to appoint Commissioners for establishing a Meridional Line.

How to be ascertained.

Surveyors to regulate their Instruments thereby.

Surveyors to obtain Certificates of the sufficiency of their Instruments.

Variation to be expressed in the Certificate.

I. Be it enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful to and for the Governor, Lieutenant Governor, or Commander in Chief of this Colony for the time being, to nominate and appoint Three Commissioners, (of whom His Majesty's Surveyor General of Lands in this Colony shall be one,) for the purpose of establishing a Meridional Line, in manner hereinafter directed—that is to say, that a Meridional Line, by Astronomical Observation, shall be properly drawn and ascertained, by correctly fixing Three Stones, of such sufficient height and dimensions, as will admit a full view from the most Northerly Stone of the two others in the said Line, which Stones to have the Line accurately marked thereon, together with the Variation and Year in which the same was done—the said Meridional Line to be fixed in the most convenient place in or near *Charlottetown*, by the said Commissioners, within Six Months after the passing of this Act, and by which all Surveyors shall regulate and rectify their several Instruments once in every year at least, and in the presence of the Surveyor General, or of some person by him duly authorized for that purpose, or of one or more of the said Commissioners. And all and every Surveyor of Lands is and are hereby required to demand and obtain from the said Surveyor General, or person authorized as aforesaid, or from one or more of the said Commissioners, a Certificate that the several Instruments of such Surveyor or Surveyors, to be used and employed in surveying, are good and sufficient; and in the Certificate so to be granted, shall be set down and expressed the Variation found at the period of making such Certificate so to be granted, which the Surveyor General, or some one or more of the said Commissioners, is and are hereby authorized to do.

II. And be it enacted, by the authority aforesaid, That the expence of establishing and ascer-

taining a Meridional Line, in manner before directed, shall be borne and paid out of the Treasury of this Colony; and that the Governor, Lieutenant Governor, or Commander in Chief of this Colony for the time being, by and with the advice of His Majesty's Council, shall have power to draw Warrants on the Treasurer of this Island for the time being, for the amount of the aforesaid purposes.

Expence of fixing Meridional Line, how to be defrayed.

CAP. II.

An Act to repeal an Act, intituled *An Act in addition to and amendment of an Act, made and passed in the Thirty-fifth Year of His Majesty's Reign, intituled 'An Act to alter and amend the High Road Laws.'*

Executed.

41 G. 3, c. 2.

CAP. III.

An Act for allowing a further Drawback on Wines, Rum, Brandy, and other Distilled Spirituous Liquors, and a Drawback on Porter, Ale and Strong Beer, Sugar and Tobacco, to be exported from this Island.

Repealed by 52 G. 3, c. 4.

CAP. IV.

An Act appointing the Recording of Letters or Powers of Attorney, in such cases as are therein mentioned.

Repealed and re-enacted by 3 W. 4, c. 10.

. The provisions of this Act may affect Titles to Lands, but are omitted pursuant to Act 12 Vic. c. 23—*quod vide*.

CAP. V.

Expired.

An Act for continuing sundry Laws that are near Expiring.

CAP. VI.

Expired.

14 G. 3, c. 3.

An Act for repealing certain parts of an Act, made and passed in the Fourteenth Year of His present Majesty's Reign, intituled *An Act for regulating the Measure of Boards, and all other kind of Lumber, and for appointing Officers to survey the same, and for declaring what shall be deemed Merchantable Timber for Exportation.*

CAP. VII.

Executed.

20 G. 3, c. 10.

An Act to repeal an Act made and passed in the Twentieth Year of His present Majesty's Reign, intituled *An Act to enable the Governor, or other Commander in Chief, to Lease out certain parts of the Common of Charlottetown, Rent free, for the space of Ten-Years.*

CAP. VIII.

This Act was passed with a suspending Clause, and did not receive the Royal allowance.

An Act to confirm the Titles, and quiet the Possessions and Locations, in this Colony, of the *American* Loyal Emigrants, and Disbanded Troops.

CAP. IX.

An Act for raising the sum of Sixteen Hundred Pounds, for the purpose of erecting Buildings, for the meeting of the General Assembly, the Supreme Court and its Offices, and other Public Offices, in *Charlottetown*, and for building two Gaols—*videlicet*, one in *Prince County* and one in *King's County* in this Island. Executed.

* * The provisions of this Act may affect Titles to Lands, but are omitted pursuant to directions of Act 12 Vic. c. 23.



ANNO

QUINQUAGESIMO

GEORGII III. REGIS.

At the General Assembly of His Majesty's Island of *Prince Edward*, begun and holden at *Charlottetown*, the First Day of *December*, *Anno Domini*, 1806, in the Forty-seventh Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of the United Kingdom of *Great Britain* and *Ireland*, King, Defender of the Faith: 1810.

J. F. W. DES-
BARRES,
Lieut. Governor.

C. COLCLOUGH,
President.

R. HODGSON,
Speaker.

And from thence continued, by several Prorogations, to the Thirtieth Day of *July*, 1810, and in the Fiftieth Year of His said Majesty's Reign; being the Fourth Session of the Eighth General Assembly convened in the said Island.

CAP. I.

An Act to amend an Act intituled *An Act to prevent the Malicious Killing, Wounding, and Maiming of Cattle.* Repealed by 12 Vic. c. 16.

CAP. II.

Expired.

An Act for reviving two several Acts of the General Assembly, lately expired.

CAP. III.

Sec 1 Vic. c. 18,
and 2 W. 4, c.
11.

An Act to prevent the harbouring Deserters from His Majesty's Navy or Army, and for giving a Reward for apprehending Deserters; and to prevent harbouring Deserters from Ships in the Merchant Service.

Persons harbouring Deserters from Army or Navy, to forfeit £20.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the Tenth day of *September* next, any person harbouring, concealing, or assisting any Deserter from His Majesty's Navy or Army, knowing him to be such, the person so offending shall forfeit and pay for every such offence the sum of Twenty Pounds—one moiety whereof to be paid to the Informer, or person by whose means such Deserter shall be apprehended, and the residue to be paid to the Officer or Ship to which such Deserter did belong—the same to be recovered by Bill, Plaint or Information, in any Court of Record in this Island, by the oath of one or more credible witness or witnesses.

Sheriffs, Constables, Officers and Soldiers, to apprehend suspected persons, and bring them before Justice of the Peace.

II. And be it further enacted, by the authority aforesaid, That it shall and may be lawful for the Sheriff of this Island or his Deputy, or for any Constable of the town or place where any person who may be reasonably suspected to be a Deserter shall be found, or for any Officer or Soldier in His Majesty's service, to apprehend, or cause such suspected person to be apprehended, and to bring, or cause him to be brought, before any Justice of the Peace living in or near such town or place,

who hath hereby power to examine such suspected person; and if by his confession, or the testimony of one or more witness or witnesses, upon oath, or by the knowledge of such Justice of the Peace, it shall appear, or be found, that such suspected person is a listed Soldier, or a Sailor belonging to His Majesty's Navy, such Justice shall forthwith cause him to be conveyed to the Jail of the County, in case there shall be a Jail there, otherwise to the Jail in *Charlottetown*, and shall transmit an account thereof to the Governor, Lieutenant Governor, or Commander-in-Chief of the Island, or to the Commanding Officer of His Majesty's Troops in the Garrison of *Charlottetown*, to the end that such person may be removed, and proceeded against according to Law: and the Sheriff of this Island, and the Keeper of every Jail or Prison in which such Deserter shall at any time be confined, shall receive the full subsistence of such Deserter during the time he shall continue in his custody, for the maintenance of such Deserter, but shall not be entitled to any fee or reward on account of the Imprisonment of such Deserter; and the Keeper of every Jail or other Prison shall, and he is hereby required, to receive and confine such Deserter while on the road from the place where he was apprehended to the place to which he is to be conveyed, either by Warrant of the said Justice, or by order of the Governor, Lieutenant Governor, or Commanding Officer of the Garrison of *Charlottetown*, and shall not be entitled to any fee or reward on account of the imprisonment of the said Deserter, any Law or Usage to the contrary notwithstanding: Provided, that every such Deserter from His Majesty's Navy shall have previously entered and received His Majesty's Bounty.

Any such person appearing to be a listed Soldier, or belonging to the Navy, to be conveyed to Jail, and Justice to transmit an account thereof to Governor, &c.

Sheriff or Jailer to receive full subsistence for maintenance of Deserter, but to receive no fee for imprisonment.

III. And in order to give every encouragement to His Majesty's subjects in this Island to check a practice disgraceful in itself, and highly injuri-

Five Pounds to
be paid for ap-
prehension of
Deserters from
Army or Navy.

ous to His Majesty's service—Be it further enacted, That the sum of Five Pounds be paid out of the Revenue of this Island, for the apprehension of every Deserter, either from His Majesty's Navy or Army.

. The remainder of this Act, relating to Merchant Seamen, repealed, and re-enacted, with amendments, by 9 Vic. c. 27.

CAP. IV.

Expired.

47 G. 3, c. 2.

An Act for continuing an Act of the General Assembly, made and passed in the Forty-seventh Year of His present Majesty's Reign, intituled *An Act for the purpose of defraying Contingent Expences of the General Assembly of this Island.*

ANNO
QUINQUAGESIMO SECUNDO
GEORGII III. REGIS.

At the General Assembly of His Majesty's
Island of *Prince Edward*, begun and holden at *Charlottetown*, the Tenth Day of
August, Anno Domini 1812, in the Fifty-second year of the Reign of our Sovereign
Lord GEORGE the Third, by the Grace of God, of the United Kingdom of *Great Britain and Ireland*, King, Defender of the Faith:

1812.

J. F. W. DES-
BARRES.
Lt. Governor.

C. COLCLOUGH,
President.

R. BRECKEN,
Speaker.

Being the First Session of the Ninth General
Assembly convened in the said Island.

CAP. I.

An Act appointing Commissioners for expediting
the Printing of the Laws of this Island. Executed.

CAP. II.

Expired.

An Act for reviving an Act of the General Assembly lately expired, intituled *An Act for repealing certain parts of an Act made and passed in the Fourteenth Year of His present Majesty's Reign, intituled 'An Act for regulating the Measure of Boards, and all other kind of Lumber, and for appointing Officers to survey the same,' and for declaring what shall be deemed Merchantable Timber for Exportation.*

CAP. III.

Expired.

An Act to continue and amend an Act intituled *An Act appointing and empowering Philip Codd, of Kensington, Esquire, to be Colony Agent for His Majesty's Island Prince Edward.*

CAP. IV.

25 G. 3, c. 4.

An Act to alter and amend two several Acts of the General Assembly of this Island, *videlicet*, an Act intituled *An Act to amend, render more effectual, and reduce into one Act, the several Laws made by the General Assembly of this Island, relative to the Duties of Impost on Wines, Rum, Brandy, and other Distilled Spirituous Liquors, and for allowing a Drawback on all Wines, Rum, Brandy, and other Distilled Spirituous Liquors exported from this Island:* and an Act intituled *An Act for raising a Duty on Wine, Rum,*

35 G. 3. c. 10.

and other Distilled Spirituous Liquors, and for imposing a Duty on Porter, Ale, and Strong Beer.

For other Acts relating to the Revenue, see note to 25 G. 3, c. 4.

WHEREAS by the Acts above mentioned, the nature or form of the instrument of security to be given for payment of the Duties therein mentioned is not specified or declared, nor is any Interest directed to be paid in the event of such security not being paid or discharged at the time when the same becomes, or shall become, due and payable: To remedy which defects—

I. Be it enacted, by the Lieutenant Governor, Council and Assembly of this Island, That when and as often as the Collector and Receiver, or Collectors and Receivers of the Duties, or any of them, specified in the said Acts, or either of them, or in any Act or Acts made or to be made in amendment thereof or addition thereto, is or shall be authorized or required to give credit for the payment of the said Duties; or any of them, the said Collector and Receiver, or Collectors and Receivers, shall, in every such instance, cause the person or persons giving such security, to enter into a Recognizance to the King's Most Excellent Majesty, payable at a like time as the Duties in the Act first before mentioned should and would become payable: and which Recognizance shall be signed and acknowledged by the person or persons so entering into the same, together with one good and sufficient security, before the said Collector and Receiver, or Collectors and Receivers, who is and are hereby authorized and required, to take and subscribe such acknowledgment; and every Recognizance so to be taken, shall be good and valid in the Law, to all intents and purposes whatsoever, and shall be in the words and figures following:

Collectors shall take a Recognizance for payment of the Duties for which credit is allowed, with one sufficient security.

For other duties, &c. of Collectors, see 25 G. 3, c. 4, s. 16, and note thereto.

Form of Recognizance.

‘ *Prince Edward Island,* }
 ‘ County. } **BE** it remembered,
 ‘ that on the day of in the year 18 *A. B.*
 ‘ and *C. D.* of came before me *E. F.* Collector
 ‘ and Receiver of Imposts and Duties for the
 ‘ District of in said Island, and acknow-
 ‘ ledged themselves to owe to our Sovereign
 ‘ Lord the King, the sum of £ (*double the*
 ‘ *amount of the Duties payable,*) of good and
 ‘ lawful money of *Prince Edward Island*, to be
 ‘ made and levied of their, or either of their,
 ‘ Goods and Chattels, Lands and Tenements, to
 ‘ the use of our said Lord the King, his Heirs
 ‘ and Successors, if the said *A. B.* and *C. D.*
 ‘ shall fail in the condition underwritten.

‘ The condition of the above Recognizance is
 ‘ such, that if the above bound *A. B.* and *C. D.*
 ‘ or either of them, their or either of their Heirs,
 ‘ Executors or Administrators, shall well and tru-
 ‘ ly pay, or cause to be paid, unto the Treasurer
 ‘ of His Majesty’s said Island, the sum of
 ‘ of lawful money of the said Island, on or before
 ‘ the day of or in case the said sum
 ‘ shall be permitted to remain in the hands of the
 ‘ said *A. B.* and *C. D.* after said day
 ‘ of then if said *A. B.* and *C. D.*, their, or
 ‘ either of their Heirs, Executors or Administra-
 ‘ tors, shall well and truly pay on demand, to the
 ‘ Treasurer aforesaid, the said sum of £
 ‘ with the lawful interest thereof, from the said
 ‘ day of then the said Recognizance
 ‘ to be void, or else to remain in its force.

‘ Taken and acknowledged at pursuant
 ‘ to the Statute, before me,
 ‘ *E. F.* Collector.’*

Duties shall be recovered in such way as the Governor, with advice of Council, may direct.

II. And be it enacted, That if the sum, in the condition of the said Recognizance mentioned, shall not be paid at the time and in manner therein specified and appointed, the same shall bear

* By 11 G. 4, c. 9, a Warrant of Attorney is directed to be taken in addition to the Recognizance.

lawful Interest from the day appointed for the payment thereof; and such Interest shall be received by His Majesty's Treasurer of this Colony for the time being, and accounted for unto His Majesty, in manner as by the said first mentioned Act is directed; but the amount of the sum in the condition of such Recognizance mentioned, and interest, if any, shall nevertheless be paid and recoverable at such time and in such manner after the day therein specified for payment thereof, as the Governor, Lieutenant Governor, or other Commander in Chief of this Island, by and with the advice of His Majesty's Council, shall direct and appoint.

C A P. V.

An Act for reviving two several Acts of the General Assembly lately expired, *videlicet*, an Act made and passed in the Thirty-fifth Year of His present Majesty's Reign, intituled *An Act in addition to and amendment of an Act passed in the Twentieth Year of the Reign of His present Majesty, intituled 'An Act for the establishing and regulating a Militia'*—
 and an Act made and passed in the Thirty-seventh Year of the Reign of His present Majesty, intituled *An Act in addition to and amendment of an Act made and passed in the Twentieth Year of His present Majesty's Reign, intituled 'An Act for the establishing and regulating a Militia; also an Act made and passed in the Thirty-fifth Year of His present Majesty's Reign, intituled 'An Act in addition to and amendment of an Act passed in the Twentieth Year of the Reign of His present Majesty, intituled 'An Act for the establishing and regulating a Militia.'*

Expired.

35 G. 3, c. 1.

37 G. 3, c. 1.

CAP. VI.

Continued by
57 G. 3, c. 1,
6 G. 4, c. 9,
8 G. 4, c. 11,
10 G. 4, c. 17.
Repealed by
4 W 4, c. 11.

An Act for raising a fund to make and keep in repair the Pumps, Wells and Streets of *Charlottetown*, and for other purposes therein mentioned.

*** The provisions of this Act may affect Titles to Lands, but are omitted pursuant to Act 12 Vic. c. 23. For other Acts which have reference to the same subject, see note to 26 G. 3, c. 1.

CAP. VII.

Expired.

47 G. 3, c. 2.

An Act for continuing an Act of the General Assembly, made and passed in the Forty-seventh Year of His present Majesty Reign, intituled *An Act for the purpose of defraying Contingent Expences of the General Assembly of this Island*.

ANNO
QUINQUAGESIMO QUARTO
GEORGII III. REGIS.

At the General Assembly of His Majesty's Island of *Prince Edward*, begun and holden at *Charlottetown*, the Tenth Day of *August*, *Anno Domini 1812*, in the Fifty-second Year of the Reign of our Sovereign Lord **GEORGE** the Third, by the Grace of God, of the United Kingdom of *Great Britain and Ireland*, King, Defender of the Faith: 1813.

C. D. SMITH,
Lieut. Governor.

T. TREMLETT,
President.

J. CURTIS,
Speaker.

And from thence continued, by several Prorogations, to the Fifteenth Day of *November*, 1813, and in the Fifty-fourth Year of His said Majesty's Reign; being the Second Session of the Ninth General Assembly convened in the said Island.

CAP. I.

Repealed by 7
Vic. c. 8.

An Act for better preventing Accidents by Fire
within *Charlottetown*, and the Suburbs thereof.

CAP. II.

Executed.

An Act in addition to and amendment of an Act
for expediting the Printing of the Laws of this
Island.

ANNO
 QUINQUAGESIMO SEPTIMO
GEORGI III. REGIS.

At the General Assembly of His Majesty's Island of *Prince Edward*, begun and holden at *Charlottetown*, the Tenth Day of *August*, Anno Domini 1812, in the Fifty-second Year of the Reign of our Sovereign Lord **GEORGE** the Third, by the Grace of God, of the United Kingdom of *Great Britain* and *Ireland*, King, Defender of the Faith:

1817.

C. D. SMITH,
 Lt. Governor.

T. TREMLETT,
 President.

J. CURTIS,
 Speaker.

And from thence continued, by several Prorogations, to the Eighth Day of *July*, 1817, and in the Fifty-seventh Year of His said Majesty's Reign; being the Third Session of the Ninth General Assembly convened in the said Island.

CAP. I.

An Act to continue an Act intituled *An Act for raising a Fund, to make and keep in repair the Pumps, Wells and Streets of Charlottetown, and for other purposes therein mentioned.*

52 G. 3, c. 6.

Expired.

WHEREAS an Act for raising a Fund, to make and keep in repair the Pumps, Wells

and Streets of *Charlottetown*, and for other purposes therein mentioned, is nearly expired, and it is thought expedient to continue the same:

Recited Act continued until the 30th March, 1819.

Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the above recited Act, near expiring, be continued, and that every clause, matter and thing therein contained, shall be in full force until the Thirtieth day of *March*, One thousand Eight hundred and Nineteen, and no longer.

CAP. II.

Repealed by 3 W. 4, c. 27.

20 G. 3, (2d Sess.) c. 4.

An Act to alter and amend an Act made and passed in the Twentieth Year of His present Majesty's Reign, intituled *An Act to prevent the cutting of Pine or other Trees, without permission of the Proprietor, and to prevent the cutting down and destroying of Fences.*

CAP. III.

An Act to enable Creditors more easily to recover their Debts from Co-Partners and Joint Debtors.

When one or more joint Debtors are absent out of the Island, Creditors may proceed to recover their debts by Mesne Process,

WHEREAS Co-partners, and other persons, often contract Debts jointly, and some of such joint Debtors being resident out of the Island, or absent from it, the recovery of such Debts is thereby delayed and impeded: For remedy whereof—Be it enacted, by the Lieutenant Governor, Council and Assembly, That where Co-partners, or others, are and shall become jointly indebted by specialty or simple contract, to any person or persons, and any one or more of such joint Debtors shall be absent or resident out

of the Island, the Creditor or Creditors in all Suits, in such cases hereafter to be instituted, may proceed to recover such Debts by purchasing out of the Supreme Court a Writ or Writs of Mesne Process, against all the said Co-partners or joint Debtors, which shall be served in the usual manner upon such of the Defendants as shall be within the Island; and which process so served shall be deemed as good and effectual, to all intents and purposes, as if the same had been served on all the said Co-partners or joint Debtors.

against all the joint Debtors—
May be served on such Defendants as are within the Island.

II. Provided always, and be it enacted, That if it shall be made appear to the said Court, by Affidavit or Plea in abatement, that the names of any of the said Co-partners or joint Debtors are omitted in the Writ, or that any of them who were in the Island at the time of issuing such Mesne Process as aforesaid, have not been duly served with the same in the usual manner, it shall be lawful for the Court to abate the Writ, or to stay the proceedings, as the case may require, any thing herein contained to the contrary notwithstanding.

If the names of any joint Debtors are omitted in the Writ, or any within the Island not served with same, Court may abate the Writ, or stay proceedings.

III. And be it further enacted, That in all cases as aforesaid, the Plaintiff or Plaintiffs may file his, her or their Declaration against such of the Co-partners or joint Debtors as have been duly served with Mesne Process, and may suggest in the said Declaration that the other Co-partners or joint Debtors (*naming them*) were absent out of the Island, and without the Jurisdiction of the Court at the time of issuing the Process, and at the time of filing such Declaration; and thereupon the Plaintiff or Plaintiffs may proceed according to the usual practice of the Court, to obtain Judgment against the said Co-partners or joint Debtors, who have been so duly served with Process, in the same manner as

Plaintiff may file Declaration against such joint Debtors as have been served with Mesne Process, and may thereafter proceed to Judgment, as is practised in England against a Defendant whose joint Debtor has been outlawed.

is practised in *England* against a Defendant whose Co-partner and joint Debtor has been outlawed.

After Judgment, Plaintiff may take out Execution and levy the amount on the joint or separate property of said Debtors, or take their persons in satisfaction of the same.

IV. And be it further enacted, That it shall and may be lawful for the Plaintiffs, after Judgment recovered as aforesaid, to take out a Writ called a Statute Execution, and levy the amount on the Goods and Chattels, Lands and Tenements, the joint or separate property of the said Co-partners, or to take the person or persons of the said joint Debtors, or either of them, in satisfaction of the same: And provided always, that if any such Defendant shall make Affidavit that it is necessary for him to receive instruction or information respecting such Suit from his absent Partner or joint Debtor, and that he cannot safely proceed to the trial of the Cause without communication with the said Absentee, and that he is not seeking for delay only, it shall be lawful for the Court on application grounded on such Affidavit, or other sufficient cause shewn by Affidavit, to grant to the Defendant or Defendants such a reasonable Impar lance as is allowed in common cases.

Court may grant Impar lance.

If any joint Debtor shall come into the Island before final determination of suit, he may be admitted to appear and defend the same.

V. And be it further enacted, That if any Co-partner or joint Debtor, being absent as aforesaid, and not served with Mesne Process, shall come into the Island before the final determination of the Suit against his Co-partner or joint Debtor, and shall apply to the Court to be admitted to appear and defend the action, the Court shall admit him accordingly, and shall cause such amendment to be made in the proceedings as may be required to make the same regular and consistent.

If joint Debtor come into Island after final Judgment, Plaintiff

VI. And be it further enacted, That if any such absent Debtor or Co-partner shall come into the Island after final Judgment given in any such Cause, it shall be lawful for the Plaintiff or Plain-

tiffs, in case he or they shall not have received full satisfaction on such Judgment, to sue out a *Scire Facias* against such last mentioned Co-partner or joint Debtor, requiring him to appear and shew cause why Execution should not be had against his person, or against his Goods and Chattels, Lands and Tenements, to satisfy the said Judgment, or whatever may remain due thereon; and such Defendant shall be allowed to plead either in bar to the original Suit, or in answer to the said *Scire Facias*; and thereupon the Court shall proceed to try and determine the same, and to give Judgment as in other Causes instituted by such Writ.

who has not received full satisfaction may sue out *Scire Facias* against him.

Defendant may plead either in Bar to original suit, or in answer to *Scire Facias*.

VII. And be it further enacted, That nothing herein contained shall be construed to affect or prevent any proceeding which may or shall hereafter be instituted against any absent or absconding Debtor, pursuant to the Act in such case made and provided.

Nothing herein to prevent proceedings against absent Debtors, under Act of 20 G. 3, c. 9.

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

Duration of Act.

* This Act was further continued for five years by 1 G. 4, c. 2, and made perpetual by 6 G. 4, c. 1.

CAP. IV.

An Act to regulate the Admission of Barristers, Attornies and Solicitors.

Repealed by 11 Vic. c. 31.

CAP. V.

Repealed and re-
enacted with
amendments, by
1 G. 4, c. 3.

An Act for repealing certain parts of an Act made and passed in the Fourteenth Year of His present Majesty's Reign, intituled *An Act for regulating the Measure of Boards, and all kind of Lumber, and for appointing Officers to survey the same*; and for declaring what shall be deemed Merchantable Timber for Exportation.

ANNO

QUINQUAGESIMO NONO

GEORGI II. REGIS.

At the General Assembly of His Majesty's Island of *Prince Edward*, begun and holden at *Charlottetown*, the Third Day of *November*, Anno Domini 1818, in the Fifty-ninth Year of the Reign of our Sovereign Lord **GEORGE** the Third, by the Grace of God, of the United Kingdom of *Great Britain* and *Ireland*, King, Defender of the Faith:

1818.
C. D. SMITH,
Lieut. Governor.
T. TREMLETT,
President.
A. MACAULAY,
Speaker.

Being the First Session of the Tenth General Assembly convened in the said Island.

CAP. I.

An Act for raising a Fund, to build Gaols and Court Houses, and for appointing Commissioners to carry the same into effect.

Passed with a suspending clause, and did not receive the Royal Allowance.

CAP. II.

An Act to prevent Acts of the General Assembly from taking effect from a time prior to the passing thereof.

WHEREAS every Act of the General Assembly, in which the commencement thereof is not directed to be from a specific time, doth commence from the first day of the Session of the General Assembly in which such Act is passed; and whereas the same is liable to produce great and manifest injustice: For remedy whereof—

Clerk of Council to endorse on every Act the day, month and year, when the same shall receive the Governor's assent, which shall be the date of its commencement.

Be it enacted, by the Lieutenant Governor, Council and Assembly, That the Clerk of the Council shall endorse in *English*, on every Act of the General Assembly which shall pass after the Third day of *November*, One thousand eight hundred and eighteen, immediately after the Title of such Act, the Day, Month and Year when the same shall have passed, and shall have received the Governor, Lieutenant Governor, or Commander in Chief's assent; and such endorsement shall be taken to be a part of such Act, and to be the date of its commencement, where no other commencement shall be therein provided.

CAP. III.

An Act to limit the Duration of the Terms of the Supreme Court of Judicature, and for other purposes therein mentioned.

Repealed by 12 Vic. c. 9.

CAP. IV.

An Act to enable the Justices of the Supreme Court of Judicature to issue Commissions for examining Witnesses out of this Island.

See Acts
9 G. 4 c. 6.
5 W. 4. c. 4.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That in all civil causes which may, at any time after the passing of this Act, be depending and at issue in the Supreme Court of Judicature of this Island, in which either party shall be desirous to take the depositions of Witnesses residing out of this Island, to be read as evidence in such causes, it shall and may be lawful for the said Court, in Term time, or for any one of the Justices of the same, in vacation, upon sufficient cause being shewn, by affidavit made by or on the behalf of the party desiring the same, to authorize the issuing of a Commission under the Seal of the said Court, for taking such depositions, in such manner, and under such rules, restrictions and regulations, as the said Court, by any rules and orders for that purpose, shall direct and appoint: and such depositions so taken shall be read in evidence as depositions taken *de bene esse* at the Trial of such causes; and the costs attending the issuing such Commissions and taking such depositions shall be taxed, and shall be paid by the party who shall afterwards discontinue any such suit, or against whom any final Judgment therein shall be given. Provided that the Judge or Officer taxing such costs shall be of opinion that such Commission was necessarily issued, and that the depositions taken thereunder were material to the matter in issue, in favour of the party who desired the same—but if otherwise, such costs shall be paid by the party obtaining the Commission.

Justices of Supreme Court to issue Commissions for taking depositions of Witnesses residing out of this Island.

Depositions so taken to be read as evidence *de bene esse*.

Costs to be taxed and paid by the party discontinuing or losing suit;

if otherwise, to be paid by party obtaining commission.

Continuance
of Act.

Made perpetual
by 9 G. 4, c. 6.

II. And be it further enacted, That this Act shall remain and be in force for and during the Term of Five Years from and after the passing thereof, and no longer.

C A P. V.

Continued by
subsequent Acts.
Repealed by 5
Vic. c. 6.

An Act for regulating Juries, and further declaring the Qualifications of Jurors.

C A P. VI.

Passed with a
suspending
clause, and did
not receive the
Royal allowance.

An Act to amend and repeal certain parts of an Act intituled *An Act to repeal an Act made and passed in the Forty-first Year of His present Majesty's Reign, intituled 'An Act for the better Regulation of Elections;'* and to regulate Elections for Members to serve in General Assembly in future.

C A P. VII.

Continued and
Amended by 8 G.
4 c. 7, which is
continued by 2
Vic. (2d Session)
c. 4.

An Act to regulate the Sale of the Interest of Leaseholders when taken in Execution.

No Leasehold
Interest taken in
Execution to be
sold until the ex-
piration of six
months.

WHEREAS Leases and Terms for Years in this Island are liable to be sold under Execution, the same as Goods and Chattels, which has often produced great inconvenience: For remedy whereof—Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, no Leasehold Interest, or Term of Years, in any Lands, Tenements or Hereditaments, hereafter to be taken in Execution, within this Island, shall be exposed

to sale until the expiration of Six Calendar Months* after the same shall have been so taken in Execution.

II. And be it further enacted, That whenever any Leasehold Interest or Term of Years shall be taken in Execution, the Sheriff, Coroner, or other proper Officer, to whom such Writ of Execution shall be directed shall duly advertise the same for sale, pursuant to this Act, and in the manner directed by Law in such cases, respecting Freehold or Real Estates taken in Execution within this Island.

Sheriff shall advertise the same for sale.

III. And be it further enacted, That if the Premises so taken in Execution, or any part thereof, shall have been previously underlet by the Defendant or Defendants named in any such Writ of Execution, to any Under-Tenant or Under-Tenants whose Term or Terms shall not have expired at the time of such Execution being levied, then the Sheriff, Coroner, or other proper Officer, shall notify such Under-Tenant or Under-Tenants, that he, she or they must attorn and become Tenants to the Plaintiff or Plaintiffs named in the Writ of Execution; and the said Plaintiff or Plaintiffs shall from thenceforth, until sale or other sooner determination of the suit, have the like power and authority to recover and receive the Rents payable by such Under-Tenant or Under-Tenants, or so much thereof as will satisfy the Execution, as the Defendant or Defendants named in such Writ had before; and such Under-Tenant or Under-Tenants shall stand absolutely discharged of and from the claims of such Defendant or Defendants, for so much Rent as he, she or they shall pay as aforesaid, and which shall be received in liquidation of the levy marked on such Execution.

If premises are under-let, under Tenant to be notified to attorn to the plaintiff.

Plaintiff, before the determination of suit, to have power to recover so much of the Rents payable by Under-Tenant as will satisfy the Execution.

IV. And be it further enacted, That in all cases where Terms of Years are taken in Exe-

When Terms of Years are taken in Execution,

* Altered to Twelve Months by 8 G. 4. c. 7.

Sheriff to return the Writ within 8 days after levy made.

Proviso.

cution under or by virtue of any Writ issuing out of the Supreme Court of Judicature of this Island, or out of any other Court competent, the Sheriff to whom such Writ is directed shall return the same into the said Court from which it issued within Eight Days after the so taking any Term of Years in Execution as aforesaid, notwithstanding any other return day in such Writ contained. Provided, that no Covenant, Agreement, or Proviso, in any such Lease or other Instrument, shall prevent the Interest of any such Leaseholder as aforesaid from being sold in terms of this Act, to pay his or her just debts; nor shall the sale thereof as aforesaid, in any case be a forfeiture of such Lease, any thing contained in such Lease or Instrument to the contrary notwithstanding.

Sheriff, &c. to expose to sale the Interest of Leaseholder at auction.

Sheriff, &c. to execute a Deed transferring such Leasehold Interest unto Purchaser.

V. And be it further enacted, That it shall and may be lawful for the Sheriff, Coroner, or other proper Officer, at the time allowed by this Act, to expose to sale the Interest of any such Leaseholder as aforesaid; and the same shall thereupon be put up to fair Auction, and shall be sold to the highest bidder, who shall be declared the purchaser; and the Sheriff, Coroner, or other proper Officer, shall forthwith execute to such purchaser, at his (the purchaser's) expence, an absolute Deed of Sale or Assignment of such Leasehold Interest, reciting therein the Execution under which the same may have been sold, which Deed or Assignment shall be good and sufficient in Law to transfer such Leasehold Interest unto such purchaser, his executors, administrators and assigns; and it shall and may be lawful for the Sheriff, Coroner, or other proper Officer, after such Deed or Assignment shall have been so executed, to enter into the Premises specified in such Deed or Assignment, and to put the purchaser into quiet and peaceable possession thereof.

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

Duration of Act.

CAP. VIII.

An Act for the better regulation of Merchant Seamen; and to repeal part of an Act passed in the Fiftieth Year of His present Majesty's Reign, intituled *An Act to prevent the harbouring Deserters from His Majesty's Navy or Army, and for giving a Reward for apprehending Deserters; and to prevent harbouring Deserters from Ships in the Merchant Service.*

Repealed by 7 W. 4, c. 3; also by 7 Vic. c. 8; and by 9 Vic. c. 27.

CAP. IX.

An Act for Barring Estates Tail.

WHEREAS there is no Law in this Island whereby Estates Tail, or in Reversion or Remainder, may be barred, or defeated, or enlarged into Estates in fee simple, other than by levying Fines, or by suffering common Recoveries, the process of which, and of making and executing Deeds to lead to the uses, or to declare the uses, of such Recoveries, are attended with heavy expence, and with delays that are often injurious:

See 10 G. 4, c. 4.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly of this Island, and by the authority of the same, That a Deed in due form of Law made and executed, of any

Deeds made and executed by Tenant in Tail, acknowledged before Chief Jus-

vice, &c. shall be
as valid in Law,

to pass all Estate,
right, title, &c.
of the party to
such Deed,

as if the party so
granting or con-
veying, had levi-
ed a Fine with
Proclamation, or
suffered a com-
mon recovery of
such Lands, &c.
according to the
Laws of England.

Proviso,

Where Deed of
Conveyance shall
be executed by
Baron & Feme,
to be acknow-
ledged in manner
provided by 36
G. 3, c. 3,

and to be as valid
in Law as if the
same had been
made by *Feme
sole*.

Lands, Tenements or Hereditaments within this Island, by any Tenant in Tail, acknowledged before the Chief Justice, or any of the Assistant Judges of the Supreme Court of Judicature of this Island, shall, to all intents and purposes, be as effectual and valid in the Law, to pass all Estate, Right, Title, Interest, and claim of the party to such Deed in or to such Lands, Tenements and Hereditaments, by such Deed granted, conveyed, or made over to the Grantee or Bargainee, in such Deed made over, his Heirs and Assigns, and to defeat, extinguish, cut off and destroy all Estates Tail, Remainders and Reversions, touching and concerning such Lands, Tenements and Hereditaments, as if the party so granting or conveying had levied a Fine with Proclamations, or suffered a common Recovery of such Lands, Tenements and Hereditaments, according to the Laws of *England*, duly levied in the Court of Common Pleas at *Westminster*, with Deeds properly executed to lead the uses, or declare the uses, of such Fine or Recovery of Lands, Tenements and Hereditaments lying and being in *England*. Provided always, that where such Deed of Conveyance shall be executed by *Baron and Feme*, of any Lands, Tenements and Hereditaments as aforesaid, then the same shall be acknowledged in the form and manner provided by an Act of the General Assembly of this Island, of the Thirty-sixth Year of His present Majesty's Reign, intituled *An Act to render valid Conveyances of real Estates of Married Women, by them made, or to be made, during their Cover- ture*; and such Deed of Conveyance so acknow- ledged shall be as good and valid in Law as if the same had been made by a *Feme sole*, or as if such married woman had joined in levying a Fine according to the Law and practice in that behalf made and used in that part of *Great Britain* called *England*, and shall effectually bar her Dower in such Lands, Tenements and Heredita- ments.

II. And be it further enacted, by the authority aforesaid, That all Deeds in due form of Law made and executed in *Great Britain* or *Ireland*, or in any of His Majesty's Colonies, of any Lands, Tenements and Hereditaments in this Island, by Tenant in Tail, and acknowledged within Three Months of the time of executing the same, before any one of the Justices of the Court of Common Pleas in *England* or *Ireland*, or any one of the Lords of Session in *Scotland*, or any Chief Justice or Assistant Justice of the Supreme Court in the Colonies, shall be as effectual and valid in the Law to pass all Estate, Right, Title, Interest, and claim of the party to such Deed, in or to such Lands, Tenements and Hereditaments by such Deed or Conveyance granted, made over, or conveyed, to the Grantee or Bargainee in such Deed made over, and his Heirs and Assigns, and to defeat, extinguish, cut off and destroy all Estates Tail, Remainders or Reversions, touching or concerning such Lands, Tenements and Hereditaments, as if the party so granting and conveying had levied a Fine with Proclamations, or suffered a common Recovery of such Lands, Tenements and Hereditaments, according to the Laws of *England*, duly levied in the Court of Common Pleas at *Westminster*, with Deeds properly executed to lead the uses, or declare the uses, of such Fine or Recovery of Lands, Tenements and Hereditaments lying and being in *England*. Provided always, that when such Deed of Conveyance shall be executed by *Baron* and *Feme* in *Great Britain* or *Ireland*, or in any of His Majesty's Colonies, of any Lands, Tenements and Hereditaments as aforesaid, then the same shall be acknowledged in the form provided by the aforesaid Act of the General Assembly of this Island, made and passed in the Thirty-sixth Year of His present Majesty's Reign, intituled *An Act to render valid Conveyances of real Estates of Married Women, by them made, or to be made, during their Coverture*; and such ac-

All Deeds, &c.
how to be executed and acknowledged by Tenant in Tail out of this Island.

Proviso.

36 G. 3, c. 3.

knowledgment may be taken within Three Months of the time of executing the same, before any one of the Justices of His Majesty's Court of Common Pleas in *England* or *Ireland*, or any one of the Lords of Session in *Scotland*, or any Chief Justice or Assistant Justice of the Supreme Court in the Colonies, or any Justice of the Peace in *Great Britain* or *Ireland*, or the Colonies; and such Deed of Conveyance so acknowledged shall be as good and valid in the Law as if the same had been made by a *Feme sole*, or as if such married woman had joined in levying a Fine according to the Law and practice in that behalf made and used in that part of *Great Britain* called *England*, and shall effectually bar her Dower in such Lands, Tenements and Hereditaments.

Deed or Instrument executed as aforesaid to be registered.

III. And be it further enacted, by the authority aforesaid, That no Deed or Instrument, executed as aforesaid, shall have any force or effect excepting against the party granting it, until the same, or a memorial thereof, shall be duly registered in the proper Office for Registry of Deeds within this Island.

ANNO PRIMO

GEORGII IV. REGIS.

At the General Assembly of His Majesty's 1820.
Island of *Prince Edward*, begun and hold-
den at *Charlottetown*, the Twenty-fifth
Day of *July*, *Anno Domini* 1820, in the
First Year of the Reign of our Sovereign
Lord GEORGE the Fourth, by the Grace
of God, of the United Kingdom of *Great*
Britain and Ireland, King, Defender of
the Faith:

C. D. SMITH,
Lt. Governor.

T. TREMLETT,
President.

A. MACAULAY,
Speaker.

Being the First Session of the Eleventh General
Assembly convened in the said Island.

CAP. I.

An Act for more effectually securing the Title of Purchasers and Incumbrancers of Real Estates against claims of Dower. Disallowed by His Majesty in Council 9th June, 1821.

CAP. II.

The Act of 57
G. 3, c. 2, con-
tinued by this
Act, is made per-
petual by 6 G. 4,
c. 1.

An Act to continue an Act to enable Creditors more easily to recover their Debts from Co-partners and Joint Debtors.

CAP. III.

Continued by 6
G. 4, c. 2; 3 W.
4, c. 6; & 4 Vic.
c. 11.

Expired.

An Act to regulate the Measurement of Ton Timber, Boards, and all other kinds of Lumber, and to repeal two certain Acts made and passed in the Fourteenth and Fifty-seventh Years of His late Majesty's Reign; and also for declaring what shall be deemed Merchantable, and for appointing Officers to Survey the same.

ANNO QUINTO

GEORGI II IV. REGIS.

At the General Assembly of His Majesty's 1825.
Island of *Prince Edward*, begun and hold-
den at *Charlottetown*, the Fifteenth day of
January, Anno Domini 1825, in the Fifth
Year of the Reign of our Sovereign Lord
GEORGE the Fourth, by the Grace of
God, of the United Kingdom of *Great*
Britain, and *Ireland*, King, Defender of
the Faith:

J. READY,
Lt. Governor.

C. WORRELL,
President.

J. STEWART,
Speaker.

Being the First Session of the Twelfth General
Assembly convened in the said Island.

C A P. I.

An Act to establish a Reward for the killing of Expired.
Bears and Loupcerviers.

CAP. II.

Expired.

An Act for the preservation of Oysters.

CAP. III.

Continued by 9
G. 4, c. 2.

Expired.

An Act to amend certain parts of an Act intituled
*An Act for preventing Trespasses by unruly
Horses, Cattle and Sheep, and for preventing
the running of Hogs at large through the
Town of Charlottetown, by the appointment of
Hog Reeves.*

CAP. IV.

Executed.

An Act for the relief of *Michael Burk*, an Insol-
vent Debtor.

CAP. V.

Expired.

An Act for the Encouragement of Education in
the different Counties and Districts in this
Island.

CAP. VI.

Revised Act 59
G. 3, c. 4, made
perpetual by 9
G. 4, c. 6.

An Act to revive and continue an Act intituled
*An Act to enable the Justices of the Supreme
Court of Judicature to issue Commissions for
examining Witnesses out of this Island.*

CAP. VII.

An Act to continue an Act intituled *An Act for regulating Juries, and further declaring the Qualifications of Jurors.* Further continued by 9 G. 4, c. 2.

CAP. VIII.

An Act to prevent the running at large of Boar Pigs, and to restrain Swine from going at large without Rings. Amended by 9 G. 4, c. 7; repealed by 3 W. 4, c. 27.

CAP. IX.

An Act to prevent the using or taking away Boats, Flats or Canoes, without the consent of the Owners. Repealed by 5 Vic. c. 12.

CAP. X.

An Act to prevent the Destruction of Sheep by Dogs. Continued by 9 G. 4, c. 2. Expired.

CAP. XI.

An Act to regulate the Duties and Charges of Pilots within this Island. Continued by 11 G. 4, c. 1; repealed by 7 W. 4, c. 19.

CAP. XII.

An Act to regulate the Fisheries of this Island. Continued by 9 G. 4, c. 2; and 2 Vic. (1st Session,) c. 2.

WHEREAS the great advantages to be derived from the Fisheries of this Island

have been hitherto neglected, and Merchants and others discouraged from engaging in the same, through the want of such Laws and Regulations as are expedient for the conducting and carrying on of such Fisheries:

All engagements with servants in the Fishery to be in writing.

Where disputes arise respecting shares or wages, agreement must be produced.

Hirer employing servant without written agreement to forfeit £10 to use of Government.

Fish and oil subject first to payment of servant's wages or shares,

and to demands of suppliers of bait

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That no person or persons whatsoever shall employ, or cause to be employed, in this Island, or the Dependencies thereof, for the purpose of carrying on the Fishery, any seaman, fisherman, or other servant, without first entering into a written agreement or contract with every such seaman, fisherman, or other servant, declaring what wages or shares such seaman, fisherman, or other servant is to have, and the time for which he shall serve, and in what manner such wages or shares are to be paid or allowed; and in all cases where disputes shall arise concerning the wages or shares of any such seaman, fisherman, or other servant, the hirer or employer shall be obliged to produce such contract or agreement, and also at the time of entering into such contract to give a copy thereof to every such seaman, fisherman, or other servant; and in case such hirer or employer shall hire or employ any seaman, fisherman, or other servant, without first entering into such agreement, he shall forfeit for each offence the penal sum of Ten Pounds, to and for the use of His Majesty's Government.

II. And be it further enacted, That all the Fish and Oil which shall be taken and made by the person or persons who shall so hire or employ such seamen, fishermen, or other servants, shall be liable and subject, in the first place, to the payment of the wages or shares of every such seaman, fisherman, or other servant, employed in or about the Fishery, and of the demands of such person or persons as shall *bona fide* supply Bait to such seamen or fishermen.

III. And be it further enacted, That every creditor for supplies necessary and furnished *bona fide* for the Fishery of the current season, shall be considered a preferable creditor, and shall first be paid Twenty Shillings in the pound, so far as the vessels, boats, fishing tackle, fish and oil, of any person or persons to whom such supplies are furnished, which may be realized within this Island or its Dependencies, will go. Provided always, that nothing in this Act contained shall affect the prior claims of seamen, fishermen, and other servants, actually employed in the catching and curing of Fish and Oil, upon all Fish and Oil caught by the hirers and employers of such seamen, fishermen, or servants, or the produce or value thereof.

Creditors furnishing supplies for fishery of current year to have a preferable claim on vessels, boats, fishing tackle, fish and oil,

saving claims of fishermen or other servants.

IV. And be it further enacted, That in case such seaman or fisherman shall at any time wilfully absent himself from his duty or employ without the consent of his hirer or employer, or shall wilfully neglect or refuse to work, according to the true intent and meaning of his said contract or agreement, such seaman, fisherman, or other servant shall, for every day he shall so absent himself, or neglect or refuse to work as aforesaid, forfeit any number of days' pay or shares not exceeding fifteen, to such hirer or employer: and if any such seaman or fisherman shall wilfully absent himself from his said duty or employment for the space of two days, without such leave as aforesaid, he shall be deemed a deserter, and shall forfeit such wages or shares as may be due to him at the time of such desertion: and it shall and may be lawful for any Justice or Justices of the Peace of this Island, or the Dependencies thereof, to issue his warrant or warrants to apprehend every such deserter, and on the oath of one or more credible witness or witnesses, to commit him to prison, there to remain for any time not exceeding Three Calendar Months.

Seamen, fishermen, or servants, absenting themselves, shall forfeit not exceeding 15 days' pay for each day's absence.

If absent two days without leave, to be deemed deserters, and forfeit all wages then due.

Justices of Peace may issue warrant to apprehend deserter and imprison him not exceeding three months.

Tavern-keepers and others shall not secrete, entertain, or vend liquor to servants in the fishery without consent of employer under penalty of 40s. for each offence.

V. And be it further enacted, That no Tavern-keeper, or other person, shall secrete, harbour or entertain, or vend liquor to, any seaman, fisherman, or other servant employed in the Fishery, without the consent of the hirer or employer of such seaman, fisherman, or other servant, during the fishing season, under a penalty of Forty Shillings for every offence, to be recovered by one or more Justices of the Peace, to and for the use of His Majesty's Government.

Fishermen, &c. privileged from arrest or execution, and property embarked in fishery not to be taken in execution or attached, during current fishing voyage.

VI. And be it further enacted, That during the fishing season, such seamen, fishermen, or other servants, as are actually engaged in the said fishing, shall be privileged from arrest for debt, or from being taken in execution; and that the property actually embarked in the said Fishery shall not be liable to attachment or execution during the current fishing season; and also that no such seamen, fishermen, or other servants, shall be called on to attend Militia services during the said fishing season—any law, usage, or custom to the contrary notwithstanding.

Vessels cleared out for fishery within the Gulf, or Coasts of Cape Breton, Nova-Scotia or Labrador, Masters entitled to demand certificate thereof.

VII. And be it further enacted, That whenever any ship or vessel shall be cleared out from any port in this Island for the Fisheries on the coasts of this Island, or for the Fisheries within the Gulf of *Saint Lawrence*, or on the coasts of *Cape Breton, Nova Scotia* or *Labrador*, without having on board any article of traffic (except only such provisions, nets, tackle, and other things as are usually employed in and about Fisheries,) the Master of any such ship or vessel shall be entitled to demand from the Collector or other principal officer of His Majesty's Customs at such port, a certificate under his hand, that such vessel hath been specially cleared out for the said Fishery, and such Certificate shall be in force for the fishing season of the year in which the same may be granted, and no longer; and all ships or vessels having on board any such Certi-

ificate as aforesaid, and being actually engaged in the Fisheries, or in carrying coastwise, to be landed or put on board any other ship or vessel engaged in the said Fishery, any Fish, Oil, Salt, Provisions, or other necessaries for the use and purposes thereof, shall be exempt from all obligation to make any entry at, or obtain any clearance from, any Custom House in this Island, upon entering the ports or harbours of the same, or its Dependencies, during the continuance of the fishing season, for which Certificates may have been granted: Provided nevertheless, that whenever any such ship or vessel as aforesaid shall finally quit the said Fishery for any country or place, not being within this Colony or the Dependencies thereof, such ship or vessel shall obtain the usual clearance from the principal Officer of His Majesty's Customs at some port in this Colony.

Certificate shall exempt them from entering or clearing at Custom House during fishing season.

Such vessels quitting the Colony, to clear out at Custom House as usual.

VIII. And be it further enacted, That the current fishing season of the year commences on the Fifteenth day of *April*, and ends on the First day of *November*.

Fishing season begins on 15th April and ends 1st November.

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

Continuance of Act.

CAP. XIII.

An Act for Summary Punishment, in certain cases, of Persons wilfully or maliciously damaging or committing Trespasses on Public or Private Property.

Continued by 9 G. 4, c. 2.
Repealed by 3 W. 4, c. 27.

CAP. XIV.

Continued by
subsequent Acts,
and repealed by
2 W. 4, c. 1.

An Act to limit and ascertain the Jurisdiction of Justices of the Peace in matters of Small Debt.

CAP. XV.

Revived and con-
tinued by 3 W. 4,
c. 3.
Expired.

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

CAP. XVI.

Amended by 1
W. 4, c. 6.

An Act to provide a Remedy for Injuries arising from improper burning of Woods.

WHEREAS the practice of setting fire to Woods at improper seasons, and the carelessness and improvidence with which Fires in the Forest are often managed, has already destroyed much valuable property, and unless restrained, threatens ruin and destruction to the Woods in this Island :

Persons setting
fire to Woods
and injuring
thereby the
woods or prop-
erty of others to
answer in dama-
ges the party in-
jured, and also
pay a fine of £5.

Mode of Recu-
very.

Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That any person who shall set fire to the Woods at any time of the year, and thereby injure the Woods or property of another, the person so causing such injury shall be liable in damages to the person so injured, and shall also be liable to the payment of a fine of Five Pounds for each and every such offence, to be recovered before any one of His Majesty's Justices of the Peace—one half whereof to be paid to the person who sues for the same, and the other half to the Overseer of Highways within whose precinct the fire shall have been raised.

CAP. XVII.

An Act to enable the Justices of the Peace for the Counties of *King's County* and *Prince County* to commit Debtors under the Small Debt Act, and also persons charged with Criminal Offences, to the Jail in *Charlottetown*.

** This Act authorized Justices of the Peace for King's and Prince Counties to commit Debtors or Criminals to Charlottetown Jail, until Jails should be erected in said Counties.

CAP. XVIII.

An Act to empower His Excellency the Lieutenant Governor, or Commander in Chief for the time being, to appoint Commissioners to issue Treasury Notes.

For Acts in addition to this Act

- 6 G. 4, c. 12.
- 9 G. 4, c. 1.
- 11 G. 4, c. 16.
- 1. W. 4, c. 15.
- 3 W. 4, c. 13.
- 4 W. 4, c. 17.
- 5 W. 4, c. 11.
- 8 Vic. c. 11.
- 10 Vic. c. 12.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Lieutenant Governor, or Commander in Chief for the time being, to appoint, as soon as may seem to him necessary, three fit and proper persons to be Commissioners* for the purpose of issuing Treasury Notes, to any amount not exceeding Five Thousand Pounds; and that such Notes shall be issued in three equal shares and proportions in value, of Notes of the value of Five Pounds, Two Pounds, and One Pound; and which Notes shall be signed by the said Commissioners, and countersigned by the Treasurer, and shall be in the words and figures following, to wit:

Lieut. Governor to appoint three Commissioners to issue Treasury Notes.

Issue not to exceed £5000.

Notes to be signed by Commissioners and Treasurer.

' No.

Prince Edward Island,

Charlottetown,

1825.

Form of Note.

' By Law, the Bearer of this Note is entitled
' to receive at the Treasury the sum of

* Appointments made to vacancies occurring from death, &c. of Commissioners confirmed, and mode of filling up such vacancies in future pointed out by 10 Vic. c. 12, s. 7.

And the said Commissioners are hereby authorized and required to direct the printing or engraving of such Notes, and to superintend the completing the blanks in the same.

All Notes to bear same date, and to be delivered to Treasurer.

II. And be it further enacted, by the authority aforesaid, That the whole of the Notes issued shall bear the same date, and when subscribed by the Commissioners shall be delivered to the said Treasurer, who shall countersign the same, and be accountable for the Notes so delivered to him.

Warrants shall be paid by Treasurer, at his option, in gold, silver, or notes.

Notes to be taken by Treasurer and Collectors of Impost at their specified value.

III. And be it further enacted, by the authority aforesaid, That all Warrants for payments of Money, when produced to the Treasurer, shall, at his option, be paid in gold or silver, or in the said Notes, to the person entitled to receive the same—which Notes shall be again received at the Treasury, and also by the Collectors of Impost throughout the Island, at their specified value, equal to the like value in gold or silver, when and as often as the same are presented in payment of Duties.

Forging or altering Notes, felony without Clergy.

IV. And be it further enacted, by the authority aforesaid, That whoever shall alter, forge, or counterfeit any of the said Notes, or shall erase or alter the same, or any endorsement thereon, or shall tender in payment, utter, vend, exchange, or barter any such altered, forged, or counterfeited Note, or any erased or altered Note, or the endorsement thereon, or shall knowingly demand to have the same exchanged or paid, with intent to defraud, shall suffer as in cases of felony, without benefit of clergy.

Lieut. Governor may by Warrant require Treasurer to re-issue Notes received at the Treasury.

V. And be it further enacted, by the authority aforesaid, That it shall and may be lawful for the Lieutenant Governor, or Commander in Chief for the time being, by a warrant under his hand, to require the said Treasurer to re-issue Notes received at the Treasury, or to require the Com-

missioners aforesaid to issue other Notes in place of those received, or any part thereof, or to re-issue the Notes already received, or any part thereof, agreeably to the said warrant. **Provided** always, that no Notes so to be re-issued shall exceed the amount of the Notes so from time to time received at the Treasury.

VI. And be it further enacted, by the authority aforesaid, That if at any quarterly period, after the Thirty-first day of *December* next—that is to say, at the Thirty-first day of *March*, the Thirtieth day of *June*, the Thirtieth day of *September*, and the thirty-first day of *December*, in any succeeding year, any person shall tender for payment at the Treasury any number of the Notes issued or re-issued in virtue of this Act, in case the Treasurer shall not be able to pay the same in gold or silver, it shall and may be lawful for the Lieutenant Governor, or Commander in Chief for the time being, by and with the advice of His Majesty's Council, by warrant under his hand and seal, to direct the Commissioners aforesaid to fund such sum or sums of Treasury Notes as shall be tendered for payment, from time to time as aforesaid, and to grant Certificates to the amount thereof on Interest; and the said Commissioners shall deliver the said Notes so presented to the Treasurer of the Island, and take his receipt for the same, and the Treasurer shall be charged with and accountable for the same; and the said Notes shall not be again issued from the Treasury, or put into circulation for any use whatsoever.

Provido

Quarterly periods when Notes may be presented for payment.

If not paid, Notes may be funded and bear Interest.

Notes so funded not to be again issued.

VII. And be it further enacted, by the authority aforesaid, That if at the end and expiration of Three Years from the passing of this Act, all the Notes which may or have been issued, under and by virtue of this Act, shall not have been received and paid into the Treasury, the Treasurer is hereby directed and required to pay the amount

Three years after passing of Act, all notes to be paid in gold or silver.

of the same when demanded, in gold or silver, out of the Monies in the Treasury then not specifically appropriated.

Allowance to
Treasurer.

VIII. And be it further enacted, by the authority aforesaid, That the Treasurer of this Island shall be paid for his duties and services under the authority of this Act, the sum of one *per Centum* of all Notes issued by him, over and above any other per-centage or emolument to which such Treasurer may be entitled by any Law of this Island.

. This Act is rendered perpetual by 5 Will. 4. c. 11.

C A P. XIX.

Expired.

25 G. 3, c. 4.

An Act for increasing the Revenue, by levying an additional Duty on all Wines, Gin, Brandy, Rum, and other Distilled Spirituous Liquors imported into this Island; and to repeal and amend certain parts of an Act passed in the Twenty-fifth Year of His late Majesty's Reign, intituled *An Act to amend, render more effectual, and to reduce into one Act, the several Laws made by the General Assembly of this Island, relative to the Duties of Impost on Wines, Rum, Brandy, and other Distilled Spirituous Liquors; and for allowing a Drawback on all Wines, Rum, Brandy, and other Distilled Spirituous Liquors exported from this Island.*

C A P. XX.

Expired.

An Act for increasing the Revenue, by levying a Duty on Tobacco and Tea.

CAP. XXI.

An Act for the Preservation of Sheep within the
 Royalty of *Charlottetown*, by imposing a Tax
 on Dogs.

Continued by 9
 G. 4, c. 2.
 Repealed by 1
 W. 4, c. 5.

CAP. XXII.

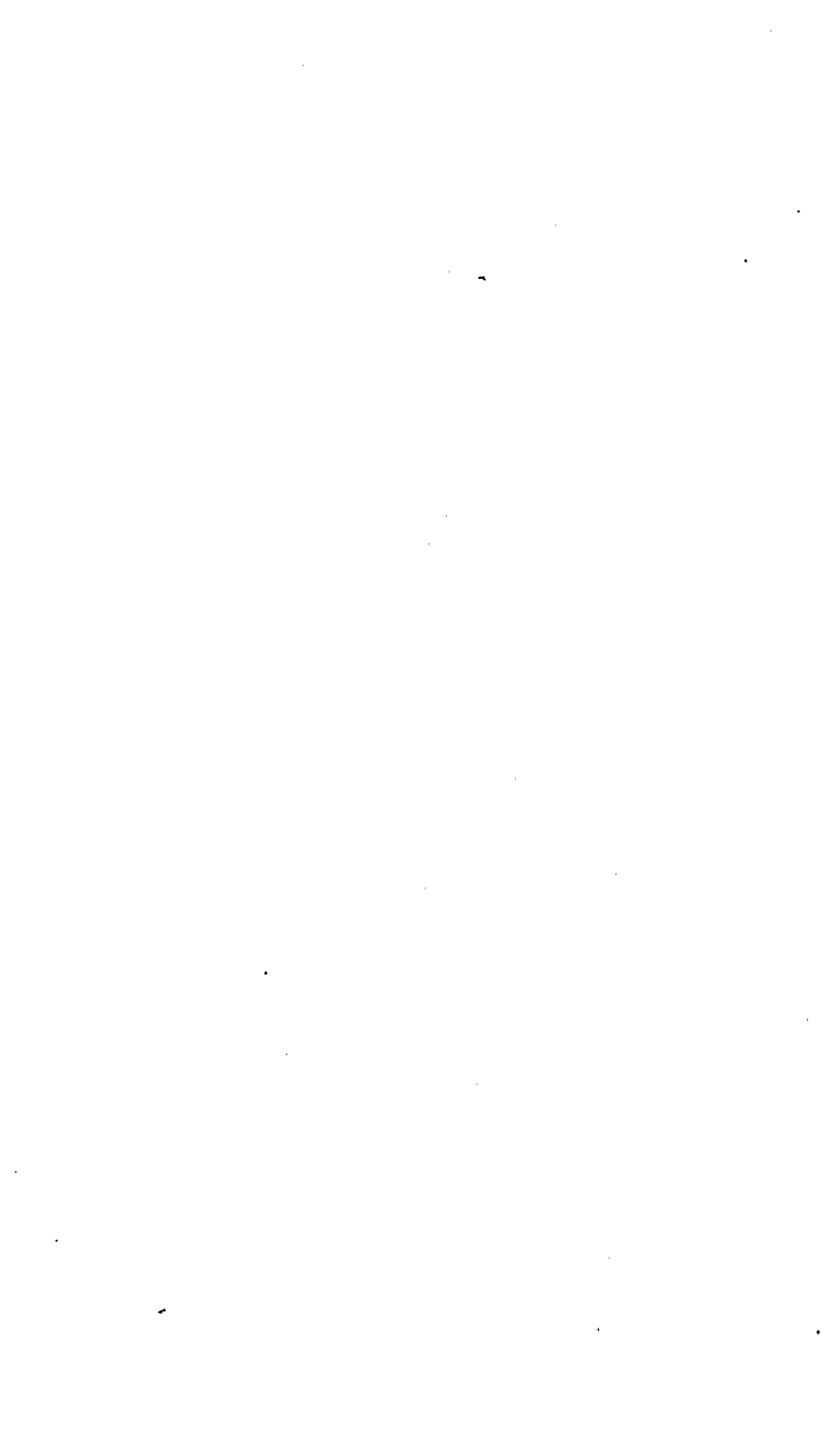
An Act to regulate the Performance of Statute
 Labor on the Highways, and to suspend an
 an Act made and passed in the Thirty-fifth
 Year of the late King, intituled *An Act to alter
 and amend the High Road Laws*.

Sec 9 G. 4, c. 8.

CAP. XXIII.

An Act for appropriating certain Monies therein
 mentioned, for the Service of the Year of our
 Lord One thousand eight hundred and twenty-
 five.

Executed.



ANNO SEXTO

GEORGIIV. REGIS.

At the General Assembly of His Majesty's 1825.
Island of *Prince Edward*, begun and holden at *Charlottetown*, the Fifteenth Day of *January, Anno Domini, 1825*, in the Fifth Year of the Reign of our Sovereign Lord GEORGE the Fourth, by the Grace of God, of the United Kingdom of *Great Britain and Ireland*, King, Defender of the Faith :

JOHN READY.
Lieut. Governor.

S. G. W. ARCHIBALD,
President.

J. STEWART,
Speaker.

And from thence continued, by several Prorogations, to the Twelfth Day of *October, 1825*, and in the Sixth Year of His said Majesty's Reign ; being the Second Session of the Twelfth General Assembly convened in the said Island.

CAP. I.

An Act to render perpetual an Act made and passed in the Fifty-seventh Year of the 57 G. 3, c. 37
Reign of His late Majesty, intituled: *An Act to enable Creditors more easily to recover their Debts from Co-partners and Joint Debtors.*

WHEREAS the above recited Act will shortly expire, and the same has been found beneficial :

Recited Act
made perpetual.

Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the said Act intituled *An Act to enable Creditors more easily to recover their Debts from Co-partners and joint Debtors*, be, and the same is hereby made perpetual.

CAP. II.

Expired.

See Note to 1
G. 4, c. 3.

An Act to continue an Act made and passed in the First Year of His present Majesty's Reign, intituled *An Act to regulate the Measurement of Ton Timber, Boards, and all other kinds of Lumber, and to repeal Two certain Acts made and passed in the Fourteenth and Fifty-seventh Years of His late Majesty's Reign; and also for declaring what shall be deemed Merchantable; and for appointing Officers to survey the same.*

CAP. III.

Executed.

43 G. 3, c. 3.

An Act to repeal an Act made and passed in the Forty-third Year of His late Majesty's Reign, intituled *An Act to alter and amend an Act made and passed in the Twenty-sixth Year of His present Majesty's Reign, intituled 'An Act for the Trial of Actions in a Summary way.'*

CAP. IV.

31 G. 3, c. 1,
s. 7.

An Act to repeal a certain Clause of an Act made and passed in the Thirty-first Year of the Reign of His late Majesty, intituled *An Act for admitting persons to swear to their own Accounts in certain cases, and for amending certain practical parts of the Law, in order to the more easy and speedy attainment of Public Justice in this Island.*

CAP. V.

An Act to repeal an Act made and passed in the Thirtieth Year of the Reign of His late Majesty, intituled *An Act to prevent unnecessary Expence and Delays in certain Actions, wherein Judgments have passed by Default.* Executed.
30 G. 3, c. 10.

CAP. VI.

An Act relating to Marriages and Baptisms, and for making Polygamy Felony. Disallowed by His Majesty in Council, 20th Nov. 1826.

CAP. VII.

An Act to repeal an Act made and passed in the Twenty-first Year of His late Majesty's Reign, intituled *An Act declaring that Baptism of Slaves shall not exempt them from Bondage.* Executed.
21 G. 3, c. 17.

CAP. VIII.

An Act in addition to, and in the further amendment of an Act made and passed in the Thirteenth Year of the Reign of His late Majesty, intituled *An Act prohibiting the Sale (by Retail) of Rum, or other Distilled Spirituous Liquors, without first having a Licence for that purpose, and for the due Regulation of such as shall be licensed.* Expired.
13 G. 3, c. 12.

CAP. IX.

Further continu-
ed by 8 G. 4,
c. 11.

Expired.

An Act to revive, alter and continue an Act made and passed in the Fifty-second Year of the Reign of His late Majesty, intituled *An Act for raising a Fund, to make and keep in repair the Pumps, Wells and Streets of Charlottetown, and for other purposes therein mentioned.*

* * This Act revived and continued for one year, 52 Geo. 3, c. 6.

CAP. X.

Expired.

5 G. 4, c. 19.

An Act to continue an Act made and passed in the Fifth Year of the Reign of His present Majesty, intituled *An Act for increasing the Revenue, by levying an additional Duty on all Wines, Gin, Brandy, Rum, and other Distilled Spirituous Liquors imported into this Island; and to repeal and amend certain parts of an Act passed in the Twenty-fifth Year of His late Majesty's Reign, intituled 'An Act to amend, render more effectual, and to reduce into one Act, the several Laws made by the General Assembly of this Island relative to the Duties of Impost on Wines, Rum, Brandy, and other Distilled Spirituous Liquors, and for allowing a Drawback upon all Wines, Rum, Brandy, and other Distilled Spirituous Liquors exported from this Island.'*

CAP. XI.

Expired.

5 G. 4, c. 20.

An Act to alter and continue an Act made and passed in the Fifth Year of His present Majesty's Reign, intituled *An Act for increasing the Revenue, by levying a Duty on Tobacco and Tea.*

CAP. XII.

An Act to authorize the Commissioners named and appointed under an Act made and passed in the Fifth Year of the Reign of his present Majesty, intituled *An Act to empower His Excellency the Lieutenant Governor, or Commander in Chief for the time being, to appoint Commissioners to issue Treasury Notes*, to issue Notes of the value of Ten Shillings each.

For other Acts relative to Treasury Notes, see
 5 G. 4, c. 18.
 9 G. 4, c. 1.
 11 G. 4, c. 16.
 1 W. 4, c. 15.
 3 W. 4, c. 13.
 4 W. 4, c. 17.
 5 W. 4, c. 11.
 8 Vic. c. 11.
 10 Vic. c. 12.

WHEREAS it will tend to the convenience of the Public if the Commissioners named and appointed under the Act intituled *An Act to empower His Excellency the Lieutenant Governor, or Commander in Chief for the time being, to appoint Commissioners to issue Treasury Notes*, were authorized to issue Ten Shilling Notes :

5 G. 4, c. 18.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful to and for the Commissioners named under the said Act, intituled *An Act to empower His Excellency the Lieutenant Governor, or Commander in Chief for the time being, to appoint Commissioners to issue Treasury Notes*, to direct the printing and engraving of Notes not exceeding in value Ten Shillings each, and to superintend the filling up the blanks in the same, in the way and manner, and in the form prescribed by the said Act, to the amount of Eight Hundred Pounds; which said Ten Shilling Notes the said Commissioners and the Treasurer of this Island are to dispose of in the way prescribed by the said Act with respect to Notes already issued, or to be issued, and the same are to be subject in every instance to the like rules

Commissioners to issue Ten Shilling Notes to the amount of £800.

Felony to forge
or alter Notes.

II. And be it further enacted, by the authority aforesaid, That any person or persons whomsoever that shall alter, forge, or counterfeit any of the said Ten Shilling Notes, or shall erase or alter the same, or any endorsement thereon, or shall tender in payment, utter, vend, exchange or barter any such altered, forged or counterfeited Note, or any erased or altered Note, or the endorsement thereon, or shall knowingly demand to have the same exchanged or paid, with intent to defraud, shall suffer as in cases of felony, without benefit of clergy.

. Rendered perpetual by 5 W. 4, c. 11.

C A P. XIII.

Executed.

An Act for appropriating certain Monies therein mentioned, for the Service of the Year of our Lord One thousand eight hundred and twenty-six.

ANNO OCTAVO

GEORGIIV. REGIS.

At the General Assembly of His Majesty's 1827.
Island of *Prince Edward*, begun and holden at *Charlottetown*, the Fifteenth Day of *January*, *Anno Domini* 1825, in the Fifth year of the Reign of our Sovereign Lord GEORGE the Fourth, by the Grace of God, of the United Kingdom of *Great Britain* and *Ireland*, King, Defender of the Faith:

J. READY,
Lt. Governor.

S. G. W. ARCHIBALD,
President.

J. STEWART,
Spoker.

And from thence continued, by several Prorogations, to the Twentieth Day of *March*, 1827, and in the Eighth Year of His said Majesty's Reign; being the Third Session of the Twelfth General Assembly convened in the said Island.

CAP. I.

An Act for regulating Apprentices.

Repealed by 8
Vic. c-14.

CAP. II.

Expired.
43 G. 3, c. 5.

An Act to amend an Act made and passed in the Forty-third Year of His late Majesty's Reign, intituled *An Act to amend an Act made and passed in the Thirty-first Year of His present Majesty's Reign, intituled 'An Act to prevent the running at large of Rams at improper Seasons.'*

CAP. III.

Continued by 1
W. 4, c. 7.

Expired.

An Act to establish an Assize of Bread within the Town and Royalty of *Charlottetown*.

CAP. IV.

Executed.

An Act to ascertain the Population of the Island.

CAP. V.

Expired.
13 G. 3, c. 11.

An Act to regulate Appeals from the Courts of Justices of the Peace of this Island, in amendment of an Act made and passed in the Thirteenth Year of the Reign of His late Majesty King George the Third, intituled *An Act for the more easy and speedy Recovery of Small Debts.*

CAP. VI.

Continued by 1
W. 4, c. 7, and
3 W. 4, c. 5.
Expired.

An Act to regulate the driving Carts, Carriages, Sleighs and Carioles on the Highways.

CAP. VII.

An Act to continue and amend an Act passed in the Fifty-ninth Year of His late Majesty's Reign, intituled *An Act to regulate the Sale of the Interest of Leaseholders, when taken in Execution.*

Revised and continued by 2 Vic. (2d session) cap. 4.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That the Act passed in the Fifty-ninth Year of His late Majesty's Reign, intituled *An Act to regulate the Sale of the Interest of Leaseholders, when taken in Execution*, and every matter and thing therein contained, except as the same is herein-after altered and amended, be continued, and the same is hereby continued for Ten Years, and from thence until the end of the next Session of the General Assembly.

59 G. 3, c. 7, continued for 10 years as herein-after amended.

II. And be it further enacted, That no Leasehold Interest, or Term of Years in any Lands, Tenements, or Hereditaments hereafter to be taken in Execution within this Island, shall be exposed to sale until the expiration of Twelve Calendar Months after the same shall have been so taken in Execution; any thing in the said Act to the contrary thereof notwithstanding.

No Leasehold Interest taken in Execution to be exposed to sale until the expiry of 12 Months.

CAP. VIII.

An Act to authorize the Formation of a Fire Engine Company for the Town of *Charlotte-town.*

Continued by 3 W. 4, c. 4, and 2 Vic. c. 3. Repealed by 7 Vic. c. 14.

CAP. IX.

Continued by 3
W. 4, c. 28.
Expired.

An Act to establish and regulate the Practice of the Supreme Court of Judicature of this Island, in cases of Replevin.

CAP. X.

Expired.

An Act for raising a Fund in aid of supporting the Light House on *Cranberry Island*.

CAP. XI.

Further continu-
ed by 10 G. 4,
c. 17.

Expired.

An Act to continue an Act made and passed in the Sixth Year of His present Majesty's Reign, intituled *An Act to revive, alter and continue an Act made and passed in the Fifty-second Year of the Reign of His late Majesty, intituled 'An Act for raising a Fund, to make and keep in repair the Pumps, Wells, and Streets of Charlottetown, and for other purposes therein mentioned.'*

CAP. XII.

Executed

An Act to revive, alter and continue an Act made and passed in the Fifth Year of His present Majesty's Reign, intituled *An Act for increasing the Revenue, by levying an additional Duty on all Wines, Gin, Brandy, Rum, and other Distilled Spirituous Liquors imported into this Island; and to repeal and amend certain parts of an Act passed in the Twenty-fifth Year of His late Majesty's Reign,*

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

CAP. XIII.

An Act to revive, alter, and continue an Act made and passed in the Fifth Year of His present Majesty's Reign, intituled *An Act for increasing the Revenue, by levying a Duty on Tobacco and Tea* and to appropriate the Monies hereby granted. Executed.

ANNO NONO

GEORGII IV. REGIS.

At the General Assembly of His Majesty's Island of *Prince Edward*, begun and holden at *Charlottetown*, the Fifteenth day of *January*, Anno Domini 1825, in the Fifth Year of the Reign of our Sovereign Lord GEORGE the Fourth, by the Grace of God, of the United Kingdom of *Great Britain*, and *Ireland*, King, Defender of the Faith:

1828.

J. READY,
Lt. Governor.

G. WRIGHT,
President.

J. STEWART,
Speaker.

And from thence continued, by several Prorogations, to the Twentieth Day of *March*, 1828, and in the Ninth Year of His said Majesty's Reign; being the Fourth Session of the Twelfth General Assembly convened in the said Island.

CAP. I.

An Act to revive and continue Two certain Expired Acts therein mentioned.

* * * By this Act 5 Geo. 4, c. 18, and 6 Geo. 4, c. 12, were revived and continued for 3 years.

CAP. II.

An Act for continuing several Laws near expiring.

* * * This Act continued for 10 years, the following Acts, viz.

5 Geo. 4, c. 12.—5 Geo. 4, c. 21.

5 Geo. 4, c. 13.—5 Geo. 4, c. 3.

5 Geo. 4, c. 7, and 5 Geo. 4, c. 10,

of which 5 Geo. c. 12, is alone now in force.

CAP. III.

Amended by 10
G. 4 c. 3,
Continued by 5
W. 4, (2d Ses-
sion) c. 1.

An Act for establishing the Standard Weight of Grain and Pulse, and for appointing proper Officers for measuring and weighing the same.

Expired.

CAP. IV.

Repealed by 11
G. 4, c. 3.
5 G. 4, c. 5.

An Act to continue and amend an Act of the Fifth Year of His present Majesty's Reign, intituled *An Act for the Encouragement of Education in the different Counties and Districts in this Island.*

CAP. V.

Repealed by 3
W. 4, c. 8.

An Act to alter and amend an Act intituled *An Act for licensing and regulating Ferries.*

CAP. VI.

59 G. 3, c. 4.
See 5 W. 4, c.
4.

An Act to render perpetual an Act intituled *An Act to enable the Justices of the Supreme Court of Judicature to issue Commissions for examining Witnesses out of this Island.*

WHEREAS the said Act will shortly expire, and the same hath been found highly be-

neficial, and it is deemed necessary that the same should be rendered perpetual—Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the said Act, intituled *An Act to enable the Justices of the Supreme Court of Judicature to issue Commissions for examining Witnesses out of this Island*, shall from henceforth be, and the same is hereby declared to be, in full force and effect for ever.

59 G. 3, c. 4,
made perpetual.

CAP. VII.

An Act to continue and amend an Act of the Fifth Year of His present Majesty's Reign, intituled *An Act to prevent the running at large of Boar Pigs, and to restrain Swine from going at large without Rings*.

Repealed by 12
Vic. c. 16.

5 G. 4, c. 8.

CAP. VIII.

An Act to continue and amend an Act of the Fifth Year of the present King, intituled *An Act to regulate the performance of Statute Labor on the Highways, and to suspend an Act made and passed in the Thirty-fifth Year of the late King, intituled 'An Act to alter and amend the High Road Laws.'*

Repealed by 3
W. 4, c. 1.

CAP. IX.

An Act to continue and amend an Act made and passed in the Fifth Year of His Majesty's Reign, intituled *An Act to limit and ascertain the Jurisdiction of Justices of the Peace in Matters of small Debt*.

See 1 W. 4, c.
11.

C A P. X.

Expired.

S G. 4, c. 12.

An Act to continue and alter an Act made and passed in the Eighth Year of His present Majesty's Reign, intituled *An Act to revive, alter and continue an Act made and passed in the Fifth Year of His present Majesty's Reign, intituled "An Act for increasing the Revenue, by levying an additional Duty on all Wines, Gin, Brandy, Rum, and other Distilled Spirituous Liquors imported into this Island; and to repeal and amend certain parts of an Act passed in the Twenty-fifth Year of His late Majesty's Reign, intituled 'An Act to amend, render more effectual, and to reduce into one Act, the several Laws made by the General Assembly of this Island relative to the Duties of Impost on Wines, Rum, Brandy, and other Distilled Spirituous Liquors, and for allowing a Drawback on all Wines, Rum, Brandy, and other Distilled Spirituous Liquors exported from this Island ;'" and to appropriate the Monies granted.*

C A P. X I.

Expired.

S G. 4, c. 13.

An Act to continue and alter an Act made and passed in the Eighth Year of His present Majesty intituled *An Act to revive, alter and continue an Act made and passed in the Fifth Year of His present Majesty's Reign, intituled An Act for increasing the Revenue, by levying a Duty on Tobacco and Tea, and to appropriate the Monies hereby granted.*

C A P. X I I.

Passed with a
suspending
clause and not
approved of by
His Majesty.

An Act for the further increase of the Revenue, by raising a Duty of Impost on all Goods, Wares and Merchandizes imported into this Island.

ANNO DECIMO

GEORGII IV. REGIS.

At the General Assembly of His Majesty's Island of *Prince Edward*, begun and holden at *Charlottetown*, the Fifteenth Day of *January*, Anno Domini 1825, in the Fifth Year of the Reign of our Sovereign Lord GEORGE the Fourth, by the Grace of God, of the United Kingdom of *Great Britain and Ireland*, King, Defender of the Faith :

1829.

J. READY,
Lt. Governor.

E. J. JARVIS,
President.

J. STEWART,
Speaker.

And from thence continued, by several Prorogations, to the Fifth Day of *March*, 1829, and in the Tenth Year of His said Majesty's Reign ; being the Fifth Session of the Twelfth General Assembly convened in the said Island.

CAP. I.

An Act for keeping clean the Streets of *Charlottetown*, and for removing Obstructions therefrom. Expired.

CAP. II.

Repealed by 1
W. 4, c. 1.

An Act for the appointment of Limits and Rules
for the Jail of *Charlottetown*.

* * * This was an Act passed for Two Years.

CAP. III.

9 G. 4, c. 3.
Continued by 5
W. 4, (2d ses-
sion) c. 1.
Expired.

An Act to amend an Act made and passed in
the Ninth Year of His present Majesty's Reign,
intituled *An Act for establishing the Standard
Weight of Grain and Pulse, and for appoint-
ing proper Officers for measuring and weigh-
ing the same.*

CAP. IV.

See 59 G. 3, c. 9. An Act to enable Tenants in Tail to exe-
cute Leases, and grant Terms of Years
of a long Endurance.

WHEREAS there are many extensive tracts
of forest land, and others, now in the
possession of Tenants in Tail, which cannot be
turned to any profitable use, unless the Tenant
in Tail of such lands shall be allowed by law to
grant Leases, or 'Terms of Years, for the same,
of a long endurance; and the settlement and cul-
tivation of such lands may be very materially, if
not altogether, prevented, unless some remedy be
provided to enable Tenants in Tail validly to
execute Leases of such endurance as are usually
executed within the Island by owners of land
holding the same in fee simple:

Tenants in Tail
may make leases
for any term of
years,

Be it enacted, by the Lieutenant Governor
Council and Assembly, That all Leases hereafter
to be made of any lands, tenements or heredita-
ments in this Island, by Indenture under Seal,

for any term of years, by any persons, being of the full age of twenty-one years, held in fee tail in their own right, or in that of their wives, or jointly with their wives, made before the coverture or after, shall be good and effectual in the Law against the Lessors, their heirs and successors and every of them, according to such Estate as is comprised and specified in every such Indenture of Lease, in like manner and form as the same should have been if the Lessors thereof, and every of them, at the time of making of such Leases, had been lawfully seized of the same lands, tenements and hereditaments in such Indenture, of a good, perfect and pure estate of fee simple thereof to their only uses. Provided always, That this Act, or any thing herein contained, shall not extend to any Lease to be made of any lands, tenements or hereditaments, above the number of Nine hundred and ninety-nine years, and which shall not be made by Indenture of Lease, mutually executed by all the parties thereto, and at the best and highest rent that can be, at the time of making such Lease, obtained for the same, and which shall be so expressed in the said Indenture of Lease; and that every person to whom the inheritance and reversion of such land shall appertain, shall, according to his right or interest in the same, after the death of such Lessors, have such remedy and advantage, to all intents and purposes, against the Lessees thereof, their executors and assigns, as the same Lessor should or might have had against the same Lessees. Provided always, That the wife be made party to every such Lease which hereafter shall be made by her husband of any lands, tenements or hereditaments to which the wife shall be entitled in Estate Tail; and that every such Lease be made by Indenture in the name of the husband and his wife, and she to seal the same; and that the Farm and Rent be reserved to the husband and to the wife, and to the heirs of the wife, according to the state of inheritance in

and to be good in law.

Term not to exceed 999 years.

and shall be for the highest rent that can be at the time gotten.

Persons entitled to the reversion to have the same remedy against the Lessees as Lessors might have had.

Wife (when entitled to the Estate) to be a party to lease.

Rent to be reserved to husband and wife, and heirs of wife.

After decease of husband, rent to revert to person legally entitled thereto.

the same ; and that the husband shall not in any wise alien, discharge, grant, or give away the same rent reservcd, nor any part thereof, longer than during the coverture, without it be by fine levied by the said husband and wife, but that the same rent shall remain, descend, revert, or come, after the death of such husband, unto such person or persons, and their heirs, in such manner and sort as the lands so leased should have done if no such Lease had been thereof made.

Suspending clause.

Provided, That nothing herein contained shall have any force or effect, until His Majesty's pleasure therein shall be known.

* * This Act received the Royal Allowance, 7th December, 1829.

C A P. V.

31 G. 3, c. 7.

An Act to alter and amend an Act made and passed in the Thirty-first Year of the Reign of His late Majesty, intituled *An Act for compelling Persons owning Lands adjoining to each other to make their respective parts or proportions of the Fence between them, and for empowering the Grand Jury to nominate Fence Viewers.*

WHEREAS the said Act hath been found insufficient, in cases where Line Fences between cultivated fields are thrown down, by accident or design, the said Act requiring one month's notice to be given to parties before they can be compelled to put up the same, or to pay therefor :

Where fences between cultivated lands are in any way prostrated,

Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing hereof, in all cases where Line Fences between cultivated grounds or fields are prostrated, destroyed, or otherwise injured, either

by accident, natural decay, or design, it shall and may be lawful thereupon, for either party owning or occupying the said cultivated grounds or fields to give notice to the other party to repair or make good his, her or their proportion of the said Line Fence; and should the said party to whom notice is so given refuse or neglect to repair or make good the same within twenty-four hours after such notice, the party giving such notice is hereby authorized to call upon the Fence Viewer or Fence Viewers, in the way and manner prescribed in and by the herein-before mentioned Act, who is and are hereby empowered and required to proceed as therein also prescribed: and the party delinquent, or neglecting to make good his or their proportion of the said Line Fence, is to be answerable for all expences, costs and charges, to the party injured, as in the said Act is expressed and declared against delinquents refusing or neglecting to comply with the directions of the said Act.

person neglecting or refusing to make good his proportion of same, after 24 hours notice, liable to be proceeded against as pointed out by 31 G. 3, c. 7.

CAP. VI.

An Act for encouraging the Fisheries by granting Bounties.

Expired.

CAP. VII.

An Act to regulate the size of Barrels, and enforce the Inspection of such Pickled Fish as may be exported from *Prince Edward Island*.

Expired.

CAP. VIII.

An Act to regulate the introduction of Passengers, in Vessels arriving in this Island.

Repealed by 11 G. 4, c. 2.

CAP. IX.

For Acts on this subject see 6 Vic. c. 21; 10 Vic. c. 14.

An Act for the Establishment of an Academy in *Charlottetown*.

WHEREAS the promotion of Classical Education in this Colony is deemed an object of the first importance :

Incorporation of Trustees.

Names of Trustees.

Name of Corporation.

Power of Trustees.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Lieutenant Governor, or Commander in Chief for the time being, by Letters Patent under the Great Seal of this Island, to incorporate *Edward James Jarvis*, Chief Justice, and his successor in office; *John Stewart*, Speaker of the House of Assembly, and his successor in office; *Robert Hodgson*, Attorney General, and his successor in office; *John Lawson*, Solicitor General, and his successor in office; and any two of the Members of His Majesty's Council and three Members of the House of Assembly (one from each County in the Island) as he may think fit and proper, to be one Body Politic and Corporate, in deed and in name, and have succession for ever, in manner as shall be herein-after mentioned and provided for, by the name of the "Trustees and Governors of the Central Academy;" and that by the same name they shall have perpetual succession, and a common Seal, to be appointed by themselves, and also to sue and be sued, implead and be impleaded, in all Courts and places; and they, and the major part of them, shall have power, from time to time, to choose from among themselves a President and other Officers, as by the said Letters Patent shall be directed, and to nominate the Masters, make By-Laws, Rules and Ordinances for the regulation and general management of the said Academy; and to assemble together, when, where, and as often, and upon such notice, as to

them shall seem fit, for the execution of their trust; and shall also have full power and capacity to purchase, receive, take, hold and enjoy, for the use and benefit of the said Academy, as well grants of public money, legacies, goods and chattels, as lands, tenements and hereditaments, notwithstanding any Statute or Statutes of Mortmain.

II. And be it further enacted, That in case of the removal from the said Council, by death or otherwise, or in case of absence from this Island of any of the said Members of Council hereafter to be appointed, it shall and may be lawful to and for the Lieutenant Governor, or Commander in Chief for the time being, to nominate and appoint other Trustees, Members of the Council in their room.

On removal of any of the Trustees, Members of Council, vacancy how filled up.

III. And be it further enacted, That in case of the death of any of the said Members of the House of Assembly hereafter to be appointed as aforesaid, or if they, or either of them, shall cease to be Members of the House of Assembly by means of the dissolution of the said House, or otherwise, or shall be absent from this Island, it shall and may be lawful to and for the Lieutenant Governor, or Commander in Chief for the time being, to nominate and appoint other Trustees, Members of Assembly for the respective Counties as aforesaid, in their room.

On removal of any of the Trustees, Members of the Assembly, vacancy how filled up.

V. And be it further enacted, That no benefited Clergyman of the Established Church, or Clergyman of the said Church having spiritual charge of a congregation, or Minister of any other sect or denomination of Christians having the spiritual charge of any parish or congregation, shall be eligible, or be appointed Master in the said Academy.

No Clergyman having spiritual charge of a congregation, eligible as a Master.

Lieut. Governor
to be Patron and
Visitor.

VI. And be it further enacted, That the Lieutenant Governor, or Commander in Chief for the time being, shall be the Patron and Visitor of the said Academy.

Branches to be
taught in the
Academy.

VII. And be it further enacted, That the branches taught in the said Academy shall be the *Greek* and *Latin* Languages, *Belles Lettres*, the *French* Language; Geography connected with Astronomy, and combined with General and Natural History; *English* Reading, Grammar and Elocution; Elementary and Practical Mathematics, and Theoretical and Practical Arithmetic. And the said Trustees shall, if they see fit, require one or both of the Masters to be employed in the said Academy to receive Boarders, and have power to fix the rate or terms at which such Boarders shall be received, and regulate their mode of living.

Masters to keep
Boarders, if re-
quired, and Trus-
tees to fix the
rate of board, &c.

Trustees may re-
move Masters,
and expel or sus-
pend scholars, for
misbehaviour.

VIII. And be it further enacted, That the said Trustees, or any five of them, shall have power to remove the said Masters, or either of them, in case they shall think fit, and expel or suspend any of the Scholars of the said Academy who shall offend against the By-Laws, Rules, Regulations or Ordinances by them made for the due governance of the said Academy.

No Religious
Test to be used.

IX. And be it further enacted, That no religious Test whatever shall be used in the said Academy, in order that the classes in the same may be free and open to all.

* * * The 4th Section of this Act having been repealed by 6 Vic. cap. 21, is not herein inserted.

CAP. X.

An Act to regulate the laying out and altering of Highways, and to provide a mode of obtaining compensation for those who may thereby be injured, and to cause those who are benefited thereby to contribute towards their formation.

Repealed by
14 Vic. c. 1.

* * * The provisions of this Act may affect Titles to Lands, but are omitted pursuant to Act 12 Vic. c. 23. For other Acts on the same subject, see 3 W. 4, c. 9; 4 W. 4, c. 16; 5 W. 4, (1st session) c. 8; 1 Vic. c. 16; 5 Vic. c. 22; 6 Vic. c. 22; 8 Vic. c. 5; 11 Vic. c. 33.

CAP. XI.

An Act for the security of Navigation, and for preserving all Ships, Vessels and Goods, which may be found on shore, wrecked or stranded, upon the Coasts of this Island, and for punishing Persons who shall steal Shipwrecked Goods, and for the Relief of Persons suffering Loss thereby.

WHEREAS the preservation of shipwrecked Goods, as well as the punishment of persons who shall plunder or conceal the same, are objects of great importance—Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That any Ship or Vessel which shall be in distress, or wrecked, stranded, or cast a-shore, or any Goods, Merchandise, or articles of any kind, belonging to such Ship or Vessel, or otherwise, which shall be forced on shore, wrecked or stranded, upon the Coasts of this Island, or which shall be found floating in the Rivers, Bays, or Harbours thereof, or so near to the Coasts thereof as to be within soundings, shall be carefully preserved and taken care of, for the right owner or owners; and the person or persons discovering or finding the same shall give immediate

Wrecked ships,
goods, &c. to be
preserved for
owners.

Persons discovering same, to give notice to the Sheriff, Coroner, Officers of Customs, Officers of Impost, or Justices of the Peace.

Stealing or destroying any part of wrecked vessel or goods;

beating or wounding ship-wrecked persons,

or putting out false lights, punishable by death.

Stealing under 20s. Petit Larceny.

notice to any one or more of the several officers hereafter named, *videlicet*—to the Sheriff of the Island, Coroner, Officers of the Customs, Officers of Impost, or Justices of the Peace, whichever of them, or either or any of them shall be nearest at hand; and such officer or officers, or a majority of them (if more than one shall attend), shall immediately take all necessary measures for securing and preserving of all such Ships, Vessels, Goods, Effects, and Property of every kind, and shall proceed therewith as herein-after directed: And if any person or persons whatsoever shall plunder, steal, take away or destroy any part of any Ship or Vessel which shall be in distress, or wrecked, stranded, or cast on shore as aforesaid, or any Goods, Merchandise, or articles of any kind, belonging to such Ship or Vessel, or otherwise, or which shall be wrecked, lost, stranded, or cast on shore on the Coasts of this Island, or shall steal or take away any kind of ship-wrecked or lost Goods, Wares, or Merchandise which shall be found floating in the Rivers, Bays, or Harbours of this Island, or contiguous to the Shores thereof, except so far as it may be necessary to take possession of them for security, or shall beat or wound, with intent to kill or destroy, or otherwise wilfully obstruct the escape of any person or persons endeavouring to save his, her or their life or lives, from such Ship or Vessel, or shall put out any false light or lights with intention to bring any Ship or Vessel into danger—then, and in all such cases, the person or persons so offending shall be deemed guilty of Felony, and being lawfully convicted thereof, shall suffer death, as in cases of Felony, without benefit of Clergy. Provided always, that when any Goods or effects which are under the value of Twenty Shillings shall be lost, stranded, or cast on shore as aforesaid, and shall be stolen, without any circumstances of cruelty, outrage or violence, then and in such cases it shall be lawful

for any person or persons to prosecute for such offence by way of Indictment for Petit Larceny, and the offenders: being lawfully convicted thereof, shall suffer such punishment as the Laws in cases of Petit Larceny do enjoin or require.

II. And be it further enacted, That if any Goods, Merchandise, or articles of any kind, belonging to any Ship or Vessel in distress, or wrecked, stranded, or cast on shore as aforesaid, shall, by virtue of a Search Warrant, to be granted by any one of His Majesty's Justices of the Peace, (who is hereby authorized and required, upon information on oath, to grant the same,) be found in the possession of any person, or on the premises of any person with his knowledge, and such person being carried before a Justice of the Peace, shall not satisfy the Justice that he came lawfully by the same, then the same shall, by order of the Justice, be forthwith delivered over to or for the use of the rightful owner thereof; and the offender, on conviction of such offence before the Justice, shall forfeit and pay, over and above the value of the Goods, Merchandise or articles, a sum of money not exceeding Five Pounds, or shall be committed to prison for a term not exceeding Three Months, at the discretion of the said Justice.

Justices of the Peace to issue Warrants to search for stolen goods.

Persons convicted of having same in possession, to forfeit, besides the value of goods, a sum not exceeding £5, or be committed to Jail.

III. And be it further enacted, That if any person shall offer or expose for sale any Goods, Merchandise, or articles whatsoever, which shall have been unlawfully taken, or reasonably suspected so to have been, from any Ship or Vessel in distress, or wrecked, stranded, or cast on shore as aforesaid, in every such case, any person to whom the same shall be offered for sale, or any Officer of the Customs or Excise, or Peace Officer, may lawfully seize the same, and shall, with all convenient speed, carry the same, or give notice of such seizure, to some Justice of the Peace; and if the person who shall have offered or ex-

Persons exposing goods, &c. for sale, taken, or suspected to be taken, from any wreck, the same may be seized.

and in default of shewing that they were lawfully come by,

offender to forfeit a sum not exceeding £5, over value of the goods, &c. or be committed to Jail for a term not exceeding three months.

Officers herein-before named empowered to demand assistance of Inhabitants contiguous to a wreck,

and of master or officers of any ship or vessel at anchor near the same.

Persons refusing to assist, &c.

posed the same for sale, being duly summoned by such Justice, shall not appear and satisfy the Justice that he came lawfully by such Goods, Merchandise or articles, then the same shall, by order of the Justice, be forthwith delivered over to or for the use of the rightful owner thereof, upon payment of a reasonable reward (to be ascertained by the Justice) to the person who seized the same; and the offender, on conviction of such offence by the Justice, shall forfeit and pay, over and above the value of the Goods, Merchandise or articles, a sum of money not exceeding Five Pounds, or be committed to prison for a term not exceeding Three Months, at the discretion of the Justice.

IV. And be it further enacted, That the officers herein-before named, or any one or more of them, when any Ship or Vessel shall be in danger of shipwreck, or when any Vessel or Goods shall be wrecked or cast on shore, or shall be discovered floating as aforesaid, are authorized to require and command as many men of the neighbourhood as shall be thought necessary to aid and assist in the preservation of the lives of the people on board such Ship or Vessel, and to preserve and save the Vessels, Goods, or whatever else may be wrecked or lost, or in danger thereof; and such officer or officers may, if necessary, command or order the Master or principal officer of any Ship or Vessel which may be at anchor near to the place where such assistance shall be required, to furnish assistance with his or their boats, and as many men as they can conveniently spare; and all persons so ordered by such officer or officers to aid and assist for the purposes aforesaid, are required to give their attendance accordingly, and to yield ready obedience to the orders which such officer or officers shall from time to time give for the accomplishment of the purposes aforesaid; and if any person or persons whatsoever, when commanded by such officer or officers to

give his or their attendance for the purposes aforesaid, or when notified so to do by a person appointed by such officer or officers for that purpose, shall refuse to attend and give his assistance, or shall disobey any of the lawful orders which such officer or officers shall give to such person or persons touching or concerning the premises, it shall and may be lawful for any one of His Majesty's Justices of the Peace, on complaint thereof made on oath, to commit such offender or offenders to the nearest Jail for trial, unless he or they shall give good security to appear and answer to such complaint at the next sitting of the Supreme Court of Judicature; and if such person or persons shall, on information to be exhibited against him or them, be found guilty, the person or persons so convicted shall each pay a fine not exceeding Twenty Pounds, or be imprisoned in the nearest Jail for a term not exceeding Six Months, at the discretion of the Justices of said Court, and according to the nature and circumstances of the offence: And for the encouragement of such person or persons as give assistance to such Ships or Vessels so in distress, or to the people or crew thereof who may be in danger, or who shall assist in the securing and preserving for the right owners any property whatsoever which shall be wrecked, lost, cast on shore, or found floating, as aforesaid, such person or persons shall, within thirty days after the service performed, be paid a reasonable reward for the same by the commander, principal officer, mariners, seamen or owners of the Vessel, Goods or property preserved as aforesaid; and the Goods and Property so saved, or in default thereof, the Vessel or her materials, shall remain and be held in the custody of any or either of the herein-before named officers, until such charges be paid; and the officer or officers, and all others who shall aid in performing such service, shall be reasonably compensated for the assistance which he or they have actually and fairly given touching or concerning

to be committed to Jail for trial, unless security be given;

and if found guilty, to forfeit a sum not exceeding £20, or be imprisoned for a term not exceeding six months.

Persons to be paid for assisting.

Proviso, as to persons guilty of dishonesty, misbehaviour, &c.

Quantum of reward to be settled by 3 Justices.

Officer to sell part of goods to pay salvage;

if goods are in danger of perishing, the whole to be sold.

If no person appear to claim property, the proceeds to be paid into the Treasury.

the premises. Provided always, that no person or persons shall be entitled to receive any compensation for his aid or their service, if during the time thereof, he or they shall have been guilty of dishonesty, misbehaviour, or disorderly conduct of any kind; and unless the officer or officers, if any such shall attend and direct the making of such salvage, shall certify the services actually performed by each and every person who shall demand compensation; and the *quantum* of such reward or compensation to be paid to the officer or officers, person or persons, claiming the same, shall be adjusted and settled on a reference to be made to three of the neighbouring Justices of the Peace, to be mutually chosen by the parties; which Justices shall adjust the *quantum* of the reward or compensation to be paid to the persons employed in making such salvage, and such adjustment shall be binding to all parties: and the officer or officers in whose custody the said goods so saved may be, shall sell so much thereof as will be sufficient to satisfy and pay the sum and sums of money adjusted and allowed for the salvage thereof, with incidental charges incurred—or if the goods are in danger of perishing, or of being otherwise lost by delay, then the whole to be sold—and shall put some principal officer of His Majesty's Customs, or some other responsible person, in case no such officer is present to receive the same, into immediate possession of the Goods or Money remaining, after payment of the salvage and costs aforesaid, first taking an account in writing of the said Goods or Money, to be signed by the officer of the Customs, or person receiving the same: and if the said Money or Goods shall not be legally claimed within the space of Twelve Months next ensuing, by the owner thereof, such of the Goods as may be on hand shall be forthwith sold at Public Auction, and the Monies arising from such sale or sales (reasonable charges being first deducted), with a fair and just account of the whole, shall be paid

into the Treasury of this Island for the use of His Majesty's Government.

V. Provided always, and be it further enacted, That it shall not be lawful for any person or persons whatsoever, under pretence of making salvage under the authority of this Act, or under any pretence whatsoever, to meddle or interfere with any kind of property whatsoever, if there be found any person or persons whatsoever in the lawful possession thereof, unless such person or persons shall require his, her or their assistance, in which case notice shall be immediately given to one or more of the officers herein-before named, that such assistance is wanted: and it shall and may be lawful for the master, or other person or persons having charge of any Ship or Vessel, or property, so wrecked or in distress, or for the officer or officers who shall come to his or their assistance, to repel by force any person or persons who shall dare to enter such Ship or Vessel or to meddle with such property, without his or their leave, consent, or orders; and the person or persons who shall molest, insult, or disturb the officer or officers herein-before named, and those acting under his or their authority in and about the premises, such person or persons, if convicted thereof in the Supreme Court of Judicature, shall be punished as for a Misdemeanor.

Proviso, if the property be found in lawful charge of any person, no one to interfere unless requested.

Persons in charge may repel force by force.

Persons improperly interfering to be punished as for a misdemeanor.

VI. And be it further enacted, That if any person or persons whatsoever shall be sued or prosecuted for any thing done in pursuance and execution of this Act, such person or persons, in whatever Court such suit or prosecution shall be commenced, may give this Act and the special matter in evidence on the general issue, and shall have his costs awarded him, if entitled thereto, from the plaintiff or prosecutor, with the usual remedy for the recovery thereof.

Act may be given in evidence.

Persons to suffer death who make any hole in a vessel, or otherwise attempt to destroy her.

VII. And be it further enacted, That if any person or persons whatsoever shall make, or aid or assist in the making, any hole or passage in the bottom, side, or other part of any Ship or Vessel, whether in distress or otherwise, if done with an intention wilfully to cause or increase the distress of such Ship or Vessel, or shall steal or take away, or wilfully destroy, or in any other way wilfully render useless the pump of a Ship or Vessel, whether in distress or not, if so done with a wilful intention to produce the loss or other danger of such Ship or Vessel, or shall wilfully do any other matter or thing whatsoever tending to produce the loss or destruction of any Ship or Vessel whatsoever, such person or persons shall be and are hereby made guilty of Felony, without any benefit of his, her or their Clergy.

Suspending Clause.

Provided always, that nothing herein contained shall have any force or effect, until His Majesty's pleasure therein shall be known.

* * * This Act received the Royal Assent, 7th December, 1829.

C A P. XII.

This Act not approved of by His Majesty.

47 G. 3, c. 3.

An Act to alter, amend and repeal certain parts of an Act made and passed in the Forty-seventh Year of His late Majesty's Reign, intituled *An Act to repeal an Act made and passed in the Forty-first Year of His present Majesty's Reign, intituled 'An Act for the better Regulation of Elections,' and to regulate Elections for Members to serve in General Assembly in future.*

C A P. XIII.

Not assented to by His Majesty.

An Act to confirm certain Marriages heretofore solemnized in this Island.

CAP. XIV.

An Act to amend an Act intituled *An Act to render perpetual an Act intituled 'An Act to enable the Justices of the Supreme Court of Judicature to issue Commissions for examining Witnesses out of this Island.'* Expired.

CAP. XV.

An Act in further amendment of an Act made and passed in the Fifth Year of the present King, intituled *An Act to regulate the performance of Statute Labour on the Highways, and to suspend an Act made and passed in the Thirty-fifth Year of the late King, intituled 'An Act to alter and amend the High Road Laws.'* See 3 W. 4, c. 2.

CAP. XVI.

An Act to indemnify the Treasurer of this Island, and all other persons concerned, in paying certain Monies on Warrants issued since the last Session of the General Assembly. Executed.

CAP. XVII.

An Act to continue an Act made and passed in the Eighth Year of His present Majesty's Reign, intituled *An Act to continue an Act made and passed in the Sixth Year of His present Majesty's Reign, intituled 'An Act to revive, alter and continue an Act made and passed in the Fifty-second Year of the Reign of His late Majesty, intituled An Act for raising a Fund, to make and keep in repair the Pumps, Wells and Streets of Charlottetown, and for other purposes therein mentioned.'* Repealed by 4 W. 4, c. 11.

CAP. XVIII.

Expired.

8 G. 4, c. 10.

An Act to continue and amend an Act made and passed in the Eighth Year of His present Majesty, intituled *An Act for raising a Fund, in aid of supporting the Light House on Cranberry Island.*

CAP. XIX.

Repealed by 3
W. 4, c. 13.

An Act to authorize the Lieutenant Governor, or Commander in Chief for the time being, to appoint Commissioners to negotiate a Loan, for the purpose of erecting a Government House and a Building for an Academy.

CAP. XX.

Expired.

9 G. 4, c. 11.

An Act to continue an Act made and passed in the Ninth Year of His present Majesty, intituled *An Act to continue and alter an Act made and passed in the Eighth Year of His present Majesty, intituled An Act to revive, alter and continue an Act made and passed in the Fifth Year of His present Majesty's Reign, intituled 'An Act for increasing the Revenue, by levying a Duty on Tobacco and Tea,' and to appropriate the Monies hereby granted.*

CAP. XXI.

Expired.

An Act to continue and amend an Act made and passed in the Ninth Year of His present Majesty, intituled *An Act to continue and alter an Act made and passed in the Eighth Year of His present Majesty's Reign, intituled an Act*

to revive, alter and continue an Act made and passed in the Fifth Year of His present Majesty's Reign, intituled An Act for increasing the Revenue, by levying an additional Duty on all Wines, Gin, Brandy, Rum, and other Distilled Spirituous Liquors imported into this Island; and to repeal and amend certain parts of an Act passed in the Twenty-fifth Year of His late Majesty's Reign, intituled 'An Act to amend, render more effectual, and to reduce into one Act, the several Laws made by the General Assembly of this Island relative to the Duties of Impost on Wines, Rum, Brandy, and other Distilled Spirituous Liquors, and for allowing a Drawback on all Wines, Rum, Brandy, and other Distilled Spirituous Liquors exported from this Island; and to appropriate the Monies hereby granted.

CAP. XXII.

An Act for appropriating certain Monies therein Executed.
mentioned.



ANNO UNDECIMO

GEORGII IV. REGIS.

At the General Assembly of His Majesty's 1830.

Island of *Prince Edward*, begun and holden at *Charlottetown*, the Fifteenth Day of *January*, *Anno Domini*, 1825, in the Fifth Year of the Reign of our Sovereign Lord GEORGE the Fourth, by the Grace of God, of the United Kingdom of *Great Britain* and *Ireland*, King, Defender of the Faith :

JOHN READY,
Lieut. Governor.

E. J. JARVIS,
President.

J. STEWART,
Speaker.

And from thence continued, by several Prorogations, to the Fourth Day of *March*, 1830, and in the Eleventh Year of His said Majesty's Reign; being the Sixth Session of the Twelfth General Assembly convened in the said Island.

CAP. I.

An Act to continue an Act made and passed in Fifth Year of His present Majesty's Reign, intituled *An Act to regulate the Duties and Charges of Pilots within this Island.* Repealed by 7 W. 4, c. 19.

CAP. II.

Executed.

10 G. 4, c. 8.

An Act to repeal an Act made and passed in the Tenth Year of His present Majesty's Reign, intituled *An Act to regulate the introduction of Passengers, in Vessels arriving in this Island.*

CAP. III.

Expired.

An Act for the Establishment and Support of Schools, and to repeal the Acts heretofore passed for that purpose.

CAP. IV.

Repealed by 2
W. 4, c. 1.

An Act to explain certain parts of an Act made and passed in the Twenty-sixth Year of the Reign of His late Majesty, intituled *An Act for the Relief of Insolvent Debtors.*

CAP. V.

See Acts relating
to Marriages—
2 W. 4, 6 14.
6 Vic. c. 8.

An Act to require Clergymen and others authorized to solemnize Marriages, to return Certificates thereof to the Surrogate of the Island, and to require Clergymen to keep a Record of Baptisms.

WHEREAS much serious inconvenience has arisen, and may continue to arise, from Clergymen and others neglecting to transmit proper Returns or Certificates of Marriages by them performed: For remedy whereof—Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act,

all Clergymen and others authorized to solemnize Marriage Contracts shall, and they are hereby required to transmit, within the period of Six Months, a Certificate of the celebration of each Marriage by them performed, together with the names of the parties witnessing the same, to the Surrogate of the Island ; which Certificate shall be in manner and form following :

Persons authorized to solemnize Marriages, to transmit, within six months, a certificate thereof to the Surrogate.

Names of the Parties.	Whether Bachelor or Widower, Spinster or Widow.	Date of Celebration.	By Licence or Banns.	Names of Witnesses.

Form of Certificate.

‘ I hereby certify that the above named parties were this day married by me under Licence from the Lieutenant Governor, [or by Publication of Banns, as the case may be,] in the presence of the above named Witnesses.’

And the Surrogate is hereby required, on receiving the fee herein-after mentioned, to record the said Certificate in a book, to be kept for that purpose; which Record shall be deemed due and sufficient evidence in any Court of Law or Equity to establish the proof of such Marriage.

Surrogate to record the same.

Said record to be evidence of such Marriage in any Court.

II. And be it enacted, That any person authorized to celebrate Marriage Contracts shall be entitled (in addition to his usual fee) to demand and receive from the parties married by him the sum of One Shilling and Sixpence, which sum he is hereby required to pay to the Surrogate as a fee for recording such Certificate; and every person desirous of a certified copy thereof from the Record, shall be entitled to the same on paying to the said Surrogate the sum of One Shilling and Sixpence.

Clergymen, &c. on celebrating Marriages, entitled to demand from the parties 1s. 6d., to be paid to the Surrogate for recording the same.

Surrogate to give a certified copy of such Record on receiving a fee of 1s. 6d.

Clergymen to keep a Record of Baptisms :

and on giving a Certificate from such Record, entitled to a Fee of 1s. 6d.

III. And be it enacted, That every ordained Clergyman within this Island shall keep a Record of the names and ages of the children by him baptized, together with the names of the parents, and the date of the celebration of the rite in each case; and for every Certificate from such Record such Clergyman shall be entitled to receive the sum of One Shilling and Sixpence.

Clergymen, &c. neglecting to comply with this Act, to forfeit £5 to His Majesty.

To be recovered before one Justice.

IV. And be it enacted, That each and every Clergyman, or other person authorized to solemnize Marriages, who shall refuse or neglect to comply with the provisions of this Act, shall, for each and every neglect or refusal, forfeit and pay into the Treasury of this Island the sum of Five Pounds, for the use of His Majesty—to be recovered before any one of His Majesty's Justices of the Peace.

Suspending clause.

V. And be it further enacted, That nothing herein contained shall have any force or effect, until His Majesty's pleasure be known.

* * * This Act received the Royal Allowance, 6th February 1832.

CAP. VI.

Repealed by 7 Vic. c. 6.

An Act to amend and suspend certain parts of an Act made and passed in the Fifty-fourth Year of His late Majesty's Reign, intituled *An Act for better preventing Accidents by Fire within Charlottetown, and the Suburbs thereof.*

CAP. VII.

An Act for the Relief of His Majesty's Roman Catholic Subjects.

WHEREAS the Imperial Parliament of the United Kingdom of *Great Britain* and *Ireland* has seen fit, in its wisdom and equity, to

grant relief to the Roman Catholics of *Great Britain and Ireland*: and whereas His Majesty's Government has recommended the adoption of a similar measure in this Colony: wherefore, for the relief and benefit of His Majesty's Roman Catholic Subjects of this Colony—Be it enacted, by the Lieutenant Governor, Council and Assembly, and by the authority of the same, That from and after the passing of this Act, all such part or parts of any Statute or Statutes of this Colony as has or have a tendency or power to render ineligible or incapacitate for various offices, and to impose civil, or political disabilities upon any of His Majesty's Subjects professing the Roman Catholic Religion, be, and the same is and are hereby repealed.

So much of any Acts as impose disabilities on Roman Catholics repealed.

II. * And be it further enacted, That from and after the passing of this Act, it shall and may be lawful for any of His Majesty's subjects professing the Roman Catholic Religion to elect and be elected a Member of the House of Assembly, being otherwise duly qualified; and to hold, exercise and enjoy all civil and military offices and places of trust or profit under His Majesty, his heirs and successors, in this Colony; and to exercise any other franchise or civil right, upon taking the following Oath, instead of the Oaths of Allegiance, supremacy and abjuration, and instead of such other oath or oaths as are or may be now by law required to be taken for the purposes aforesaid, by any of His Majesty's subjects professing the Roman Catholic Religion:—

Roman Catholics may vote at Elections, and be elected Members of the Assembly;

and may hold civil and military offices,

on taking the following Oath:

I *A. B.* do sincerely promise and swear, that I will be faithful and bear true allegiance to His Majesty King *George* the Fourth; and will defend him to the utmost of my power against all conspiracies and attempts whatever which shall be made against his person, crown, or dignity;

* By Act 10th Vic. c. 21, no Officers of Government or Members of the Legislature are required in future to take the oath prescribed by this section.

‘ and I will do my utmost endeavour to disclose
‘ and make known to His Majesty, his Heirs and
‘ Successors, all treasons and traitorous conspira-
‘ cies which may be formed against him or them:
‘ and I do faithfully promise to maintain, support
‘ and defend, to the utmost of my power, the suc-
‘ cession of the Crown, which succession, by an
‘ Act, intituled *An Act for the further limitation*
‘ *of the Crown, and better securing the rights and*
‘ *liberties of the subject*, is and stands limited to
‘ the Princess *Sophia*, Electress of *Hanover*, and
‘ the heirs of her body, being Protestants; hereby
‘ utterly renouncing and abjuring any obedience
‘ or allegiance unto any other person claiming or
‘ pretending a right to the Crown of this Realm:
‘ and I do further declare, that it is not an article
‘ of my faith, and that I do renounce, reject and
‘ abjure the opinion, that Princes excommunicated
‘ or deprived by the Pope, or any other authority
‘ of the See of *Rome*, may be deposed or murdered
‘ by their subjects or by any person whatsoever:
‘ and I do declare that I do not believe that the
‘ Pope of *Rome*, or any other foreign prince,
‘ prelate, person, state, or potentate, hath, or
‘ ought to have, any temporal or civil jurisdiction,
‘ power, superiority, or pre-eminence, directly or
‘ indirectly within this Realm. I do swear, that
‘ I will defend, to the utmost of my power, the
‘ settlement of property within this Colony, as
‘ established by the laws; and I do hereby dis-
‘ claim, disavow, and solemnly abjure any inten-
‘ tion to subvert the present Church Establish-
‘ ment, as settled by law within this Realm.
‘ And I do solemnly swear that I never will exer-
‘ cise any privilege to which I am or may become
‘ entitled, to disturb or weaken the Protestant
‘ Religion or Protestant Government in this Co-
‘ lony, or any other part of His Majesty’s Do-
‘ minions: and I do solemnly, in the presence of
‘ God, profess, testify and declare, that I do make
‘ this declaration, and every part thereof, in the
‘ plain and ordinary sense of the words of this Oath,

‘without any evasion, equivocation or mental reservation whatsoever.—So help me GOD.’

III. And be it further enacted, That wherever in the Oath hereby appointed and set forth the name of His present Majesty is expressed or referred to, the name of the Sovereign of this Realm for the time being, by virtue of the Act for the further limitation of the Crown and better securing the rights and liberties of the Subject, shall be substituted, from time to time, with proper words of reference thereto.

The name of the Sovereign for the time being to be used in the Oath.

IV. And be it further enacted, That no person in Holy Orders in the Church of *Rome* shall be capable of being elected to serve in Parliament as a Member of the House of Assembly; and if any such person shall be elected to serve in Parliament as aforesaid, such election shall be void: and if any person, being elected to serve in Parliament as a Member of the House of Assembly, shall, after his election, take or receive Holy Orders in the Church of *Rome*, the seat of such person shall immediately become void: and if any such person shall, in any of the cases aforesaid, presume to sit or vote as a Member of the House of Assembly, he shall be subject to the same penalties, forfeitures and disabilities as are enacted by an Act of the Imperial Parliament, passed in the Forty-first year of the Reign of King George the Third, intituled *An Act to remove doubts respecting the eligibility of persons in Holy Orders to sit in the House of Commons*: and proof of the celebration of any religious service by such person, according to the rites of the Church of *Rome*, shall be deemed and taken to be *prima facie* evidence of the fact of such person being in Holy Orders, within the intent and meaning of this Act.

No Roman Catholic Priest to sit in the House of Assembly.

What shall be deemed evidence of being in Holy Orders.

V. Provided always, and be it enacted, That nothing herein contained shall be construed to

Not to exempt Roman Catholics

from taking any
other Oaths re-
quired.

exempt any person professing the Roman Catholic Religion from the necessity of taking any oath or oaths, or making any declaration, not herein-before mentioned, which are or may be by law required to be taken or subscribed by any person on his admission into any such office or place of trust or profit as aforesaid.

Time and man-
ner of taking
oaths of office.

VI. And be it further enacted, That any person professing the Roman Catholic Religion who shall, after the commencement of this Act, be appointed to any office or place of trust or profit under His Majesty, his Heirs or Successors, in this Colony, shall, within three calendar months next before such appointment, or otherwise, before he presumes to exercise or enjoy, or in any manner to act in such office or place, take and subscribe the Oath herein-before appointed and set forth, either in His Majesty's High Court of Chancery, or Supreme Court of Judicature, in this Colony, or before any Judge of the Supreme Court aforesaid, or in any Court of General or Quarter Sessions of the Peace in this Colony for the County or place where the person so taking and subscribing the Oath shall reside: and the proper officer of the Court in which such Oath shall be so taken and subscribed shall cause the same to be preserved amongst the Records of the Court; and such officer shall make, sign, and deliver a certificate of such Oath having been duly taken and subscribed as often as the same shall be demanded of him, upon payment of Two Shillings and Sixpence for the same; and such Certificate shall be sufficient evidence of the person therein named having duly taken and subscribed such Oath.

Penalty on act-
ing in offices
without taking
the oath.

VII. And be it enacted, That if any person professing the Roman Catholic Religion shall enter upon the exercise or enjoyment of any office or place of trust or profit under His Majesty in this Colony, or of any other office or franchise,

not having, in the manner and at the times aforesaid, taken and subscribed the Oath herein-before appointed and set forth, then and in every such case, such person shall forfeit to His Majesty the sum of Two Hundred Pounds, and the appointment of such person to the office, place or franchise so by him held, shall become altogether void, and the office, place or franchise shall be deemed and taken to be vacant, to all intents and purposes whatsoever.

VIII. And be it enacted, That all penalties imposed by this Act shall and may be recovered as a Debt due to His Majesty, by Information to be filed in the name of His Majesty's Attorney General for this Island, in the Supreme Court of the said Island.

Penalties how to be recovered.

CAP. VIII.

An Act to alter, amend and suspend certain parts of an Act made and passed in the Forty-seventh Year of His late Majesty's Reign, intituled *An Act to repeal an Act made and passed in the Forty-first Year of His present Majesty's Reign, intituled 'An Act for the better Regulation of Elections,' and to regulate Elections for Members to serve in General Assembly in future.*

Repealed by 11 Vic. c. 21.

CAP. IX.

An Act for the further Security and Recovery of Monies due to His Majesty upon Duties of Impost and Excise—and for regulating the Offices of Treasurer and Collector of Impost.*

For further Duties of Treasurer see 9 Vic. c. 21, and note thereto.

WHEREAS it is deemed necessary that, in addition to the present mode of securing

* For further Duties, &c. of Collector, see 25 G. 3 c. 4. sec. 16 and note thereto.

monies due to His Majesty upon Duties of Impost and Excise, a further mode of securing the same should be provided—Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, the Collectors of Impost and Excise, in addition to the Recognizance now by law directed to be taken as security for the payment of the Duties of Impost and Excise, shall take from the principal and Sureties a Warrant of Attorney by them duly executed under their hands and seals, to which Warrant of Attorney shall be annexed a written or printed Defeasance, stating the nature and true intent and meaning of such Warrant of Attorney, directed to the Attorney General or Solicitor General, authorizing them, or either of them, if any such sum or sums of money shall have become due and unpaid on the said Warrant of Attorney, to appear either in the said Supreme Court during any of its sittings, or before the Chief Justice, or any of the Judges of the said Court, and to confess Judgment in the names and on the behalf of the persons who are the King's Debtors under and by virtue of any such Warrant of Attorney, for the full amount of the sum thereby secured and promised to be paid to the King; and it shall and may be lawful for the said Supreme Court, or for the Chief Justice, or any of the Judges thereof, and they are hereby required to direct the Prothonotary of said Court to file the said Warrant of Attorney; and to cause a Judgment to be regularly entered up docketed and signed, for the amount of the debt secured in such Warrant of Attorney, together with the costs; and it shall and may be lawful to sue out Execution on behalf of the King for the amount of the debt and costs specified in every such Judgment.

With recognizance taken for duties, Collectors of Excise to take a Warrant of Attorney,

directed to the Attorney or Solicitor General.

Judgment to be entered up on such Warrant of Attorney.

Execution may be issued thereon for debt and costs.

Treasurer and Collectors of Excise to keep regular books,

II. And be it enacted, That the Treasurer of this Island and the several Collectors of Impost and Excise shall, and they are hereby required to keep a regular set of books, in which the accounts

belonging to each office shall be duly entered, kept and balanced; which books shall be produced for inspection, with their general accounts, when called for by the Lieutenant Governor in Council: and upon the retirement or removal from office of the said Treasurer, or any of the said Collectors, the said books shall be handed over to his successor; together with all papers and documents to the said office belonging; and should the said Treasurer or any of the said Collectors refuse or neglect to keep such books, or to produce them when called for as aforesaid, or to hand them over, together with the other papers and documents, to his successor in office, he shall, for such neglect or refusal, forfeit and pay to His Majesty the sum of Five hundred Pounds.

to be produced when called for by Lt. Governor in Council,

and to be handed over to their successors in office;

on pain of forfeiting £500.

III. And whereas the Office of Treasurer not being declared by law to be an office of public record, and there being no right of access to the Bonds therein kept, great uncertainty prevails in the purchase of Real Estate—Be it therefore enacted, That from and after the publication hereof, when and as often as any person shall make application to the Treasurer to ascertain what sum or sums of money may at any time be due and owing by any particular individual to His Majesty, he shall be entitled to a search for that purpose; and the Treasurer is hereby required, between the hours of Eleven and Twelve in the forenoon, to grant such search, for which he shall receive the sum of One Shilling and no more.

Treasurer to grant a search in his books, on receiving a fee of one shilling.

IV. And be it enacted, That from and after the expiration of Twelve Months from the passing of this Act, it shall not be lawful for any person holding the office of Treasurer of this Island, to engage, directly or indirectly, in trade or commerce; nor shall such person, at any time, now or hereafter, exchange any of the Public Monies for premium or profit, on pain of forfeiting to His

Treasurer not to engage in trade or commerce, or exchange public money for premium or profit, on pain of forfeiting £500, &c.

Majesty, in either of the above cases, the sum of Five hundred Pounds, and being ever after rendered incapable of holding the said office of Treasurer.

Fines and forfeitures how to be recovered.

V. And be it enacted, That all penalties or forfeitures arising by operation of this Act, shall and may be recovered by Bill, Plaint or Information, in His Majesty's Supreme Court of Judicature of this Island.

C A P. X.

An Act to ascertain and establish the Boundary Lines of the several Counties and Townships of this Island, and to regulate the Duty of Surveyors.

** The operation of this Act was suspended until approved of by His Majesty, and no such approbation having been signified, it has been repealed, and re-enacted, with amendments, by 4 Will. 4, c. 15.

C A P. XI.

An Act for providing Pounds within this Island, and to suspend an Act made and passed in the Thirty-first Year of the Reign of His late Majesty, intituled *An Act for providing Pounds in the several Royalties in this Province.*

Continued by 5 W. 4, (2d Session) c. 1.

Expired.

C A P. XII.

An Act to authorize the conviction and Punishment, in a Summary Way, of Persons committing Common Assaults and Batteries.

Expired.

CAP. XIII.

An Act to authorize the Lieutenant Governor, or other Administrator of the Government for the time being, to appoint Commissioners for building a Jail in *Charlottetown*. Expired.

CAP. XIV.

An Act to regulate Hawkers and Pedlars, travelling within this Island. Expired.

CAP. XV.

An Act to continue an Act imposing a Duty of Impost on Tobacco and Tea. Expired.

CAP. XVI.

An Act to authorize a further Issue of Treasury Notes, and to continue an Act intituled *An Act to revive and continue two certain Acts therein mentioned*. For other Acts relative to Treasury Notes, see
5 G. 4, c. 18.
6 G. 4, c. 12.
9 G. 4, c. 1.
1 W. 4, c. 15.
3 W. 4, c. 13.
4 W. 4, c. 17.
5 W. 4, c. 11.
8 Vic. c. 11.
10 Vic. c. 12.

WHEREAS the above mentioned Act will soon expire—Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the Act made and passed in the Ninth Year of His present Majesty's Reign, intituled *An Act to revive and continue two certain Acts therein mentioned*, be, and the same is hereby continued in force for Five Years from the passing hereof. 9 G. 4, c. 1,
continued for 5
years.

II. And whereas the former Issues of Treasury Notes have greatly assisted trade, but have been found insufficient for general accommoda-

Further issue of Treasury Notes, to the amount of £3000.

tion, it is therefore deemed expedient to make a further issue—Be it therefore enacted, by the authority aforesaid, That it shall and may be lawful for the Lieutenant Governor, or Commander in Chief for the time being, to order a further issue of Treasury Notes, to the amount of Three Thousand Pounds, of which one moiety shall be of the value of Twenty Shillings each, and the other moiety of the value of Ten Shillings each.

Subject to provisions of 5 G. 4, c. 18, and

III. And be it further enacted, by the authority aforesaid, That this further issue of Treasury Notes to the amount of Three Thousand Pounds, shall be in the form, and subject to the enactments and provisions of an Act made and passed in the Sixth year of His present Majesty, intituled *An Act to empower His Excellency the Lieutenant Governor, or Commander in Chief for the time being, to appoint Commissioners to issue Treasury Notes*—and the Act made and passed in the same year, intituled *An Act to authorize the Commissioners named and appointed under an Act made and passed in the Sixth year of the Reign of His present Majesty, intituled, 'An Act to empower the Lieutenant Governor, or Commander in Chief for the time being, to appoint Commissioners to issue Treasury Notes'*—to issue Notes of the value of Ten Shillings each.

6 G. 4, c. 12.

Continuance of Act.

IV. And be it enacted, That this Act shall be and continue in force for Five Years from the passing hereof, and no longer.

. Rendered perpetual by 5 Will. 4, c. 11.

CAP. XVII.

Explained and amended by 3 W. 4, c. 29, and 7 W. 4, c. 15.
Expired.

An Act for raising a Fund, by an Assessment on Land, for erecting a Government House and other Public Buildings within this Island.

. The provisions of this Act may affect Titles to Lands, but are omitted pursuant to Act 12 Vic. c. 23.

CAP. XVIII.

An Act for granting Licences to Tavern or Innkeepers and Storekeepers, and for regulating Persons Licensed; and to suspend the operation of the Acts therein mentioned.

Repealed by 9
Vic. c. 26.

CAP. XIX.

An Act to amend an Act made and passed in the Tenth Year of His present Majesty's Reign, intituled *An Act to continue an Act made and passed in the Eighth Year of His present Majesty's Reign, intituled An Act to continue an Act made and passed in the Sixth Year of His present Majesty's Reign, intituled An Act to revive, alter and continue an Act made and passed in the Fifty-second Year of the Reign of His late Majesty, intituled An Act for raising a Fund, to make and keep in repair the Pumps, Wells, and Streets of Charlotte-town, and for other purposes therein mentioned.*

Passed conditionally, and did not go into operation.

10 G. 4, c. 17.

CAP. XX.

An Act for increasing the Revenue, by levying a Duty on Molasses and Sugar.

Disallowed by His Majesty, 6th February, 1832.

CAP. XXI.

An Act to continue and amend an Act made and passed in the Tenth Year of the present King, imposing a Duty on Wines, Gin, Brandy, Rum, and other Distilled Spirituous Liquors.

Expired.

CAP. XXII.

Executed.

An Act for appropriating certain Monies therein mentioned, for the Service of the Year of our Lord One thousand eight hundred and Thirty.

ANNO PRIMO

GULIELMI IV. REGIS.

At the General Assembly of His Majesty's 1831.
Island of *Prince Edward*, begun and holden at *Charlottetown*, the Third day of *February*, *Anno Domini* 1831, in the First Year of the Reign of our Sovereign Lord WILLIAM the Fourth, by the Grace of God, of the United Kingdom of *Great Britain*, and *Ireland*, King, Defender of the Faith:

J. READY,
Lt. Governor.

E. J. JARVIS,
President.

W. MACNEILL,
Speaker.

Being the First Session of the Thirteenth General Assembly convened in the said Island.

CAP. I.

An Act to repeal an Act made and passed in the Tenth Year of the Reign of the late King *George* the Fourth, intituled *An Act for the appointment of Limits and Rules for the Jail of Charlottetown*, and to make other Provisions in lieu thereof. Repealed by 7 W. 4, c. 9.

* * * This Act was passed for five years.

CAP. II.

Repealed by 3
W. 4, c. 1.

An Act for the further Regulation of Statute Labour, and to amend and continue Two certain Acts therein mentioned.

CAP. III.

Expired.

An Act to continue an Act made and passed in the Eleventh Year of the late King, intituled *An Act to continue and amend an Act made and passed in the Tenth Year of the present King, imposing a Duty on Wines, Gin, Brandy, Rum, and other Distilled Spirituous Liquors.*

CAP. IV.

Expired.

An Act to continue an Act made and passed in the Eleventh Year of the late King, intituled *An Act to continue an Act imposing a Duty of Impost on Tobacco and Tea.*

CAP. V.

Executed.

An Act to repeal an Act intituled *An Act for the preservation of Sheep within the Royalty of Charlottetown, by imposing a Tax on Dogs.*

CAP. VI.

5 G. 4, c. 16.

An Act to amend an Act made and passed in the Fifth Year of His late Majesty's Reign, intituled *An Act to provide a Remedy for Injuries arising from improper Burning of Woods.*

Fine directed to
be imposed by 5
G. 3, c. 16, how

BE it enacted, by the Lieutenant Governor, Council and Assembly, That the Fine directed to be imposed in and by the said Act, intituled

An Act to provide a remedy for injuries arising from improper burning of Woods, shall be recovered, with costs, before any one of His Majesty's Justices of the Peace, and shall be paid into His Majesty's Treasury of this Island, for the repairs of Roads and Bridges—the same to be levied by warrant of distress on the goods and chattels of the offender or offenders; and if no goods and chattels can be found whereon to levy, the said Justice is hereby authorized and empowered to commit the offender or offenders to the Jail of *Charlottetown*, for a period not exceeding Two Months. Provided, that all offences committed against the provisions of this Act shall be prosecuted within Six Months after the time the offence shall have been committed, and not afterwards.

to be recovered and applied.

For want of sufficient distress, offender to be imprisoned for a period not exceeding 2 months.

Offences to be prosecuted within 6 months.

CAP. VII.

An Act to continue an Act intituled *An Act to establish an Assize of Bread within the Town and Royalty of Charlottetown*—and an Act intituled *An Act to regulate the driving Carts, Carriages, Sleighs and Carioles on the Highways*.

Expired.

8 G. 4, c. 3.

8 G. 4, c. 6.

CAP. VIII.

An Act to authorize the Appointment of Commissioners for erecting certain Public Works therein mentioned.

Executed.

CAP. IX.

An Act to authorize Justices of the Peace to enforce the Attendance of Witnesses, in certain Cases.

WHEREAS it is deemed expedient to the furtherance of justice, that authority be given to Justices of the Peace to enforce the

attendance of Witnesses in all cases where they shall be considered necessary, and where the same may not be provided for by Statute:—Be it enacted, by the Lieutenant Governor, Council and Assèmbly, That upon complaint being made before any Justice or Justices of the Peace of any offence committed against the provisions of any Act or Acts of the General Assembly now in force, or which may hereafter be in force, in this Island, and which may be cognizable before the said Justice or Justices, it shall and may be lawful for the said Justice or Justices to issue his or their Summons or Subpœna, requiring the attendance of such witness or witnesses, whose evidence may be deemed necessary in the premises; and in case any person or persons who shall have been duly served with a Summons or Subpœna, as aforesaid, requiring him, her or them, at a certain time and place therein mentioned, to give evidence as aforesaid, and such person or persons neglecting or refusing to appear, as therein required, and no cause of absence having been shewn to the satisfaction of the said Justice or Justices—or, when appearing shall refuse to be sworn and give evidence; and oath having been made by the party or parties, at whose instance or on whose behalf such Summons or Subpœna issued, that he, she or they hath or have reason to believe that the person or persons served therewith was or were a material witness or witnesses for the party or parties, then it shall be lawful for such Justice or Justices to impose a Fine on such delinquent party, not exceeding Fifty Shillings, nor less than Five Shillings, together with Costs—which Fine shall be paid into the Treasury of this Island, to and for the use of His Majesty's Government; and in default of payment thereof, when directed by the said Justice or Justices, the same to be recovered by warrant of distress, and sale of the offender's goods and chattels; and in case no goods and chattels shall be found, then the said Justice or

Justices of the Peace empowered to summon witnesses;

and if they neglect or refuse to attend;

or when appearing, refuse to be sworn and give evidence, how to be punished.

Application of Fine.

Mode of recovery.

Justices shall commit the said offender or offenders to the Jail of *Charlottetown* for a time not exceeding one Calendar Month.

II. And be it enacted, That it shall and may be lawful for such Justice or Justices to award and order such costs to the said witness or witnesses, for his, her or their attendance as are now by law allowed to witnesses.

Justices may award to witnesses their expenses.

CAP. X.

An Act to prevent the running at large of Rams at improper Seasons, and to regulate the Appointment of Sheep Reeves, and to suspend two certain Acts therein mentioned.

Repealed by 4 W. 4, c. 5.

CAP. XI.

An Act for the Recovery of Small Debts, and to continue and amend the several Acts therein mentioned.

Repealed by 2 W. 4, c. 1.

CAP. XII.

An Act to alter an Act made and passed in the Tenth Year of the late King, for regulating the Size of Barrels, and the Inspection of Pickled Fish.

Expired.

CAP. XIII.

An Act to discourage Litigation, by regulating the Set-off of Mutual Debts in Actions at Law.

See 26 G. 3, c. 14.

WHEREAS a provision for setting mutual Debts one against the other in actions at Law is highly just and reasonable at all times, and tends to prevent the multiplicity of Law

Mutual debts may be set off in any Court of Record;

and may be given in evidence on the general issue.

Particulars to be first delivered.

In Replevin for Rent, mutual debts may be set off.

In Actions on Bond or Specialty, Plaintiff's declaration and Defendant's set-off to state the sum claimed.

If Plaintiff become nonsuit, &c. he shall pay Defendant's costs.

If the Plaintiff be overpaid, Jury may find a verdict for Defendant.

Suits—Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That where there are mutual debts between the plaintiff and defendant in any Court of Record in this Island, or if either party sue or be sued as Executor or Administrator where there are mutual debts between the Testator or Intestate and either party, one debt may be set against the other, and such matter may be given in evidence upon the general issue, so as at the time of his pleading the general issue, when any such debt due from the Plaintiff, his Testator or Intestate, is intended to be insisted on in evidence by the Defendant, notice shall be given of the particular sum or debt so intended to be insisted on, and upon what occasion it became due, or otherwise such matter shall not be allowed in evidence.

II. And be it further enacted, That by virtue of this Act mutual debts may be set against each other as well in Replevin for Rent as in other actions, notwithstanding that such debts may be deemed in Law to be of a different nature: and in case any debt shall have accrued by reason of a penalty contained in any Bond or Specialty, the declaration of the plaintiff, and notice of set-off from the defendant, shall respectively show how much is claimed to be justly and truly due on either side; and judgment shall be entered for either the plaintiff or defendant for no more than shall appear to be justly due after one debt being set against the other as aforesaid: and if, upon the trial of any Issue, the plaintiff shall become nonsuit, or the Jury shall not assess damages to the plaintiff over and above the sum proved at such trial on behalf of the defendant, and of which notice of set-off shall have been given as aforesaid, then the plaintiff shall pay to the defendant costs, to be taxed; and if upon such trial it shall appear to the Jury that the plaintiff has been overpaid, then they shall not only find a verdict for the defendant, but shall also therewith certify in writing

to the Court how much they find the plaintiff to be indebted to the defendant; and the sum or sums so certified shall be recorded with the verdict, and shall be deemed a debt of record; and the defendant shall have execution for the recovery thereof, with costs of the said action—any law, usage or custom to the contrary in any wise notwithstanding.

CAP. XIV.

An Act to establish a Reward for the Destruction of Bears and Loupcerviers.

Continued by 6
W. 4, c. 18.
Expired.

CAP. XV.

An Act to authorize a further issue of Treasury Notes.

For Acts which relate to Treasury Notes, see note to 11 G. 4, c. 16.

WHEREAS it is deemed expedient to make a further issue of Treasury Notes—Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Lieutenant Governor, or Administrator of the Government for the time being, to order a further issue of Treasury Notes, to the amount of Three Thousand Pounds—whereof one moiety shall be in Notes of the value of Ten Shillings each, and the remainder in the following proportions, (that is to say)—One Thousand Pounds thereof shall be in Notes of the value of One Pound each, and Five Hundred Pounds in Notes of the value of Five Shillings each.

Further issue of Treasury Notes, to the amount of £3000.

II. And be it further enacted, That this further Issue of Treasury Notes to the amount of Three Thousand Pounds as aforesaid, shall be in the form and subject to the enactments and provisions of an Act made and passed in the Sixth

Subject to provisions of 5 G. 4, c. 18, and

6 G. 4, c. 12.

year of His late Majesty's Reign, intituled *An Act to empower his Excellency the Lieutenant Governor, or Commander in Chief for the time being, to appoint Commissioners to issue Treasury Notes*—and an Act made and passed in the same year, intituled *An Act to authorize the Commissioners named and appointed under an Act made and passed in the Sixth year of the Reign of His present Majesty, intituled 'An Act to empower his Excellency the Lieutenant Governor, or Commander in Chief for the time being, to appoint Commissioners to issue Treasury Notes,' to issue Notes of the value of Ten Shillings each.**

Allowance to Commissioners.

III. And be it enacted, That the Commissioners named and appointed under and by virtue of the Act first above mentioned, shall be paid at and after the rate of One half *per Centum* each, as a remuneration for their trouble in issuing Treasury Notes, from and after the passing of this Act.

Punishment for stealing Treasury Notes.

IV. And whereas no provision hath been made by any former Act authorizing the issue of Treasury Notes, for the punishment of persons who may be found guilty of stealing such Notes—Be it therefore enacted, that any person or persons who shall hereafter be found guilty of feloniously stealing any Treasury Note or Notes heretofore issued, or which shall be hereafter issued, under and by virtue of any Law of this Island, shall be liable to such punishment for the offence as he, she or they would by law be liable to in case such person or persons had been found guilty of feloniously stealing the same amount in any coin which may be current within this Island at the time of committing such felony.

Continuance of Act.

V. And be it enacted, That this Act shall be and continue in force Four Years from the passing thereof, and no longer.

* The references to Acts made in this section being incorrect, are explained and amended by 10 Vic. c. 12, s. 8.

* * * Made perpetual by 5 Will. 4. c. 11.

CAP. XVI.

An Act to amend an Act made and passed in the Eleventh Year of His late Majesty's Reign, intituled *An Act for granting Licences to Tavern or Innkeepers and Storekeepers, and for regulating persons licensed, and to suspend the operation of the Acts therein mentioend*—and to suspend part of an Act passed in the Thirty-fifth Year of the Reign of King George the Third, intituled *An Act for regulating Servants*.

Repealed by 9
Vic. c. 26.

CAP. XVII.

An Act to amend an Act made and passed in the Tenth Year of the Reign of His late Majesty, intituled *An Act to continue an Act made and passed in the Eighth Year of His present Majesty's Reign, intituled An Act to continue an Act made and passed in the Sixth Year of His present Majesty's Reign, intituled An Act to revive, alter and continue an Act made and passed in the Fifty-second Year of the Reign of His late Majesty, intituled An Act for raising a Fund, to make and keep in repair the Pumps, Wells and Streets of Charlottetown, and for other purposes therein mentioned*.

Repealed by 3
W. 4, c. 27.

CAP. XVIII.

An Act for appropriating certain Monies therein mentioned, for the Service of the Year of our Lord One thousand eight hundred and thirty-one.

Executed.

ANNO SECUNDO

GULIELMI IV. REGIS.

At the General Assembly of His Majesty's Island of *Prince Edward*, begun and holden at *Charlottetown*, the Third Day of *February*, Anno Domini 1831, in the First year of the Reign of our Sovereign Lord WILLIAM the Fourth, by the Grace of God, of the United Kingdom of *Great Britain* and *Ireland*, King, Defender of the Faith:

1832.

A. W. YOUNG,
Lt. Governor.

E. J. JARVIS,
President.

W. McNEILL,
Speaker.

And from thence continued, by several Prorogations, to the Third Day of *January*, 1832, and in the Second Year of His said Majesty's Reign; being the Second Session of the Thirteenth General Assembly convened in the said Island.

CAP. I.

An Act to consolidate and amend the several Acts of the General Assembly therein mentioned, relating to the Recovery of Small Debts.

Repealed by 7
Vic. c. 2.

CAP. II.

An Act to prevent the Destruction of Oysters, by burning the same, for the purpose of converting the shells thereof into Lime.

WHEREAS large quantities of Oysters are wantonly destroyed by persons burning them when making Lime from the Shells: For remedy whereof—Be it enacted by the Lieutenant Governor, Council and Assembly, That from and after the Twenty-fourth day of *March*, One thousand eight hundred and thirty-two, no person or persons shall use or destroy any Oysters taken from any of the rivers, bays or creeks of this Island, by burning the same for the purpose of converting the shells thereof into lime, under a penalty not exceeding Five Pounds, and costs of prosecution.

Penalty for burning Oysters, for the purpose of making lime of the shells.

II. And be it enacted, That upon complaint of a breach of this Act being duly made on oath by one or more witness or witnesses, before any one of His Majesty's Justices of the Peace for this Island, such Justice shall and he is hereby required, forthwith to issue a summons to the party complained against, requiring him, her or them to appear before him the said Justice to answer the complaint, within such time as under the circumstances shall to such Justice appear proper and reasonable, when and where the witness or witnesses to prove the charge shall also attend; and the oath of the complainant or informer alone shall be sufficient to convict, where other evidence cannot be had, and in all cases of necessity, to be determined and allowed by the Justice before whom the complaint shall be made; and if on conviction, the offender shall not immediately, or within such time as the Justice shall think proper, pay the fine and costs, the said Justice is hereby authorized and required to issue

Mode of recovery.

For want of goods offenders may be commit

his warrant to levy the amount thereof on the goods and chattels of the offender ; and for want of goods and chattels to commit such offender to the common Jail at *Charlottetown*, for a period not exceeding thirty days.

III. And be it enacted, That one half of all penalties which shall be imposed and recovered under and by virtue of this Act shall be paid to the person or persons prosecuting for the same, and the other half shall be paid into the Public Treasury of the Island, for the use of his Majesty's Government.

Application of Penalties.

C A P. III.

An Act to enable certain Persons to put their Marriages upon Record.

WHEREAS in the years one thousand eight hundred and twenty-three, One thousand eight hundred and twenty four, One thousand eight hundred and twenty-five, and One thousand eight hundred and twenty-six, the Reverend *Thomas Adin*, Clerk, now deceased, was Rector of *Charlotte Parish*, and in his capacity of Rector and Priest solemnized several Marriages under the Licence of the Lieutenant Governor, or Administrator of the Government of this Island for the time being ; and whereas the said *Thomas Adin* hath not caused several of the said Marriages to be duly registered in the Book of the Registry of Marriages for the Parish of *Charlotte*, and took with him when he left this Island the original Letters of Licence for celebrating such Marriages : and whereas it may be productive of much injury in time to come to the Issue of such Marriages so unregistered as aforesaid, by reason of not being able to prove the lawful marriage of their parents : For remedy whereof—Be it enacted, by the Lieutenant Governor, Council and

Persons married by Thomas Adin, Clerk, on obtaining a Certificate of the issue of licence, and an affidavit of any person present at the marriage, may have the same registered.

Assembly, That from and after the publication of this Act, it shall and may be lawful for any person or persons so married by the late *Thomas Adin*, on obtaining a Certificate under the hand and seal of the Secretary, or other Officer having charge of the Books containing a Record of the issuing of Marriage Licences, that a Licence in the usual form appears to have been issued under the hand and seal of the Lieutenant Governor, or Administrator of the Government for the time being, and directed to the parties married, and on obtaining the Affidavit or Affidavits of one or more of the parties who were present at the solemnization of the said marriage, to cause the same to be filed with the present or any future Rector of *Charlotte Parish*, who, on such Affidavits being presented to him, shall cause the same to be copied into the usual Book of Registry of Marriages solemnized by him, and shall register the said Marriages, stating that such have been registered in pursuance of and by virtue of this Act; which Registry shall be as good, effectual, and valid in the law, to all intents and purposes whatever, as if the same had been registered by the said *Thomas Adin* in his life time.

Rector's Fees.

II. And be it further enacted, That the Rector so registering such marriage shall have and receive for so doing, the following fees: (that is to say)—

For filing each Affidavit, One Shilling.

For copying the same into the Registry, for every hundred words, the sum of Two Shillings.

For registering each Marriage, Three Shillings and Four-pence.

For granting Certificate of such Registry, Two Shillings and Sixpence.

CAP. IV.

Expired.

An Act authorizing the removal of Nuisances from the Streets of *Charlottetown*.

CAP. V.

An Act to authorize Justices of the Peace and Commissioners under the Small Debt Act to issue Writs of summary Capias against persons about to leave this Island.

Repealed by 7
Vic. cap. 2.

CAP. VI.

An Act to alter and amend an Act made in the Forty-eighth Year of the Reign of His late Majesty King George the Third, intituled *An Act for repealing an Act intituled 'An Act to prevent the throwing of Ballast into Rivers and Creeks on this Island,' and for the empowering the Governor, Lieutenant Governor, or Commander in Chief for the time being, to appoint Ballast Masters, and to regulate their Duty.*

Continued by 5
W. 4, (2d Session) c. 1.

Expired.

CAP. VII.

An Act for building a Court House and Jail in Prince County, and for appointing Commissioners to superintend the same.

Executed.

CAP. VIII.

An Act to prevent the running at large of Swine within the Town and Royalty of *Princetown.*

Expired.

CAP. IX.

An Act for limiting the time for holding the Poll for the Election of Members to serve in General Assembly.

Repealed by 11
Vic. c. 21.

CAP. X.

Executed.

An Act for the Relief of *Solomon Desbrisay*, a Prisoner in confinement for Debt within the Limits of the Jail of *Charlottetown*.

CAP. XI.

Sec 50 G. 3, c. 3, and 1 Vic. c. 18.

An Act to prevent Tavern-Keepers, Innkeepers, or other persons, from harbouring or entertaining Soldiers at improper hours.

Any Tavern-keeper, or other person suffering a soldier to remain in his house after a certain hour in the evening without a written pass from his officer, to forfeit £1 and costs.

Made of recovery.

WHEREAS it is found necessary to prevent Tavern-Keepers, Innkeepers, or any other person or persons, from harbouring or entertaining Soldiers at improper hours—Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, if any Tavern-Keeper, Innkeeper, or any other person or persons in this Island, shall knowingly suffer or permit any non-commissioned Officer, Drummer, or private Soldier or Soldiers, in His Majesty's service, to be and remain in his, her or their house or houses, under any pretence whatsoever, after the hour of Eight of the Clock in the evening, from the First day of *October* to the Thirtieth day of *April*, or after the hour of Nine in the evening, from the First day of *May* to the Thirtieth day of *September*, in each and every year, without a written pass or permission from his or their commanding officer, he, she or they shall be liable to pay a fine of Twenty Shillings, together with the costs of recovering the same, for each and every offence—to be recovered before any one of His Majesty's Justices of the Peace for the said Island, on the oath of one credible witness—the same to be levied by warrant of distress on the goods and chattels of the

offender or offenders; and if no goods and chattels can be found whereon to levy the same, it shall and may be lawful for the said Justice to commit the party so offending to the County Jail, for a period not exceeding ten days.

II. And be it enacted, That one moiety of the said fine, if recovered, shall be paid to the person who shall inform and sue for the same; and the other moiety shall be paid into the Treasury of this Island, to and for the use of His Majesty's Government.

Application of fine.

CAP. XII.

An Act to require Landlords, or Claimants of Rents, to put the Titles by which they claim upon Record, in the proper Offices of Record in this Island.

Disallowed.

CAP. XIII.

An Act to prevent the Importation and Spreading of Infectious Diseases within this Island.

Sec 11 Vic. c. 12.

WHEREAS it has become expedient and necessary to make regulations for preventing the importation of Infectious Disorders into this Island: Be it enacted, by the Lieutenant Governor, Council and Assembly, That no vessel arriving in the harbour of *Charlottetown* with Emigrant Passengers, or having on board the Small Pox, Yellow Fever, or other pestilential or contagious Distemper, or coming from any place infected with any such Distempers, or at which any such Distempers at the time of her departure were known or supposed to prevail, or

Regulations for Vessels having on board Emigrant passengers, or contagious distempers, or coming from infected places, or on board of which any person had died or been sick of such distemper, on entering Charlottetown harbour.

on board of which said vessel any person during the voyage had died or been sick of any such Distemper, shall come, proceed, or be navigated or conducted further or higher up into the harbour of *Charlottetown*, or into the several rivers connected therewith, than *Canso Point*, or the confluence of the *York*, *Elliot*, and *Hillsborough Rivers*, until such vessel shall have been duly inspected and examined by one competent medical person, to be for that purpose, as herein-after mentioned, appointed, nor until the said medical person shall signify his consent and permission, in writing, that such vessel may proceed without danger to the inhabitants of this Island; and if on such inspection and examination as aforesaid it shall be judged expedient, the said medical person be, and he is hereby authorized to direct the Master or Commander of the said vessel forthwith to hoist, or cause to be hoisted, a yellow flag, to be provided by the said medical person, at the main-topmast head of the said vessel, and which flag shall be kept flying, and to direct that the said vessel shall be brought to anchor at the place aforesaid, and remain there for a space of time not exceeding Three Days, unless the Lieutenant Governor, or Commander in Chief for the time being, shall ordain and direct that such vessel shall perform Quarantine, in which case the Master or Commander of such vessel for the time being, shall forthwith cause the said vessel, with all the persons, goods and cargo on board thereof, to be removed to and to anchor at such place, and for such length of time, not exceeding Forty Days, as the said Lieutenant Governor, or Commander in Chief for the time being, may think proper to direct and appoint; and during the time such vessel shall be performing such Quarantine, the Master or Commander thereof shall not permit or suffer any intercourse between the persons on board the said vessel and the shores of this Island, nor between the said vessel and any other vessel or boat, except under the direc-

Their Inspection and place of Anchorage.

Health Officer may permit vessel to proceed, or may direct the Master to hoist a yellow flag, and to remain at anchor for 3 days.

Lt. Governor, &c. may direct a Quarantine of 40 days, and appoint a station.

Master permitting any intercourse with the shore, or with other vessels;

tion of the said medical person; and the Master or Commander of any such vessel, and all and every other person or persons belonging to and being on board such vessel, who shall disobey any such orders and directions as aforesaid, or shall neglect to execute and perform the same, or who shall come on shore, or go on board of any other vessel or boat contrary thereto, or shall presume to bring or put, or aid and assist in bringing or putting on shore, or on board any other vessel or boat as aforesaid, any person or any goods from any such vessel so having come to anchor, or which shall be ordered to perform Quarantine as aforesaid, without the licence and permission of the said medical person being for that purpose first obtained, shall for each and every offence severally forfeit and pay a sum not exceeding Two hundred Pounds of current money of this Island, or be imprisoned for a time not exceeding Twelve Months.

or any other person coming on shore or going on board of any other vessel, &c. without Licence from Health Officer, to forfeit £200, or be imprisoned for 12 months.

II. And be it further enacted, That the master or commander of every vessel with emigrant passengers, or having on board the Small Pox, Yellow Fever, or other pestilential or contagious distemper, or coming from any place infected with any such distempers, or at which any such distempers, at the time of her departure, were known or supposed to prevail, or on board of which said vessel any person during the voyage had died or been sick of any such distempers, immediately on coming abreast of the *Block House* at the entrance of the harbour of *Charlottetown*, shall cause the said vessel's ensign (or such other colour as shall be on board) to be hoisted in the starboard main-rigging, and shall continue the said signal so hoisted, until the said vessel shall have been inspected and examined by the said medical person, and a licence be had from him to remove the same, under the penalty of Twenty Pounds for each and every offence.

Master of such vessel, on coming abreast of Block House, to hoist an Ensign or other flag in the starboard-main rigging, to be kept flying until the vessel is inspected, and Licence given to remove the same under penalty of £20.

Branch Pilots to be furnished with printed Instructions.

Tenor of notice.

Duty of Pilot, before boarding vessels.

III. And be it further enacted, 'That the several Branch Pilots belonging to the harbour of *Charlottetown* shall be furnished with printed instructions containing a notice to the following effect, viz:—' That no vessel with emigrant passengers, or having the Small Pox, Yellow Fever, or other pestilential or contagious distemper on board, or having come from any place infected with any such distemper, or at which any such distempers were known or supposed to prevail at the time of her departure, or on board of which any person had died or been sick of any such distempers during the voyage, shall proceed or be navigated further or higher up into the harbour than *Canso Point*, or the confluence of the *York, Elliot, and Hillsborough Rivers*; and that the Master or Commander of any such vessel shall not go or put on shore, or on board any other vessel or boat, or suffer any other person to go or put on shore or on board any other vessel or boat, any person or goods out of the said vessel, until such vessel shall have been inspected by the medical person, and his licence for that purpose obtained, under the penalty of Two hundred Pounds; and further, that the said Master or Commander shall cause the said vessel's ensign (or such other colour as shall be on board) to be hoisted in the starboard main-rigging, so soon as the said vessel shall come abreast of the *Block House*, and shall continue the same so hoisted until leave be granted by the said medical person to remove the same, under the penalty of Twenty Pounds.' And every pilot, before he shall board any vessel coming into the said port or harbour, shall ascertain whether such vessels have on board any such infectious distempers, or have last come from any place known to be infected therewith at the time of the departure of any such vessels, and whether any person has during the voyage died or been sick of any such pestilential disease as aforesaid; and if his questions to the effect aforesaid, or any

of them, shall be answered in the affirmative, he shall refrain from boarding such vessel, but shall nevertheless inform those on board by the best means in his power of the provisions of this Act, as contained in his instructions on that subject herein-before mentioned, and if permitted, shall point out the course for such vessels to steer by, going before them with his boat to the place where such vessels ought to anchor, and shall forthwith give the proper notice or information to the medical officer who may be appointed to visit such vessels under and by virtue of this Act; and it shall nevertheless be the duty of the said pilot, on first boarding every vessel coming into the harbour of *Charlottetown*, to read such notice to the master or commander of such vessel, or communicate to him the purport and effect of such notice; and any Branch Pilot who shall neglect his duty in this respect, shall for the first offence forfeit and pay the sum of Ten Pounds, and for the second offence, in addition to the penalty of Ten Pounds, be prevented for ever after from holding a branch: And if any person or persons shall be found to have been landed, or attempting to land, from any such vessel with emigrant passengers, or so coming from any infected place as aforesaid, or having any person on board so infected as aforesaid, or on board of which said vessel any person during the voyage had died or been sick of any such infection, it shall and may be lawful for any Justice of the Peace, by warrant under his hand and seal, directed to any constable, to cause such person to be taken and reconveyed on board such vessel; and the said constable having such warrant is hereby authorized and empowered to command the necessary assistance to enable him to force back and convey on board the said vessel any and all persons so landed, or attempting to land, as aforesaid; and it shall be lawful for the persons so called upon by the said constable or officer to assist or use such force as may be necessary to carry the said

In what cases Pilots shall not board vessels.

Their duty in such cases.

Penalty on Pilots offending against this Act.

Justices of Peace to cause persons landing from any such vessel to be reconveyed on board.

Constables may command assistance to enable them to execute Warrants against such persons.

Masters of ves-
sels to receive
and keep such
persons on board,
under a penalty
of £50.

order into effect, by forcing such persons landed, or attempting to land, back to and on board such vessel; and the master or person having command or charge of such vessel from which such person shall have landed, or attempted to land, shall, on request of the constable or officer having the execution of such warrant, receive, take and detain on board his said vessel such person or persons, under the penalty of Fifty Pounds for each and every person that he shall refuse to receive, or neglect to detain and keep on board after being so returned.

No person other
than Health Offi-
cer, to go on
board any vessel,
after signal hoist-
ed, under penalty
of £20.

V. And be it further enacted, That no person or persons whatsoever, other than the medical person appointed as aforesaid, shall go on board any vessel so arriving as aforesaid, which shall have such signal so hoisted in the starboard main-rigging as aforesaid, or which having come to anchor, shall continue to have such signal so hoisted as aforesaid, under a penalty not exceeding Twenty Pounds for each and every offence; and if any person or persons, other than the medical person aforesaid, shall go on board any such vessel, or any other vessel on board of which the attendance of the said medical person shall or may be required under and by virtue of this Act, then and in such case, the master or commander of such vessel for the time being, is hereby authorized and required, to keep and detain such person or persons on board the said vessel, until such licence as aforesaid be given for the said vessel to proceed, or until the expiration of such time as shall be directed and appointed for the said vessel to perform Quarantine as aforesaid, or permission in writing be had from the said medical person for him or them to depart; and if any such person or persons so having unlawfully gone on board any such vessel as aforesaid, shall go on shore or depart from the said vessel, before such licence as aforesaid shall be given, or before the expiration of the time ap-

All persons going
on board, to be
detained.

pointed for the said vessel to perform quarantine, or permission be given for him or them to depart as aforesaid, then and in such case every such person or persons so offending as aforesaid, and the master or commander of any such vessel so permitting such person or persons to go on shore or to depart from the said vessel, and every other person or persons aiding and assisting therein, shall, for each and every offence severally forfeit and pay the sum of Fifty Pounds: and it shall and may be lawful for any Justice of the Peace, by warrant under his hand and seal directed to any constable, to cause such person or persons to be taken and re-conveyed on board such vessel; and the said constable having such warrant is hereby authorized and empowered to command the necessary assistance to enable him to force back and convey on board the said vessel any and all persons so landed, or attempting to land, as aforesaid; and that it shall and may be lawful for the person or persons so called upon by the said constable to assist or use such force as may be necessary to carry the said order into effect, by forcing any and all such persons landed, or attempting to land, back to and on board such vessel; and any person or persons neglecting or refusing, when called on, to assist such constable in forcing back to and on board such vessel any or all such persons landed, or attempting to land, shall incur and forfeit and pay a sum not exceeding Five Pounds: and the master or person having command or charge of such vessel from which such person or persons shall have landed, or attempted to land, shall, on request of the constable having the execution of such warrant, receive, take and detain on board his said vessel such person or persons, under the penalty of Fifty Pounds for each and every person that he shall refuse to receive, or neglect to detain and keep on board, after being so returned.

Master permitting the return of any such person, and all others aiding, respectively to forfeit £50 for each offence.

Justices to direct a constable to receive such persons on board.

Constable authorized to command assistance.

Persons so called on refusing to assist, to forfeit £5.

Penalty of £50 on Master, for refusing to receive any such person on board.

Li. Governor
with advice of
Council to direct
where sick per-
sons shall be lan-
ded,

there to remain,
until they are re-
stored to health.

when Health
Officer certifies,
Li. Governor
may give licence
for such vessel to
depart from quar-
antine.

Persons departing
from Quarantine
ground, without
permission of
Health Officer,
may be appre-
hended by War-
ran: from a Jus-
tice, and carried
back.

VI. And be it further enacted, That during the time any such vessel shall be ordered to perform quarantine as aforesaid, it shall and may be lawful for the Lieutenant Governor, or Commanded in Chief for the time being, by and with the advice of His Majesty's Council (if on the report of the medical person aforesaid, it shall be judged expedient,) to order and direct that the passengers and others on board such vessel infected with any disease, may be landed therefrom, and conveyed to such place as he may appoint, in order to facilitate their recovery, and to prevent the spreading of the disease; and the person so landed as aforesaid shall remain at such place or places as shall be appointed therefor until they are restored to health, their clothes thoroughly cleansed, under the direction of the said medical person, and his certificate be obtained that they may proceed to the town or country, without danger to the inhabitants thereof; and the said vessel from which the said passengers shall be so landed shall be thoroughly cleansed and purified, under the direction of the said medical person, and when so cleansed and purified, the said medical person shall report the same to the Lieutenant Governor, or Commander in Chief for the time being, who shall thereupon give a licence for the said vessel to depart from such quarantine as aforesaid; and in case any person or persons shall depart from the place to which he, she or they may have been conveyed from the said vessel, without the permission of the said medical person being for that purpose first obtained, it shall and may be lawful for any Justice of the Peace, by warrant under his hand and seal to direct any constable to cause such person or persons to be apprehended and carried back to the place from whence he, she or they may have so departed, or to be otherwise disposed of, so as to prevent the spreading of the infection.

VII. And be it further enacted, That no penalty whatsoever shall be inflicted on the master or commander of any ship or vessel, or any other person, for any breach of the provisions of this Act, unless such breach shall be committed wilfully or negligently after such master or commander, or other person, shall have received notice of the provisions of this Act, any thing herein-before or herein-after contained to the contrary notwithstanding.

Masters of vessels not liable for penalties, under this Act, unless they have received notice of its provisions.

VIII. And be it further enacted, That all vessels as aforesaid which shall arrive at any of the other harbours within this Island shall hoist the said vessel's ensign, or such other colour as may be on board, in the starboard main-rigging as aforesaid, and shall not proceed further or higher up into any of the said harbours than may be absolutely necessary for the safety of such vessel, until such vessel shall have been visited, inspected, and examined by the medical person appointed for that purpose, and his permission in writing first obtained for the said vessel to proceed: and the master or Commander of any vessel which shall proceed further or higher up into the several harbours than is herein-after directed, until such permission shall be obtained as aforesaid, shall, for each and every such offence, forfeit and pay the sum of Twenty Pounds.

Vessels arriving at any of the other harbours of this Island, to hoist ensign, &c. and not to proceed further than safety of vessel warrants, until inspected and licenced by Health Officer, under penalty, on masters, of £20.

IX.* And be it further enacted, That the Lieutenant Governor, or Commander in Chief for the time being, by and with the advice and consent of His Majesty's Council, is hereby authorized to appoint fit and proper persons in the several out-harbours of this Island, who shall have full power and authority within their respective districts to order and direct any vessel or vessels having on board the Small Pox, Yellow Fever, or other pestilential or contagious distem-

Lt. Governor, &c. may appoint persons in the Out-harbours to direct where such vessels shall anchor.

* So much of this Section as relates to the appointment of Health Officers, is repealed by 11 Vic. c. 12, s. 13.

Vessel there to remain until licensed to depart.

Such persons may order Quarantine to be performed under the rules prescribed for vessels arriving at *Charlottetown*.

Vessels arriving at South side of the Island, to perform Quarantine at same place as vessels arriving at *Charlottetown*.

Vessels arriving at any other out-port may be ordered to *Richmond Bay*.

Such persons authorized to nominate a Health Officer; who is

per, or coming from any place infected with such distempers, immediately upon her arrival at or within any such harbour as aforesaid, to come to an anchor at such place as to them, or the major part of them, shall be deemed most advisable to protect the inhabitants from contracting any such fever or contagious distemper as aforesaid; and such vessel or vessels shall there remain, and shall not proceed further into the said harbour, until the master or commander of such vessel shall have obtained a licence for that purpose from the persons so appointed as aforesaid, or the major part of them; and in case such licence shall be denied, and it shall be judged expedient by such persons, or the major part of them, that the said vessel with its cargo and all persons on board should ride or perform quarantine, then the said vessel or vessels shall be liable to the same rules and regulations, and all persons on board thereof shall be subject to the same penalties in every instance as are herein-before prescribed respecting vessels, goods and passengers arriving at or within the harbour of *Charlottetown*, and the several rivers connected therewith: and all vessels liable to perform quarantine, and arriving at any out-port on the South side of this Island, situated any where between the *East Point* and *West Cape* of the Island, shall and may, by such persons, or the major part of them, be ordered and compelled to proceed to such place to perform quarantine as vessels arriving at *Charlottetown* harbour shall be appointed to perform the same duty; and all such vessels as may arrive at any other of the outports of this Island shall in like manner be ordered and compelled to perform quarantine in such part of *Richmond Bay* as shall be fixed and determined on by those persons who shall be so appointed as aforesaid for that Bay, or the major part of them: and such persons so appointed in the several out-harbours as aforesaid, are authorized and required to nominate and appoint one competent medical person, who shall

have the same powers and authorities in every respect within the district for which he may be appointed as are herein given to the medical person to be appointed as aforesaid for the harbour of *Charlottetown*; and such medical person shall make report in writing to the person or persons so requesting him to go on board and make examination as aforesaid, of the result of such examination and inquiry, with his opinion and advice thereon, in the same manner as is herein-before prescribed by the Fourth Section of this Act.

to proceed as directed by the 4th Section of this Act.

X. And be it further enacted, That if at any time it shall be made to appear to the satisfaction of any Justice of the Peace, on oath, that any person has escaped from any such vessel, or from the limits assigned, or to be assigned, as aforesaid, and is kept or concealed in any house or other building; or if oath be made by some credible person or persons that there is good reason to suspect, and that such person or persons do verily believe that any person so escaping as aforesaid is so kept or concealed, it shall and may be lawful for such Justice to issue his warrant to any of the constables, authorizing and requiring him or them to enter and search such house or other building: and if such person so escaping as aforesaid shall be found therein, to arrest, take, and convey him or her on board of such vessel, or to such place as shall be appointed or assigned as aforesaid for such persons to be kept in.

On oath made of the escape of any person from such vessel, or assigned limits, Justices of the Peace may issue a search warrant.

XI. And be it further enacted, That if any person whatsoever shall aid, assist, or procure any person to aid, abet or assist any person in landing from such vessel, or in escaping from such place appointed as aforesaid, previous to a licence for that purpose obtained as aforesaid, or shall keep, secrete or conceal, or shall procure any person to keep, secrete or conceal any such person landing or leaving as aforesaid, or in any manner assist in preventing the detection and apprehension of such

Persons aiding or assisting any such person in landing or escaping, or harbouring or concealing any such person, to forfeit not more than £20 nor less than £5.

person so landing, without a licence as aforesaid, every such person so offending shall for every such offence forfeit and pay a sum not less than Five Pounds nor more than Twenty Pounds.

Mode of recovery of penalties; to be prosecuted for within 20 days after the offence committed.

Application of Penalties.

Attorney General to prosecute, if no other person does so.

XII. And be it further enacted, That all the penalties and forfeitures in this Act mentioned may be prosecuted, sued for and recovered in the Supreme Court, by action of debt, bill, plaint or information, by any person who shall prosecute for the same, within Twenty days after the commission of the offence; and when recovered, shall be paid, one moiety to the person so suing and prosecuting, and the other moiety to be paid into the Treasury of the Island for the use and support of the Government thereof; and if no person shall so sue or prosecute within Twenty days, then that the same penalties and forfeitures shall be sued for and recovered by information of His Majesty's Attorney General in the said Supreme Court, and when recovered, to be paid, after deducting the costs and charges of prosecution, into the said Treasury, for the uses as aforesaid.

On application, Lt. Governor may appoint additional medical persons to visit vessels.

Fees of persons so appointed.

XIII. And be it further enacted, That upon application from the master or other commanding officer of any vessel having any infectious disorder on board as aforesaid, made to the Lieutenant Governor, or other Administrator of the Government for the time being, for further medical assistance, it shall and may be lawful for the Lieutenant Governor, or other Administrator of the Government, to direct such other medical person or persons as he may select to visit such vessel so infected in conjunction with the Health Officer, which said medical person shall be entitled to receive the same remuneration as is given to the said Health Officer for each and every visit he may make as before directed, any thing in this Act to the contrary notwithstanding.

XIV. And be it further enacted, That it shall and may be lawful for the Lieutenant Governor, or Commander in Chief for the time being, by and with the advice and consent of His Majesty's Council, from time to time, to suspend the operation of this Act as regards vessels arriving from any port, place or country.

Power to suspend operation of Act.

** The Fourth Section of this Act having been repealed by 11 Vic. c. 12, s. 13, is omitted.

CAP. XIV.

An Act to confirm and render valid certain Marriages heretofore solemnized within this Island; and also to declare by whom and in what manner Marriages shall be celebrated in future, and to provide for the Public Registry of the same.

Amended by 6 Vic. c. 8.

For other Acts relating to Marriages, see

11 G. 4, c. 5.
2 W. 4, c. 3.

WHEREAS it is deemed expedient to confirm and render valid certain Marriages heretofore solemnized within this Island, and also to declare by whom and in what manner Marriages shall be celebrated in future, and to provide for the keeping of a public Registry of the same: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That all Marriages which have been heretofore solemnized within this Island by any Clergyman, or Minister of the Gospel officiating as such, or by any Justice of the Peace, or other lay person, either by virtue of Licence from any Governor, Lieutenant Governor, or other Commander in Chief of this Island, or by publication of Banns, or otherwise, where the parties so married have cohabited together, shall be, and the same are hereby declared lawful and valid; and the issue of all such Marriages are hereby made legitimate, to all intents and purposes whatsoever. Provided always, That nothing herein contained shall extend, or be construed to

Confirms all Marriages heretofore solemnized within this Island where the parties have cohabited.

Issue of such Marriages declared legitimate.

Proviso.

extend, to the rendering valid any marriage where either of the persons is so married a second time, the former husband or wife being then alive; nor where the persons married are within the degrees of kindred prohibited in an Act made and passed in the Thirty-second year of King *Henry* the Eighth, intituled *An Act concerning Pre-contracts, and touching degrees of consanguinity.*

Clergymen of any denomination having spiritual charge of a Congregation, on receiving a Certificate from the Lt. Governor, and all others whom he may authorize, may solemnize Matrimony either by Licence or publication of Banns.

II. And be it further enacted, That every Clergyman or Minister of any sect or denomination of Christians, having spiritual charge of a congregation within this Island, upon producing to the Lieutenant Governor, or other Commander in Chief for the time being, satisfactory proof of his ordination, constitution or appointment, and that he is actually employed by the denomination of which he professes to be a Minister within this Colony, and receiving a certificate to that effect under the hand and seal of the Lieutenant Governor or Commander in Chief for the time being, and all others whom the Lieutenant Governor or Commander in Chief for the time being may thereto authorize, shall hereafter have power and authority to solemnize marriage, either by Licence from the Lieutenant Governor, or after publication of Banns in their respective church, chapel, or other place of public worship, on Three successive *Sundays*, during divine service. Provided always, that nothing in this Act contained shall extend, or be construed to extend, to prevent any Clergyman regularly ordained according to the rites of the Church of *England*, Kirk of *Scotland*, or Church of *Rome*, Presbyterians being Dissenters from the Kirk of *Scotland*, the Wesleyan Methodists and Baptists respectively, and having respectively within this Island spiritual charge of a congregation, from solemnizing marriage according to the forms of their own respective churches, without having obtained such certificate as is herein-before mentioned.

Such Certificate not required from Clergymen of the Churches of England, Scotland, or Rome, Presbyterians Dissenters, Wesleyan Methodists or Baptists.

III. And be it further enacted, That any such Clergyman, Minister of the Gospel, or other person, who shall after the passing of this Act solemnize any marriage without such Licence or publication of Banns as aforesaid, or who shall knowingly solemnize any marriage between parties of whom one or both are under the age of Twenty-one years, having parents or guardians living and resident within this Island, without the consent of such parents or guardians, shall forfeit and pay for every such offence the sum of Five hundred Pounds; and the marriage of any such person or persons under the age of Twenty-one years, without such consent, shall be null and void.

Persons solemnizing Marriages without Licence or publication of Banns, or marrying Minors, without consent of parents or guardians, (if living) to forfeit £500.

Marriage of such Minors to be void.

IV. And be it further enacted, That all marriages shall be solemnized in the presence of two or more credible witnesses besides the Minister, Clergyman, Justice of the Peace, or other person authorized to solemnize matrimony, who shall solemnize the same; and that after the solemnization thereof such parties so authorized to solemnize marriage contracts shall, and they are hereby required to transmit, within the period of Six Months, a Certificate of the celebration of each Marriage by them performed, together with the names of the parties witnessing the same, to the Surrogate of the Island; which Certificate shall be in the manner and form following:

All Marriages to be solemnized in the presence of at least two witnesses, besides the officiating Clergyman, &c.

Clergymen, &c. to transmit, within six months, to the Surrogate, a Certificate of the celebration of each Marriage.

Names of Parties.	Whether Bachelor or Widower, Spinster or Widow.	Date of Celebration.	By Licence or Banns.	Names of Witnesses.

Form of Certificate.

I hereby certify that the above named parties were married by me this day under Licence from the Lieutenant Governor, [or by Pub-

See also 11 G. 4, c. 5.

‘lication of Banns, as the case may be,] in
 ‘the presence of the above named Witnesses.’
 ‘Dated at this day of 18
 A. B.’

Surrogate to record the same, and his certificate to be good evidence of such marriage, where testimony of the witnesses cannot be procured.

And the said Surrogate is hereby required, on receiving the fee herein-after mentioned, to record the said Certificate in a book, to be kept for that purpose, a certified copy of which record under his hand and seal shall be deemed due and sufficient evidence in any Court of Law or Equity, to establish the proof of such marriage, in all cases where the testimony of none of the witnesses to such marriage can be obtained.

Surrogate's fee for recording certificate, to be collected by the person who celebrates the marriage.

V. And be it further enacted, That any person authorized to celebrate marriage contracts shall be entitled (in addition to his usual fee) to demand and receive from the parties married by him the sum of One Shilling and Sixpence, which sum he is hereby required to pay to the Surrogate as a fee for recording such Certificate; and every person desirous of a certified copy thereof from the record, shall be entitled to the same on paying to the said Surrogate the sum of One Shilling and Sixpence.

Fee for certified copy of record.

Clergymen, &c. neglecting to transmit such certificate to Surrogate, to forfeit £5.

VI. And be it further enacted, That each and every Clergyman, Minister of the Gospel, Justice of the Peace, or other person celebrating Matrimony, who shall either refuse or neglect to transmit such return or Certificate to the Surrogate as aforesaid, shall, for each and every neglect or refusal, forfeit and pay into the Treasury of this Island the sum of Five Pounds, for the use of His Majesty—to be recovered before any one of His Majesty's Justices of the Peace, by warrant of distress and sale of the offender's goods and chattels.

Mode of recovery.

VII. And whereas it may happen that some person or persons within age, whose parent or

parents are either deceased or absent, may be desirous to contract matrimony, but by reason of his or her having no parent or guardian living or present to consent thereto, no licence can be obtained: be it therefore enacted, that in each and every such case, and in all other cases not hereby especially provided for, it shall and may be lawful for any person authorized to solemnize marriages, when required, to inquire into the propriety of any such marriage being contracted, by examining the said parties, or such other persons as he may deem necessary; and if he shall be satisfied of the propriety thereof, he shall certify his consent thereto, whereupon a licence may be issued in like manner as upon the consent of parents and guardians; or the marriage may be celebrated after proclamation by Banns, as may be required by the parties.

In certain cases, Minors may contract Matrimony.

VIII. And be it further enacted, That if any Minister, Clergyman, or other person, shall presume to celebrate marriage contrary to the provisions of this Act, in any case not herein-before provided against, he shall, for every such offence, forfeit and pay to His Majesty the sum of Fifty Pounds—the same to be recovered in His Majesty's Supreme Court of Judicature, together with costs of prosecution—the said Fine to be paid into the Treasury of this Island, to and for the use of His Majesty's Government.

Any Clergyman, &c. celebrating marriage contrary to this Act, to forfeit £50.

Mode of recovery.

Application of fine.

IX. And be it further enacted, That from and after the passing of this Act, all Licences to be granted under and by virtue of the same, shall be directed to such person who may be authorized to solemnize matrimony as the person or persons applying for such Licence shall or may request or desire, and to no other person or persons whomsoever, any usage or custom to the contrary notwithstanding.

Marriage Licences to be directed to such Clergymen, &c. as the parties may desire.

Act not to have effect until His Majesty's pleasure be signified.

Provided always, That nothing in this Act contained shall have any force or effect until His Majesty's pleasure therein shall be known.

* * This Act received the Royal Allowance 20th December, 1834, and the notification thereof was published in the *Royal Gazette* 21st April, 1835.

C A P. X V.

See 12 Vic. c. 28.

An Act establishing the mode of recovering Penalties and Costs before Justices of the Peace, where the same are imposed by certain Acts of the General Assembly of this Island, and no provision is made for the enforcing thereof.

In all cases where Justices of the Peace are empowered to impose penalties, in default of payment, Warrant of Distress may be issued against goods of party convicted;

and in the event of no goods being found, Justice may commit person so convicted to Jail.

Periods of imprisonment defined.

WHEREAS there are several Acts of this Island which impose Penalties and Costs, without providing any mode of recovering the same: For remedy whereof—be it enacted, by the Lieutenant Governor, Council and Assembly, That in all such cases it shall and may be lawful to and for the Justice or Justices by whom such penalties and costs are or may be inflicted, in default of payment, to issue his or their warrant of distress against the goods and chattels of such person or persons so convicted, authorizing and requiring the constable or other officer to whom such warrant is directed, to levy the amount of such penalty and costs from and out of the goods and chattels of the person or persons so convicted; and in default of goods and chattels, that the said Justice or Justices shall and may commit the person or persons so convicted to the common jail of *Charlottetown*, for the respective periods herein-after mentioned (that is to say)—where the penalty shall not exceed the sum of Five Shillings, for a space not exceeding Ten days—and where the penalty shall be above Five Shillings, and shall not exceed the sum of Twenty Shillings, for a period not exceeding Fourteen days—and

where the penalty shall be above Twenty Shillings, and shall not exceed the sum of Forty Shillings, for a period not exceeding Twenty-one days—and where the penalty shall be above Forty Shillings, and shall not exceed Five Pounds, for a period not exceeding Sixty days.

II. And be it further enacted, That in all cases where goods and chattels cannot be found whereon to levy the penalty and costs, or any part thereof, and the delinquent party or parties shall in consequence thereof be committed to prison, it shall and may be lawful for the Justice or Justices granting such commitment, to certify the amount and particulars of the Constable's costs remaining unpaid to the Clerk of His Majesty's Council, and the same, after being approved of by the Lieutenant Governor, or other Administrator of the Government for the time being, in Council, shall be paid out of the Treasury of the Island to the Constable or Constables entitled to receive the same.

If no goods of delinquent can be found, and he is committed to Jail, Constable's fees to be paid from Treasury.

CAP. XVI.

An Act to amend and render more effectual an Act made and passed in the Eleventh Year of the Reign of His late Majesty, intituled *An Act to authorize the Conviction and Punishment, in a Summary way, of Persons committing Common Assaults and Batteries.* Expired.

CAP. XVII.

An Act to Incorporate the Minister and Trustees of *Saint James's Church*, in the Town of *Charlottetown*.

WHEREAS the ground upon which the Church for the public worship and exer-

cise of the Religion of the Church of *Scotland* in the Town of *Charlottetown*, commonly called *Saint James's Church*, has been erected, is held by Trustees under and by virtue of a deed of conveyance by Lease and Release from *Alexander Birnie*, of the City of *London*, Merchant, bearing date at *Charlottetown*, the Thirtieth day of *September*, which was in the year of our Lord One thousand Eight hundred and Twenty-five: and whereas the said Trustees are not a Body Corporate, and no provision is made for the election of successors to the said Trustees from time to time on their death or removal from the Island, the said ground being granted by the said deed of conveyance to the Trustees therein named, and the survivor or survivors of them, their heirs and assigns, upon the trust therein mentioned: and whereas the Reverend *James Mackintosh*, Minister of the congregation of the Church of *Scotland* using the Church erected as aforesaid in the said Town of *Charlottetown*, and *William Cullen* and *John Macgill*, Merchants, *John Mackieson*, Surgeon, and *Alexander Brown*, Schoolmaster, all of *Charlottetown* aforesaid, Trustees of the said Church, and others, having, by their humble petition to the Legislature, represented the inconveniences resulting from the provisions of the said above mentioned deed of conveyance under which the said ground is held as aforesaid, and the want of a corporate capacity in the said Trustees to enforce by legal process the payment of the rents payable by holders of pews in the said Church, as well as to enable them to hold any other lands or real estate that might be granted and conveyed for the use of the said Church, and prayed for an Act of Incorporation in order to afford them relief in the premises:

Incorporates the Trustees of Saint James's Church.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the said *William Cullen*, *John Macgill*, *John Mackieson*, and *Alexander Brown*, Trustees as aforesaid,

together with the said Reverend *James Mackintosh*, *Thomas Owen*, Merchant, *George Dalrymple*, Chemist and Druggist, and *William Cranston*, Farmer, all of *Charlottetown* aforesaid, and their successors for ever, (which said successors are to be elected in way and manner herein-after directed) shall be, and they are hereby constituted and declared, a Body Corporate and Politic in name and in deed, by the name and style of "The Minister and Trustees of *Saint James's Church*"— shall be a perpetual Corporation, and shall have perpetual succession, and a common seal, with power to break, change and alter the same, from time to time, at pleasure, and shall be in law capable of suing or being sued, pleading or being impleaded, defending or being defended, answering or being answered unto, in all Courts of Judicature, in all manner of actions, suits, complaints, matters and causes whatsoever; and also of contracting and being contracted with relative to the funds of the said Corporation, and the business and purposes for which it is hereby constituted, as herein-after declared; and may make, establish and put in execution, alter or repeal, such By-Laws, Rules, Ordinances and Regulations, as shall not be contrary to the constitution and laws of this Island, or to the provisions of this Act, or to the constitution of the Church of *Scotland*, and as may appear to the said Corporation necessary and expedient for the interests thereof. Provided always, that three of the members of the said Corporation shall form a *Quorum*, for all matters to be done or disposed of by the said Corporation.

Style of Corporation.

Powers of Corporation.

Three members to form a quorum.

II. And be it further enacted, That the ground aforesaid held by the Trustees named in the herein-before mentioned deed of conveyance, shall be holden by the said Corporation, to stand and be possessed thereof for ever, to and for the several limitations, trusts and uses, declared and expressed

Ground conveyed to Trustees to be holden by Corporation.

in the said deed, so far as this Act shall not alter or affect the same.

Corporation may hold real estate not exceeding in yearly value £500 sterling.

III. And be it further enacted, That it shall and may be lawful for the said Corporation to accept any such real estate as may hereafter be gratuitously given, granted or bequeathed for the use of the said Church, which shall not, together with that already holden by the said Trustees as aforesaid, exceed in value and yield at any time more than a clear net yearly income of Five hundred Pounds sterling; and that the said Corporation shall and may sell, alienate and dispose of the said real estate so bequeathed, from time to time, as they shall see fit.

Vacancy happening in Corporation by death or removal of the Minister, to be filled by his successor.

IV. And be it further enacted, That when any vacancy shall happen in the said Corporation by death, or the removal from the Island of any of the members thereof, or otherwise, the said vacancy shall be supplied in the manner herein-after mentioned; (that is to say), when a vacancy shall happen by the death or the removal of the Minister of the said Church, or otherwise, the same shall be supplied by his successor, Minister of the said Church, who in the way and manner herein-after provided shall be appointed, authorized and approved of as the Minister of the Congregation of the said Church; and when any vacancy shall happen by the death, or the removal from the Island, or otherwise, of either of the before named *William Cullen, John Macgill, John Mackieson, Alexander Brown, Thomas Owen, George Dalrymple, or William Cranston*, or of any of their successors, the same shall be supplied by such person or persons as shall be elected to fill the same by a majority of the votes of the pew holders in the said Church not in arrear of pew rent, at a meeting to be convened as herein-after mentioned.

Other vacancies how supplied.

V. And be it further enacted, That whenever a vacancy shall happen by the death, or the removal, or otherwise, of the Minister of the said Church, it shall be the duty of the Kirk Session, within eight days from the time of every such vacancy happening, to require, by a notice or requisition published at least twice in the *Royal Gazette*, or some other Newspaper printed in *Charlottetown*, a meeting of the pew holders of said Church not in arrear of rent, to assemble in the said Church on a day not more than ten days after the day of such notification, at a convenient hour, for the purpose of taking the steps necessary for supplying such vacancy or vacancies as aforesaid, by electing a committee of seven (five to form a *Quorum*) of said pew holders not in arrear of pew rent, who shall have full power, conjointly with the members of the Corporation for the time being, or as many of them as may choose to attend, to take such steps as to them, or the majority of them, may seem best adapted for speedily obtaining to be Minister of said Church a regularly ordained Minister of the Church of *Scotland*; and at which Meeting the senior member of Session present shall preside; and if at any such election there shall be an equality of votes, the member of Session so presiding shall have the casting vote.

Mode of appointing Minister.

Qualification of Minister.

VI. And be it further enacted, That when any vacancy or vacancies shall happen in the said Corporation, by death, or the removal from the Colony of any of the members thereof, or otherwise, other than in respect of the Minister of said Church for the time being, it shall be the duty of the said Minister, within six calendar months from the time of every such vacancy happening, to require, by a notice or requisition from the pulpit of the said Church on two successive *Sundays*, to be published at such time during the forenoon service as he shall see fit, a meeting of the said pew holders not in arrear as aforesaid, to assem-

Mode of proceeding to fill up vacancies happening in Corporation.

Qualifications of the members of Corporation.

ble in the said Church at a convenient hour, on a day not exceeding ten days after the day of such publication, for the purpose of supplying such vacancy or vacancies as aforesaid, by a person or persons who are members of the said Church, and who shall cease to be members of said Corporation if ever they cease to be members of said Church, by joining in communion with any other Church or religious society; at which meeting the said Minister, if not prevented by illness or other cause, shall preside; or if so prevented, then the senior of the other members of the said Corporation present shall preside thereat; and if at any such election there shall be an equality of votes, the Minister, or other member so presiding, shall have the casting vote.

Where a Pew is held by several persons, only one allowed to vote.

VII. And be it further enacted, That in all cases where a pew shall be held by more than one person, then only one of such persons shall be entitled to vote in respect of such pew at any meeting of the pew holders; and that no female shall be allowed to vote on any occasion whatsoever.

Mode of calling meeting of Pew-holders.

VIII. And be it further enacted, That on a requisition signed by twenty pew holders, specifying the object they have in view, it shall be the duty of the said Session to call a public meeting of the pew holders, to be held within ten days after the receipt of said requisition.

Duties of Corporation.

IX. And be it further enacted, That there shall be opened and kept by the said Corporation a Register, in which shall be entered and recorded, from time to time the proceedings for supplying such vacancies as aforesaid, as well as other proceedings and transactions of the said Corporation, and which Register shall be open to the inspection of every pew holder not in arrear of rent, at all seasonable times; and that on every election to supply such vacancies as aforesaid, the same

shall be declared by an instrument to be forthwith made and executed under the hands of the member presiding thereat, and three of the members of the said meeting; which said instrument declaratory of such election shall, at the diligence of the person or persons elected at such meeting, be caused to be enregistered in the proper office for the registration of deeds in this Island, within one calendar month from the day of such election; which registration the proper officer is hereby required to make at the request of the bearer of such instrument, and for which he shall be entitled to demand and receive the usual fee: and in default of the registration of the said instrument within the time aforesaid, the said election shall be absolutely null and void, and the said Corporation shall proceed *de novo* to another election, and in the same manner as if no such election had taken place.

X. And be it further enacted, That all deeds of gift and conveyance of real estate which shall be made to the said Corporation, shall be enregistered within twelve calendar months after the execution thereof respectively, in the proper office for the registration of deeds in this Island; which registration the proper officer is hereby required to make at the request of the bearer of such deeds respectively, and for which he shall be entitled to demand and receive the usual fees; and in default of such registration as aforesaid of any such deed or deeds as aforesaid, within the time aforesaid, the same shall be absolutely null and void, and of no more force or effect than if the same had not been made and executed.

Deeds of gift, &c.
to be registered
within 12 months
after execution.

XI. And be it further enacted, That nothing herein contained shall affect, or be construed to affect, in any manner or way, the rights of His Majesty, His Heirs or Successors, or of any person or persons, or of any body politic or corporate, such only excepted as are herein mentioned.

Saving the rights
of the King, and
others.

Public Act.

XII. And be it further enacted, That this Act shall be deemed a public Act, and shall be judicially taken notice of as such, by all Judges, Justices of the Peace, and Ministers of Justice, and other persons whomsoever, without being specially pleaded.

CAP. XVIII.

An Act to incorporate the Minister and Elders of *Saint John's Church*, in the District of *Belfast*.

WHEREAS by a Deed of Indenture, bearing date the Second day of *June*, in the year of our Lord One thousand eight hundred and twenty-five, *Andrew Colvile*, of *Ochiltree* and *Crommie*, in the County of *Fife*, and of *Langley*, in the County of *Kent*, Esquire, *John Halket*, of *Cheltenham*, in the County of *Gloucester*, Esquire, and Sir *James Montgomery*, Baronet, Knight of the Shire for the County of *Peebles*, Trustees appointed by the last Will and Testament of the late Right Honourable *Thomas* Earl of *Selkirk*, deceased, and the Executors thereof, granted and conveyed unto *Malcolm Macmillan* the younger, of Lot or Township Number *Sixty-two*, *Angus Bell*, of Lot or Township Number *Sixty-two*, *Lauchlan Morrison*, of Lot or Township Number *Sixty*, *Donald M'Rae*, of Lot or Township Number *Fifty-eight*, and *Alexander Macleod*, of Lot or Township Number *Fifty-seven*, in this Island, Farmers, a certain piece and parcel of land in trust and for the use of divers persons of the profession of worship approved of by the General Assembly of the Church of *Scotland*, situated in the Parish of *Saint John*, in the County of *Queen's County*, containing eight acres, and therein particularly described and set forth: and whereas sundry inhabitants of the District of *Belfast* and its vicinity, in the County

of *Queen's County*, being of the Protestant profession of faith approved of by the said General Assembly of the Church of *Scotland*, have by voluntary contributions erected a handsome building for a place of public worship, which it is intended shall be in connection with the Established Church of *Scotland*: and whereas it would prove highly advantageous to the said Church that the said title to the said parcel of Land should be transferred to and vested in the Minister and Elders of the said Church—which said Minister and Elders have been duly appointed and chosen, according to the usages of the Church of *Scotland*, and that the said Minister has been duly licenced to officiate in the said Church:

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the Reverend *John MacLennan*, Minister of the said Church, and the Elders already named and appointed, and their successors in office, being elected, appointed and licenced in the manner authorized by the Laws and Regulations of the Established Church of *Scotland*, shall be deemed and taken to be, in all Courts of Law and Equity, the proprietors of the said parcel of Land, instead of the said persons now having title thereto as aforesaid; and that the said title to the said parcel of Land shall henceforward be transferred and vested in the said Minister and Elders, commonly known by the name of the Kirk Session, and their successors, for ever, being so appointed, elected and approved of as aforesaid, to have and to hold, use and enjoy the same, for the use and intent aforesaid; saving nevertheless the right of His Majesty, His Heirs and Successors, and of all bodies politic and corporate, and of all other persons, to the said parcel of land, except the said persons in whom the title is vested as aforesaid, for the use aforesaid.

Minister and Elders of St. John's Church, and their successors in office, to be deemed proprietors of the parcel of land conveyed for the site of said Church—

Saving the right of the King, &c.

Minister and Elders incorporated.

II. And be it further enacted, by the authority aforesaid, That the said Minister and Elders shall be and they are hereby incorporated by the name of “The Minister and Elders of *Saint John’s Church*, in the District of *Belfast*, and Parish of *Saint John*”—that they shall by that name have a perpetual succession, and a common seal, with power to break, change or alter the same, from time to time, at pleasure; and be enabled to sue and be sued, implead and be impleaded, answer and be answered unto, and to receive, take and hold gifts and grants of land and real estate, the annual income of which shall not exceed the sum of Five hundred Pounds currency, and also to receive donations for the endowment of the same.

May hold real estate to the amount of £500 per annum.

CAP. XIX.

Disallowed by His Majesty.

An Act to encourage the Settlement and Improvement of Lands in this Island, and to regulate the proceedings of a Court of Escheats therein.

CAP. XX.

Expired.

An Act to increase the Revenue, by levying a Duty of Impost on all Goods, Wares and Merchandise imported into this Island, with certain exceptions.

CAP. XXI.

Expired.

An Act to continue an Act made and passed in the First Year of the Reign of His present Majesty, imposing a Duty on Wines, Gin, Brandy, Rum, and other Distilled Spirituous Liquors, imported into this Island.

CAP. XXII.

An Act to continue an Act made and passed in the First Year of His present Majesty's Reign, imposing a Duty of Impost on Tobacco and Tea. Expired.

CAP. XXIII.

An Act to regulate the Salary of the Collector of Impost and Excise for the District of *Charlottetown*.

WHEREAS it is considered necessary to establish and fix the Salary to be paid to the person who may hold the said office—Be it enacted, by the Lieutenant Governor, Council and Assembly, That there shall be paid to the person who may hold the office of Collector of Impost and Excise for the District of *Charlottetown*, the sum of Two hundred and sixty Pounds *per annum*, in lieu of all per-centage, fees, or emoluments whatsoever; which said yearly allowance or salary shall commence and be computed from the First day of *January* last past. £260 per annum to be allowed the said Collector, in lieu of all fees or emoluments.

CAP. XXIV.

An Act to provide Salaries for Sub-Collectors of Customs. Expired.

CAP. XXV.

An Act to provide for the better preservation of public and private Property at *Georgetown* against Accidents by Fire. Expired.

*** The provisions of this Act may affect Titles to Lands, but are omitted pursuant to directions of Act 12 Vic. c. 23.

CAP. XXVI.

Repealed by 6
W. 4, c. 11.

An Act to provide for the Conveyance of the
Mails between *Charlottetown* and *Pictou* by a
Steam Vessel.

CAP. XXVII.

Executed.

An Act for appropriating certain Monies therein
mentioned, for the Service of the Year of our
Lord One thousand eight hundred and thirty-
two.

CAP. XXVIII.

Executed.

An Act to provide for the Contingent Expences
of the present Session.

ANNO TERTIO

GULIELMI IV. REGIS.

At the General Assembly of His Majesty's 1833.

Island of *Prince Edward*, begun and holden at *Charlottetown*, the Third Day of *February*, Anno Domini 1831, in the First Year of the Reign of our Sovereign Lord WILLIAM the Fourth, by the Grace of God, of the United Kingdom of *Great Britain* and *Ireland*, King, Defender of the Faith :

A. W. YOUNG,
Lt. Governor.

E. J. JARVIS,
President.

W. M'NEILL,
Speaker.

And from thence continued, by several Prorogations, to the Second Day of *January*, 1833, and in the Third Year of His said Majesty's Reign; being the Third Session of the Thirteenth General Assembly convened in the said Island.

CAP. I.

An Act to repeal two certain Acts therein mentioned, for the Regulation of Statute Labour.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That an Act made

Repeal of 35 G.
3, c. 3.

1 W. 4, c. 2.

and passed in the Thirty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to alter and amend the High Road Laws*—and an Act made and passed in the First Year of His present Majesty's Reign, intituled *An Act for the further regulation of Statute Labour, and to amend and continue two certain Acts therein mentioned*—be, and the same are hereby respectively repealed.

CAP. II.

Repealed by 6
Vic. c. 1.

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

CAP. III.

5 G. 4, c. 15.
Expired.

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

CAP. IV.

Expired.

An Act to continue an Act authorizing the formation of a Fire Engine Company for the Town of *Charlottetown*.

CAP. V.

Expired.

An Act to continue an Act for regulating the driving of Carts, Carriages, Sleighs and Carioles on the Highways.

CAP. VI.

An Act to continue an Act made and passed in the Sixth year of the Reign of His late Majesty King *George* the Fourth, for regulating the Measurement of Ton Timber, Boards, and all other kinds of Lumber.

Expired.

See note to 1 G. 4, c. 3.

CAP. VII.

An Act for ascertaining the Population of this Island, and for obtaining certain Statistical Information therein mentioned.

Executed.

CAP. VIII.

An Act to repeal two certain Acts therein mentioned, for Licensing and Regulating Ferries, and to make other provisions in lieu thereof.

For Act relating to Charlottetown Ferry, see 11 Vic. c. 13.

WHEREAS it is deemed necessary to afford every convenience to travellers, and make such alterations in the manner of licensing Ferry-men, as well as to enable the public to cross the different Ferries, with their baggage and cattle, at the lowest possible rate of Ferriage: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That so much of an Act made and passed in the Twenty-first year of the Reign of His late Majesty King *George* the Third, intituled *An Act for amending and rendering perpetual several Laws near expiring*, as relates to an Act made and passed in the Fourteenth year of the same Reign, intituled *An Act for licensing and regulating Ferries*; and an Act made and passed in the Ninth year of the Reign of His late Majesty King *George* the Fourth,

Repeals so much of 21 G. 3, c. 11, as relates to regulating Ferries, and

9 G. 4, c. 5.

intituled *An Act to alter and amend an Act intituled 'An Act for licensing and regulating Ferries,'* be, and the same are hereby respectively repealed.

Lt. Governor to let Ferries and appoint Ferry-men.

II. And be it further enacted, That from and after the publication hereof, it shall and may be lawful to and for the Lieutenant Governor, or other Administrator of the Government for the time being, by and with the advice and consent of His Majesty's Council, from time to time, to let, by tender or otherwise, as herein-after mentioned, the several Ferries within this Island, and to appoint such and so many persons as he, with the advice aforesaid, shall or may judge proper and sufficient, to act as Ferrymen for the several and respective Ferries as aforesaid.

Tenders to be advertised for.

III. And be it further enacted, That it shall and may be lawful for the said Lieutenant Governor, or other Administrator of the Government for the time being, from time to time, to cause the said several Ferries to be advertised, calling for tenders for the conveyance of passengers, their luggage and cattle, over the Ferry or Ferries so advertised; and in such tender or tenders shall be expressed, by the person or persons so tendering, the rate at which he or they will convey passengers, their luggage and cattle, over the respective Ferries so tendered for, subject to such rules, regulations and requisitions as may be fixed and determined by the said Lieutenant Governor or other Administrator of the Government, with the advice as aforesaid—which said rules, regulations and requisitions shall be stated in the advertisement so made; and the said Lieutenant Governor or other Administrator of the Government as aforesaid, is hereby authorized to let any such Ferry to the person or persons who will convey passengers, their luggage and cattle, at the lowest rate, over the respective Ferries so tendered for, and shall grant Licences for the same, for the

What Tenders are to express.

Lt. Governor, &c. to make rules for the regulation of such Ferries. Advertisement to state rules, &c.

Ferries to be let to the persons tendering lowest.

term of Three Years—the person or persons so licensed to be always subject to be suspended or displaced by order of the said Lieutenant Governor or other Administrator of the Government for the time being, for neglect of duty or for misbehaviour: and the said person or persons so licensed shall enter into good and sufficient security for the fulfilment of his or their duties, and shall provide such boats and other conveniences for the accommodation of passengers, as the said Lieutenant Governor or other Administrator of the Government, with the advice as aforesaid, shall specify and set forth in the respective Licences: and every person so licensed as aforesaid shall, for neglect of duty or non-fulfilment of the requisitions as stated in such Licence, be subject, for every offence so committed, and for every day he may be deficient of any article as stated in such Licence, a sum not exceeding Twenty Shillings.

Licences to be granted for three years.

Ferry-men may be displaced for misbehaviour, &c.

Persons licensed to give security.

Duty of licensed Ferry-men.

Penalty on Ferryman of £1 for every offence committed against this Act.

IV. And be it further enacted, That in case no tender or tenders shall be made as above mentioned, after such advertisement, then it shall and may be lawful to and for the said Lieutenant Governor, or other Administrator of the Government, with the advice aforesaid, to fix the rate of Ferriage, under and subject to such rules and regulations as are herein-after mentioned, or shall from time to time be made by him and them, by virtue of this Act, for the benefit and advantage of the public.

If no Tender is made, Lt. Governor, &c. to fix rates of ferriage.

V. And be it further enacted, That the said Lieutenant Governor or other Administrator of the Government, with the advice aforesaid, shall, in the respective Licences so to be granted, state and set forth how each and every licensed Ferry shall be conducted, the number and size of the boats to be provided, and also the rate at which passengers, cattle, carriages, goods and baggage shall be ferried or conveyed at the respective Ferries which shall be so licensed as aforesaid,

Purport of Licence.

together with any regulations for the upholding and keeping in repair the houses, slips and hards, and other buildings erected by the Government of this Island, for the convenience of the respective Ferries within the same, and any other regulations for the convenience of the public that may be deemed necessary: and every such licensed Ferryman, so to be licensed under this Act, is hereby directed and required to cause a copy of the requisitions and regulations of the Ferry for which he is so licensed as aforesaid, to be posted up, and kept so posted during the continuance of such Licence, in some conspicuous place in the house occupied by him or them for a Ferry House, under penalty of a sum not exceeding Five Shillings for each day's neglect.

Rules, &c. to be posted up in Ferry-house, under penalty of 5s. for each day's neglect.

Persons not licensed, acting as Ferrymen, to forfeit £1 for each offence.

VI. And be it further enacted, That if any person or persons, not being duly licenced, shall from henceforth carry or ferry over any river, bay or creek within this Island, at the place where a Ferry is or may be hereafter established, any man or beast, except by the desire and consent of the person or persons licensed to keep such Ferry or Ferries, or except the same be done gratuitously, such person or persons shall forfeit and pay for each offence a sum not exceeding Twenty Shillings.

No higher Ferrriage to be charged than stated in Licence.

VII. And be it further enacted, That no person or persons so to be licensed in pursuance of this Act, nor his or their servant or servants, nor any other person or persons acting for or under him or them respectively, shall take or receive as a reward for his or their Ferrriage, any greater sum or sums of money than is or shall be mentioned and specified in the Licence so to be obtained as aforesaid: and if any person or persons so to be licenced as aforesaid, or his or their servant or servants, or any other person or persons acting for or under him or them respectively, shall use unnecessary delay therein, or give abusive lan-

Licensed Ferrymen or their servants guilty of delay or misconduct, to forfeit not exceeding £5 for each offence.

guage to, or treat with rudeness, any person or persons whomsoever applying to be ferried over, or during the time he, she or they may be actually ferrying over any of the places or bays so to be licensed as aforesaid, then such person or persons so offending, shall, for each offence, upon proof made by the oath of one or more credible witness or witnesses, before any one of His Majesty's Justices of the Peace, forfeit a sum not exceeding Five Pounds, and shall be also ordered to satisfy in damages all those who shall or may sustain loss by means of such unnecessary delay—the said forfeiture and damages to be levied by warrant of distress and sale of the offender's goods and chattels, and paid to the person or persons who may be injured thereby; and for want of goods and chattels whereon to levy, then the said offender or offenders shall be committed to the common Jail, for a term not exceeding three months, nor less than one month.

Mode of recovery.

VIII. And be it further enacted, That it shall and may be lawful for the person or persons so to be licenced as aforesaid, or his or their servant or servants, to demand and receive pay of all passengers, before he, she or they shall have entered on board such boat or boats; and in default of such payment, to accept of a pawn or pledge for the same; nor shall such person or persons be required or obliged to change a greater sum than one shilling when the fare amounts to no more than two-pence, nor to change a greater sum than five shillings when the fare amounts to one shilling or upwards; but in no case shall it be lawful for any Ferryman to detain any passenger or passengers, after he, she or they are admitted into the ferry boat.

Licensed Ferry-men may demand payment from passengers before they embark; and accept a pawn or pledge;

but in no case to detain passengers after admitted into ferry boat.

IX. And be it further enacted, That all fines, penalties or forfeitures, not herein-before provided for, shall be recovered before any one of His Majesty's Justices of the Peace, upon the oath

Mode of recovery of fines.

of one or more witness or witnesses, and applied, one half to the person who shall inform and sue for the same, and the other half to be paid into the Treasury of this Island, for the benefit of the government thereof.

Act not to authorize the collection of any revenue for rent, &c.

X. And be it further enacted, That nothing herein contained shall authorize the collection of any revenue for rent or otherwise, under or by virtue of this Act.

Not to extend to Ferry opposite Charlottetown, until the expiration of the present Lease.

XI. And be it further enacted, That this Act, so far as regards the Ferry on the *Hillsborough River* between *Charlottetown* and the opposite side of the said river, shall not go into operation until the expiration or other sooner determination of the term thereof granted by the Government of this Island to the present Lessee, any thing herein contained to the contrary thereof notwithstanding.

C A P. I X.

An Act to explain and amend an Act passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to regulate the laying out and altering of Highways, and to provide a mode of obtaining Compensation for those who may thereby be injured, and to cause those who are benefited thereby to contribute towards their formation.*

See 10 G. 4, c. 10, and note thereto, for other Acts in amendment.

repealed by 14 Vic. c. 1.

* * * The provisions of this Act may affect Titles to Lands, but are omitted pursuant to directions of Act 12 Vic. c. 23.

C A P. X.

An Act to regulate the Registry of Deeds and Instruments relating to the Title to Land, and to repeal the Laws heretofore passed for that purpose.

All Deeds, &c. relating to lands.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That all persons now

having or claiming, or who shall or may hereafter have or claim, any right, title or interest in or to any messuages, lands, tenements or hereditaments within this Island or its Dependencies, may register all deeds or writings of whatsoever nature or kind relating to, or concerning the same, in the office of the Colonial Registrar of this Island.

&c. may be registered in the office of Colonial Registrar.

II. And be it further enacted, That the Colonial Registrar for the time being shall keep, for the purpose of registering all such deeds and writings therein, a Folio Book, with patent back, strongly bound in leather, and lettered with the words, "Register of Deeds, No. " and containing at least seven quires of paper, which shall be of a good quality, and proper for records, with an Index and Alphabet thereto, which shall be kept in the form prescribed in the Schedule (No. 1,) hereto annexed: and the Registrar shall also make and keep two general Alphabets and Indices, in two several Books, to be bound as aforesaid, and in the forms prescribed in the Schedules (Nos. 1 and 2,) hereto annexed, which shall be open to the public to make searches therein.

Registrar to keep a Book for registering deeds.

III. And be it further enacted, That the execution of all such deeds and writings as aforesaid, which already have been or hereafter shall be made, and which shall not have been recorded before this Act shall be in force, shall, before the registry thereof, be proved on oath, before the said Registrar, by one or more of the subscribing witnesses thereto, or by the personal acknowledgment before him of the grantor or grantors in such deeds or writings—which Oath the said Registrar is hereby empowered to administer, and which acknowledgment or proof of due execution shall be endorsed on the back of each and every of such deeds or writings so produced and proved, as also signed by the Registrar; and all such deeds and writings shall be registered at full length, and the word "sworn" shall be inserted in

All Deeds, &c. before Registry thereof, to be proved before Registrar.

the Book of Registry, opposite the name of each witness who shall be sworn before the Registrar as aforesaid: Provided nevertheless, that it shall and may be lawful to and for the Lieutenant Governor or other Administrator of the Government, from time to time, by writing under his hand and seal, to appoint at least three Commissioners, who shall be sworn faithfully to discharge the duties of their office, residing in each of the Counties within this Island respectively, whose Commissions shall be registered before they act; and who shall severally be empowered to administer an oath to witnesses who may come before them to prove the due execution of such deeds or writings as aforesaid, or take the personal acknowledgment of the grantor or grantors of such deeds or writings as aforesaid; and who shall thereupon, and upon the back of each deed or writing, certify the proof or acknowledgment so made before them respectively, as herein-after mentioned; for which services the Commissioner shall receive the sum of Two Shillings and Sixpence, and no more; and the Registrar now appointed, or hereafter to be appointed, shall, on receipt of such deed or writing so certified as aforesaid, enter the same upon the registry, as provided by this Act, as if such proof or acknowledgment of execution had been made before him, any thing herein contained to the contrary notwithstanding.

Proviso.

Lt. Governor may appoint 3 Commissioners in each County to swear Witnesses as to the execution of Deeds, &c.

Commissioners to certify on the backs thereof.

Commissioners' Fees.

Registrar to record Deeds, &c. certified as provided before a Commissioner.

FORM OF CERTIFICATE OF OATH.

‘ On the _____ day _____ personally
‘ appeared before me *A. B.* of _____ and being
‘ sworn, testified that he is a subscribing witness
‘ to the within written deed or writing, and that
‘ he was present, and did see the same duly exe-
‘ cuted by the Grantor [*or Grantors, as the case*
‘ *may be,*] therein named. *E. F.*
‘ Commissioner.’

FORM OF CERTIFICATE OF
ACKNOWLEDGMENT.

‘ On the day of
‘ personally appeared before me *A. B.*, of
‘ and acknowledged that he did freely and volun-
‘ tarily execute the within written deed or writ-
‘ ing, to and for the uses and purposes therein
‘ mentioned.

‘ *E. F.*, Commissioner.’

IV. And be it further enacted, That the Registrar of this Island shall and may register all such deeds and writings as aforesaid as shall have been made and executed in *Great Britain* or *Ireland*, or in any of His Majesty’s Colonies or Plantations, or other His Dominions distant from this Island, although none of the witnesses there- to should come before him to prove the same; provided the execution thereof shall appear to such Registrar either to have been acknowledged in due form of law, by the grantor himself, named in any such deed or writing as aforesaid, or to have been proved by the oath* of one of the sub- scribing witnesses thereto, before some or one of His Majesty’s Justices of the Peace where any such deed or writing shall have been executed, and to be duly attested by such Justice; and such attestation, being also authenticated (if in the Plantations) under the hand and seal of the Governor, Lieutenant Governor, or Commander in Chief of the Province or Government where the same shall or may have been executed, or of a Notary Public there residing; and if in *Great Britain, Ireland*, or elsewhere under the Domi- nions of His Majesty, then under the Public Seal of some Corporation there, or by the attestation and certificate of some Notary Public, lawfully constituted and resident there, certifying that such person so subscribing as a Justice of the Peace

Deeds, &c. exe-
cuted in Great
Britain, Ireland,
&c. to be regis-
tered on proof of
the execution
thereof.

Nature of proof
required.

* By Act 6 Will. 4, c. 15, a Declaration in this case made in Great Britain or Ire- land or elsewhere out of this Island, where the same shall by law have the same force or effect as an oath, is declared to be equivalent to such oath.

is really and truly so, and that faith and credit is and ought to be given to all such his attestations : and if any such deeds or writings as aforesaid shall be executed in any other place or places out of His said Majesty's Dominions, then the certificate, attestation, or proof of such execution shall be according to the forms generally used in such place or places as last aforesaid, on the like occasions.

All deeds, &c. to be certified on the back by the Registrar.

Registrar to enter dates in margin of Registry Book.

If deed be lost, copy thereof, authenticated by Registrar, to be admitted as legal evidence.

Registrar to record all Deeds, &c. in the order in which they come to his hands.

If Grantors and Witnesses die before Registry

V. And be it further enacted, That all such deeds and writings as aforesaid shall, immediately upon receipt by the Registrar, be certified by him on the back thereof, (and in presence of the person presenting the same, if required,) with the name of the witness (if any) sworn before him, and the year, month, day of the month, and hour of the day, when the same were presented for registry, and proved or acknowledged as aforesaid ; and shall also enter the same in the margin of the Register Book, opposite to the commencement of the Record ; and a copy of which certificate, and of the deed or other writing relating thereto, and duly registered, being extracted from the Book of Registry, and authenticated by the Registrar's signature (in case of the original deed or writing being lost, and none of the witnesses thereto to be found, so as to be examined either *viva voce* or by commission,) shall be admitted and allowed as legal evidence of the due execution of such lost deed or writing in any Court of Record in this Island, wheresoever such deed or writing may have been executed : and the Registrar shall duly record every such deed or writing as aforesaid, in the same manner and order in which they shall come to his hands, and be proved or acknowledged as aforesaid, and without favour or partiality, on pain of answering the party aggrieved in such damages as he may sustain.

VI. And be it further enacted, That in case the grantors and witnesses to any such deed or writ-

ing as aforesaid shall die before the Registry thereof, or cannot be found, so as to obtain the acknowledgment or proof of the due execution thereof before the Registrar as aforesaid, it shall be lawful to and for the Executor or Administrator of any one or more such deceased Grantors, to execute a memorial of such deed or writing, and require the same to be registered with the original deed therein referred to, which shall be done accordingly, upon the said memorial being acknowledged or proved before the Registrar, or otherwise, if executed abroad, in manner aforesaid.

of Deeds, &c. Executors may execute a Memorial thereof, which may be registered with the original Deed, &c.

VII. And be it further enacted, That if any person shall forswear him or herself before the said Registrar, or before any such Commissioner as aforesaid, or any Deputy Registrar, and be thereof duly convicted, such person shall be liable to the same penalties as if the said oath had been voluntarily and corruptly made in a cause depending in any of the Courts of Record that now are, or hereafter shall or may be established in this Island.

Perjury before Registrar or Commissioner, how punished.

VIII. And be it further enacted, That no person shall be compelled to attend before the Registrar as a witness, to prove the due execution of any such deed or writing as aforesaid, unless there shall have been previously tendered to him or her a reasonable compensation for his or her time and trouble, at and after the rate of Fourpence *per* mile, for travelling expences, for every mile to be travelled, in coming to and returning from such Register Office; and in case the witness shall refuse to attend before the Registrar, or one of the Commissioners as aforesaid, within six days next after such tender as aforesaid, the person or persons requiring the attendance of such witness may make oath before any one of His Majesty's Justices of the Peace, and therein set forth the necessity of such witness's attendance

Witnesses not compelled to attend before Registrar, &c. unless tendered travelling expences.

On refusal to attend after such tender, how punished.

before the Registrar or Commissioner, the making of such tender, and the amount thereof, and refusal to attend; and thereupon the witness so refusing to attend as aforesaid shall be forthwith committed, by warrant under the hand and seal of such Justice, to prison, there to remain, without bail or mainprize, until he or she shall comply with the requisition of this Act, and shall also pay the reasonable costs that may have been incurred in consequence of such his or her neglect or refusal to attend and give evidence before the Registrar or Commissioner as aforesaid.

When Mortgages are paid, a certificate to be delivered to the Registrar, who shall record the same.

IX. And be it further enacted, That when any Mortgager or Mortgagers, or their assigns, shall have paid and satisfied the sum or sums of money secured upon his, her, or their lands, tenements, or hereditaments, then instead of a re-conveyance or re-assignment of the mortgaged premises being required, there shall be delivered into the Registrar's Office a certificate to the effect herein-after mentioned, which shall be entered upon record, and the same shall have the like force and effect as if the party had actually executed and registered, such re-conveyance or re-assignment, as aforesaid.

Form of Certificate.

' To the Registrar of Deeds for }

' *Prince Edward Island.* }

' I *A. B.* of do hereby certify, that *C. D.*
' of hath paid and satisfied all such sum or
' sums of money as were due and owing upon a
' Mortgage made by the said *C. D.* to me, bearing
' date the day of and which was
' granted in consideration of the sum of £ in
' full discharge of the same: and I do hereby re-
' quire an entry of such payment and satisfaction
' to be made, pursuant to an Act of Assembly in
' that case made and provided.

' As witness my hand, this day of
' *A. B.*

' Signed in the presence of

FORM OF ENTRY OF THE SAID CERTIFICATE,
TO BE MADE BY THE REGISTRAR.

‘ Memorandum :—That upon the Certificate of
‘ the within named *A. B.* dated the day of Form of entry of certificate.
‘ proved by the oath of *G. H.* of
‘ that all monies due on the within mentioned
‘ Mortgage are fully paid and satisfied in dis-
‘ charge of the same, this entry in discharge
‘ thereof is made, pursuant to the said Act, this
‘ day of
‘ *L. M.* Registrar.’

Which said Certificate shall be filed with and kept by the Registrar, and he shall make the foregoing entry in the margin of the Register Book where the Mortgage therein referred to may have been registered, and opposite to the commencement of the registry of such Mortgage.

X. And be it further enacted, That after this Act shall be in force, no constructive or other notice of any unregistered deed, writing or instrument relating to the title to lands, tenements or hereditaments within this Island or its Dependencies, shall, in any manner, either in law or equity, defeat, impeach, or affect, or be construed to affect, any deed, writing or instrument relating to all or any part of the same lands, tenements or hereditaments, and which shall have been duly registered, according to the provisions of this Act: Provided always, that nothing in this Act contained shall affect, or be construed to impeach, any of the following Records or Instruments, which do by law, or hereafter may relate to, or in any manner concern the titles to lands, tenements or hereditaments, within this Island—that is to say, Decrees or Judgments at Law or in Equity, Executions or Attachments levied, or to be levied, on Real Estate, Wills, or Securities for debts due, or to become due, to the Crown, although the same, or a memorial or entry thereof,

No unregistered Deed, &c. to affect any Deed, &c. which shall be duly registered.

This Act not to affect certain Records, &c.

may not be recorded in the said office of the Colonial Registrar of Deeds--but that such Records, Writs, or Instruments, and every of them, shall have the same force and effect, to all intents and purposes whatsoever, as if this Act had not been made.

Fees of Registrar.

Office Hours.

Registrar not compelled to record any Deeds, &c. unless his fees be first tendered.

Registrar authorized to appoint a Deputy, who shall be sworn.

XI. And be it further enacted, That the Registrar of Deeds shall take and receive for the registering of every deed or other instrument, and for all certified copies of the same, at the rate of One Shilling currency for every one hundred words; and for every Oath to be administered by him, the sum of One Shilling currency; and for every Certificate; and every search, the sum of One Shilling currency; and that the Registrar's Office shall be kept open for public business from the hour of Ten in the forenoon till the hour of Three in the afternoon (holy-days excepted). Provided always, that nothing herein contained shall require the Registrar to record any such deeds or writings as aforesaid, unless the amount of fees as required by this Act, shall have been first tendered or paid immediately on proof of their due execution having been made in terms of this Act.

XII. And be it further enacted, That the Registrar now appointed, or hereafter to be appointed, shall and may, and he is hereby authorized, from time to time, to nominate and appoint any fit and proper person to act as his deputy, who shall, on receiving such appointment, be invested with all such and the same powers and authorities as the Registrar now hath, as to taking proofs, entering records, giving certificates, authenticating copies, and administering oaths; such Deputy to be appointed by commission, under the hand and seal of the Registrar, and which shall be duly registered; and the said Deputy shall be sworn faithfully to discharge the duties of his

office, before he shall act therein, and the oath shall be recorded with his commission.

XIII. And be it further enacted, That all deeds which shall hereafter be duly executed, shall in all cases be deemed to be valid as against the grantor or grantors, and his, her or their heirs, any want of registry notwithstanding, unless there shall be therein contained a covenant or condition to the contrary.

All Deeds, &c. duly executed, to be valid against the grantor, notwithstanding want of Registry.

XIV. And be it further enacted, That from and after the passing of this Act, all powers and letters of attorney, under and by virtue of which any such deeds or writings as aforesaid, shall be made and executed, shall be duly recorded at length in the Register Office; and that no deed or instrument purporting to be executed in such manner as is last before mentioned shall have any force or effect until such power or letter of attorney shall have been first duly registered.

All Powers of Attorney under which Deeds, &c. are executed, to be recorded.

No Deed so executed to be valid until such power is recorded.

XV. And be it further enacted, That from and after the respective periods when this Act shall become in force, as herein-after mentioned, an Act made and passed in the Twentieth year of the Reign of His late Majesty King George the Third, intituled *An Act appointing the recording of all Deeds of Sale, Conveyances and Mortgages*; also an Act made and passed in the Twenty-fifth year of the Reign of His said late Majesty, intituled *An Act to explain, alter and amend an Act made and passed in the Twentieth year of His present Majesty's Reign, intituled 'An Act appointing the recording of all Deeds of Sale, Conveyances and Mortgages;*' and an Act made and passed in the Forty-first year of the Reign of His said late Majesty, intituled *An Act to explain and amend the Laws of this Island appointing and directing the recording of Deeds of Sale, Conveyances and Mortgages*; and an Act made and passed in the Forty-ninth year of the Reign

Repeals 20 G. 3, c. 8.

25 G. 3, c. 1.

41 G. 3, c. 5, and

49 G. 3, c. 4.

of His said late Majesty, intituled *An Act appointing the recording of Letters or Powers of Attorney, in such cases as are therein mentioned*—shall be and become respectively repealed.

Commencement
of Act.

XVI. And be it further enacted, That this Act shall commence and come into operation at the following times, (that is to say)—with respect to such deeds and writings as aforesaid as may have been executed within this Island, within Three Calendar Months after the passing thereof—the day of passing, and the last day of the said term, both inclusive; and as to all other deeds and writings which may be registered as aforesaid, within Twelve Calendar Months after such passing—the day of the passing of this Act, and the last day of the said term, both inclusive.

[Passed April 6, 1833.]

SCHEDULE (No. 1.) to which this Act refers.

FORM OF ALPHABET AND INDEX.

From	To	Nature of Record.	When Registered.	Book.	Page.	Description of Premises.
B. A.	D. C.	Conveyance.	1st. August, 1833.	36.	100.	500 acres on Township No. 32.

SCHEDULE (No. 2) to which this Act refers.

To.	From	Nature of Record.	When Registered.	Book.	Page	Description of Premises.
D. C.	B. A.	Conveyance.	1st August, 1833.	36.	100.	500 acres on Township No. 32.

CAP. XI.

Repealed by 7
Vic. c. 2.

An Act to amend an Act made and passed in the Second Year of His present Majesty's Reign, intituled *An Act to consolidate and amend the several Acts of the General Assembly therein mentioned, relating to the Recovery of Small Debts*, and to repeal two other Acts herein-after mentioned.

CAP. XII.

Repealed by 12
Vic. c. 9.

An Act to regulate and establish the stated Times and Places for holding the Supreme Court in *King's* and *Prince* Counties; and to constitute the *Michaelmas* Term of the said Court, in *Queen's County*, a Term for the Trial of Issues, for a limited period.

CAP. XIII.

For acts which
relate to Treas-
ury Notes, see
5 G. 4, c. 18.
6 G. 4, c. 12.
9 G. 4, c. 1.
11 G. 4, c. 16.
1 W. 4, c. 15.
4 W. 4, c. 17.
5 W. 4, c. 11.
8 Vic. c. 11.
10 Vic. c. 12.

An Act to authorize a further Issue of Treasury Notes, to the amount of Five Thousand Pounds, and to repeal an Act therein mentioned.

10 G. 4, c. 19.

WHEREAS it is deemed expedient to repeal the Act herein-after mentioned, and to authorize the Lieutenant Governor, or other Administrator of the Government for the time being, to order a further Issue of Treasury Notes, to the amount of Five thousand Pounds: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the Tenth year of the late King intituled *An Act to authorize the Lieutenant Governor, or Commander in Chief for the time being, to ap-*

point Commissioners to negotiate a Loan, for the purpose of erecting a Government House and a Building for an Academy, and every matter, clause and thing therein, be, and the same are hereby repealed.

Recited Act repealed.

II. And be it further enacted, That it shall and may be lawful for the Lieutenant Governor or Administrator of the Government for the time being, to order a further issue of Treasury Notes to the amount of Five thousand Pounds—of which One thousand Pounds thereof shall be in Notes of the value of Five Pounds each; and Two thousand Pounds shall be in Notes of the value of Two Pounds each; and One thousand Pounds shall be in Notes of the value of Twenty Shillings each; and Five hundred Pounds shall be in Notes of the value of Ten Shillings each; and Five hundred Pounds in Notes of the value of Five Shillings each—which further Issue shall be in the form and subject to the enactments and provisions of an Act made and passed in the Fifth year of the late King, intituled *An Act to empower His Excellency the Lieutenant Governor, or Commander in Chief for the time being, to appoint Commissioners to issue Treasury Notes*—and an Act made and passed in the Sixth year of the late King, intituled *An Act to authorize the Commissioners named and appointed under an Act made and passed in the Fifth year of the Reign of His present Majesty, intituled 'An Act to empower his Excellency the Lieutenant Governor, or Commander in Chief for the time being, to appoint Commissioners to issue Treasury Notes,' to issue Notes of the value of Ten Shillings each*—and an Act made and passed in the First year of His present Majesty's Reign, intituled *An Act to authorize a further Issue of Treasury Notes*.

Further issue of Treasury Notes, to the amount of £5000.

Description of Notes.

Subject to the provisions of 5 G. 4, c. 18.

6 G. 4, c. 12.

1 W. 4, c. 15.

III. And be it further enacted, That the Treasurer of this Island is hereby required and directed,

£1000 of notes
to be cancelled
yearly, for five
years.

Mode of cancel-
ling notes so paid
off.

at the expiration of one year after the date of the Notes so to be issued under and by virtue of this Act, to pay off, out of the monies arising under and by virtue of an Act made and passed in the Eleventh year of His late Majesty's Reign, intituled *An Act for raising a Fund, by an Assessment on Land, for erecting a Government House, and other Public Buildings within this Island*, the sum of One thousand Pounds of the Notes now in circulation, or to be hereafter circulated, and deliver the same to the Commissioners aforesaid, who are hereby directed and required to cancel and destroy the same; and the said Treasurer is hereby directed and required, at the expiration of every succeeding Twelve Months from the date of the Notes so to be issued, and under and by virtue of this Act, to pay off as aforesaid, and deliver to the said Commissioners, the sum of One thousand Pounds, until the Notes so paid off and cancelled shall amount to the sum of Five thousand Pounds.

Commissioners
to lay an account
of notes cancelled
before Lieut. Go-
vernor in Coun-
cil.

Notes to be des-
troyed in pre-
sence of Com-
missioners and
Treasurer.

IV. And be it further enacted, That the Commissioners shall keep a specific account of the Notes so received, and lay an account of the number and description of the different Notes so cancelled and destroyed before His Excellency the Lieutenant Governor in Council; and that the Notes so cancelled shall be destroyed in presence of the Commissioners aforesaid and the Treasurer of the Island.

Commissioners
to grant receipts
to Treasurer for
Notes cancelled.

V. And be it further enacted, That the Receipts of the Commissioners for the sums so to be cancelled shall be deemed a sufficient discharge to the Treasurer, for the respective amounts which shall be therein expressed.

CAP. XIV.

An Act appointing the Registration of His Majesty's Orders in Council, and Proclamations signifying the Royal Allowance or Disallowance of Acts of this Island.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the publication hereof, the Colonial Secretary and Registrar of this Island is hereby required to register, in a Book to be kept for that purpose, all Proclamations which may now be in his custody, possession or power, relating to any Laws heretofore passed by the Legislature of this Island, together with the Orders of His Majesty in Council signifying His Majesty's allowance or disallowance of the same—which said Proclamations and Orders in Council shall be registered within Six Months from the publication hereof.

Colonial Secretary and Registrar to register Proclamations now in his custody, with His Majesty's Orders in Council, relating to any Laws of this Colony.

II. And be it further enacted, That the said Colonial Secretary and Registrar shall, within Thirty days after the same may come into his custody, possession or power, register in the same Book all Orders of His Majesty in Council signifying His Majesty's Royal allowance or disallowance of any Act or Acts which may have passed the said Legislature, but on which the Royal pleasure has not yet been signified, and all such Orders of His Majesty in Council as may relate to the allowance or disallowance of any Acts which may hereafter pass the same, together with the Proclamations notifying the said Royal allowance or disallowance.

All future Orders in Council, and Proclamations respecting Laws of this Colony, to be registered within 30 days after they are received.

III. And be it further enacted, That the said Registrar shall be paid by the Government of this Island the customary fees for registering all such despatches or documents contemplated by this

Allowance to Secretary and Registrar for this duty.
See 2 Vic. c. 27.

Act, as are allowed and paid for registering deeds and papers in the said office of Registry.

Certified copies of such Proclamations and Orders to be deemed good evidence.

IV. And be it further enacted, That in all cases where it may be necessary to give such Proclamations or Orders in Council in evidence, a certified copy of the same, under the hand of the said Registrar, or his Deputy, shall be taken and deemed to be as good as if the original had been produced and duly proved.

CAP. XV.

Repealed by 11 Vic. c. 21.

An Act for shortening the duration of Colonial Parliaments, from the space of Seven Years to that of Four.

CAP. XVI.

Executed.

An Act to authorize the appointment of Commissioners to superintend the extending and completing of the Public Wharf of *Charlottetown*.

CAP. XVII.

Repealed by 6 W. 4, c. 23.

An Act to incorporate the Trustees of *Saint Andrew's College*, in *King's County*.

CAP. XVIII.

Expired.

An Act for the Preservation and Improvement of the Herring and Alewives' Fisheries of this Island.

CAP. XIX.

An Act to repeal an Act made and passed in the Thirty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for ascertaining the Standard of Weights and Measures in this Island*, and to make other Provisions in lieu thereof.

Amended by 4 Vic. c. 7, see also 9 Vic. c. 8, on the same subject.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the Thirty-fifth year of the Reign of His late Majesty King *George* the Third, intituled *An Act for ascertaining the Standard of Weights and Measures in this Island*, and every matter, clause and thing therein contained, be, and the same are hereby repealed.

35 G. 3, c. 12.

Recited Act repealed.

II. And be it further enacted, That all Weights and Measures used in this Island shall be according to the Standard of the Exchequer of *England*, as it was in the year One thousand Eight hundred and Nineteen, when the Standard Weights and Measures now in use here were first imported; and it shall and may be lawful, to and for the Lieutenant Governor or other Administrator of the Government for the time being, to nominate and appoint a fit and proper person to be Assayer of Weights and Measures in *Charlottetown*, for *Queen's County*, who shall be duly sworn to the faithful discharge of his duty, and in whose care the present *English* Standard Weights and Measures hitherto used for that purpose shall be deposited; and the person so appointed as aforesaid shall, within One calendar month after such appointment, publish the same in the public newspapers within this Island, stating where his office, containing the said Standard Weights and Measures, is situated.

Weights and Measures to be according to the Standard of 1819.

An Assayer of Weights and Measures to be appointed for *Queen's County*.

Such person to notify his appointment in the Newspapers.

Duty of Assayer.

III. And be it further enacted, That it shall and may be lawful for the said Assayer of Weights and Measures, and he is hereby required, to assay and adjust all such Weights and Measures as shall be brought to his said office, agreeably to the Standard aforesaid; and shall stamp and mark thereon the letters *W. R.*, or with the Initials of the then reigning Monarch; and shall grant a Certificate of having assayed and stamped the same, for which he shall be entitled to receive the sum of Six-pence for every Weight and Measure so stamped as aforesaid, and no more.

Persons using Weights or Measures unstamped to forfeit 10s.

IV. And be it further enacted, That from and after the publication hereof, no person or persons shall use any Weights or Measures in the sale, barter or exchange of any commodity within this Island, without having the Weights and Measures assayed and stamped as aforesaid, under a penalty of Ten Shillings to be recovered before any one of His Majesty's Justices of the Peace within this Island, and to be levied by warrant of distress and sale of the offender's goods and chattels: Provided always, that nothing herein contained shall extend, or be construed to extend, to affect persons using any Measures or Weights which shall have been assayed and stamped previously to the passing of this Act, or which shall have the *English* Standard of One Thousand Eight hundred and Nineteen marked thereon, and which, when examined by the Assayer, shall be found correct.

Mode of recovery.

Proviso.

Further duty of Assayer.

V. And be it further enacted, That the Assayer of Weights and Measures, appointed as aforesaid, shall have full power and authority, and he is hereby empowered and authorised, to inspect all Weights and Measures, and for that purpose to visit once in every three months, or oftener if he shall see cause, the house, shop or office of every person vending, exchanging or bartering any commodity by weight or measure, and to seize all

such Weights and Measures as are not marked or branded as aforesaid, except such as are herein-before excepted; and upon proof that the said Weights and Measures, or any of them, are short of the standard, and have been used by any person or persons in the sale, barter or exchange of any commodity, such person or persons so using the said Weights or Measures shall, on due conviction thereof, forfeit and pay the sum of Five Pounds, together with the costs of recovering the same—to be recovered before any Two of His Majesty's Justices of the Peace within this Island, to be levied by warrant of distress and sale of the offender's goods and chattels.

Persons using false Weights, &c. to forfeit £7 and costs.

Mode of recovery.

VI. And be it further enacted, That it shall and may be lawful to and for the Lieutenant Governor or other Administrator of the Government for the time being, to appoint one or more persons in each of the Counties of *Prince County* and *King's County* respectively, to be Assayer of Weights and Measures; and to order and direct one or more additional sets of Weights and Measures to be made, agreeably to the Standard deposited in *Charlottetown* as aforesaid—one complete set of said Weights and Measures to be furnished to each of the persons appointed as aforesaid to be Assayers of Weights and Measures in *King's* and *Prince* Counties aforesaid—which persons when so appointed shall have the same power and authority, and be bound by and subject to the same rules and regulations as are herein-before prescribed respecting the Assayer of Weights and Measures in *Charlottetown*.

Lt. Governor to appoint one or more Assayers for Prince and King's Counties

Each Assayer to be furnished with a set of Weights and Measures.

Power and duty of persons so appointed.

VII. And be it further enacted, That if any person selling, bartering or exchanging by weights or measures, shall refuse admittance to any Assayer of Weights and Measures appointed as aforesaid for the time being, after he having declared the intent of his coming to execute the duty of his said office, the person or persons so

Penalty on persons refusing to have their Weights & Measures inspected.

refusing shall, for every such refusal, to be ascertained by the oath of the said Assayer, forfeit and pay the sum of Forty Shillings, with costs of recovering the same; to be recovered in way and manner prescribed in the Fourth Section of this Act.

Persons in command of Vessels loading with produce, to be provided with Stamped Measures.

The same is Repealed by 4 Vic. c. 7.

Description of Measures.

Penalty for such persons receiving produce without such Measures.

Mode of recovery.

Proviso.

VIII. And be it further enacted, That from and after the passing hereof, no person being in command or charge of any vessel loading with agricultural produce to be exported from this Island, shall take or receive any such agricultural produce on board of any vessel as aforesaid, without having first measured the same in a Measure regularly stamped and assayed by any Assayer of Weights and Measures within this Island—which said Measure shall be made of good hardwood, well bound with iron hoops, and in a cylindrical form, and to contain as follows—(that is to say,) the Measure for Potatoes or Turnips shall contain water measure, or level with the edge or brim, Three *Winchester* Bushels struck measure, which shall be taken as two and a half bushels heaped measure; and the Measure for all kinds of Grain shall be agreeable to the present Standard: and any Master or other person having charge of a vessel receiving agricultural produce as aforesaid, without having constantly on board the herein-before directed Measure, shall, on proof thereof, before any of His Majesty's Justices of the Peace for this Island, forfeit and pay for every such offence the sum of Twenty Shillings, with costs; to be levied by warrant of distress and sale of the offender's goods and chattels; and in case of no goods or chattels whereon to levy, the said offender shall be imprisoned for Six days in the common Jail of *Charlottetown*.

IX. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to prevent any person or persons from loading their own vessels with

their own produce; or any person loading the whole of any one vessel to put such produce on board without the before mentioned Measures, in case it be mutually agreed on between himself and the Master to do so.

X. And be it further enacted, That all fines and penalties arising from and by virtue of this Act, shall be paid, one half thereof to and for the use of His Majesty's Government of this Island, and the other half to the person or persons who shall prosecute for the same.

Appropriation of fines.

C A P. X X.

An Act to enable the several Congregations of the Church of *England* in this Island to choose Church-wardens and Vestries, and for Incorporating the same; and to repeal the former Act for appointing Vestries.

WHEREAS the Act passed in the Twenty-first year of the Reign of His late Majesty King *George* the Third, intituled *An Act appointing Vestries*, is in its operation confined to the Parish of *Charlotte*: And whereas it will be conducive to the good government and interest of the Church of *England* in this Island, if the provisions of the said Act extended to the several Counties and Parishes within this Island: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the publication of this Act, it shall and may be lawful, to and for the persons composing the congregation of each and every Church erected and formed, or hereafter to be erected and formed, within this Island, being of the Church of *England* as established by Law, to meet annually on *Tuesday* in *Whitsuntide* week, at such time as the

21 G. 3, c. 10.

Congregations of the different Churches to meet annually on the *Tuesday* in *Whitsuntide* week.

Minister duly licensed and appointed to the said Church of which such congregation are members, shall appoint, (notice having been given from the Pulpit at least one *Sunday* previous to the said day of meeting,) and then and there to proceed to the election of Eight fit and proper persons, professing the faith of the Church of *England*, to be the Vestry of the said Church, out of which number, the said Vestry so elected, together with the Minister, shall make choice of two fit and discreet persons to be the Church-wardens of the said Church; which said Church-wardens and Vestry, so elected, chosen and appointed, shall have such powers and authorities for the benefit of the said Church as are usually exercised by the Church-wardens and Vestries in the parish churches of *England*; and shall, together with the Minister of the said Church, be, to all intents and purposes, a Body Politic and Corporate, in deed and in name, by the style and title of “The Minister, Church-wardens and Vestry of the Church of _____ in the Parish of _____” (according to the name of the Church and of the Parish in which the same may be situate); and by that name to have perpetual succession, and to sue and be sued, answer and be answered unto; and to sell or let the pews of their respective Churches, and to ask, demand, sue for, levy, recover and receive the purchase monies of the same; and to sue for, levy, recover and receive all rates and assessments that may be imposed and made, under and by virtue of this Act; and to take, receive and hold, use, possess and enjoy, all gifts and grants, public and private, as well of lands and tenements as of money, goods and chattels, according to their best discretion, and according to the true intent and meaning of the donors—provided that the same shall not exceed in yearly value the sum of One thousand Pounds, for each and every Church respectively.

Minister to give notice one *Sunday* previous to meeting to choose a Vestry.

Minister & Vestry to choose Church-wardens.

Incorporates Minister, Church-wardens and Vestry.

Style of Corporation.

Powers of Corporation.

May hold and possess gifts of Lands, Goods, &c. not to exceed £1000 in yearly value, each.

II. And be it further enacted, That it shall and may be lawful for the Minister, Church-wardens and vestry of each Church respectively, from time to time, as they may see fit, to call a public meeting of the congregation thereof—due notice immediately after divine service having been given, at least three *Sundays* previous to such intended meeting, stating the purposes for which the same is called—which meeting, when so assembled, shall have power to fix the rate of pews, and to make and order such levies and assessments, to and for the necessary purposes of the said Church, as to the majority of them may seem meet, and to cause such repairs, alterations and improvements to be made as to them shall seem necessary: Provided always, that no rate, levy or assessment shall be deemed valid, unless there shall have been present at the making thereof a majority of the Pewholders, either by themselves, or by some person or persons duly authorized to act for them.

Mode of calling public meetings.

Such meetings to fix rates of Pews, levy Assessments, &c.

No rate to be valid unless a majority of the Pewholders be present at such meetings.

III. And be it further enacted, That it shall and may be lawful to and for such public meeting of the congregation to elect and appoint the Clerk, Organist, Sexton, Beadle, Verger, and other Officers, and to fix the rate of salary to be paid to each respectively: Provided always, that the Clerk so chosen shall be subject to the approval of the Minister of such Church; and on his signifying his disapproval of such choice, the said congregation shall proceed to elect another in the room of the person so disapproved of; which said person, so last elected, shall be likewise subject to the approval of the said Minister.

Congregation to elect officers and fix Salaries.

Clerk to be subject to approval of Minister.

IV. And to prevent disputes as to the liability of persons to be rated and assessed, under and by virtue of this Act; be it further enacted, that the Congregations of the said Churches, respectively liable to be rated and assessed for the support of the said Churches, shall be composed of

What persons shall have voice at said meetings.

and consist of the Pewholders and such other persons who claim to be present and vote at the election of the Church-wardens, Vestry, and other Officers of the said Church, and none other.

Minister,
Church-wardens
and Vestry to
make By Laws,
Laws, &c.

V. And be it further enacted, That it shall and may be lawful to and for the Minister, Church-wardens and Vestry of their respective Churches, to make such By Laws, Rules and Regulations respecting the good government of such Church, the preservation of the property thereof, and the mode and manner by which persons who may conceive themselves aggrieved by rate, levy, assessment or otherwise, may have redress and appeal, as to them shall seem expedient : Provided always, that no such By Laws, Rules or Regulations, shall have any force or effect until the same shall have been submitted to and approved of by a public meeting of the congregation, to be called for that purpose in manner herein-before pointed out.

By Laws not to
have any force
until approved of
at a public meet-
ing.

Repeals 21 G. 3,
c. 10.

VI. And be it further enacted, That an Act made and passed in the Twenty-first year of the Reign of His late Majesty King George the Third, intituled *An Act appointing Vestries*, be and the same is hereby repealed.

CAP. XXI.

Continued by 7
W. 4, c. 26 2 Vic.
c. 3 and 9 Vic.
c. 19.

An Act to regulate the Weight and Quality of Bread within the Town and Royalty of *Charlottetown*.

All Bread for
sale within the
Town of Char-
lottetown, to be
made into Loaves
of 6lbs. 2lbs. or
1 lb.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, the weight of all Bread made for sale, or sold or exposed to sale, within the Town and Royalty of *Charlottetown*, except Fancy Bread, shall be made in loaves of six

pounds, four pounds, two pounds, or one pound Avoirdupois, and no other weights.

II. And be it further enacted, That the Bread which shall be sold or made, or exposed to sale, shall always be well made of good and wholesome wheaten Flour, to which no other preparation or ingredient shall be added than common salt, pure water, eggs, milk, yeast and barm; on pain that every person, other than a servant or journeyman, who shall knowingly offend in the premises, and be convicted thereof by confession, or the oath of one witness, before any Justice of the Peace, shall forfeit and pay not more than Three Pounds, nor less than Twenty Shillings, or shall be committed to the Jail of *Charlottetown* for any time not exceeding Fourteen days, nor less than Seven days, from the time of such commitment, as such Justice shall think fit; and if any servant or journeyman shall knowingly offend, and be convicted as aforesaid, he shall forfeit not more than Forty Shillings, nor less than Twenty Shillings, or shall be committed as aforesaid; and it shall be lawful for the Justice before whom any such offender shall be convicted, out of the money forfeited, when recovered, to cause the offender's name and offence to be published in some Newspaper printed in the said Town or Royalty.

What shall be deemed good bread.

Bakers offending herein to forfeit not more than £3 nor less than 40s.

Journeymen offending, to forfeit not more than 40s nor less than 20s.

Offenders' names to be published.

III. And be it further enacted, That if any person or persons who shall make any bread for sale, or who shall send out, sell, or expose to sale, any bread, shall, at any time, from and after the passing hereof, make, send out, sell, or expose to sale, any bread which shall be deficient in weight, he, she or they so offending in the premises, and being convicted thereof, in manner herein-after prescribed, shall forfeit and pay a sum not exceeding Five Shillings, nor less than One Shilling, for every ounce of bread which shall at any time be wanting or deficient in the weight which every

Penalty on Bakers selling or exposing Bread deficient in weight.

such loaf ought to be of; and for every loaf of bread which shall be found to be wanting less than an ounce of the weight the same ought to be, shall forfeit and pay a sum not exceeding Two Shillings and Sixpence, nor less than Sixpence, as such Justice or Justices before whom any such bread which shall not be of the due weight the same ought to be shall be brought, shall think fit to order, so as such bread so deficient in weight be brought before such Justice or Justices within twenty-four hours after the same shall have been baked, sold, or exposed to sale; unless it shall be made out to the satisfaction of such Justice or Justices that such deficiency wholly arose from some unavoidable accident in baking, or otherwise, or was occasioned by or through some accident, contrivance or confederacy.

Complaints
against Bakers
to be made with-
in 24 hours.

Initials of the
Bakers to be im-
printed on their
bread.

IV. And be it further enacted, That from and after the passing of this Act, every person who shall make, send out or expose to sale, any sort of Bread whatsoever, except Fancy Bread, shall, from time to time, cause to be fairly imprinted or marked on every loaf, in *Roman* characters, the initial letters of the Christian and Surname of the baker or manufacturer thereof, together with their respective weight, in figures, agreeably to the First Section of this Act; and that every person who shall make for sale, or shall sell, carry out, or expose to sale, any loaf allowed to be made by this Act, which shall not be marked pursuant to the directions hereof, shall, for every time he, she or they shall offend in the premises, and be convicted thereof, in manner herein-after prescribed, forfeit and pay a sum not exceeding Twenty Shillings, nor less than Five Shillings, as any Justice or Justices before whom the offender shall be convicted shall order, for every loaf of bread not marked as is hereby directed.

Offenders herein
to forfeit a sum
not exceeding
20s. nor less than
5s.

V. And be it further enacted, That the Clerk of the Market within the said Town and Royalty

shall visit the houses, bakehouses or shops, and other places, of every baker or seller of bread, at least one day in every week, under pain of forfeiting the sum of Five Shillings for every time he shall neglect to do so; and that it shall be lawful for the Clerk of the Market aforesaid, or for any Justice of the Peace, or for any Constable thereto authorized by warrant of any Justice, to enter in the day time into any house, shop, bakehouse or outhouse, or other place, belonging to any baker or seller of bread, and to search, view, weigh and try all or any bread which shall there be found; and if any bread shall, on any such search or trial by any Justice, Clerk or Clerks of the Market, as aforesaid, or on proof made before any Justice, by the oath of one credible witness, be found to be deficient in weight, or not truly marked, or deficient in the due baking or working thereof, such Justice, Clerk or Clerks of the Market, or Constable, may seize the same, and dispose thereof to poor persons, as such Justice, or any other Justice respectively shall think fit; and if any person or persons whomsoever shall obstruct or oppose any such search or seizure of bread, he, she or they shall forfeit and pay a sum not exceeding Forty Shillings, nor less than Twenty Shillings each, for every such offence.

Clerk of the Market to visit Bakehouses, Shops, &c. once in each week, under a penalty of 5s. for every neglect.

All bread found deficient, to be seized.

Penalty for obstructing such search.

VI. Provided always, and be it further enacted, That if any Baker shall make it appear to any such Justice, that any offence for which he shall have paid the penalty was occasioned by the wilful neglect or default of his journeyman or servant, the said Justice shall issue his warrant for bringing such offender before him, or some other Justice, who, on conviction, shall order what reasonable sum shall be paid by the said offender by way of recompence; and if he do not immediately pay the same, the said Justice shall commit him to the Jail of *Charlottetown*, there

Recompence to Bakers who have incurred penalties through the neglect or fault of their journey-men, &c.

to remain for any time not exceeding Thirty days, unless payment be sooner made.

Mode of recovering penalties.

VII. And be it further enacted, That it shall be lawful for any of His Majesty's Justices of the Peace within the said Town or Royalty, to hear and determine in a summary way all offences against this Act, and for that purpose to summon before them, or any of them, any party accused of having so offended; and if the party accused shall not appear on summons, then, upon oath of any credible witness of any offence committed against this Act, any such Justice or Justices shall proceed to determine the said complaint; and in the event of the party accused appearing on such summons, any such Justice or Justices is and are hereby authorized to examine any witness or witnesses on oath, who shall be offered on either side, touching the matter complained of; and if any money or penalty forfeited for any such conviction be not paid within Twenty-four hours after default or conviction, such Justice or Justices shall issue his or their warrant of distress against the goods and chattels of such offender or offenders; and if within Five days after such distress taken, the money forfeited shall not be paid, the goods seized shall be sold, rendering the overplus, if any, after payment of the penalty, and the costs and charges of prosecution, distress and sale, to the owner; and for want of goods and chattels on which to distrain, such offender or offenders shall be committed to the Jail within the said Town, there to remain for the space of not more than Fourteen days nor less than Seven days, unless such penalty or forfeiture, costs and charges, shall be paid before the expiration of such term of his or their commitment; and all such penalties and forfeitures, when recovered, shall be paid, one half to the informer and the other half be paid into the Treasury of this Island.

VIII. Provided always, and be it further enacted, That any person or persons convicted of any offence against this Act, who shall think him, her or themselves aggrieved by such conviction, shall have liberty, from time to time, to appeal to His Majesty's Supreme Court of Judicature at its then next sitting; and upon due security given by Recognizance, as in cases for the recovery of Small Debts, the execution of such judgment of conviction shall be suspended; and the Justices of the said Supreme Court are hereby empowered to hear and determine such appeal, and to award such costs as to them shall appear just and reasonable to be paid by either party; and if such conviction shall be affirmed, in default of such appellants paying the sum which he, she or they shall have been adjudged to have forfeited, with costs as aforesaid, he, she or they shall be committed to the Jail of *Charlottetown*, there to remain for the space of One calendar month, unless such forfeiture and costs shall be sooner paid; and if the appellant or appellants shall make good their appeal, and be discharged of such conviction, reasonable costs shall be awarded against the informer—to be recovered as costs given to appellants on appeals in the said Supreme Court are recoverable.

Appeal to Supreme Court.

Power of Supreme Court therein.

IX. And be it further enacted, That if any action or suit shall be commenced against any Justice or Justices, Clerk or Clerks of the Market, Constable or other person, for any thing done or committed by virtue of or in pursuance of this Act, it shall be commenced within Fourteen days next after the same shall be alleged to have been committed, and not afterwards; and the defendant or defendants in any such action may plead the general issue, and give this Act and the special matter in evidence, at any trial to be had thereupon, and that the same was done in pursuance and by virtue of this Act.

Limitation of Actions against persons acting under this Act.

Continuance of
Act.

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

CAP. XXII.

Repealed by 5
W. 4, c. 10.

An Act for establishing a Court of Divorce, and for preventing and punishing Incest, Adultery and Fornication.

CAP. XXIII.

Revised and con-
tinued by 2 Vic.
(2d Session) cap.
7.

An Act to empower the Administrator of the Government to shut up such Roads, or parts of Roads, as are no longer required.

WHEREAS it is deemed necessary and expedient to give the Administrator of the Government of this Colony such jurisdiction as will enable him to shut up any Roads, or parts of Roads, in this Island, as are no longer required: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That whenever any alteration shall be made in any highway or road in this Island it shall and may be lawful for the Administrator of the Government, for the time being, in Council, to order and direct that such roads as may, in consequence of being altered, have ceased to be used by the public, be shut up and closed; and also that any part or parts of such roads as may be included between the points of such alteration, be likewise stopped up and enclosed by the proprietor or proprietors of the lands between such points of alteration as aforesaid, fronting on such old road; and if more than one proprietor, to take share and share alike; and after the aforesaid order or direction

Lt. Governor in
Council may or-
der any Road
discontinued to
be used by the
Public to be
closed.

May be enclosed
by the adjoining
proprietors.

the said old road shall no longer be considered public: Provided, that the altered or new part of the road shall be made equally as good and as passable as the old road, before the latter shall be shut up and closed as aforesaid: And provided also, that nothing herein contained shall extend, or be construed to extend, to authorize the Administrator of the Government in Council, for the time being, to order any public road to be closed, until at least Six Months' notice be given in any one or more of the public newspapers published on the Island, that application has been made to the said Administrator of the Government in Council to close up such road as has been so abandoned by the public, and such shall be stated in the advertisement; and if on the investigating of any such application as aforesaid, one person should make it appear that the closing up of the said road would prove injurious to him, or any other individual whatever, then and in that case the powers with which the Administrator of the Government in Council has been invested by this Act shall cease, and be of non-effect whatsoever, as regards the said road.

Before old road be closed the new line to be made equally as good.

Six months' notice to be given.

Road not to be closed if it appears the same will prove injurious to any individual.

II. And be it further enacted, That the Entry or Minutes of Council containing any such order of the Administrator of the Government of this Island for the time being in Council, authorizing and requiring any road, or part of a road, to be altered, stopped up, or discontinued as aforesaid, or a true copy thereof, certified by the Clerk of the Council, shall be received as evidence of such alteration, stoppage or discontinuance of roads, or parts of roads, having been made pursuant to law, and shall be deemed and held as final and conclusive in that respect by all Courts within this Island.

What shall be deemed evidence of such closing, &c.

III. And be it further enacted, That this Act shall continue and be in force for Five Years, and from thence to the end of the then next Session of the General Assembly, and no longer.

Continuance of Act.

CAP. XXIV.

Executed.

An Act appointing Commissioners to superintend the re-printing of the Laws of this Island.

CAP. XXV.

Expired.

An Act to make more effectual provision for preventing the spreading of Infectious Distempers within this Island, by establishing Boards of Health.

CAP. XXVI.

An Act for repealing an Act of the Thirty-fifth Year of the Reign of King *George* the Third, intituled *An Act for regulating Servants*, and for substituting other provisions in lieu thereof.

WHEREAS the herein-after mentioned Act has been found insufficient for the purposes intended: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the Thirty-fifth year of the Reign of His late Majesty King *George* the Third, intituled *An Act for regulating Servants*, be and the same is hereby repealed.

35 G. 3, c. 4,
repealed.

Contracts for the
hire of Servants,
to be in writing,
or verbally in the
presence of one
Witness.

II. And be it further enacted, That from and after the passing hereof, all contracts that shall be entered into relative to the hire of Servants, if for the term of one month, or for any longer period, shall be made in writing, and signed by the parties thereto, or shall be made verbally in presence of one or more credible witness or witnesses.

Servants how
punished for

III. And be it further enacted, That every servant who shall or may engage to serve for the term

of one calendar month, or for any longer period, in manner aforesaid, and who shall neglect or refuse to perform the full time for which he or she hath so contracted to serve, or be wilfully absent from his or her said employment, contrary to the true intent and meaning of his or her said agreement, or shall be absent from his or her said Master's or Mistress's house, without permission first had and obtained, or shall otherwise misconduct himself or herself, every such servant shall be subject to the loss of his or her wages, and be liable, on conviction, upon complaint made on oath before any two of His Majesty's Justices of the Peace of such neglect or misconduct as aforesaid, to be confined for a period not exceeding one calendar month in the common jail.

breach of agreement, or improper conduct.

IV. And be it further enacted, That all Masters and Mistresses who shall hereafter hire any Servant or Servants in manner aforesaid, and who shall ill use or ill treat any such servant so hired, or shall neglect to perform all the conditions on their parts in every such agreement so made or entered into, every such servant may and they are hereby authorized to make complaint thereof on oath before any two of His Majesty's Justices of the Peace for the County wherein such servant or servants has or have been employed; and such Justices shall have power, and they are hereby directed, to inquire into every complaint so made, and to make such order thereon, either by cancelling the agreement so entered into, or by directing its fulfilment, as to the said Justices shall seem meet; and every servant so discharged by any Justices as aforesaid, shall be entitled to his or her full wages for the term so served, to be recovered as herein-after mentioned; and the Justices are hereby authorized and required to grant a certificate to every servant so discharged by them certifying the same, which certificate shall be considered a sufficient authority for such servant to be legally hired by any other Master or Mis-

Masters, &c. in treating any Servant, or refusing to perform contract, how punished.

tress ; and in case any servant shall be discharged for ill treatment, the Justices before whom complaint thereof shall be made may order the offending Master or Mistress to pay a fine to the servant so ill treated, not exceeding Five Pounds.

Servants performing contract, or duly discharged, to receive full wages for time served.

Wages how to be recovered.

Sec. also 7 Vic. c. 2, sec. 17.

V. And be it further enacted, That every servant who shall or may hereafter be hired as aforesaid, and who shall fulfil the term contracted to be performed, or who shall be discharged as aforesaid, shall be entitled to receive his or her full wages for the time served ; and if the same shall not be paid agreeably to contract so made as aforesaid, or according to the order made by the Justices as aforesaid, every such servant shall have power to recover the same in a summary way —if under the sum of Five Pounds, before any two of the Commissioners appointed to adjudicate in matters of Small Debt ; or if above that sum, in His Majesty's Supreme Court of Judicature —in which action no Impar lance or dilatory Plea shall be allowed, unless the Court shall especially direct the same, on affidavit shewing the absolute necessity thereof, in order justly to decide the case on its merits.

Penalty for hiring Servants without a written discharge.

Penalty for refusing a written discharge to Servants.

VI. And be it further enacted, That if any person whosoever shall, after the passing of this Act, hire the servant of another, knowing him or her to be such, or shall hire any servant without a written discharge from his or her last Master or Mistress, if resident within this Island, being produced, shall, for every such offence forfeit and pay to the injured party or informer, as the case may be, a sum not exceeding Five Pounds ; and every Master or Mistress refusing to give a written discharge to any Servant or Servants, after the term contracted to be performed is fulfilled, shall, on conviction, upon complaint made to any two of His Majesty's Justices of the Peace on oath, forfeit, for every offence, a sum not exceed-

ing Five Pounds, to be paid to such servant—all which fines shall be recovered, with costs, on the oath of one or more credible witness or witnesses, before any two of His Majesty's Justices of the Peace, by warrant of distress and sale of the offender's goods and chattels; and for want thereof, the offender shall be committed to prison for a period not exceeding Two calendar months.

Recovery of penalties.

CAP. XXVII.

An Act to consolidate, amend, and reduce into one Act the several Acts of the General Assembly relating to Trespasses, and for other purposes therein mentioned.

Amended by
5 W. 4, c. 3.
5 Vic. c. 9.
8 Vic. c. 10.
Repealed by
12 Vic. c. 16.

CAP. XXVIII.

An Act to continue for one Year an Act regulating the practice of the Supreme Court in cases of Replevin.

Expired.
8 G. 4, c. 9.

CAP. XXIX.

An Act to explain and amend an Act made and passed in the Eleventh Year of the late King, for raising a Fund by an Assessment on Land.

Further explained and amended by 7 W. 4, c. 15.
Expired.
11 G. 4, c. 17.

* * * The provisions of this Act may affect Titles to Lands, but are omitted pursuant to directions of Act 12 Vic. c. 23.

CAP. XXX.

An Act for repealing certain parts of the Act intituled *An Act for the establishing and regulating a Militia*, and for substituting other provisions in lieu thereof.

For Acts relating to Militia, see 20 G. 3, c. 1. 9 Vic. c. 6.

WHEREAS it is deemed expedient for the better regulation of the Militia of this Island that certain parts of the above mentioned Act be repealed, and other provisions substituted in lieu thereof: Be it therefore enacted, by the Lieutenant Governor Council and Assembly, That the Second, Fifth, Sixth, Tenth, Eleventh, Fifteenth, Twentieth and Twenty-eighth Sections of an Act made and passed in the Twentieth year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the establishing and regulating a Militia*, be and the same are hereby repealed.

Repeals 2d, 5th, 6th, 10th, 11th, 15th, 20th, and 23th Sections of 20 G. 3, c. 1.

Militia to be formed into Battalions, &c. and to be trained at such times as Lieut. Governor shall appoint, not to exceed once in each year.

Commissioned Officers to reside within 10 miles of place of training.

Non-Commissioned Officers or Privates not to march more than 5 miles to train, except in cases of emergency.

II. And be it further enacted, That the Militia of this Island shall be formed into Battalions, Regiments, Companies, and such smaller divisions, and shall be called out for the purpose of training and other military exercises, at such times, places, and in such proportions as to the Lieutenant Governor or Commander in Chief for the time being shall appear best adapted to the conveniency of the inhabitants enrolled therein, not exceeding once in each year, except in time of war or other emergency; and that no commissioned officer shall reside more than Ten miles distant from the place of training; and that no non-commissioned officer or private in attending musters or drills, shall have to march more than Five miles from his place of abode, except in case of war or other emergency as aforesaid; and in such last mentioned cases, it shall and may be lawful for the Lieutenant Governor or other Commander in Chief for the time being to issue such further orders to the Commanding Officers of

Regiments, Battalions or Companies, as he may deem requisite, and the safety of the Island may require.

III. And be it further enacted, That the Clerk of each Company, once in every year, shall take a list of all persons liable to be enrolled in the Militia, living within the precinct of such Company, and present the same to his Captain or Commanding Officer of the Company to which he belongs—the said return to be given in, on or before the last *Tuesday in October* in each year, under pain of forfeiting the sum of Forty Shillings for each default, to be paid to the Captain or Commanding Officer of the Company ; and in case of non-payment, the same to be levied by distress and sale of the offender's goods and chattels, by virtue of a warrant from any Justice of the Peace in this Island, who is hereby empowered to grant the same ; and in case of no goods or chattels whereon to levy the same fine, then the said Justice is hereby authorized and empowered to commit the said offender to the Jail of *Charlottetown*, for a period not exceeding Twenty-one days : and the said Captains or Commanding Officers of Companies are hereby required to transmit such returns, within one month next thereafter, to the Commanding Officer of the Regiment or Battalion to which they belong, under the Penalty of Five Pounds ; and the said Commanding Officers of Regiments or Battalions are hereby required, on or before the First day of *January* in each year, to transmit the same to such Officer as the Lieutenant Governor shall appoint to receive such Returns.

Duty of Clerks of Companies.

Fine on Clerk for neglect of duty.

Mode of recovery.

Captains to transmit Returns of their Companies, within one month, or forfeit £5.

IV. And be it further enacted, That the Commanding Officer of each Company shall order and direct the Clerk thereof to put up notices in three of the most public places within his precinct, therein warning the Militia-men of the said Company of the time and place appointed for each

Mode of intimating musters.

Penalty on Commanding Officers of Battalions or Companies neglecting to draw forth the same—or for disobedience of orders.

Mode of recovery.

muster; and every Commanding Officer of a Regiment, Battalion or Company, neglecting to draw forth the Regiment, Battalion or Company under his command, or to cause the same to be done, or refusing in any way to obey the orders or commands of his superior officer, shall, for every such neglect or refusal, forfeit and pay the sum of Fifty Shillings, and shall also be liable to be dismissed from his situation in such Militia—the said fine to be levied by distress and sale of the offender's goods and chattels, by virtue of a warrant from the said superior officer, directed to the Clerk of the Regiment, Battalion or Company to which such offender belongs, in manner as directed by the said Act of which this is an amendment; and in case such neglect or refusal should originate with the Commanding Officer of any Regiment, Corps or Battalion, that then and in such case the warrant shall issue from the person who shall be appointed as aforesaid by the Lieutenant Governor to receive Returns under this Act.

Non-commissioned Officer or Private to forfeit 5s. for not appearing at muster.

V. And be it further enacted, That every non-commissioned officer and private who shall neglect to appear at any Battalion or Company muster, agreeably to the provisions of this Act, shall be liable to a fine of Five Shillings for each and every neglect as aforesaid—to be recovered and levied by warrant of distress, to be issued by the Captain or other Officer commanding the Company.

Officers commanding Battalions or Companies, to be furnished with copy of Militia Laws.

VI. And be it further enacted, That all Officers commanding Battalions and Companies shall, upon their appointment, be furnished with a copy of the Militia Laws, and shall produce the same, together with a Roll of their Battalion or Company, upon all Musters or Inspections.

Men above forty-five years of age to be formed into reserved Battalions.

VII. And be it further enacted, That all Militia-men above Forty-five years of age, being privates, shall be enrolled as reserved Battalions

or Corps, and shall not be called out for training or otherwise unless when specially ordered and required.

VIII. And be it further enacted, That the person so appointed by the Lieutenant Governor, or other Commander in Chief for the time being, to receive the returns as aforesaid from the officers commanding Regiments or Battalions, shall, when directed, inspect the respective Regiments, Battalions or Companies of Militia, at such times and places as the Lieutenant Governor or Commander in Chief for the time being may appoint, under the provisions of this Act—which said person so appointed as aforesaid shall be paid out of the Treasury of this Island the sum of Seventy-five Pounds *per annum*, in lieu of the salary now attached to the office of Adjutant General, and in place of all fees, charges or expences for travelling to inspect the Militia.

Duty of Inspector of Militia.

Salary of Inspector.

IX. And be it further enacted, That the persons herein-after described be exempted from all trainings, watches and warding, except such as shall voluntarily receive Commissions in the Militia, (that is to say)—the Members and Officers of His Majesty's Council—the Members and Officers of the Assembly—the Chief Justice and other Justices of Courts—Justices of the Peace—Attorney General—Treasurer of the Island—Secretary and Registrar—Chief Surveyor of Lands—Ministers of the Gospel—Field Officers—the Collector and Comptroller of His Majesty's Customs—Licensed Schoolmasters—constant Ferrymen—one Miller to each Grist Mill—and lame persons producing Certificates thereof from a Surgeon or Justice of the Peace.

Persons exempted from serving in the Militia.

X. And be it further enacted, That all fines, penalties and forfeitures arising by operation of this Act, or of the Act intituled *An Act for the establishing and regulating a Militia* (where the

Appropriation of fines.

same are not otherwise disposed of), shall be paid to the Commanding Officer of the Regiment or Battalion, to be applied to the contingent expenses of such Regiment or Battalion, to be accounted for, annually, to the Commander in Chief for the time being.

CAP. XXXI.

See 9 Vic. c. 21 An Act to regulate the Salary of the Treasurer of this Island.

Treasurer to be paid £500 per annum, in lieu of all other emoluments.

WHEREAS it is deemed expedient to establish and fix the Salary to be paid to the person who may hold the office of Treasurer of this Island: Be it enacted, by the Lieutenant Governor, Council and Assembly, That there shall be allowed and paid to the person who now holds, or shall hereafter hold, the office of Treasurer of this Island, the sum of Five hundred Pounds *per annum*, currency of this Island, in lieu of all per-centage, fees or emoluments whatsoever—which said yearly allowance or salary shall be deemed to have commenced and shall be computed from the Fifth day of *January* last past, from and after which period no other emolument or allowance shall be paid to the said Treasurer, other than the salary provided by this Act.

CAP. XXXII.

Continued by 2 Vic. (1st Session) c. 4. Repealed by 8 Vic. c. 16.

An Act for the regulation of the Public Wharf of *Charlottetown*.

CAP. XXXIII.

Repealed by 10 Vic. c. 11.

An Act to repeal the several Acts relating to Licences for retailing Strong and Spirituous Liquors, and to make other provisions in lieu thereof.

CAP. XXXIV.

An Act to continue for one year an additional Duty imposed on Wines and Spirituous Liquors imported into this Island.

Continued for another year by 4 W. 4, c. 21. Expired.

CAP. XXXV.

An Act for continuing for one year an *ad valorem* Duty on all Goods, Wares and Merchandise, imported into this Island, with certain exceptions.

Continued for another year by 4 W. 4, c. 19. Expired.

CAP. XXXVI.

An Act for levying a Duty on Tobacco and Tea.

Continued for another year by 4 W. 4, c. 20. Expired.

CAP. XXXVII.

An Act to make and keep in repair the Pumps and Wells of *Charlottetown*, and for other purposes, and to repeal a certain Act therein mentioned.

Amended by 6 Vic. c. 4. Continued by 2 Vic. c. 3, and 9 Vic. c. 23. Expired.

** This Act affects Titles to Lands; but is omitted pursuant to directions of 12 Vic. c. 23.

For other Acts which have reference to the same subject, see Note to 26 Geo. 3, c. 1.

CAP. XXXVIII.

An Act for appropriating certain Monies for the service of the Year One thousand Eight hundred and thirty-three.

Executed.

CAP. XXXIX.

An Act to provide for the Civil Establishment of the Colony, and to repeal two certain Acts therein mentioned.

Passed with a suspending clause, and not assented to by His Majesty.

ANNO QUARTO

GULIELMI IV. REGIS.

At the General Assembly of His Majesty's 1834.
Island of *Prince Edward*, begun and holden at *Charlottetown*, the Third Day of *February*, Anno Domini 1831, in the First Year of the Reign of our Sovereign Lord WILLIAM the Fourth, by the Grace of God, of the United Kingdom of *Great Britain* and *Ireland*, King, Defender of the Faith:

A. W. YOUNG,
Lt. Governor.
E. J. JARVIS,
President.
W. McNEILL,
Speaker.

And from thence continued, by several Prorogations, to the Fourth Day of *February*, 1834, and in the Fourth Year of His said Majesty's Reign; being the Fourth Session of the Thirteenth General Assembly convened in the said Island.

CAP. I.

An Act for the Encouragement of Education.

Expired.

CAP. II.

Amended by 6
W. 4, c. 6; con-
tinued by 3 Vic.
c. 17, and 9 Vic.
c. 25.
Expired.

An Act for the Summary Trial of Common Assaults and Batteries.

CAP. III.

Repealed by 1
Vic. c. 10.

An Act for regulating the Toll for the Manufacture of Oatmeal and Pearl Barley, and to amend an Act ascertaining the Toll to be taken at Grist Mills.

CAP. IV.

Continued by 4
Vic. c. 4.
Expired.

An Act for establishing the Size and Quality of Fish Barrels and Tierces, and for regulating the Weight of Fish the same shall contain.

CAP. V.

An Act for the appointment of Sheep Reeves, and to restrain Rams from being at large at improper seasons; and to repeal the Acts formerly passed for that purpose.

Commissioners
of Highways to
appoint yearly on
or before 1st Ju-
ly, as many Sheep
Reeves, in their
respective Dis-
tricts as they
think necessary.

WHEREAS the rearing of Sheep and improving the Breed thereof is of great importance to the Inhabitants of this Colony: Be it therefore enacted, That from and after the passing hereof, it shall and may be lawful for the Commissioners of Highways for the time being, in their respective Districts, and they are hereby required and directed, to nominate and appoint yearly, on or before the first day of *July*, as many fit and proper persons as they may conceive necessary, to act as Sheep Reeves in the several Set-

lements for which they are appointed; and whose duty it shall be, to take up and seize any Ram or Rams going at large beyond the enclosures of the owner or owners' farm or farms within such Settlement or District, between the Fifteenth day of *August* and the Tenth day of *December* in each year; and on receiving information of any Ram or Rams being at large as aforesaid, and on the same being shewn to the Sheep Reeve of such Settlement or District, shall seize and take, or cause to be seized and taken, any such Ram or Rams going at large; and the said Sheep Reeve is hereby authorized to call on such of the Inhabitants of such Settlement or District as he may deem necessary, to assist him to effect the same: and such Reeve shall give notice of his appointment, by posting at least two notices in writing, in the most public places within his District, in Ten days after he shall receive such appointment.

Sheep Reeves to seize and take Rams going at large between 15th August and 10th December.

May call upon Inhabitants to assist.

To give notice of appointment.

II. And be it further enacted, That if any such Sheep Reeve so appointed shall refuse to serve when appointed, or neglect or refuse to perform the duties required of him by this Act, immediately on his receiving the information as aforesaid, he shall forfeit and pay to His Majesty, for each and every refusal or neglect, the sum of Forty Shillings—and each and every person refusing or neglecting to assist in seizing and taking any Ram or Rams at large as aforesaid, within the District or Settlement where such person may reside, when requested by the Sheep Reeve of such District or Settlement, shall, for each neglect or refusal, forfeit and pay to the said Sheep Reeve the sum of Five Shillings.

Refusing to serve or neglecting or refusing to act when appointed, to forfeit 40s.

Persons neglecting or refusing to assist Reeve when required, to forfeit 5s.

III. And be it further enacted, That for every Ram so found at large as aforesaid, the owner or owners shall forfeit and pay to the Sheep Reeve of such Settlement or District the sum of Fifteen Shillings; and if no owner can be found to claim

For every Ram so found at large, owner to pay the Reeve 15s.

If no owner ap-

pear within 3 days, Ram to be sold.

Three days notice to be given.

Reeve to keep the proceeds of sale.

such Ram or Rams so found at large as aforesaid, within Three days after the seizure thereof, it shall and may be lawful for the said Sheep Reeve to sell, or cause to be sold, at public auction, (at least Three days notice of such auction having been previously given, by posting written notices at two of the most public places in such Settlement or District wherein such Ram or Rams was or were taken,) and the proceeds of such sale shall be paid as a recompence to the Sheep Reeve for his trouble.

Penalty on persons obstructing Reeves not to exceed 20s.

IV. And be it further enacted, That if any person or persons shall obstruct any of the Sheep Reeves in the execution of their duty, such person or persons shall severally forfeit and pay to the Sheep Reeve so obstructed, a fine not exceeding Twenty Shillings, to be recovered as is herein-after directed.

No one compelled to serve as Reeve oftener than once in three years.

V. And be it further enacted, That no person shall be compelled to serve as a Sheep Reeve under and by virtue of this Act, oftener than once in Three years.

Fines and Forfeitures to be sued for within 30 days,

before any Justice of the Peace for the County.

How levied.

For want of goods, offender may be committed.

VI. And be it further enacted, That all fines and forfeitures arising under and by virtue of this Act, shall be sued for within Thirty days after the commission of the offence for which the same shall have been incurred, and be recovered before any one of His Majesty's Justices of the Peace within the County where such offence shall have been committed; and the same shall be levied by warrant of distress on the goods and chattels of the offender or offenders; and if no goods and chattels can be found whereon to levy, the said Justice is hereby authorized and empowered to commit the offender or offenders to prison, for a period not exceeding One month.

VII. And be it further enacted, That an Act made and passed in the Thirty-first year of the

reign of His Majesty King George the Third, intituled *An Act to prevent the running at large of Rams at improper Seasons*; and an Act made and passed in the Forty-third year of His said Majesty's reign, intituled *An Act to amend an Act made and passed in the Thirty-first year of His present Majesty's reign, intituled 'An Act to prevent the running at large of Rams at improper Seasons'*; and an Act made and passed in the First year of His present Majesty's reign, intituled *An Act to prevent the running at large of Rams at improper Seasons, and to regulate the appointment of Sheep Reeves, and to suspend two certain Acts therein mentioned*, be, and the same are hereby respectively repealed.

31 G. 3, c. 6.

43 G. 3, c. 5.

1 W. 4, c. 10.

Recited Acts repealed.

CAP. VI.

An Act relating to Costs in Cases of Penalties recoverable before Justices of the Peace.

Repealed by 11 Vic. c. 28.

CAP. VII.

An Act to enable the Supreme Court to give Costs in Cases of Certiorari.

See 3 Vic. c. 10.

WHEREAS doubts have arisen whether the Supreme Court can award Costs to Plaintiffs in Cases of Certiorari—For remedy whereof, be it enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful to and for the Justices of the Supreme Court, (and they are hereby empowered so to do,) to give reasonable Costs in cases of Certiorari, as well to the Plaintiff as to the Defendant; any Rule of Court, law, usage or custom to the contrary thereof in any wise notwithstanding.

In cases of Certiorari Supreme Court may give Costs as well to Plaintiff as Defendant.

Proviso, as to Acts by which an appeal to Supreme Court is granted.

II. Provided always, and be it further enacted, That in all cases where an appeal is given by any Act to the Supreme Court, no such Writ of Certiorari shall be issued, unless special cause on affidavit be shewn to the Chief Justice or other Justices of the said Court; and unless notice of such motion for a Writ of Certiorari shall have been served upon the party against whom such Writ of Certiorari is prayed, at least Ten days before such motion shall be intended to be made.

Writ to be applied for within one month.

III. And be it further enacted, That no Writ of Certiorari shall be issued unless the same shall have been applied for within One month from the time of judgment having been given in the Court below.

CAP. VIII.

Passed for one year only.

An Act for the more effectual Punishment of Offenders, by enabling the Supreme Court to add Hard Labour to the Sentence of Imprisonment.

CAP. IX.

Repealed by 7 W. 4, c. 9.

An Act for the Regulation of the Jails in *King's* and *Prince* Counties.

CAP. X.

Continued by 1 Vic. c. 5.
Repealed by 7 Vic. c. 6.

An Act for the better preventing Accidents by Fire within the Town of *Charlottetown*.

CAP. XI.

An Act to repeal certain Acts therein mentioned.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the Twentieth year of the reign of His late Majesty King *George* the Third, intituled *An Act to regulate the Salmon, Salmon Trout and Eel Fishery*; and an Act made and passed in the Twenty-first year of the reign of His late Majesty King *George* the Third, intituled *An Act to explain and amend an Act passed in the Twentieth year of His present Majesty's reign, intituled 'An Act to regulate the Salmon, Salmon Trout and Eel Fishery'*; and an Act made and passed in the Tenth year of the reign of His late Majesty King *George* the Fourth, intituled *An Act to continue an Act made and passed in the Eighth year of His present Majesty's reign, intituled An Act to continue an Act made and passed in the Sixth year of His present Majesty's Reign, intituled An Act to revive, alter and continue an Act made and passed in the Fifty-second year of His late Majesty, intituled 'An Act for raising a Fund to make and keep in repair the Pumps, Wells and Streets of Charlottetown, and for other purposes therein mentioned,'* and each and every of the said Acts, and each and every clause, matter and thing therein contained, be and the same are hereby respectively repealed.

20 G. 3, c. 5.

21 G. 3, c. 1.

10 G. 4, c. 17.

Recited Acts repealed.

CAP. XII.

An Act for continuing the General Assembly in case of the death or demise of His Majesty, His Heirs and Successors.

WHEREAS the peace, welfare and security of this Island might be exposed to great dangers, if the General Assembly of this Island should be dissolved by the death or demise of the King our Sovereign Lord (whom God long preserve), or by the death or demise of any of His Majesty's Heirs and Successors: For remedy thereof—Be it enacted, by the Lieutenant Governor, Council and Assembly, That this General Assembly, or any other General Assembly of this Island, which shall have been summoned and called by our present Sovereign Lord King *William the Fourth*, or His Heirs and Successors, shall not determine or be dissolved by the death or demise of His said Majesty, His Heirs and Successors; but such General Assembly shall, and it is hereby enacted, to continue, and may meet, convene and sit, proceed and act, notwithstanding such death or demise, in the same manner as if such death or demise had not happened.

General Assembly not to be dissolved by the death or demise of the King.

Not to prevent the King from proroguing or dissolving the General Assembly.

II. Provided always, and it is hereby enacted, That nothing in this Act contained shall extend, or be construed to extend, to alter or abridge the power of the King, His Heirs and Successors, to prorogue or dissolve the General Assembly of this Island.

Act not to have effect until His Majesty's pleasure be signified.

Provided that nothing in this Act contained shall be of any force or effect until His Majesty's pleasure thereon shall be known.

* * This Act received the Royal Allowance 7th February 1835, and the notification thereof was published in the *Royal Gazette* Newspaper of this Island on the 29th April 1835.

CAP. XIII.

An Act to regulate the conveyance of the Mails by a Steam Vessel, and to repeal an Act formerly passed for that purpose.

Repealed by 6
W. 4, c. 11.

CAP. XIV.

An Act authorizing Collectors of Impost to appoint Deputies.

For duties of Collector, see 25 G. 3, c. 4, sec. 16, and note thereto,

BE it enacted, by the Lieutenant Governor, Council and Assembly, That the Clerk or Deputy of any Collector of Impost and Excise within this Island is hereby authorized, in the absence of any such Collector as aforesaid, to perform the duties of the said Collector, as prescribed in and by the respective Acts of this Island, whereby any Duty of Impost is levied and imposed, and wherein the same is directed to be paid and secured.

Clerk or Deputy of Collector of Impost to perform duties of Principal in his absence.

II. And be it further enacted, That every such Collector of Impost as aforesaid, who shall hereafter appoint any such Clerk or Deputy shall require him to be duly sworn faithfully and impartially to perform the duties of his office; and every such Collector of Impost shall, and he is hereby declared to be responsible and liable for all and every neglect of duty or improper conduct on the part of any such Clerk or Deputy appointed by him in discharge of his duty as aforesaid.

Clerk or Deputy to be sworn.

Collector responsible for conduct of Clerk or Deputy.

III. And be it further enacted, That all such Clerks or Deputies so appointed and sworn as aforesaid, shall, and they are hereby authorized and required to seize and detain any article or articles that they may find fraudulently and improperly landed, contrary to the Acts of this Island in such case made and provided.

Such Clerks, &c. authorized to make seizures.

CAP. XV.

Explained and amended by 7 W. 4, c. 10; and temporarily suspended in part by 2 Vic. c. 14. 6 Vic. c. 17. 7 Vic. c. 22. 8 Vic. c. 15. 9 Vic. c. 15. 10 Vic. c. 20. 11 Vic. c. 25. Altered and extended by 10 Vic. c. 13.

An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the duty of Surveyors, and to repeal a certain Act therein mentioned.

WHEREAS the Lines and Boundaries of the different Counties and Townships into which this Island is divided, although laid down and marked on the General Survey thereof, have not generally been ascertained and settled by actual Survey, nor have any known rules and principles yet been provided by Statute for ascertaining and establishing the same: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the commencement of the several County and Township Boundaries shall be ascertained by admeasurement from such natural or other marks on each side thereof as are of the most certain or unchangeable nature, connected with such other evidence as can be best obtained of the real and true commencement of such County and Township Boundaries; and that all County and Township Boundary Lines shall be run from the point of commencement, in such manner ascertained and fixed, according to the Magnetic position of the year One thousand Seven hundred and Sixty-four, by which it appears that the whole of the several Boundaries were laid down on the original Survey of this Island — being North, Fifteen degrees Thirty minutes West — and from which the descriptions in the several Grants from the Crown of the respective Townships were taken.

Commencement of County and Township Boundaries, how ascertained.

County & Township Boundary Lines to be run from the point of commencement, according to Magnetic of 1764, being N. 15 deg. 30 m. W.

Governor and Council to appoint three Com-

II. And be it enacted, That it shall and may be lawful for the Lieutenant Governor or other Administrator of the Government, by and with the advice of His Majesty's Council, to appoint

Three Commissioners, one of whom shall be the Surveyor General of this Island for the time being, who, together with two other persons duly qualified to carry into effect the provisions of this Act, but who shall not be practising Land Surveyors, which said Commissioners shall be duly sworn before the Lieutenant Governor in Council to perform the duties of such office faithfully and honestly, according to the best of their skill and abilities, and strictly according to the directions of this Act; and such Commissioners shall have full power and authority to summon witnesses and examine them on oath when they shall deem it necessary; and it shall be their duty to ascertain and fix the points of commencement of each County or Township Boundary, which point of commencement so fixed by them shall be binding on all parties interested therein; and all lines shall be run from such points of commencement by the Surveyor General or other Surveyor duly qualified by this Act as herein-after mentioned: and in case of the death or absence, or other removal of any of the said Commissioners, it shall and may be lawful for the Lieutenant Governor, by and with the advice of His Majesty's Council, to appoint another or others duly qualified as aforesaid, in the place of such Commissioner or Commissioners removed by death or otherwise, so as there shall be at all times three effectual Commissioners to act during the continuance of this Act: Provided nevertheless, that the authority so vested in the said Commissioners shall not extend, or be construed to extend, to interfere with the Surveyor General in the discharge of his duty in any thing relating to Crown Lands.

Commissioners, Surveyor General to be one.

The other Commissioners not to be practising Land Surveyors, who shall be sworn, &c.

Power to summon Witnesses, &c.

Their duty.

In case of death, &c. vacancy how filled up.

Not to interfere with Surveyor General's duty as respects Crown Lands.

III. And whereas it is highly expedient and necessary that the two County Lines should be run, marked and staked; be it therefore enacted, That the Commissioners appointed by virtue of this Act, after having ascertained the commence-

Boundary Line between King's County and Queen's County, how to be run.

ment of the Line between *King's County* and *Queen's County*, on the South side of this Island, under the direction and in pursuance of this Act, shall run, or cause the same to be run, according to its true course, from said point of commencement to the Southern boundary of Townships Numbers *Thirty-seven* or *Thirty-eight*, where it shall be connected, either East or West, as the case may be, with the Division Line of Townships Numbers *Thirty-seven* and *Thirty-eight*, which Division Line, after being ascertained, shall be the remainder of said County Line, and which said Boundary of Townships Numbers *Thirty-seven* and *Thirty-eight*, after ascertaining the correct point of commencement on the North side of the Island, shall be run, according to its true course, to the extent of said Townships.

Boundary Line between Queen's County & Prince County, how to be run.

IV. And be it enacted, That the Commissioners aforesaid shall in like manner ascertain the commencement of the Line between *Queen's County* and *Prince County* on the North and South sides of the Island, and run, or cause the same to be run, respectively, according to their true courses, to the Southern boundary of Township Number *Twenty-five*, which said Boundary of Township Number *Twenty-five* shall connect the said County Line.

Commissioners to cause County Lines to be run, on Royal Assent having been signified to this Act.

Expence to be borne by Government.

Commissioners to give 30 days notice of time & place of holding Survey, &c.

V. And be it enacted, That immediately after His Majesty's Royal allowance of this Act shall be signified, the Commissioners appointed under and by virtue of the same, shall cause the County Lines to be run as herein-before directed, the expence of which shall be paid by the Government of this Island; but before the Commissioners so to be appointed as aforesaid shall proceed to ascertain the commencement of either of the said County Lines, they shall give public notice in the *Royal Gazette* of the time and place of holding the Survey for that purpose, at least Thirty days previous to holding such Survey.

VI. And be it enacted, That any Proprietor who shall be desirous of having the Boundary Lines ascertained and established between his Township and the adjoining Township, may apply to the Commissioners aforesaid for that purpose, who are hereby required and directed, on such application, to give Thirty days notice to the proprietor of the adjoining Township, or to his agent, that he may be present at such Survey if he think fit: and should it so happen that there be no proprietor or agent for such Township resident within the Island, then and in that case the Commissioners aforesaid shall signify the same to the Lieutenant Governor in Council, who is hereby authorized to appoint a person for such absent proprietor, to attend the said Commissioners: and any Township Boundary Lines, of which the points of commencement shall be proved to the said Commissioners to have been ascertained and fixed agreeably to the descriptions in the original grants, and run according to the Magnetic position of the year One thousand Seven hundred and sixty-four, by the Surveyor General, or any other person, which the proprietors interested therein have acknowledged and acted upon, are hereby declared to be good and valid and binding upon all parties concerned, any thing in this Act contained to the contrary notwithstanding.

Any Proprietor may apply to Commissioners to have Boundary Line ascertained between his and the adjoining Townships.

30 days notice to be given to Proprietors of adjoining Townships.

If no Proprietor or agent resident in the Island, Lt. Governor, &c. to appoint a person for such absent Proprietor.

Township Boundary Lines proved to be agreeable to description in the Grants, and run according to magnetic of 1764, & acknowledged so by Proprietors interested therein to be good and valid.

VII. And be it enacted, That all Township Boundary Lines which run through this Island shall be run from the points of commencement on each side thereof, duly fixed and ascertained under the directions of this Act, to the centre or mid-way between such points of commencement; and in all cases where Lines do not meet or correspond with the original survey of the Island, the Boundary shall be settled and connected by a Line perpendicular to the said Lines, either North or South, East or West, as the case may be; and the expence attending the establishing and running of Township Boundary Lines shall

Township Boundary Lines running through the Island, how to be run.

Explained by 7. W. 4, c. 10.

Expence to be borne by nearest Proprietors.

be paid in equal proportions by the Proprietors of the Lands bounding on such Lines.

No person to be disturbed in the *bona fide* possession, &c. of land, by reason of any Line intersecting it.

Such person being a Tenant, to pay rent to his Lessor, as heretofore.

Commissioners not to adjudicate upon Titles to Land.

VIII. And be it enacted, That if on accurately settling any County or Township Boundary Line, under the directions of this Act, it shall appear that the said Line intersects or divides any land in the *bona fide* possession or occupation of any person whomsoever, such person shall not, in consequence thereof, be disturbed in his said possession or occupation; and in case he shall be a Tenant or Lessee, he shall continue to pay his rent to his Lessor as heretofore; and nothing in this Act contained shall extend or be construed to extend, to enable the Commissioners so to be appointed under and by virtue of this Act, to adjudicate upon the title to any lands within this Island, but that their jurisdiction shall be confined in the strictest manner to the settling of Boundary Lines, or the commencement of such Boundary Lines.

Supposed Proprietor of intersected Land having leased the same, shall pay to true Proprietor the future Rent reserved;

and if sold, the purchase money.

Tenants, &c. at the expiration of Lease or Tenancy, to give quiet

IX. And be it enacted, That the supposed proprietor of such intersected or divided land, who hath leased or sold the same, shall, if leased, pay to the true proprietor of any part thereof, or his agent, the future rent reserved for the said land, yearly and every year, during the continuance of the said lease; and if the same hath been sold, shall account for and pay to the true proprietor thereof, or his agent, the sum or purchase money for which the same hath been so sold—the said yearly rent and purchase money to be recoverable by the true proprietor, his heirs, executors or administrators, against the said supposed proprietor,* his heirs executors or administrators, in His Majesty's Supreme Court of Judicature of the said Island; and in all cases where such lands are held under lease for any term of years, the tenant or tenants, occupier or

* By Act 10 Vic. cap. 13, in proceedings under this Section, service of Process, &c. may be made on Agent or Attorney of absent Proprietor.

occupiers thereof, shall, at the expiration of his, her or their term therein, peaceably and quietly yield, surrender and deliver up the same to the true proprietor, his heirs, executors or assignees.

possession to true Proprietor.

X. And be it enacted, That no person shall be deemed a competent Surveyor to run any County or Township Line under the authority of this Act, who shall not previously have obtained from the Commissioners appointed under and by virtue of this Act, a certificate that he is duly qualified for such office: and every Surveyor of Lands so qualified is hereby required, annually, to demand and obtain from the said Surveyor General a certificate that the several instruments of such Surveyor to be used by him in surveying are good and sufficient; and in the certificate so to be granted shall be set down and expressed the variation of said instruments at the period of making such certificate, which certificate the said Surveyor General is hereby required and authorized to grant: and each and every Surveyor, being duly qualified as aforesaid, is hereby authorized and required to administer an Oath to each of the Chainmen employed by him, in the words following, *videlicet*:

Surveyors to obtain Certificate from Commissioners of their competency,

and from Surveyor General annually, that the Instruments used by them are good.

Variation of Instruments to be expressed in Certificate.

Surveyors to administer Oath to Chainmen.

“ YOU do swear, that you will justly and truly
 “ admeasure, according to the best of your skill
 “ and judgment, and conformable to such in-
 “ structions as you shall from time to time re-
 “ ceive from me in the premises, and render a
 “ correct account thereof.

Form of Oath.

“ So help you GOD.”

And each and every Surveyor shall cause accurate Plans of the different Boundaries, as surveyed or ascertained by him or them, to be drawn, delineating thereon the adjacent parts of the different Townships which the respective Boun-

Surveyors to cause accurate Plans of Lines surveyed by them to be made,

and annex a particular description of the point of commencement;

and cause a square Post or Stone to be fixed at the corners of Townships.

Plans and Descriptions to be lodged in the Surveyor General's Office, which shall be evidence.

Surveyor General to furnish copies when demanded.

Penalty on Surveyor not complying with directions of this Act, not to exceed £20.

How applied.

and annex a particular description of the point of commencement; and shall also cause a square post or stone to be fixed at each corner of such Township, with the words "Boundary of the Township Number" (*as the case may be,*) engraved on each side thereof; and the said Plans and descriptions of the different Boundaries hereby directed to be made shall be lodged in the Office of His Majesty's Surveyor General of Lands for this Island for the time being, and shall be given in evidence at all times to come in any dispute or question as to the said Boundaries respectively: and any persons interested in said Boundary shall be furnished from the said Office with a copy of any such Plan and description, on paying the usual fee: and any Surveyor neglecting to comply with the directions of this Act shall, for each and every offence, forfeit and pay a sum not exceeding Twenty Pounds, to be recovered by suit in His Majesty's Supreme Court of Judicature in this Island, to be applied to the use of His Majesty's Government.

No Action to be sustained for Trespass, in consequence of Lines being altered by this Act.

XI. And be it enacted, That no action or suit at Law shall or may be sustained on account of any Trespass alleged to have been committed in consequence of any Township Division Line having been run according to the then Meridian, but now altered by this Act.

This Act to extend to Sub-division Lines of Townships where not divided into more than 4 parts.

XII. And be it enacted, That the provisions of this Act shall extend, and be construed to extend, to settling and ascertaining the Sub-division Lines of Townships which shall have been divided into not more than four parts; and such Sub-division Lines shall be adjusted and settled in the same mode and manner as is herein-before

prescribed for the adjusting and settling the Lines and Boundaries of Townships.*

XIII. And be it enacted, That an Act passed in the Eleventh year of His late Majesty's reign, intituled *An Act to ascertain and establish the Boundary Lines of the several Counties and Townships of this Island, and to regulate the duty of Surveyors*, be and the same is hereby repealed.

Repeals 11 G. 4, c. 10.

Provided nevertheless, That nothing herein contained shall have any force or effect until His Majesty's pleasure therein shall be known.

Act not to have effect until His Majesty's pleasure be signified.

* This Section is repealed by 7 Will. 4, cap. 10, and the provisions of this Act are thereby extended to Sub-divisions of Townships of not less than 1000 acres.

** This Act received the Royal Allowance 7th February 1835, and the notification thereof was published in the *Royal Gazette Newspaper* of this Island on the 21st April 1835.

CAP. XVI.

An Act in further amendment of an Act passed in the Tenth Year of His late Majesty's Reign, intituled *An Act to regulate the laying out and altering of Highways, and to provide a mode of obtaining Compensation for those who may thereby be injured, and to cause those who are benefited thereby to contribute towards their formation*.

See note to 10 G. 4, c. 10 for other Acts in amendment.

Repealed by 14 Vic. c. 1.

** The provisions of this Act may affect Titles to Lands, but are omitted pursuant to Act 12 Vic. c. 23.

CAP. XVII.

An Act to suspend for One Year a certain part of an Act passed in the Third Year of His present Majesty's Reign, authorizing a further Issue of Treasury Notes, to the amount of Five Thousand Pounds.

This Act disallowed by His Majesty.

** This Act was intended to suspend operation of 3d, 4th & 5th Sections of 3 Will. 4, cap. 13.

CAP. XVIII.

An Act for the better Conveyance of the
Mails in the Winter Season.

WHEREAS it is necessary for the safe conveyance of the Mails and Passengers between this Island and *Nova Scotia* during the Winter Season, that a sufficient Ice Boat be provided by Government, and proper regulations made for the management of the same: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and immediately after the passing of this Act, a good and sufficient Ice Boat, of not less than the length of Sixteen feet, and breadth of Four feet Eight inches, shall be built at the public expence, under the direction of two competent Mechanics or persons to be appointed by the Administrator of the Government for the time being; which Boat, when built, shall be provided by the said Mechanics or persons appointed as aforesaid, at the expence of the Government, with not less than Three oars, plated at the end of the blade with iron or steel, Two boat-hooks, Two grapnels, Thirty fathoms of line or rope, a compass, Four light boards and Two beetles, and an oil cloth sufficient to cover the boat in case of need—and which boat, when so built and provided, shall afterwards be used for the purpose of carrying the Mails and Passengers between this Island and *Cape Tormentine*, and for no other use or purpose whatsoever.

Description of
Ice Boat to be
built by Govern-
ment:

To be used for
carrying Mails
and Passengers
between this Is-
land and Cape
Tormentine.

Lt. Governor to
contract with 2
persons to take
care of Boat and
materials, and to
carry the Winter
Mails for 5 years.

II. And be it further enacted, That when and so soon as the said boat shall be built and provided as aforesaid, it shall and may be lawful for the Lieutenant Governor or other Administrator of the Government for the time being, by and with the advice and consent of His Majesty's Council, to contract with two fit and proper per-

sons to take charge of the said boat and the said articles so to be provided as aforesaid, and to carry the Winter Mails between this Island and *Cape Tormentine*, for the term of Five Years— which persons when so engaged shall enter into good and sufficient security for the faithful performance of the contract so made.

Contractors to give Security.

III. And be it further enacted, That the persons so contracting to carry the Mails as aforesaid shall, during the Winter of every year of the term of their contract, provide and keep at their own proper cost and expence, two other active and able bodied men, who shall at all times be in attendance at the time and place that may be fixed and specified in the contract so made as aforesaid, and shall assist in carrying the said Mails between this Island and *Cape Tormentine*.

Contractors to employ 2 other active Men.

IV. And be it further enacted, That the persons so contracting, together with their two assistants, shall be required to attend at a specified day in each and every week for the term of their contract, at *Cape Traverse*, and their remain until a fit and proper time offers for crossing from this Island to the opposite coast ; and after crossing from this Island to *Cape Tormentine*, shall there receive any Mail or Mails that may be ready, and shall thereafter take the first safe opportunity to return to this Island.

Contractors to cross with the Mails weekly.

V. And be it further enacted, That the persons so contracting shall give good and sufficient security for the safe keeping of the said boat and articles to be provided as aforesaid ; and shall at all times during their said contract keep the said boat and other articles, at their own proper cost and expence, in good and sufficient repair ; and shall, when required by the Lieutenant Governor or other Administrator of the Government, return the said boat and other articles to any person or

Contractors to give security for keeping Boat in good repair ;

and shall return the same when ordered, under a penalty of £50.

persons appointed] to receive the same, under a penalty of Fifty Pounds.

Lt. Governor may cancel agreement for breach thereof, or for neglect of duty, or intoxication while crossing.

In case of vacancy by death or removal, Lt. Governor to contract with other persons, (of whom survivor may be one.)

Lt. Governor may cancel agreement on giving one month's notice.

Contractors to have with them while crossing all the articles provided, under a penalty not to exceed £2.

No more than 4 Passengers to cross at any one time, under a penalty not exceeding £5.

VI. And be it further enacted, That it shall and may be lawful for the Lieutenant Governor or other Administrator of the Government to cancel any such agreement as aforesaid, in case either of the said Contractors shall be guilty of any breach thereof, or shall at any time neglect or refuse to perform the duties imposed thereby, or if either of them shall at any time while crossing the Strait be intoxicated; and the said Lieutenant Governor or other Administrator of the Government is hereby authorized, in case of neglect as aforesaid, or in case of the death of either of the Contractors, to contract with other persons (but of whom the survivor may be one,) under the directions of this Act, for the carriage of the Winter Mails as aforesaid: Provided always, that a condition shall be inserted in such contract so to be made as aforesaid, by which the Lieutenant Governor or other Administrator of the Government, if it shall be considered for the benefit of this Government, shall, on giving one month's notice to the Contractors as aforesaid, be able to cancel the same at the end of such month.

VII. And be it further enacted, That the persons so contracting shall at all times be provided with good and sufficient clothing, and shall at all times have with them while crossing all and every of the articles provided as aforesaid, under a penalty, for every article deficient, not exceeding Two Pounds.

VIII. And be it further enacted, That no greater number of persons shall be taken at any one time, over and above the persons required by this Act to manage the boat, than Four, under a penalty for every offence not exceeding the sum of Five Pounds.

IX. And be it further enacted, That the rates of Passage shall be, for each and every person, the sum of Twelve Shillings, and no more; who shall be entitled to carry Twenty pounds of baggage, and no more; and that at the respective places specified in the contract, there shall be kept a book wherein the persons wishing to cross may enter their names, and that person whose name stands first on the said book shall be entitled to priority of passage—provided, at the time he shall have so entered his name, he shall have paid to the person keeping the book, the passage money herein-before directed.

Rates of Passage.

Persons first entering name and paying passage money, to have priority.

X. And be it further enacted, That there shall be paid out of the monies that may hereafter be in the Treasury of this Island, the sum of Six Pounds for every time such Contractors shall cross to *Cape Tormentine* and return to the Island with the Mails as aforesaid.

Contractors to receive £6 per trip.

XI. And be it further enacted, That all fines and penalties arising under and by virtue of this Act, shall be recovered, with costs of prosecution, before any Two of His Majesty's Justices of the Peace, if the same shall not exceed the sum of Ten Pounds, by warrant of distress and sale of the offender's goods and chattels, which fines and penalties shall be paid into His Majesty's Treasury, to and for the use of His Majesty's Government; and if no goods and chattels can be found whereon to levy, then the said offender shall be imprisoned for a term not exceeding Sixty days.

Fines and Penalties how recovered and applied.

C A P. X I X.

An Act to continue an *ad valorem* Duty on all Goods, Wares and Merchandise imported into this Island, with certain exceptions.

Expired.

CAP. XX.

Expired. An Act to continue for One Year an Act levying a Duty on Tobacco and Tea.

CAP. XXI.

Expired. An Act for continuing for One Year an Act imposing an additional Duty on Wines and Spirituous Liquors.

CAP. XXII.

Expired. An Act for levying a Light Duty on all Vessels clearing out at any of the Custom Houses in this Island.

CAP. XXIII.

Executed. An Act for appropriating certain Monies therein mentioned, for the Service of the Year of our Lord One thousand Eight hundred and Thirty-four.

ANNO QUINTO

GULIELMI IV. REGIS.

At the General Assembly of His Majesty's 1835.
Island of *Prince Edward*, begun and hold-
den at *Charlottetown*, the Twenty-sixth
day of *January*, *Anno Domini* 1835, in
the Fifth Year of the Reign of our Sovereign Lord WILLIAM the Fourth, by the
Grace of God, of the United Kingdom
of *Great Britain*, and *Ireland*, King, De-
fender of the Faith:

A. W. YOUNG,
Lt. Governor.

E. J. JARVIS,
President.

G. DALRYM-
PLE,
Speaker.

Being the First Session of the Fourteenth General Assembly convened in the said Island.

CAP. I.

An Act for vacating the seats of Members of the
Assembly, in certain cases therein mentioned. Repealed by 7
W. 4, c. 13.

[Passed 10th April, 1835.]

CAP. II.

Continued by 4
Vic. c. 13, and 9
Vic. c. 24.
Repealed by 12
Vic. c. 12.

An Act for the more effectual punishment of Offenders, by enabling the Supreme Court to add Hard Labour to the sentence of Imprisonment.

[Passed 10th April, 1835.]

CAP. III.

Repealed by 12
Vic. c. 16.

An Act to explain and amend the Act relating to Trespasses.

[Passed 10th April, 1835.]

CAP. IV.

See 59 G. 3, c.
4, and 9 G. 4, c.
6.

An Act authorizing Commissions to be issued for taking the Depositions of Witnesses out of this Island, in cases where Judgment hath been marked by Default.

[Passed 10th April, 1835.]

WHEREAS an Act made and passed in the Tenth year of the reign of His late Majesty King George the Fourth, intituled *An Act to amend an Act intituled 'An Act to render perpetual an Act intituled An Act to enable the Justices of the Supreme Court of Judicature to issue Commissions for examining Witnesses out of this Island;'* will expire at the end of the present Session of the General Assembly: and whereas it is necessary to authorize the issue of Commissions to take the depositions of Witnesses residing out of this Island, in cases wherein Judgment hath been marked by default—Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That in all Civil Causes which may hereafter be depending in the Supreme Court

10 G. 4, c. 14.

In civil causes in Supreme Court wherein judgment shall have been marked by default, the Court or one of the Justices in vacation,

of Judicature, and in which Judgment shall have been marked by default, it shall and may be lawful for the said Court, or for any one of the Justices of the said Court in vacation, upon application, and upon sufficient cause being shown, by affidavit made by or on behalf of the party desiring the same, to authorize the issuing of a Commission under the Seal of the said Court, for the examination of any Witness or Witnesses residing out of this Island; and the Depositions of such Witness or Witnesses to be taken under such Commission, shall have the same force and effect, and the proceedings under such Commission shall be regulated in like manner, as if Issue had been joined in any of such Causes.

may authorize a Commission to issue for the examination of witnesses out of the Island.

Depositions of such witnesses to have same force and effect as if issue had been joined in such cause.

CAP. V.

An Act concerning the Property of the Methodist Society at *Charlottetown*.

[Passed 10th April, 1835.]

WHEREAS a certain extensive Society or Congregation of the people called Methodists, professing the doctrines taught by the late Mr. *John Wesley*, has long been established in *Charlottetown*, under the spiritual care of Ministers appointed at the yearly Conference of the people called Methodists, as established by a Deed Poll of the said *John Wesley*, under his hand and seal, bearing date the Twenty-eighth day of *February*, in the year One thousand Seven hundred and Eighty-four, and enrolled in His Majesty's High Court of Chancery at *London*; for the use and benefit of which said Society or Congregation, divers Lands have heretofore been purchased in *Charlottetown*, and conveyed to Trustees to and for the use and benefit of the said Society, of all which said Lands and Tenements a description, together with the dates of, and the parties to, the respective Deeds whereby the same

are conveyed, is contained in the Schedule [A.] to this Act annexed, as by reference thereto will at large appear : And whereas the said several Lands and Premises in the annexed Schedule [A.] described, are now under the care and management of persons as Trustees of and for the said Society—that is to say, *Isaac Smith, Robert Longworth, John Bovyer, Christopher Cross, Henry Smith, John Trenaman, William Tanton, Thomas Dawson and Charles Welsh*, all of *Charlottetown*, who either are the survivors of the Trustees named in the said Deeds, or have been from time to time nominated to be Trustees for the said Society ; but by reason that no conveyances of the said Lands, or of their Interest therein, have been made by the Trustees, or Heirs of the Trustees who are deceased or have left the Society, to the new Trustees, and from other causes, the Title to the said Lands has become uncertain, and the present Trustees cannot sell, mortgage, or dispose of the said Lands, or occupy the same, for the purposes of the said Society, in so beneficial a manner as is desired :—wherefore the said Trustees have applied for such powers, authorities and remedies as in and by this Act are provided, in respect to the premises—Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, that from and after the passing of this Act, the said *Isaac Smith, Robert Longworth, John Bovyer, Christopher Cross, Henry Smith, John Trenaman, William Tanton, Thomas Dawson and Charles Welsh*, and each and every one of them, so long as they respectively continue Members of the said Society or Congregation of people called Methodists as aforesaid, at *Charlottetown*, and all and every person or persons who at any time or times hereafter shall be chosen, upon any vacancy in the said Trust, and in the manner hereafter mentioned, to supply the same, shall be and be deemed, to all intents and purposes whatsoever, the Trustees of and for all and singular the Estate, real or

Trust establish-
ed.

Names of Trus-
tees.

personal, of the said Society, or for the use and benefit thereof, now obtained, or possessed by or belonging to the said Society, or any in Trust therefor, under the descriptions and by the Deeds in the said Schedule [A.] contained or referred to, or hereafter to be obtained by or conveyed to the said Trustees or their Successors, for the benefit and purposes of the said Society; and the said persons, and their successors in office, shall constitute and form one continuing Trust or Board of Nine Members, to be called "The Trustees of the Methodist Society at *Charlottetown*." Official name of Trustees.

II. And be it further enacted, That the Superintendent Preacher of *Charlottetown* Circuit for the time being shall, by virtue of such office, be entitled to preside at all Meetings of the said Board of Trustees, and sign the Minutes of their proceedings, and shall have, with the several Trustees for the time being, a vote upon all questions, and in all resolutions and decisions of the said Board. President of Trustees. Power of President.

III. And be it further enacted, That the said Board of Trustees may at any time hereafter be reduced to any number not below Five Trustees, therein not including the Superintendent Preacher for the time being. Board of Trustees.

IV. And be it further enacted, That as vacancies in the said Trust shall arise, by death, resignation of office, or by any of the Trustees ceasing to be a Member or Members of such Society, every such vacancy shall be supplied by the choice of a new Trustee, to be made by the continuing and surviving Trustees, or the major part of them, and to be entered in the Minutes of the proceedings of the said Trust, to be kept in proper Books, to be provided for that purpose; and when and so often as a choice of a new Trustee shall be made, the said continuing or surviving Trustees, or the majority of them, shall make, sign and seal an Vacancies in Trust, how filled.

Instrument declaring such choice, and the party chosen shall also execute the same, in proof of his acceptance of the office of Trustee; and such Instrument shall be in the form set forth in the Schedule [B.] to this Act annexed, and shall be registered on the oath of the subscribing witness thereof, in the Books of Registry in this Island; and upon such Registry being made, the new Trustee shall become a Member of the Trust, as fully and effectually as if he were named in this Act to that office.

Vests property in Trustees named in this Act.

V. And be it further enacted, That from and immediately after the passing of this Act, all and singular the Lands, Hereditaments and Premises described in the said Schedule [A.] to this Act annexed, and their respective Appurtenances, and the Rents, Issues, Profits and Benefits thereof, and all the Estate, Right, Title, Interest, Use, Trust, Inheritance, Property, Claim and Demand whatsoever, both in Law and Equity, of the said several Persons or Trustees named in the said several Indentures in the said Schedule [A.] mentioned, and of the survivors of any of the said Persons or Trustees, and of the several or respective Heirs or Assigns of the said Persons or Trustees respectively, who are since deceased, whomsoever and wheresoever, and all monies, goods, chattels and personal Estate whatsoever, held by the Trustees in the said several Indentures named, or the survivors of them, or by the present Trustees of the said Society; and further, all securities for money or other obligatory instruments, evidences or muniments, and all rights or claims arising from or out of the said property, shall be and become the property of the said Trustees in and by this Act appointed, and shall be and become vested in them, as and for the same Estate and Interest as the Trustees named in the said Indentures, or the survivors of them, or the Heirs or Assigns of the Trustees who have died or ceased to be Trustees, or the present Trustees of the

said Society, had, or have, or were, or now are entitled to have therein, and without any Assignments, Deeds or Conveyances whatsoever, to be made thereof; and after the death of any of the Trustees by this Act appointed, or any other vacancy occurring in the said Board of Trustees hereby established, shall vest in the succeeding Trustees for the time being, respectively chosen to fill such vacancies, in conjunction with the continuing Trustees, without any Deed, Conveyance or Assignment made, or required to be made, by the Heirs of any Trustee so dying, or by any Trustee so resigning, or by the continuing Trustees, or any of them, on any or either of the occasions aforesaid.

VI. And be it further enacted, That the surviving Trustees named in the before-recited Indentures, shall, and they are hereby authorized, at the request of the Board of Trustees, to release and convey all and singular the Lands in the said Indentures described, unto the Trustees hereby appointed, with their appurtenances, in fee simple.

Conveyance of property to Trustees named in this Act.

VII. And be it further enacted, That the said Trustees hereby appointed, and their successors, shall, and are hereby authorized and empowered, in their name of office, to bring or defend, or cause to be brought or defended, any action, suit or prosecution, criminal as well as civil, in Law or Equity, touching or concerning the Lands, real or personal Estate, Debts, Claims, Rights and Property of the said Trustees, or of the said Society at *Charlottetown*; and the same estate and property shall, when necessary, in every such proceeding, be stated to be the property of the said Trustees, by their name of office herein given and established; and the said Trustees, by their said name of office, shall and may in all cases concerning the respective Lands in the Schedule [A.] described, or other real or personal Estate to be vested in them, debts, claims, rights and

Trustees may sue and be sued, &c.

property of the said Board of Trustees, or of the said Society whatsoever, sue and be sued, implead and be impleaded, as Trustees, by their said official designation; and no such suit, action or prosecution shall be discontinued or abate, by the death of any such Trustee on his ceasing to be such Trustee; but shall and may be proceeded in by the Board of Trustees for the time being, any law, usage or custom to the contrary notwithstanding; and the Trustees for the time being shall pay or receive the like monies, costs and expences, as if the action or suit had been prosecuted by individuals, and for the benefit of, or to be reimbursed from, the Trust Funds of the Society.

Trustees may purchase or otherwise acquire property.

VIII. And be it further enacted, That it shall and may be lawful for the Trustees for the time being, appointed by or in pursuance of this Act, or the major part of them, and they are hereby empowered, in their several names, and under their designation of "The Trustees of the Society of Methodists in *Charlottetown*," to contract for and purchase, or in any lawful mode acquire or obtain, either in fee simple, or for any life or lives, or term or terms of years, for the benefit or purposes of the said Society, any Messuages, Lands, Tenements, Buildings or Hereditaments whatsoever in this Island, and to take and receive the necessary and legal conveyances, leases, deeds, assignments or other transfers thereof respectively, to hold for, upon, under and subject to the uses and purposes in this Act mentioned.

Trustees may sell, exchange, mortgage or lease property.

IX. And be it further enacted, That it shall and may be lawful for the said Trustees for the time being, or the major part of them, and they are hereby authorized and empowered, to grant, sell, exchange, mortgage, lease, convey or dispose of, to such person or persons as they may think proper, and for such prices, sums, rents or terms as shall be agreed upon, as well all or any part

of the said Lands, Hereditaments and Premises described in the several Indentures, or any of them, in the Schedule [A.] mentioned, as also all or any part of any other Lands and Hereditaments hereafter to be conveyed to, or held by the said Trustees for the time being, and all or any of the personal Estate and Property of the said Trustees, or Society for the time being, and to such extent and such proportions, and at such times as the Trustees for the time being, shall think proper to exchange, sell, mortgage, lease, convey, or dispose of the same ; and every such deed, mortgage, lease, or conveyance thereof, executed by the Trustees for the time being, in their name of office aforesaid, and signed by them respectively, or by the major part of them, shall be sufficient and valid in law, to convey to the Grantee, Mortgagee, Lessee or Purchaser, or Grantees, Mortgagees, Lessees or Purchasers respectively, either in perpetuity, or by way of mortgage, or of lease for years, or otherwise, as the case may be, all such estate, title and interest therein, as the said Trustees or the said Society now have or are entitled to, or hereafter may have, hold or be entitled unto, or into or out of any such real Estate, or property whatsoever, now held, or hereafter to be obtained, so granted, mortgaged, leased, or disposed of, or as the said Trustees for the time being, on behalf of the Society, may lawfully require by such deed, mortgage, lease or conveyance respectively, to vest in the Grantee, Mortgagee, or Lessee named therein.

X. And be it further enacted, That all and singular the Lands, Hereditaments and Premises which are in the annexed Schedule [A.] described, and in the Deeds therein referred to contained, or which shall or may hereafter be purchased and conveyed to the said Trustees, for the use of the said Society, and every part and parcel thereof, with the several and respective

Object of Trust
created by this
Act.

appurtenances thereto belonging, and all personal estate, monies and effects aforesaid, shall at all times hereafter be taken, held, possessed and enjoyed by the Trustees for the time being under this Act, upon special trust and confidence, and to the intent that they, and the survivors of them, and the Trustees for the time being, do and shall take, hold, possess, apply and dispose of the same, and every part thereof, for the use, benefit and advantage of the said Society of Methodists at *Charlottetown*, in *Prince Edward Island*, and for the sites of the Chapels or Meeting-houses, Dwellings of the Ministers for the time being of the said Society, Burial places, School-houses, or other purposes whatsoever, to which it may, for the advantage, support and well being of the said Society, and the Ministers, Members or Poor thereof, be at any time or times, by the Trustees for the time being, found expedient or desirable to appropriate, apply or dispose of the same; but subject nevertheless to such powers of mortgaging, leasing, selling, conveying and disposing of the said real and personal Estate, as are herein-before vested in the said Trustees, and subject also to all such sales, exchanges, deeds, mortgages, leases, or other dispositions as may be thereof made as aforesaid; and upon this further special trust and confidence, and to the intent that the said Trustees for the time being, do and shall, from time to time, and at all times forever, permit such persons as shall be appointed at the yearly Conference of the people called Methodists, as established by a Deed Poll of the before mentioned *John Wesley*, under his hand and seal, bearing date the Twenty-eighth day of *February*, in the year of our Lord One thousand Seven hundred and Eighty-four, and enrolled in His Majesty's High Court of Chancery in *London*, and no others (except with the consent of the Superintendent Preacher for the time being, of the *Charlottetown* Circuit,) to have and enjoy the free use and benefit of the present Meeting-

house and Chapel, or of any future Meeting-house or Chapel which may be erected in lieu thereof, to the end that such persons may therein preach and expound God's holy word, and for the performance of all other acts of religious worship therein, without suit or interruption whatsoever; and upon this further trust and confidence, that the said real and personal Estate, and every part thereof, shall (subject as aforesaid) at all times hereafter be held in trust for the benefit of the several persons belonging to the Society or Congregation in *Prince Edward Island*, connected with and under the direction of the Preachers or Ministers appointed by the said Conference, for ever.

XI. And be it further enacted, That the receipts of the said Trustees shall be good and sufficient discharge for all monies paid to them, for or on account of any of the Trust Funds or Property aforesaid; and the party paying shall in no case be obliged to see to the application thereof; nor shall the Trustees be answerable for each other, but each of them shall be answerable for his own acts and receipts; nor shall any Trustee be in any wise answerable or liable for any loss or deficiency of the Trust Funds or Property, or profits to arise therefrom, unless the same arise from his own wilful misconduct or neglect; and each and every of the Trustees shall retain, be paid and allowed all costs, charges and expences incurred in and about the Trust aforesaid.

Receipts of Trustees to be good.

SCHEDULES to which this Act refers,

SCHEDULE (A.)—Containing a description of the Lands in *Charlottetown*, conveyed in Trust for the Methodist Society, and the dates of the respective Deeds, and the Parties thereto.

First—All that piece or parcel of ground situate, lying and being in *Charlottetown* aforesaid, being the Eastern moiety or full equal half part of Lot Number Fifty-three (53,) in the Second hundred of Town Lots in the said Town, as the same is numbered and laid down in the Map or Plan of the said Town kept in the Surveyor General's Office; which Land and Premises, by Deed, dated the Fifth day of *October*, One thousand Eight hundred and Ten, was conveyed by *Benjamin Evans*, Merchant, to *Joseph Robinson*, *Thomas Desbri- say*, the younger, *Joseph Avard*, *Thomas Murphy* and *Paul Mabey*, and to their Heirs and Assigns, in trust, for a Preaching house and conveniency, as shall be judged necessary, for the benefit and accommodation of the Society of the people called Methodists, at *Charlottetown*, as by the said Deed, duly registered at *Charlottetown*, on the Eleventh day of *July*, One thousand Eight hundred and Fourteen, will appear.

Secondly—A certain piece of ground, being the Northern moiety, or equal half part of Lot Number Twenty-one (21,) in the Second hundred of Lots within *Charlottetown* aforesaid, having a front of Eighty feet on Prince's Street, and Eighty feet on the division line between Lot Twenty-two (22) and the said Lot Twenty-one, (21) and which said Land was, by Deed, dated the Sixteenth day of *November*, in the year One thousand Eight hundred and Thirty-three, conveyed by *John Summers* and *Ruth* his wife, to *Isaac Smith*, *Charles Welsh*, *Robert Longworth*, *John Bovyer*, *Christopher Cross*, *Henry Smith*, *John Trenea-*

man, *William Tanton* and *Thomas Dawson*, and to their Heirs and Assigns, in trust, for the purposes mentioned and set forth in the said Deed, and which said Deed was duly registered in the proper office in this Island for the recording of Deeds, on the Third day of *December*, in the year One thousand Eight hundred and Thirty-three.

SCHEDULE (B.) to which this Act refers.

KNOW all men by these presents, that we (*names of continuing Trustees*), all of *Charlotte-town*, the present Members of the Board of Trustees of the Methodist Society at *Charlottetown*, constituted by the Act of the General Assembly of this Island, passed in the Fifth year of the Reign of His Majesty King *William* the Fourth, and intituled *An Act concerning the Property of the Methodist Society at Charlottetown*, having this day met together in *Charlottetown*, for the choice of a new Trustee, in the room of (*name of Trustee*, whose seat is vacant), whose death, resignation or other cause, has occasioned a vacancy in the said Trust; did, pursuant to the powers and direction by the said Act given, duly, by a majority of votes of us the present Trustees; choose and elect (*name of party chosen*, his residence and designation,) being a Member of the Society of Methodists at *Charlottetown*, to be one of the Board of Trustees, in and by the said Act established, and the said (*name of new Trustee*) having accepted the office, and consented to act as one of the said Board, as by his hand and seal to these presents subscribed and set, is signified, we the said continuing Trustees do hereby elect, nominate, constitute and appoint him the said (*name*), so long as he shall continue a Member of the said Society at *Charlottetown*, to be a Member of the Trust aforesaid, and one of the Statute

Certificate of appointment of new Trustees.

Trustees of the Methodist Society at *Charlottetown*, with full power and authority to have, use and exercise, in conjunction with the other Trustees for the time being, all the Trusts, Powers, Rights, Privileges and authorities, and to fulfil and discharge all the duties which in and by the said Act are or may be discharged, used or exercised by the said Board of Trustees, pursuant to the said Statute. In witness whereof, we and the said newly elected Trustee, have hereunto our hands and seals subscribed and set, at *Charlottetown*, this day of in the year of our Lord One thousand Eight hundred and

Signed and sealed in the presence of us

CAP. VI.

Amended by 6
Vic. c. 19, and
8 Vic. c. 6.

An Act relating to Distress for Rent, and to regulate the practice of the Supreme Court in cases of Replevin.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That in all cases of Distress that may be hereafter made for any Rent in arrear, no Goods or Chattels so distrained shall be sold towards satisfaction of the Rent in arrear within a less period or time than Twenty days from the day of distraining, including the day of Distress and the day of Sale—any law, usage or custom to the contrary thereof notwithstanding: Provided always, that the owner or owners of any Goods or Chattels so distrained, or some person on his or their behalf, do and shall, within two days after any such Distress shall be made, enter into a Warrant of Attorney, with two responsible Sureties, payable to the Lessor or Landlord who shall cause such Distress to be made, and in double the value of the Goods and Chattels so distrained, (such value to be ascertained in like manner as is herein-after prescribed for taking

Goods or Chattels distrained for rent, not to be sold within a less period than 20 days.

Proviso.

Owner may have Goods returned on executing a Warrant of Attorney.

Requisites of Warrant of Attorney.

Replevin Bonds); and which Warrant of Attorney shall be with a Defeasance for the due return and forthcoming of the Goods and Chattels distrained, or the appraised value thereof, on the day of sale; and the Goods and Chattels so distrained shall be forthwith returned to the owner or owners thereof.

Defeasance of Warrant of Attorney.

II. And be it further enacted, That if the Goods and Chattels so distrained and delivered back to the owner or owners as aforesaid, or the appraised value thereof, or of such part thereof as may have been sold by the Tenant, with the Chattels unsold, shall not be forthcoming and paid on the day appointed for the sale thereof; or that such Tenant shall not have replevied the Distress at the day appointed for the sale thereof; in any such case it shall and may be lawful for the Lessor or Landlord afterwards to enter up Judgment on such Warrant of Attorney, and sue out Execution thereon to the amount of the appraised value of the Distress (if not exceeding the rent or balance of rent due), with costs; and the Goods and Chattels distrained shall be first sold under the said Execution, or such part thereof as may be forthcoming to be levied on, before any execution shall be executed on the persons or property of the Sureties, or either of them; and the person who makes the Distress may take such Warrant of Attorney, and shall be entitled to a fee of Five Shillings for the same, and no more.

If Goods, &c. or appraised value thereof, shall not be forthcoming or paid at the day of sale, or if the same be not replevied, Lessor or Landlord may enter up judgment on Warrant of Attorney, &c.

Amount to be levied.

Mode of proceeding under execution issued on such judgment.

Fee for taking Warrant of Attorney.

III. And be it further enacted, That in case any Tenant or Tenants, Lessee or Lessees, for life or lives, term of years, at will, sufferance or otherwise, of any Messuage, Lands, Tenements or Hereditaments, upon the demise or holding whereof any rent is or shall be reserved, due or made payable, shall fraudulently or clandestinely convey away or carry off from such premises, his, her or their Goods or Chattels, to prevent the Landlord or Lessor, Landlords or Lessors, from

Tenant or Lessee fraudulently or clandestinely conveying away Goods, &c.

Landlord or Lessor may, within 30 days thereafter, distrain the same wherever found, & Tenant or Lessee to forfeit 1 year's rent, over and above the amount distrained for, and to be recovered in the same way.

distraining the same for arrears of Rent so reserved, due or made payable, it shall and may be lawful to and for every such Landlord or Lessor, Landlords or Lessors, or any person or persons by him, her or them for that purpose lawfully empowered, within the space of Thirty days next ensuing such conveying away or carrying off such Goods or Chattels as aforesaid, to take and seize such Goods and Chattels wherever the same shall be found, as a Distress for the said arrears of Rent, and the same to sell or otherwise dispose of in such manner as if the said Goods and Chattels had actually been distrained by such Lessor or Landlord, Lessors or Landlords, in and upon such premises for such arrears of Rent: and the Tenant or Tenants, Lessee or Lessees, conveying away or carrying off, or who shall cause to be conveyed away or carried off, any Goods or Chattels, in the manner and for the purposes aforesaid, shall be chargeable for and forfeit one full year's rent of his, her or their premises, over and above and to be added to and deemed as part of the Rent distrained for or due, and to be recovered along with the same, and in the like manner—any law, custom or usage to the contrary in any wise notwithstanding. Provided always, that no Landlord or Lessor, or other person, entitled to such arrears of Rent, shall take any such Goods or Chattels as a Distress for the same, which shall be sold *bona fide*, and for valuable consideration, before such seizure made, to any person or persons not privy to such fraud as aforesaid.

Proviso.

Goods, &c. sold *bona fide*, not liable to distraint.

If Goods, &c. fraudulently conveyed away by Tenant or Lessee are secured in any house, &c.

IV. And be it further enacted, That when any Goods or Chattels fraudulently or clandestinely conveyed or carried away by any Tenant or Tenants, Lessee or Lessees, his, her or their servant or servants, agent or agents, or other person or persons aiding or assisting therein, shall be put, placed or kept in any house, barn, stable, out-house, yard, close or place locked up, fasten-

ed, or otherwise secured, so as to prevent such Goods and Chattels from being taken and seized as a Distress for arrears of Rent, it shall and may be lawful for the Landlord or Landlords, Lessor or Lessors, his, her or their bailiff, receiver, or other person or persons empowered to take and seize as a Distress for Rent such Goods and Chattels, (first calling to his, her or their assistance a Constable, or other peace officer of the parish, district or place where the same shall be suspected to be concealed, who are hereby required to aid and assist therein;) and in case of a Dwelling House, (oath being also first made before some Justice of the Peace, of a reasonable ground to suspect that such Goods and Chattels are therein,) in the day time to break open and enter into such house, barn, stable, out-house, yard, close and place, and to take and seize such Goods and Chattels for the said arrears of Rent, as he, she or they might have done by virtue of this Act, if such Goods and Chattels had been put in any open field or place.

Bailiff, &c. with a Constable or Peace Officer, (if in a dwelling house, oath having first been made before a Justice of the Peace of the fact) may break open such house, &c., in the day time and distrain the same.

V. And be it further enacted, That every Sheriff hereafter to be appointed, shall, within Twenty-one days after he has received his patent of office, and from time to time afterwards, as occasion may require, depute, appoint and proclaim the number of Deputies following (that is to say) —one Deputy residing at Saint Peter's, one other residing at Saint Margaret's, on Lot Forty-four, one other residing at Murray Harbour, and one other residing at Georgetown, in and for King's County; and also one Deputy residing at Cascumpec, one other residing at Saint Eleanor's, and one other residing at Tryon, in and for Prince County; and also one Deputy residing at Campbelltown, on Lot Twenty-one, and one other residing at Pinette, in and for Queen's County, or as near to such places respectively, within the said several Counties, as qualified persons can conveniently be found—and which said Deputies,

Sheriff within 21 days after appointment, to depute 9 Deputies: 1 at St. Peter's; 1 at St. Margaret's, Lot 44; 1 at Murray Harbour; 1 at Georgetown; 1 at Cascumpec; 1 at St Eleanor's; 1 at Tryon; 1 at Campbelltown, Lot 21; and 1 at Pinette.

Power of Deputies.

Penalty on Sheriff for not making such appointment.

Persons demanding Replevin, to execute Replevin Bond in double the value of Goods distrained.

Mode of ascertaining such value.

Condition of Bond.

Sheriff to issue. Precept to replevy, and to summon party distraining to appear at next sitting of Supreme Court.

so appointed and proclaimed, shall have authority, in the name of the Sheriff so appointing him, to make Replevins and deliverance of Distresses, in such manner and form as the said Sheriff, or his Under Sheriff, may and ought to do, upon pain that every Sheriff, for every Month that he shall lack all or any of such Deputies, shall forfeit, for every such offence, Five Pounds.

VI. And be it further enacted, That each and every Sheriff, or his and their Deputies respectively, shall, before he, they or any of them shall make such Replevin and deliverance, cause the person demanding or requiring such Replevin to enter into a Bond with Two responsible Sureties, payable to the Sheriff to whom or to whose Deputy application shall be made, which Bond shall be in double the value of the Goods distrained, (such value to be ascertained by the Oath of one or more credible Witness or Witnesses, not interested in the said Goods or Distress, which Oath the person granting such Replevin is hereby authorized and required to administer,) and with a condition thereunder, that the party so replevying shall and will appear at the sitting of the Supreme Court of Judicature then next to be holden for the County in which such Distress shall be made, and then and there prosecute his suit with effect and without delay, or answer the Defendant or Defendants in Replevin to the amount of the appraised value of the Distress, with single costs only, if it shall be so adjudged; and the said Sheriff, or any of his Deputies as aforesaid, shall thereupon, on such security being entered into, issue a Warrant or Precept in the name of the said Sheriff, to such person or persons as he or they shall appoint, commanding them that without delay they replevy the said Cattle, Goods or Chattels, and immediately summon the party distraining or detaining the same to appear at the sitting of the said Supreme Court of Judicature then next to be holden in the Coun-

ty wherein such Distress was made, to answer the party so replevying upon his plaint, and to certify the same to the Sheriff of the said County, under the peril attending the neglect thereof: and the person to whom such Precept shall be issued shall, on receipt thereof, make Replevin, and summon the said person so distraining or detaining the said Cattle, Goods or Chattels, and certify the same according to the tenor and command of the said Warrant or Precept; and shall also, with all due diligence, deliver to the said Sheriff, or his Under Sheriff, the said Replevin Bond, who shall forthwith lodge the said Bond in the Clerk's Office of the said Court, together with a plaint in writing, according to the following form:—

Sheriff to lodge Replevin Bond in Clerk of the Court's Office, together with a Plaint in writing.

County)
 To wit. } *A. B. Yeoman*, complains of
C. D. of } of a plea of taking and unjustly
 detaining his Cattle, Goods and Chattels, to wit,
 &c. and also found pledges as well to prosecute
 his suit with effect, as to answer the said *C. D.*
 to the amount of the appraised value of the said
 Goods and Chattels, with costs, if it shall be so
 adjudged by law, to wit, *G. H.* of and *J.*
K. of

Form of Plaint.

L. M. Sheriff.

And every or any Sheriff, or any of his Deputies to be appointed as aforesaid, who shall make default in performing the duties respectively by this clause enacted, shall, for each and every offence, forfeit and pay the sum of Five Pounds.

Penalty on Sheriff making default in the premises.

VII. And be it further enacted, That immediately upon the entry of any plaint and lodging of the Replevin Bond, in manner herein-before directed, the said Court shall and may duly entertain and proceed upon the said Plaint, and cause the said Bond afterwards, if the same shall be forfeited, to be assigned by the Sheriff to the

On entry of plaint, &c. Court may proceed, and if bond be forfeited, it may be assigned by Sheriff to avowant on request, who may sue for the same.

avowant or person making cognizance in such Replevin on his request, who may sue for the same in like manner as Bail Bonds are now sued for ; and all Writs which may afterwards be issued in such Replevin suit, shall issue out of and under the seal of the said Court, which shall direct and regulate the proceedings in such suit or suits respectively, according to such rules and practice as the said Court shall or may appoint, and give final judgment in such suit or suits respectively, if necessary.

Forfeitures under this Act, how to be recovered & applied.

VIII. And be it further enacted, That all fines and forfeitures which may hereafter be incurred under this Act, shall and may be recovered, with costs, in the said Supreme Court of Judicature, by Bill, Plaint or Information—one half whereof shall be paid to the Treasurer of this Island, to and for the use of His Majesty's Government thereof, and the other half to such person as may sue for the same.

Mode of proceeding in Supreme Court in Replevin by Plaintiff.

IX. And be it further enacted, That it shall and may be lawful for the Plaintiff to declare in Replevin, within One Month previous to the sitting of the said Court next after the date of the said Plaint herein-before mentioned, and to proceed to issue and to trial according to the usual and accustomed practice of the said Supreme Court in other cases ; and that in the like manner, it shall and may be lawful for the Defendant, within a like period previous to the then next sitting of the said Court, after the date of the said Plaint, to file his avowry, and to demand of the Plaintiff that he should plead thereto, within the time and in the manner usually practised in the said Supreme Court ; and that the said avowant shall be held and deemed in that case as if he were a Plaintiff in the cause, and his avowry a declaration, and subject to such rules as the Court hath already made as to the mode and time

Mode of proceeding by Defendant.

1 W. 4, c. 13, s. 2.

of pleading in other causes, or may hereafter make under the authority of this Act in cases of Replevin.

CAP. VII.

An Act to make more effectual provision for preventing the spreading of Infectious Distempers within this Island.

[Passed 10th April, 1835.]

Continued by 7 W. 4, c. 5, & 4 Vic. c. 3.
Repealed by 11 Vic. c. 12.

CAP. VIII.

An Act for further explaining and amending the Act for regulating the laying out and altering of Highways, and for providing a mode of obtaining compensation for those who may thereby be injured, and to cause those who are benefited thereby to contribute towards their formation.

[Passed 10th April, 1835.]

See note to 10 G 4, c. 10 for other Acts in amendment.

Repealed by 14 Vic. c. 1.

* * * The provisions of this Act may affect Titles to Lands, but are omitted pursuant to Act 12 Vic. c. 23.

CAP. IX.

An Act relating to Marriages.

[Passed 10th April, 1835.]

Disallowed by His Majesty.

CAP. X.

An Act for establishing a Court of Divorce in this Island, and for repealing a certain Act therein mentioned.

[Passed 10th April, 1835.]

WHEREAS it is necessary, in order to the keeping up of a decent and regular So-

All Suits concerning Marriage and Divorce to be determined by Lt. Governor & Council, who are constituted a Court for that purpose.

Proviso.
Nothing in this Act to controul the rights of any other Court, and no sentence of Court of Lt. Governor & Council to affect the right of action of any person.

tiety, that the matrimonial union be protected, and that a Court be constituted for cases of Divorce and Alimony: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the publication hereof, all causes, suits, controversies, matters and questions touching and concerning Marriage and Contracts of Marriage, and Divorce, as well from the bond of Matrimony as divorce and separation from bed and board, and Alimony, shall and may be heard and determined by and before the Lieutenant Governor or other Administrator of the Government, and His Majesty's Council; and that the Lieutenant Governor or other Administrator of the Government, and Council aforesaid, or any five or more of the said Council, together with the Lieutenant Governor, or other Administrator of the Government, as President, be, and they are hereby constituted, appointed and established a Court of Judicature in the matters and premises aforesaid, with full authority, power and jurisdiction in the same: Provided, and it is hereby declared, that nothing herein contained shall deprive, diminish, control, obstruct or abridge, or be construed, deemed, or extended to deprive, diminish, control, obstruct or abridge, in any manner, the rights, powers, authority, judicature or jurisdiction of the Court of Chancery, or of the Supreme Court of Judicature, or of any inferior Court of this Island, in and touching the matters and premises aforesaid, or of any of them; and that no sentence, decree, judgment or proceeding of the said Court of Lieutenant Governor or other Administrator of the Government and Council, in any information, prosecution, suit or process, touching and concerning any Marriage or Contract of Marriage, or Divorce, or Alimony, shall take away, annul, bar, suspend, or in anywise alter or affect the right of action of any person or persons for any injury or damage sustained for or by reason of any breach of any covenant or contract of Marriage.

II. And be it further enacted, That the said Court of the Lieutenant Governor, or other Administrator of the Government, and Council, for the purposes and causes herein mentioned, shall commence and be held on the second *Monday* in *May*, in each and every year, with power to adjourn from time to time.

Times of holding Court of Lieut. Governor and Council.

III. And whereas the arduous affairs of Government may render it impossible for the Lieutenant Governor, or other Administrator of the Government, at all times to preside in person in the said Court: Be it therefore enacted, That it shall and may be lawful for the Lieutenant Governor, or other Administrator of the Government, by Warrant or Commission, under his Hand and Seal of this Island, to depute, constitute and appoint the Chief Justice of the Supreme Court of Judicature to preside in his place and stead in the said Court of the Lieutenant Governor, or other Administrator of the Government, and Council, and to have, hold and exercise all the powers, privileges, authority and jurisdiction as are hereby given and granted to the Lieutenant Governor, or other Administrator of the Government, in the same Court, in all causes, matters and things therein cognizable by this Act.

Lt. Governor may appoint Chief Justice to preside in his stead.

IV. And be it further enacted, That the causes of Divorce from the bond of Matrimony, and of dissolving and annulling Marriage, are and shall be Frigidity or Impotency, Adultery, and Consanguinity within the degrees prohibited in and by an Act of Parliament made in the Thirty-second year of the Reign of King *Henry* the Eighth, intituled *An Act for Marriages to stand, notwithstanding Pre-contracts*, and no other causes whatsoever.

Causes of Divorce.

V. Provided always, and be it further enacted, That in case of a sentence of Divorce from the Bond of Matrimony as aforesaid, the issue of such

Proviso.

In case of Divorce, the issue.

not to be bastardized, nor the wife barred of dower, nor husband deprived of tenancy, unless by sentence.

Marriage shall not in any case be bastardized, or in any way prejudiced or affected with any disability thereby: Provided also, that the Wife in such case shall not be thereby barred of her Dower, or the Husband be deprived of any Tenancy by the Curtesy of England, unless it shall be so expressly adjudged and determined in and by such Sentence of Divorce.

Repeals 3 W. 4, c. 22, for establishing Court of Divorce.

VI. And be it further enacted, That an Act of the General Assembly of this Island, made and passed in the Third year of the Reign of His present Majesty, intituled *An Act for establishing a Court of Divorce, and for preventing and punishing Incest, Adultery and Fornication*, and every matter, clause and thing therein contained, shall be and the same is hereby repealed.

Suspending Clause.

Provided always, That nothing herein contained shall have any force or effect until His Majesty's pleasure therein shall be known.

** This Act received the Royal Allowance on the 28th April 1836, and the notification thereof was published in the *Royal Gazette Newspaper* of this Island, on the 7th June, 1836.

CAP. XI.

For Acts relating to Treasury Notes, see note to 5 G. 4, c. 18.

An Act to amend and render perpetual certain Laws now in force relating to Treasury Notes.

[Passed 10th April, 1835.]

WHEREAS an Act was passed in the Fifth year of the Reign of His late Majesty King George the Fourth, intituled *An Act to empower His Excellency the Lieutenant Governor, or Commander in Chief for the time being, to appoint Commissioners to issue Treasury Notes* and another Act was passed in the Sixth year of the Reign of His said late Majesty King George the Fourth, intituled *An Act to authorize the*

Commissioners named and appointed under an Act made and passed in the Fifth year of the Reign of His present Majesty, intituled 'An Act to empower His Excellency the Lieutenant Governor, or Commander in Chief for the time being, to appoint Commissioners to issue Treasury Notes,' to issue Notes of the value of Ten Shillings each—and which Acts, by an Act passed in the Ninth year of His said late Majesty's Reign, were continued for three years, and by another Act passed in the Eleventh year of His said late Majesty's Reign were further continued, and are in force until the Twenty-eighth day of April, One thousand Eight hundred and Thirty-five; and whereas an Act was also passed in the Eleventh year of His said late Majesty's Reign, intituled *An Act to authorize a further issue of Treasury Notes, and to continue an Act intituled 'An Act to revive and continue two certain Acts therein mentioned,'* and another Act was passed in the First year of the Reign of His present Majesty, intituled *An Act to authorize a further issue of Treasury Notes*—and which two last mentioned Acts are also in force to the Twenty-eighth day of April One thousand Eight hundred and Thirty-five: And whereas it is deemed expedient that the said recited Acts should be rendered perpetual—Be it enacted, by the Lieutenant Governor, Council and Assembly, That the said Act intituled *An Act to empower His Excellency the Lieutenant Governor, or Commander in Chief for the time being, to appoint Commissioners to issue Treasury Notes;* and the said Act intituled *An Act to authorize the Commissioners named and appointed under an Act made and passed in the Fifth year of the Reign of His present Majesty, intituled 'An Act to empower His Excellency the Lieutenant Governor or Commander in Chief for the time being, to appoint Commissioners to issue Treasury Notes,' to issue Notes of the value of Ten Shillings each;* and the said Act intituled *An Act to authorize a*

Treasury Note
Act of 5 G. 4, c.
18.

And Treasury
Note Act of 6 G.
4, c. 12.

And Treasury
Note Act of
11 G. 4, c. 16.

And also Treas-
ury Note Act of
1 W. 4, c. 15.

Rendered per-
petual.

further issue of Treasury Notes, and to continue an Act intituled 'An Act to revive and continue two certain Acts therein mentioned;' and the said Act intituled *An Act to authorize a further issue of Treasury Notes*, be, and the same are hereby respectively made and rendered perpetual.

Torn and defaced
Notes received at
the Treasury may
be cancelled, and
replaced with
others of the
same description.

II. And be it further enacted, That when and so often as any Treasury Notes already received by the Public Treasurer of this Island, or which may hereafter be paid in and received by him, shall appear to be so much worn out or defaced as to be unfit for further circulation, it shall and may be lawful for the said Treasurer, and the Commissioners, to cancel and destroy such Notes, and to replace the same by new Notes of the same description and value as those destroyed.

CAP. XII.

Continued by 3
Vic. c. 13, and
8 Vic. c. 8.
Expired.

An Act to prevent Hawkers and Pedlars travelling and selling within this Colony without Licence.

[Passed 10th April, 1835.]

CAP. XIII.

An Act to authorize the sale of Lands in this Island, reserved as Sites for Churches and for Glebe and School Lands.

[Passed 10th April, 1835.]

WHEREAS in each of the Sixty-seven Townships into which this Island was originally divided and granted, a tract of One hundred Acres of Land was reserved to His Majesty, His Heirs and Successors, for the site of a Church, and as a Glebe for a Minister of the Gospel, and Thirty Acres of Land for a School-

master: And whereas, by a Despatch from the Right Honourable *Thomas Spring Rice*, His Majesty's Principal Secretary of State for the Colonial Department, to the Lieutenant Governor of this Island, His Majesty has been pleased to direct the Sale of such Reserves: And whereas such sale will tend much to the benefit and improvement of this Colony, and it is deemed necessary to make Legislative provision as to the mode of conducting such Sales, and giving Titles to the Lands: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That within One Calendar Month after notice shall be received in this Island of the Royal Assent having been given to this Act, the Lieutenant Governor of this Island, or other Administrator of the Government thereof, shall and he is hereby authorized and required to appoint Three Commissioners, one residing in each County within this Island, whose duty it shall be to sell and dispose of the said Glebe and School Lands, and give Titles thereto in manner herein-after mentioned (that is to say): the said Commissioners shall, and they are hereby required, within One Calendar Month after having accepted of their appointments, to cause an Advertisement to be inserted in any Newspaper or Newspapers that may at the time be printed in this Island, setting forth the times and places when and where the said reserved Lands will be sold, and shall also post Handbills to the same effect in as many public places within this Island as to the said Commissioners shall appear proper; and the said Lands shall be sold at Public Auction to the highest bidder, in such quantities in each Lot, not exceeding one plot of One hundred and thirty Acres, as to the said Commissioners shall appear most advantageous, and likely to bring the highest and best price; and such Sales shall take place at the Court House in the County wherein the Lands lie or are situate; and shall be so advertised as aforesaid a time not exceeding Six

Within one month after His Majesty's assent to this Act shall be received, Lt. Governor, &c. to appoint 3 Commissioners in each County, to sell Glebe and School Lands.

Duty of Commissioners.

Places of Sale of Lands.

Notice to be given of such Sale.

Calendar Months, nor less than Three Calendar Months, at the discretion of the said Commissioners.

Reserves the rights of persons legally in possession of Glebe and School Lands.

II. And be it further enacted, That where any such reserved Lands shall be in the possession or occupation of any person or persons under or by virtue of any written Agreement or Indenture of Lease or other Title lawfully obtained from a Conservator of Glebe Lands within this Island, duly appointed, such Tenant or Occupier shall not be disturbed in his possession, but shall attorn to the purchaser or purchasers of such Lands, from the time when such purchaser's title shall accrue, on pain of being treated as a Trespasser by such purchaser after he shall have refused so to do, and shall have received notice in writing of such purchaser's Title being registered in the office for Registry of Deeds in this Island.

Commissioners to execute Deeds to purchasers.

III. And be it further enacted, That the said Commissioners shall, upon receiving the price of the Land sold to any purchaser or purchasers, execute to him or them a Deed of Conveyance of the same, in the form set forth in the Schedule annexed to this Act, which Deed shall be good and valid, to vest in such purchaser a Title in fee simple to the Land thereby conveyed; and the Commissioners shall charge Ten Shillings, and no more, for such Deed; and if any purchaser shall have bought several Lots or Parcels of such reserved Lands, he shall have the same conveyed to him in one Deed, if he shall so desire, and the sum of Two Shillings, and no more, shall be added to the charge for the Deed for each Lot inserted therein after the first; and such Commissioners shall be jointly entitled to receive out of the proceeds of such Sales *Three per centum* on all Monies received and paid over by them under and by virtue of this Act; and before they enter upon the duties of their office, each Commissioner shall give security to His Majesty, His

Fee for Deeds.

Remuneration to Commissioners.

Commissioners to give security

Heirs and Successors, in the sum of Five hundred Pounds, for the faithful discharge of the duties of his office; and such Commissioners shall also be entitled to receive Four-pence *per* mile for every mile they shall necessarily have to travel in the performance of their duties under this Act.

in £500 for faithful discharge of their duty.

IV. And be it further enacted, That within Fourteen days after such Commissioners shall have received any Monies arising from such Sales, they shall pay the same over to the public Treasurer of this Island, who shall give a receipt for the same, if required; and all such Monies as may arise by or from such Sales, shall be appropriated for the purpose of promoting general Education within this Island, in such manner and under such regulations as His Majesty, His Heirs or Successors, may hereafter be pleased to prescribe or command.

Commissioners, within 14 days after receiving Monies, to hand the same to Treasurer.

Appropriation of such Monies.

V. And be it further enacted, That in all places in this Act where the Commissioners are mentioned, the major part or the whole may act; and the Administrator of the Government for the time being is hereby authorized to appoint one or more Commissioners as often as vacancies may occur, so as to keep the number of three Commissioners in being, until the objects to be accomplished by this Act are executed.

Major part of Commissioners may act.

Vacancies, how filled up.

VI. And be it further enacted, That nothing in this Act contained shall have any force or effect until His Majesty's pleasure thereon shall be known.

Suspending Clause.

** This Act received the Royal Allowance on the 28th April, 1836, and the notification thereof was published in the *Royal Gazette* Newspaper of this Island on the 7th June, 1836.

SCHEDULE to which this Act refers.

Form of Convey-
ance from Com-
missioners.

To all to whom these presents shall come, greeting:

KNOW ye, that we *A. B.*, *C. D.* and *E. F.* of Esquires, Commissioners named in and appointed by an Act of the General Assembly of *Prince Edward Island*, passed in the Fifth year of the Reign of His Majesty King *William* the Fourth, intituled *An Act to authorize the Sale of Lands in this Island, reserved as Sites for Churches and for Glebe and School Lands*, by virtue of the power and authority given unto us by the said Act, and in consideration of the sum of _____ of lawful Money of the currency of the said Island, in hand paid to us before the execution of these presents, by *G. H.* of _____ the receipt whereof is hereby acknowledged, have granted, bargained, sold and confirmed, and by these presents do grant, bargain, sell and confirm unto the said *G. H.* all, &c. [*here describe the Premises*] together with all hereditaments and appurtenances thereunto belonging or appertaining—which said Land hath been sold by us at Public Auction to the said *G. H.*, pursuant to the said Act of Assembly—to have and to hold the said Land, hereditaments and premises hereby intended to be conveyed unto the said *G. H.*, his Heirs and Assigns for ever [*if the Land, or any part of it, is let, as mentioned in the Act, here insert that it is sold subject to such lease*]. In witness whereof we have hereunto set our Hands and Seals, this _____ day of _____ in the year of our Lord 183

A. B. (L. S.)

C. D. (L. S.)

E. F. (L. S.)

Sealed and delivered in }
the presence of }
J. K.
L. M.

CAP. XIV.

An Act to provide for the payment of Interest on Warrants which are not paid at the Treasury on demand.

Continued by 7
W. 4, c. 17, and
1 Vic. c. 3.
Expired.

[Passed 10th *April*, 1835.]



ANNO QUINTO

GULIELMI IV. REGIS.

At the General Assembly of His Majesty's 1835.
Island of *Prince Edward*, begun and holden at *Charlottetown*, the Twenty-sixth day of *January*, Anno Domini 1835, in the Fifth Year of the Reign of our Sovereign Lord WILLIAM the Fourth, by the Grace of God, of the United Kingdom of *Great Britain*, and *Ireland*, King, Defender of the Faith:

Sir
A. W. YOUNG,
Knight,
Lt. Governor.

E. J. JARVIS,
President.

G. DALRYMPLE,
Speaker.

And from thence continued, by Prorogation, to the Twenty-ninth day of *April*, 1835, and in the said Fifth year of His Majesty's Reign, being the Second Session of the Fourteenth General Assembly convened in the said Island.

CAP. I.

An Act to continue Four several Acts therein mentioned.

[Passed 6th May, 1835.]

* * * This Act continued 9 Geo. 4, cap. 3; 10 Geo. 4, cap. 2; 11 Geo. 4, cap. 11, and 2 Will. 4, cap. 6, for one year, and to the end of the then next Session.

CAP. II.

Continued by 6
W. 4, c. 1.
Expired.

An Act for the increase of the Revenue in this
Island.

[Passed 6th *May*, 1835.]

CAP. III.

Executed.

An Act for appropriating certain Monies therein
mentioned, for the Service of the Year of our
Lord One thousand Eight hundred and Thirty-
five.

[Passed 6th *May*, 1835.]

ANNO SEXTO

GULIELMI IV. REGIS.

At the General Assembly of His Majesty's 1836.
Island of *Prince Edward*, begun and holden at *Charlottetown*, the Twenty-sixth Day of *January*, *Anno Domini* 1835, in the Fifth Year of the Reign of our Sovereign Lord WILLIAM the Fourth, by the Grace of God, of the United Kingdom of *Great Britain* and *Ireland*, King, Defender of the Faith :

GEO. WRIGHT,
President.

E. J. JARVIS,
President of
Council.

G. DALRYMPLE,
Speaker.

And from thence continued, by several Prorogations, to the Twenty-sixth Day of *January*, 1836, and in the Sixth Year of His said Majesty's Reign ; being the Third Session of the Fourteenth General Assembly convened in the said Island.

CAP. I.

An Act to continue for one Year, and to amend ^{Expired.}
an Act of the Fifth Year of His present Majesty, for the Increase of the Revenue in this Island.

[Passed 18th April, 1836.]

C A P. II.

Expired.

An Act to provide against Accidents by Fire, and for the improvement of Property at *Georgetown*.

[Passed 18th *April*, 1836.]

. This Act may affect Titles to Lands; but is omitted pursuant to directions of 12 Vic. c. 23.

C A P. III.

An Act to restrain the issue of certain Promissory Notes.

[Passed 18th *April*, 1836.]

Notes payable to Bearer,

to be transferable,

and Indorsee, holder or bearer,

WHEREAS divers Undertakings in writing, purporting to be Promissory Notes, for the payment of small Sums of Money, on demand, to the Bearer thereof, and declared or intended to be negociable and transferable by delivery only, or with or without Indorsement thereof, and made payable in Treasury Notes, have been issued and put in circulation in this Island by certain individuals: And whereas much public embarrassment and inconvenience is likely to arise in consequence thereof: Be it therefore enacted, by the President, Council and Assembly, That from henceforth, every such Undertaking in writing, already issued, or which may hereafter be issued, by any person or persons, shall be, and is hereby made and declared to be, negociable and transferable; and the Money therein mentioned shall vest in and be payable to the Indorsee, Holder or Bearer thereof; and if the same shall not be paid to such Indorsee, Holder or Bearer, by the Issuer or Issuers thereof, when payment thereof shall be demanded, according to the tenor of such Undertaking in writing, every such Indorsee, Holder or Bearer of any such Undertaking in writing shall and may

sue for and recover the amount therein expressed, as if the same were a Promissory Note, and were made absolutely payable in gold or silver money —any Law or Usage to the contrary notwithstanding.

may recover the amount therein expressed.

II. And be it enacted, That from and after the passing hereof, if any person or persons whosoever shall make, sign and issue, or re-issue, any Promissory Note in writing, payable on demand, or at sight, or at a future day, to any real or fictitious person, or to the Indorsee, Holder or Bearer thereof, for any sum of money less than Five Pounds, every such person or persons shall, for each and every such Undertaking in writing or Promissory Note so made, signed and issued, or re-issued, forfeit and pay a Penalty of Ten Pounds: Provided, that nothing herein contained shall extend, or be construed to extend, to prevent any person or persons actually indebted to another in any sum of Money less than Five Pounds, from making and signing to such Creditor a Promissory Note or Undertaking in writing for the amount of such debt so being under Five Pounds.

Any person issuing or re-issuing any Promissory Note, payable on demand, or at a future day, for any less sum than £5.

to forfeit £10.

Not to prevent any person actually indebted to another, from making to such creditor a promissory note for less than £5.

III. And be it enacted, That the Penalty hereby imposed shall and may be sued for and recovered by any person who shall prosecute therefor, and in the same manner as if the same were a debt due to himself, and shall be adjudged to him, with Costs of Suit; and one Moiety of the said Penalty, when recovered, shall be to the use of the Prosecutor, and the other Moiety shall be paid into the Treasury of this Island, to and for the use of His Majesty's Government.

Mode of recovery of penalties.

Appropriation of Penalties.

CAP. IV.

Repealed by 7
Vic. c. 2

An Act in further amendment of an Act of the Second Year of His present Majesty, for consolidating and amending the Acts relating to Small Debts.

[Passed 18th April, 1836.]

CAP. V.

Continued for 5
years by 3 Vic.
c. 17.
Expired.

An Act to amend the Act for the Summary Trial of Common Assaults and Batteries.

[Passed 18th April, 1836.]

CAP. VI.

Executed.

An Act to authorize the closing of a certain Road within the Royalty of *Princetown*.

[Passed 18th April, 1836.]

WHEREAS the Road leading from *Robert Stewart's* to *Archibald Woodside's*, through the Royalty of *Princetown*, and known as part of the "*old Charlottetown Road*," is no longer required for public use: Be it therefore enacted, by the President, Council and Assembly, That from and after the passing of this Act, it shall and may be lawful for the Commissioner of Roads for the said Town and Royalty, and he is hereby required, to direct and order the closing of the said part of the "*old Charlottetown Road*."

Commissioner of
Roads for *Princetown*
& Royalty,
to close a certain
Road in said
Royalty.

Proprietors of
Land adjoining
said Road may
inclose and occu-
py the same.

II. And be it further enacted, That the Proprietor or Proprietors of the Land through which the said Road passes, are hereby authorized to inclose and occupy the same—any law or usage to the contrary notwithstanding.

CAP. VII.

An Act to prevent persons indecently Bathing in the Waters contiguous to *Charlottetown*.

[Passed 18th April, 1836.]

WHEREAS many persons are in the habit of bathing, in a state of nudity, in places adjacent to the Town and Wharves of *Charlottetown*, in the open day, and which practice is repugnant to the rules of morality and decorum; Be it therefore enacted, by the President, Council and Assembly, That it shall and may be lawful to and for any Justice of the Peace, upon view of the fact, or on complaint thereof to him made, on oath, by one or more credible Witness or Witnesses, of any person or persons bathing, in an unclothed state, and exposed to public view, in the open day, in those parts of the Rivers between the *Four Gun Battery*, on the West, and the Creek known as the *Big Marsh Creek*, adjoining *Charlottetown*, on the East, to order any Constable or Constables to apprehend and bring such person before him; and such Justice shall hear such charge summarily; and if the offence shall be proved to the satisfaction of said Justice, shall fine such offender, for the first offence, in a sum not exceeding Five Shillings, together with Costs superadded; and for a second or subsequent offence, in a sum not exceeding Ten Shillings, with Costs as aforesaid; and in default of payment of either of said Fines and Costs, to commit such offender to the public Jail of *Charlottetown*, for a period not exceeding Ten Days, as to the said Justice shall seem meet—and every Constable of *Charlottetown* is hereby authorized and required to apprehend every person whom they shall see offending against this Act, without any Warrant for that purpose, and to take such persons before any Justice of the Peace, to be dealt with in

Persons bathing! in an unclothed state, & exposed to view in open day, between the *Four Gun Battery* on the West, and the *Big Marsh Creek* on the East, adjoining *Charlottetown*, may be apprehended by order of Justice of the Peace.

Penalty against persons so offending.

Constables may apprehend any persons so offending without a Warrant, and carry offenders before a Justice.

Not to prevent children under 8 years of age from bathing within said limits.

manner aforesaid : Provided always, that nothing herein contained shall prevent children, under the age of Eight Years, from bathing^r as heretofore within the aforesaid limits.

Appropriation of Fines.

II. And be it further enacted, That all fines recovered under this Act shall be paid into His Majesty's Treasury, and appropriated to such general purposes as may be hereafter enacted.

CAP. VIII.

Expired.

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

[Passed 18th April, 1836.]

CAP. IX.

Repealed by 7 Vic. c. 8.

An Act to suspend an Act made and passed in the Twenty-sixth year of the Reign of His late Majesty King *George the Third*, intituled *An Act for the Relief of Insolvent Debtors*, and to make other provisions in lieu thereof.

[Passed 18th April, 1836.]

CAP. X.

Continued by 3 Vic. c. 4. Expired.

An Act to impose a Tax on Dogs, with certain exceptions, and relating to other matters connected with them.

[Passed 18th April, 1836.]

CAP. XI.

Expired.

An Act to provide for the conveyance of the Mails by means of Steam Navigation, and to repeal the Acts heretofore passed for that purpose.

[Passed 18th April, 1836.]

CAP. XII.

An Act for the appointment of a Commissioner, to ascertain and determine the amount to be paid by this Island towards the support and maintenance of Light Houses.

For Acts relating to Light Houses, sec 8 Vic. c. 3, & 11 Vic. c. 11.

[Passed 18th April, 1836.]

WHEREAS it is expedient to accept the liberal offer of His Majesty's Government, contained in the Despatch from the Right Honorable the Secretary of State for the Colonial Department, dated *Downing Street*, the Fourth day of *November*, One thousand Eight hundred and Thirty-five, to erect Light Houses on the Islands of *Scaturi* and *St. Paul*, provided the Colonies whose Trade is to be benefited by the measure will engage to provide for the future maintenance of the same: Be it therefore enacted, by the President, Council and Assembly, That such person as may be appointed by the Administrator of the Government for the time being, shall be a Commissioner on the part of this Island, for the purpose of determining and deciding, jointly with the Commissioners who shall be appointed for the same purpose by the Provinces of *Lower Canada*, *Nova Scotia* and *New Brunswick*, with respect to the fittest sites on the said Islands for the proposed Light Houses, and the sums of Money required for the erection of the same, as well as for their future support after they shall have been erected; and also to determine under what management and control the yearly expenses of the said Light Houses ought to be placed, and to apportion the sums of Money which this Island ought to contribute annually towards the maintenance of the said Light Houses, according to the Tonnage of Vessels trading to or from this Province as compared to the Tonnage of Vessels trading to or from the other Provinces above mentioned, and to the benefit which each

Administrator of Government may appoint Commissioner for this Island to determine with Commissioners of Lower Canada, Nova Scotia and New Brunswick, the sites of Light Houses on St. Paul's and Scaturi Islands.

Duty of Commissioner.

of the said Provinces respectively may be expected to derive from the said Light Houses.

Allowance to
Commissioner.

Mode of payment
of Commissioner.

II. And be it enacted, That the reasonable disbursements made by the said Commissioner in performing the duties hereby assigned to him, provided the same do not exceed Fifty Pounds, may be paid to the said Commissioner by Warrant issued under the hand of the Administrator of the Government, by and with the advice of His Majesty's Council, out of any Moneys which now are or hereafter may be in the Treasury of this Island.

Duty of Commis-
sioner.

III. And be it enacted, That the said Commissioner shall lay a Report of his doings and proceedings under the authority of this Act before the Legislature of this Island, within the first Fifteen days of the Session next after the time when the business hereby assigned to him shall be brought to a close.

CAP. XIII.

Repealed by 11
Vic. c. 31.

An Act to amend the Law relating to the admission of Barristers, Attorneys and Solicitors; and to regulate the admission of Advocates and Proctors in the Courts of Vice Admiralty and Court of Probate in this Island.

[Passed 18th April, 1836.]

CAP. XIV.

Executed.

An Act to authorize the Sale of a Building heretofore used as an Episcopal Church in *Charlottetown*.

[Passed 13th April, 1836.]

WHEREAS a new Church hath been erected in *Charlottetown* by the Members of the

Episcopal Congregation, and the Pew Owners of the Building heretofore used as an Episcopal Church have prayed that an Act may be passed authorizing the sale of the said Building : Be it therefore enacted, by the President, Council and Assembly, that it shall and may be lawful for the Trustees named in the Grant of the site of the said Building heretofore used as a Church, or the major part of them, to sell and dispose of the said Building, by Public Auction, to the highest bidder, (giving at least Thirty Days notice of such Sale in the *Royal Gazette* Newspaper, published in *Charlottetown*.) and one condition of which Sale shall be, that the purchaser or purchasers shall, at his or their own expense, pull down, remove, take and carry away the same, and every part thereof, and fill up and level any inequalities that may be on the site thereof—and the said Trustees, after deducting all reasonable charges incurred by them in such Sale, shall divide the proceeds of the sale of the said Building among the persons owning Pews therein at the time of such Sale, according to their several and respective interests therein.

Authorizes the Sale of a building heretofore used as an Episcopal Church in Charlottetown.

Mode of Sale.

Condition of Sale.

Appropriation of proceeds of Sale.

II. And be it further enacted, That from and after such Sale, and removal of the said Building, the Site, Ground and Soil whereon the same is situate, together with the residue of the Ground and Soil described in the said original Grant, shall belong to, remain and be vested in His Majesty, His Heirs and Successors, in as full and ample a manner as if the said Grant had not been made.

Vests the Site &c. in the Crown.

CAP. XV.

An Act relating to the Abolition of Oaths in the United Kingdom of *Great Britain* and *Ireland*, and other places out of this Island.

[Passed 18th *April*, 1836.]

WHEREAS by the Laws of this Island it is required that proof of the Execution of all Deeds, Powers of Attorney, and other Writings relating to Lands, Tenements or Hereditaments, situate in this Island, if executed out of the same, shall be made on the Oath of some Witness to the Execution thereof, or on acknowledgment of an executing party, before the same shall be registered in this Island; and also that Arrests for Debt must in all cases be grounded on an Affidavit of the cause of action—except that in every case where an Affidavit is required as above mentioned, the Affirmation of a *Quaker* shall have the same effect: And whereas by an Act of the Imperial Parliament of the United Kingdom of *Great Britain* and *Ireland*, made and passed in the Sixth year of the Reign of His present Majesty, intituled *An Act to repeal an Act of the then present Session of Parliament, intituled, 'An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire suppression of voluntary and extra-judicial Oaths and Affidavits, and to make other provisions for the Abolition of unnecessary Oaths,*' the Declaration substituted in the said Act is made equivalent to an Oath in certain cases within the said United Kingdom, and it is necessary that such Declaration or any other substitution for an Oath, should have the effect of an Oath in the cases herein-before recited, with respect to the Registry of Deeds and other Writings, and Arrests for Debt, when made in any place out of this Island, where the same shall in

3 W. 4, c. 10,
sec. 4.

such place at the time they are made have by Law the force and effect of an Oath—Be it therefore declared and enacted, by the President, Council and Assembly, that the Declaration in lieu of an Oath mentioned in the said recited Act, or any other substitution for an Oath, shall, for the purpose of proving Deeds and Writings at the Offices for Registry thereof in this Island, or for authorizing an Arrest for Debt within the same, or for any other purpose where an Oath was heretofore required to be made out of this Island before the same could be lawfully done, and when the same shall be made in any place out of this Colony where such Declaration or substitution shall at the time it is made have the force and effect of an Oath, then and in every such case, such Declaration or other substitution for an Oath shall in this Island be equivalent to an Oath or Affidavit duly made and sworn in any such place out of this Island—any thing contained in the Laws of this Island to the contrary notwithstanding.

Declaration in lieu of Oath made in Great Britain or Ireland under Act of Imperial Parliament, to be as effectual for the purpose of Registering Deeds, &c. in this Island, as if Oath had been made as heretofore in such cases.

C A P. X V I.

An Act concerning the Registration of certain Original Grants or Patents of Lots or Townships of Land in this Island. 3 W 4, c. 10.

[Passed 18th April, 1836.]

WHEREAS many of the Original Grants or Patents of the different Lots or Townships of Land within this Island are enregistered in the Books of the Office of Secretary and Registrar in the Province of *Nova Scotia*, of which Province this Island at the time of such Registration formed a part; and whereas a bound Volume containing authenticated Copies of such Registration, together with an Index to the same, has been furnished to the Office of Secretary and Registrar of this Island, from that of the Province of *Nova*

Copies of original Grants of Lots or Townships in this Island registered in Nova Scotia, now in possession of Registrar of this Colony, to be deemed part of the Registry thereof.

Scotia, which authenticated Copies it is desirable should be made to form part of the Registry of this Island : Be it therefore enacted, by the President, Council and Assembly that the authenticated Copies of the Original Grants or Letters Patent of the several Lots or Townships of Land in this Island, furnished by the Secretary and Registrar of the Province of *Nova Scotia*, and certified by him, and now in the custody and possession of the Secretary and Registrar of this Island, shall be deemed and taken as part of the Registry of this Island.

Such copies to be received in evidence in all cases wherein authenticated copies can be read.

II. And be it further enacted, That Copies of such Grants or Letters Patent, duly certified by the Secretary and Registrar of this Island, shall be received and read in evidence in all Courts of Law or Equity in this Island, in all cases wherein authenticated Copies can or may be read, and shall have the same force and effect as if the said Original Grants or Letters Patent had been from the first enregistered in the Books of the Registry kept by the Secretary and Registrar of this Island—any Law, usage or custom to the contrary notwithstanding.

CAP. XVII.

An Act relating to the Office of Administrator of the Government for the time being.

[Passed 18th April, 1836.]

WHEREAS doubts have arisen whether the power and authority vested in the Lieutenant Governor, under and by virtue of various Acts of the General Assembly of this Island, extend to any other person who may be in the Administration of the Government for the time being : Be it therefore enacted, by the President, Council and Assembly, That in all cases where any power or authority is or may be given to the

Any power given to Lieut. Governor in any Act of

Lieutenant Governor by any Act or Acts of the General Assembly of this Island, the same shall be construed to extend to the person who may be in the Administration of the Government for the time being.

this Island, to be construed to extend to Officer administering the Government for the time being.

CAP. XVIII.

An Act to continue for a limited period an Act passed in the First year of the Reign of His present Majesty, intituled *An Act to establish a Reward for the destruction of Bears and Loupcerviers.* Expired.

[Passed 18th April, 1836.]

CAP. XIX.

An Act to alter and amend the Act relating to Licences for retailing Strong and Spirituous Liquors. Repealed by 10 Vic. c. 11.

[Passed 18th April, 1836.]

CAP. XX.

An Act to regulate the manner of proceeding upon contested Elections of Members to serve in the General Assembly. Continued by 3 Vic. c. 25. Expired.

[Passed 18th April, 1836.]

CAP. XXI.

An Act to improve the Administration of Justice in Criminal Cases.

[Passed 18th April, 1836.]

WHEREAS it is deemed expedient to improve the Administration of Justice in

Who may be admitted to bail on a charge of Felony, and who may not.

Criminal Cases in this Island ; Be it enacted, by the President, Council and Assembly, That where any person shall be taken on a charge of Felony, or suspicion of Felony, before one or more Justice or Justices of the Peace, and the charge shall be supported by positive and credible evidence of the fact, or by such evidence as, if not explained or contradicted, shall in the opinion of the Justice or Justices, raise a strong presumption of the guilt of the person charged, such person shall be committed to Prison by such Justice or Justices, in the manner herein-after mentioned; but where the evidence given in support of the charge shall, in the opinion of such Justice or Justices, not be such as to raise a strong presumption of the guilt of the person charged, and to require his or her committal, or such evidence shall be adduced on behalf of the person charged, as shall, in his or their opinion, weaken the presumption of his or her guilt, but there shall notwithstanding appear to him or them, in either of such cases, to be sufficient ground for judicial inquiry into his or her guilt, the person charged shall be admitted to Bail by such Justice or Justices, in the manner hereinafter mentioned: Provided always, that nothing herein contained shall be construed to require any such Justice or Justices to hear evidence on behalf of any person so charged as aforesaid, unless it shall appear to him or them to be meet, and conducive to the ends of Justice to hear the same.

Before any Person charged with Felony, &c. shall be Bailed or Committed, the Justices shall take down in writing the examination, &c. and bind Witnesses to appear at the Trial.

II. And be it further enacted, That such Justice or Justices, before he or they shall commit to Prison, or admit to Bail, any person arrested for Felony, or on suspicion of Felony, Misdemeanor, or suspicion thereof, shall take the Examination of such person, and the Information upon oath of those who shall know the facts and circumstances of the case; and shall put the same or so much thereof as shall be material, into writing, and shall certify such Bailment in wri-

ting ; and every such Justice shall have authority to bind, by Recognizance, all such persons as know or declare any thing material touching any such Felony, or suspicion of Felony, Misdemeanor, or suspicion thereof, to appear at the next Supreme Court, or Court of Oyer and Terminer and Jail Delivery, or Sessions of the Peace, at which the Trial thereof is intended to be, then and there to prosecute or give evidence against the party accused ; and such Justice or Justices respectively shall subscribe all such Examinations, Informations, Bailments and Recognizances, and deliver or transmit the same to the proper Officer of the Court in which the Trial is to be, before or at the opening of the Court.

Examination.
&c. to be delivered to the Court.

III. Provided always, and be it enacted, That any person charged with Felony, or suspicion of Felony, Misdemeanor, or suspicion thereof, may be admitted to Bail by order of the Supreme Court, or any one of the Judges of the same Court, without bringing the body of the person charged before such Court or Judge ; and such Court or Judge may order to be transmitted to them or him the Evidence taken before the Justice or Justices of the Peace against the person charged, for the purpose of considering an application for Bail, without a Writ of *Certiorari* being issued for that purpose ; and any Order for Bailment to be made by such Court or Judge, shall specify the number of Sureties and the amount in which Security is to be taken ; and Bailment by virtue of such order may be made by any Justice or Justices of the Peace of the County or place where the person charged may be in custody, which Justice or Justices shall require good and sufficient Bail, to the number and amount specified in the Order, and shall certify the Bailment in writing and subscribe the same, and deliver or transmit the same, together with

Supreme Court or any Judge thereof, may admit to Bail any person charged with Felony, &c. without bringing the body before Court or Judge.

the Order for Bailment, to the proper Officer of the Court in which the Trial is to be, before or at the opening of the Court.

Duty of Coroner.

IV. And be it enacted, That every Coroner upon any Inquisition taken before him, whereby any person shall be indicted for Manslaughter or Murder, or as an Accessary to Murder before the fact, shall put in writing the Evidence given to the Jury before him, or as much thereof as shall be material; and shall have authority to bind by Recognizance all such persons as know or declare any thing material touching the said Manslaughter or Murder, or the said offence of being Accessary to Murder, to appear at the next Supreme Court, or Court of Oyer and Terminer and Jail Delivery, at which the Trial is to be, then and there to prosecute or give evidence against the party charged; and every such Coroner shall certify and subscribe the same Evidence and all such Recognizances, and also the Inquisition before him taken, and shall deliver or transmit the same to the proper Officer of the Court in which the Trial is to be, before or at the opening of the Court.

Penalty on Justices & Coroners.

V. And be it enacted, That if any Justice or Coroner shall offend in any thing contrary to the true intent and meaning of these Provisions, the Court, to whose Officer any such Examination, Information, Evidence, Bailment, Recognizance, or Inquisition ought to have been delivered, shall, upon examination and proof of the offence in a summary manner, set such Fine upon every such Justice or Coroner as the Court shall think meet.

Felony to be tried in Supreme Court, or Court of Oyer and Terminer, except in cases where pow-

VI. And be it enacted, That every Felony shall be tried and determined in the Supreme Court, or Court of Oyer and Terminer and Jail Delivery, except in cases where power may be

specially given by Act or Statute to any other Court to try and determine any Felony.

er is given to other Courts by Statute.

VII. And for the more effectual prosecution of Accessories before the fact of Felony, Be it further enacted, that if any person shall counsel, procure or command any other person to commit any Felony, whether the same be a Felony at Common Law, or by virtue of any Statute or Statutes, Act or Acts of Assembly, made or to be made, the person so counselling, procuring or commanding shall be deemed guilty of Felony, and may be indicted and convicted, either as an Accessary before the fact to the principal Felony, together with the principal Felon, or after the conviction of the principal Felon, or may be indicted and convicted of a substantive Felony, whether the principal Felon shall or shall not have been previously convicted, or shall or shall not be amenable to Justice, and may be punished in the same manner as any Accessary before the fact to the same Felony, if convicted as an Accessary, may be punished; and the offence of the person so counselling, procuring or commanding, howsoever indicted, may be inquired of, tried, determined and punished by any Court which shall have jurisdiction to try the principal Felon, in the same manner as if such offence had been committed at the same place as the principal Felony, although such offence may have been committed either on the high seas, or at any place on land, whether within His Majesty's Dominions or without; and that in case the principal Felony shall have been committed within the body of any County, and the offence of counselling, procuring or commanding, shall have been committed within the body of any other County, the last mentioned offence may be inquired of, tried, determined and punished in either of such Counties: Provided always, that no person who shall be once duly tried for any such offence, whether as

Accessory before the fact may be tried as such, or as a substantive Felon, by any Court which has jurisdiction to try the principal Felon, although the offence be committed on the Seas or abroad.

If offences be committed in different Counties, Accessary may be tried in either.

an Accessary before the fact, or as for a substantive Felony, shall be liable to be again indicted or tried for the same offence.

Accessary after the fact may be tried by any Court which has jurisdiction to try the principal Felon.

VIII. And for the more effectual prosecution of Accessaries after the fact to Felony, Be it further enacted, that if any person shall become an Accessary after the fact to any Felony, whether the same be a Felony at Common Law, or by virtue of any Statute or Statutes, Act or Acts of Assembly, made or to be made, the offence of such person shall be deemed Felony, and may be inquired of, tried, determined and punished by any Court which shall have jurisdiction to try the principal Felon, in the same manner as if the act by reason whereof such person shall have become an Accessary had been committed at the same place as the principal Felony, although such act may have been committed either on the high seas, or at any place on land, whether within His Majesty's Dominions or without; and that in case the principal Felony shall have been committed within the body of any County, and the act by reason whereof any person shall have become Accessary shall have been committed within the body of any other County, the offence of such Accessary may be inquired of, tried, determined and punished in either of such Counties: Provided always, that no person who shall be once duly tried for any offence of being an Accessary, shall be liable to be again indicted or tried for the same offence.

If the offence be committed in different Counties, Accessary may be tried in either.

Accessary may be prosecuted after conviction of the Principal, though the Principal be not attainted.

IX. And in order that all Accessaries may be convicted and punished, in cases where the principal Felon is not attainted, Be it enacted, that if any principal offender shall be in any wise convicted of any Felony, it shall be lawful to proceed against any Accessary, either before or after the fact, in the same manner as if such principal Felon had been attainted thereof, notwithstanding such principal Felon shall die or be pardoned,

or otherwise delivered before Attainder; and every such Accessary shall suffer the same punishment, if he or she be in any wise convicted, as he or she should have suffered if the Principal had been attained.

X. And for the more effectual prosecution of offences committed near the Boundaries of Counties, or partly in one County and partly in another, or in places in respect to which it may be uncertain within which of two Counties they are situate—Be it enacted, that where any Felony or Misdemeanor shall be committed on the Boundary or Boundaries of two Counties, or within the distance of one mile from any such Boundary or Boundaries, or in any place or places with respect to which it may be uncertain within which of two Counties they may be situate, or where any Felony or Misdemeanor shall be begun in one County and completed in another, every such Felony or Misdemeanor may be dealt with, inquired of, tried, determined and punished in either of the said Counties, in the same manner as if it had been actually and wholly committed therein.

Offences committed on the Boundaries of Counties may be tried in either County.

XI. And for the more effectual prosecution of offences committed during Journeys from place to place, Be it enacted, that where any Felony or Misdemeanor shall be committed on any person, or on or in respect of any property in or upon any Coach, Waggon, Cart, Sleigh, Sled, or other Carriage whatever, employed in any journey, or shall be committed on any person, or on or in respect of any property on board any Vessel, Lighter, Boat or Canoe whatever, employed on any voyage or journey upon any navigable river, canal or inland navigation, or on or in respect of any property in, upon, or forming part of any Raft whatever, passing in or upon any such navigable river, canal or inland navigation, such Felony or Misdemeanor may be dealt

Offences committed during a journey or voyage may be tried in any County through which the Coach, &c. passed.

with, inquired of, tried, determined and punished in any County through any part whereof such Coach, Waggon, Cart, Sleigh, Sled, Carriage, Vessel, Lighter, Boat, Canoe or Raft shall have passed in the course of the journey, voyage or passage during which such Felony or Misdemeanor shall have been committed, in the same manner as if it had been actually committed in such County ; and in all cases where the side, centre, or other part of any highway, or the side, bank, centre, or other part of any such river, canal or navigation shall constitute the Boundary of any two Counties, such Felony or Misdemeanor may be dealt with, inquired of, tried, determined and punished in either of the said Counties, through or adjoining to or by the Boundary of any part whereof, such Coach, Waggon, Cart, Sleigh, Sled, Carriage, Vessel, Lighter, Boat, Canoe or Raft shall have passed in the course of the journey, voyage or passage during which such Felony or Misdemeanor shall have been committed, in the same manner as if it had been actually committed in such County.

In Indictments for offences committed on the property of Partners, it may be laid in any one Partner by name, and others.

XII. And in order to remove the difficulty of stating the names of all the owners of property in the case of partners, and other joint owners, Be it enacted, that in any Indictment or Information for any Felony or Misdemeanor, wherein it shall be requisite to state the ownership of any property whatsoever, whether real or personal, which shall belong to or be in the possession of more than one person, whether such persons be partners in trade, joint tenants, parceners or tenants in common, it shall be sufficient to name one of such persons, and to state such property to belong to the person so named, and another or others, as the case may be ; and whenever in any Indictment or Information for any Felony or Misdemeanor, it shall be necessary to mention for any purpose whatsoever any partners, joint tenants, parceners or tenants in common, it shall

be sufficient to describe them in the manner aforesaid—and this provision shall be construed to extend to all Joint Stock Companies and Trustees.

XIII. And with respect to the property of the Government of this Island or of Counties, Be it enacted, That in any Indictment or Information for any Felony or Misdemeanor committed in, upon, or with respect to any Bridge, Wharf, Court House, Jail, House of Correction, Infirmary, Asylum, or other Building, erected, or hereafter to be erected, or maintained in whole or in part at the expense of the said Government, or of any County, or on or with respect to any Goods or Chattels whatsoever, provided for, or at the expence of the said Government, or of any County, to be used for building, altering or repairing any Bridge, Wharf, Court House, or other such Building as aforesaid, or to be used in or with any such Bridge, Wharf, Court House or other Building, it shall be sufficient to state any such property, real or personal, to belong to the said Government, or to the Inhabitants of any such County, as the case may be; and it shall not be necessary to specify the names of any of such Inhabitants.

Property belonging to the Government, or to Counties, &c. may be laid in the Government or Inhabitants of the County.

XIV. And with respect to property under the management of Public Officers, Be it enacted, that in any Indictment or Information for any Felony or Misdemeanor committed on or with respect to any Building, or any Goods and Chattels, or any other property, real or personal, whatsoever, in the occupation of or under the superintendance, charge or management of any Public Officer or Commissioner whatsoever, or of any County or Parish Officer or Commissioner whatsoever, it shall be sufficient to state any such property to belong to the Officer or Officers, Commissioner or Commissioners, in whose occupation, or within or under whose superintendence,

Property under the management of public officers may be laid in the name of such officers.

charge or management such property shall be; and it shall not be necessary to specify the names of any of such Officers or Commissioners.

Indictment not to abate by dilatory plea of misnomer, &c.

XV. And for preventing abuses from dilatory Pleas, Be it enacted, that no Indictment or Information shall be abated by reason of any dilatory Plea of misnomer or want of addition, or of wrong addition, of the party offering such Plea, if the Court shall be satisfied by Affidavit or otherwise of the truth of such Plea; but in such case the Court shall forthwith cause the Indictment or Information to be amended, according to the truth, and shall call upon such party to plead thereto, and shall proceed as if no such dilatory Plea had been pleaded.

What defects shall not vitiate an Indictment after verdict or otherwise.

XVI. And that the punishment of offenders may be less frequently intercepted in consequence of technical niceties, Be it enacted, that no Judgment upon any Indictment or Information for any Felony or Misdemeanor, whether upon Demurrer or after Verdict or Outlawry, or by Confession, Default or otherwise, shall be given in favour of any Prisoner or Defendant, or stayed or reversed, for want of the averment of any matter unnecessary to be proved; nor for the omission of the words "as appears by the Record," or of the words "with force and arms," or of the words "against the Peace," nor for the insertion of the words "against the form of the Statute or Act of Assembly," instead of the words "against the form of the Statutes or Acts of Assembly," or *vice versa*; nor for that any person or persons mentioned in the Indictment or Information is or are designated by a name of office or other descriptive appellation, instead of his, her or their proper name or names; nor for omitting to state the time at which the offence was committed, in any case where time is not of the essence of the offence; nor for stating the time imperfectly; nor for stating the offence to have been committed on

a day subsequent to the finding of the Indictment or exhibiting the Information, or on an impossible day, or on a day that never happened; nor for want of a proper or perfect venue, where the Court shall appear by the Indictment or Information to have had jurisdiction over the offence.

XVII. And be it enacted, That no Judgment after Verdict upon any Indictment or Information for any Felony or Misdemeanor, shall be stayed or reversed for want of a *similiter*, nor by reason that the Jury process has been awarded to a wrong Officer upon an insufficient suggestion, nor for any misnomer or misdescription of the Officer returning such process, or of any of the Jurors, nor because any person has served upon the Jury who has not been returned as a Juror by the Sheriff or other Officer; and that where the offence charged has been created by any Act or Statute, or subjected to a greater degree of punishment by any Act or Statute, the Indictment or Information shall, after Verdict, be held sufficient to warrant the punishment prescribed by the Act or Statute, if it describe the offence in the words of the Act or Statute.

What shall not be sufficient to stay or reverse judgment after the verdict.

XVIII. And be it enacted, That if any person being arraigned upon any Indictment for Treason or Felony, shall plead thereto a Plea of "Not Guilty," he shall by such Plea, without any further form, be deemed to have put himself upon the Country for Trial; and the Court shall in the usual manner order a Jury for the Trial of such person accordingly.

A plea of "Not Guilty," without more, shall put the prisoner on his trial by Jury.

XIX. And be it enacted, That all persons who shall be tried for any offence whatsoever, before any Court of Record in this Island having Criminal Jurisdiction, shall be allowed to make full defence by Counsel, the same as in all Civil Causes or Trials.

Prisoner may make full defence by Counsel.

If he refuse to plead, the Court may order a plea of "Not Guilty," to be entered.

XX. And be it enacted, That if any person being arraigned upon or charged with any Indictment or Information for Treason, Felony or Misdemeanor, shall stand mute, of malice, or will not answer directly to the Indictment or Information—in every such case, it shall be lawful for the Court, if it shall so think fit, to order the proper Officer to enter a Plea of "Not Guilty" on behalf of such person; and the Plea so entered shall have the same force and effect as if such person had actually pleaded the same.

Attainder for another crime, not pleadable.

XXI. And be it enacted, That no Plea setting forth any Attainder shall be pleaded in bar of any Indictment, unless the Attainder be for the same offence as that charged in the Indictment.

Jury shall not inquire of Prisoner's lands, &c. nor whether he fled.

XXII. And be it enacted, That where any person shall be indicted for Treason or Felony, the Jury empaneled to try such person shall not be charged to enquire concerning his Lands, Tenements or Goods, nor whether he fled for such Treason or Felony.

Every challenge beyond the legal number shall be void.

XXIII. And be it enacted, That no person arraigned for any Felony shall be admitted to any peremptory challenge above the number of Twenty; and if any person indicted for any Treason or Felony shall challenge peremptorily a greater number of the men returned to be of the Jury than such person is entitled by Law so to challenge, every peremptory challenge beyond the number allowed by Law in the case then on Trial, shall be entirely void, and the Trial of such person shall proceed as if no such challenge had been made.

Benefit of Clergy abolished.

XXIV. And be it enacted, That Benefit of Clergy with respect to persons convicted of Felony, shall be abolished; but that nothing herein contained shall prevent the joinder in any Indict-

ment of any Counts which might have been joined before the passing of this Act.

XXV. And be it enacted, That no person convicted of Felony shall suffer Death, unless it be for some Felony which was excluded from the Benefit of Clergy before or on the First day of the present Session of the General Assembly, or which hath been or shall be made punishable with Death by some Act or Statute passed after that day.

What Felonies shall be capital.

XXVI. And be it enacted, That every person convicted of any Felony not punishable with Death, shall be punished in the manner prescribed by the Act or Acts, Statute or Statutes, specially relating to such Felony; and that every person convicted of any Felony for which no punishment hath been or hereafter may be specially provided, shall be deemed to be punishable under this Act, and shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding Two years; and in addition to such imprisonment, if the Court shall so think fit, to be either fined in such sum as the Court shall award, or (if a male) to be once, twice or thrice publicly whipped.

Felonies not capital, punishable under the Acts (if any) relating thereto, otherwise under this Act.

XXVII. And with regard to the place and mode of Imprisonment for all Felonies; Be it enacted, that where any person shall be convicted of any Felony, for which Imprisonment may be awarded as a punishment, it shall be lawful for the Court to sentence the offender to be imprisoned in the Common Jail, and also to be kept to hard labour for the whole or any portion or portions of such Imprisonment; and also to direct that the offender shall be kept in solitary confinement for the whole, or any portion or portions of such Imprisonment, or of such Imprisonment with hard labour, as to the Court in its discretion shall seem meet.

The Court may order hard labour or solitary confinement, as part of the sentence of imprisonment.

If a person under sentence for another crime is convicted of Felony, the Court may pass a second sentence, to commence after the expiration of the first.

XXVIII. And be it enacted, That wherever sentence shall be passed for any offence on a person already under sentence of Imprisonment for another offence, it shall be lawful for the Court to award Imprisonment for the subsequent offence, to commence at the expiration of the Imprisonment to which such person shall have been previously sentenced, although the aggregate term of Imprisonment may exceed the term for which either of those punishments could be otherwise awarded.

Punishment for a subsequent Felony.

XXIX. And whereas it is expedient to provide for the more exemplary punishment of offenders who commit Felony, after a previous conviction for Felony, whether such conviction shall have taken place before or after the commencement of this Act: Be it therefore enacted, that if any person shall be convicted of any Felony, not punishable with Death, committed after a previous conviction for Felony, such person shall, on such subsequent conviction, be liable to be imprisoned for any term not exceeding Four years, and (if a male) to be once, twice or thrice publicly whipped (if the Court shall so think fit), in addition to such Imprisonment; and in an Indictment for any such Felony committed after a previous conviction for Felony, it shall be sufficient to state that the offender was at a certain time and place convicted of Felony, without otherwise describing the previous Felony; and a Certificate containing the substance and effect only (omitting the formal part) of the Indictment and Conviction for the previous Felony, purporting to be signed by the Clerk of the Court, or other Officer having the custody of the Records of the Court, where the offender was first convicted, or by the Deputy of such Clerk or Officer (for which Certificate a Fee of Two Shillings and Sixpence shall be taken, and no more), shall upon proof of the identity of the person of the offender, be sufficient Evidence of the first Conviction, without proof of

Form of Indictment for the subsequent Felony.

What shall be sufficient proof of the first conviction.

the signature or official character of the person appearing to have signed the same; and if any such Clerk, Officer or Deputy shall utter a false Certificate of any Indictment and Conviction for a previous Felony, or if any person other than such Clerk, Officer or Deputy, shall sign any such Certificate, as such Clerk, Officer or Deputy, or shall utter any such Certificate, with a false or counterfeit signature thereto, every such offender shall be guilty of Felony.

Uttering false certificate of conviction, Felony.

XXX. And be it enacted, That if His Majesty shall be pleased to extend mercy to any offender convicted of any crime punishable with Death, upon condition of Transportation to any place without the limits of this Island, either for the term of life, or for any number of years, and such intention of mercy shall be signified by the Governor or Commander in Chief of the Island to the Court before which such offender hath been or shall be convicted, or any subsequent Court with the like authority, such Court shall allow to such offender the benefit of a conditional pardon, and make an Order for the immediate Transportation of such offender; and in case such intention of mercy shall be so signified to any Judge of the Supreme Court, such Judge shall allow to such offender the benefit of a conditional pardon, and make an Order for the immediate Transportation of such offender, in the same manner as if such intention of mercy had been signified to any such Court as aforesaid; and such Allowance and Order shall be considered as an Allowance and Order made by the Court before which such offender was convicted, and shall be entered on the Records of the same Court by the proper Officer thereof, and shall be as effectual, to all intents and purposes, and have the same consequences, as if such Allowance and Order had been made by the same Court during the continuance thereof; and every such Order shall subject the offender to be conveyed to the place or places,

Effect of a free or conditional pardon.

without the Limits of this Island therein mentioned, and to be liable to all the regulations and provisions of any Statute or Statutes of the Imperial Parliament relating to offenders transported to such place or places.

Rule for interpretation of all Criminal Statutes.

XXXI. And be it enacted, That wherever this or any other Act or Statute relating to any offence, whether punishable upon Indictment or Summary Conviction, in describing or referring to the offence, or the subject matter on or with respect to which it shall be committed, or the offender, or the party affected, or intended to be affected, by the offence, hath used or shall use words importing the singular number, or the masculine gender only, yet the Act or Statute shall be understood to include several matters as well as one matter, and several persons as well as one person, and females as well as males, and bodies corporate as well as individuals, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction; and wherever any Forfeiture or Penalty is payable to a party aggrieved, it shall be payable to a body corporate, in every case where such body shall be the party aggrieved.

Civil rights of persons convicted of Felonies, not capital, who have undergone, punishment adjudged.

XXXII. And whereas it is expedient to prevent all doubts respecting the civil rights of persons convicted of Felonies not capital, who have undergone the punishment to which they were adjudged: Be it therefore enacted, that where any offender hath been or shall be convicted of any Felony, not punishable with Death, and hath endured, or shall endure, the punishment to which such offender hath been or shall be adjudged for the same, the punishment so endured hath and shall have the like effects and consequences as a Pardon under the Great Seal, as to the Felony whereof the offender was so convicted: Provided always, that nothing herein contained, nor the enduring of such punishment, shall prevent or

mitigate any punishment to which the offender might otherwise be lawfully sentenced on a subsequent conviction for any other Felony.

XXXIII. And whereas there are certain Misdemeanors which render the parties convicted thereof incompetent Witnesses, and it is expedient to restore the competency of such parties after they have undergone their punishment : Be it therefore enacted, that where any offender hath been or shall be convicted of any such Misdemeanor (except Perjury, or Subornation of Perjury), and hath endured, or shall endure, the punishment to which such offender hath been or shall be adjudged for the same, such offender shall not, after the punishment so endured, be deemed to be, by reason of such Misdemeanor, an incompetent Witness in any Court or proceeding, Civil or Criminal.

Every punishment for Felony, after it shall be endured, (except Perjury, &c.) restores the competency of offender as a witness.

XXXIV. And be it enacted, That every person who shall be produced or appear as a Witness on behalf of the Prisoner upon any Trial for Murder or Felony, before he or she be admitted to give Evidence, shall first take an Oath to depose the Truth, in such manner as the Witnesses for the King are by Law obliged to do; and if any Witness be convicted of wilful Perjury in such Evidence, he or she shall suffer all the Penalties, Forfeitures and Disabilities which by Law may be inflicted on persons convicted of wilful Perjury.

Witnesses produced for prisoner, to be sworn in the same manner as witnesses for the Crown.

XXXV. And be it enacted, That all Indictments, Process, Pleadings and Trials, and the Rules of Evidence upon any Trials for any Felonies and Misdemeanors, either by the Common Law of *England*, or by virtue of this Act, or any other Act hereafter to be passed, shall be according to the usage, practice, and Laws of *England*, and of this Island.

Form of Indictment, &c. under this or any other Act.

This Act to be in force from 1st August, 1836, except as to offences committed before or upon 31st July, 1836.

XXXVI. And be it enacted, That this Act shall commence and take effect on the First day of *August* in the present Year; except as to offences and other matters committed or done before or upon the last day of *July* next, which shall be dealt with and punished as if this Act had not been passed.

CAP. XXII.

An Act to provide for the punishment of Offences against the Person and Property, and to repeal the Act relating to Treasons and Felonies.*

[Passed 18th *April*, 1836.]

WHEREAS it is expedient to provide for the punishment of Offences against the Person and Property, and to repeal the Act relating to Treasons and Felonies: Be it therefore enacted, by the President, Council and Assembly, That if any person or persons shall compass or imagine the death of the King, or shall levy War against him, or adhere to his Enemies, or shall give them aid or comfort, or shall forge or counterfeit the King's Money, being Gold or Silver Coin of *England*, or of *Great Britain* or *Ireland*, or of this Island, or shall counterfeit the King's Great Seal or Privy Seal, or the Seal of this Island, and shall thereof be duly convicted, the person or persons so offending are hereby declared and adjudged to be Traitors, and shall suffer as in cases of High Treason; and that all Treasons declared by the Acts of Parliament of *England* or of *Great Britain*, shall be deemed and adjudged to be Treasons within this Island; and that such Acts of Parliament as direct the proceedings and evidence against, and Trials of such Traitors, shall

What shall be Treason.

All Treasons by Acts of Imperial Parliament to be deemed Treasons in this Colony.

* See Act 9 Vic. cap. 14, by which the Court is authorized in certain cases to abstain from pronouncing sentence of death.

have their full force and effect, and be observed as the rule in all Trials for Treason in this Island.

II. And be it enacted, That every offence which before the commencement of this Act would have amounted to Petit Treason, shall be deemed to be Murder only, and no greater offence; and all persons guilty in respect thereof, whether as Principals or as Accessaries, shall be dealt with, indicted, tried and punished, as Principals and Accessaries in Murder.

Petit Treason to be treated in all respects as Murder.

III. And be it further enacted, That every person convicted of Murder, or of being an Accessary before the fact to Murder, shall suffer Death as a Felon; and every Accessary after the fact to Murder shall be liable to be punished by Fine and Imprisonment, or either—such Imprisonment to be with or without hard labour, in the Common Jail or House of Correction, at the discretion of the Court, for any term not exceeding Four Years.

Punishment of principals and accessaries in Murder.

IV. And be it further enacted, That every person convicted of Manslaughter shall be liable to be imprisoned with or without hard labour, in the Common Jail or House of Correction, for any term not exceeding Three Years, or to pay such Fine as the Court shall award, or to be both fined and imprisoned, if the Court shall so award.

Punishment for Manslaughter.

V. And be it further enacted, That no Punishment or Forfeiture shall be incurred by any person who shall kill another by misfortune, or in his own defence, or in any other manner without Felony.

As to Homicide not Felonious.

VI. And be it further enacted, That if any person unlawfully and maliciously shall administer, or attempt to administer, to any person, or

Attempts to murder, when evidenced by certain

Acts, shall be capital.

shall cause to be taken by any person, any poison, or other destructive thing, or shall unlawfully and maliciously attempt to drown, suffocate or strangle any person, or shall unlawfully and maliciously shoot at any person, or shall, by drawing a trigger, or in any other manner attempt to discharge any kind of loaded arms at any person, or shall unlawfully and maliciously stab, cut or wound any person, with intent, in any of the cases aforesaid, to kill such person, or to maim, disfigure or disable such person, or to do some other grievous bodily harm to such person, or with intent to resist or prevent the lawful apprehension or detainer of the party so offending, or of any of his accomplices, for any offence for which he or they may respectively be liable by Law to be apprehended or detained, every such offender, and every person counselling, aiding or abetting such offender, shall be guilty of Felony—and being convicted thereof, shall be liable to the punishment prescribed for Felony in an Act of the present Session, for improving the Administration of Justice in Criminal Cases.

A Woman secreting the dead body of her child, to conceal the fact of its birth, guilty of misdemeanor.

Proviso.

VII. And be it enacted, That if any Woman shall be delivered of a Child, and shall, by secret burying or otherwise disposing of the dead body of the said Child, endeavour to conceal the birth thereof, every such offender shall be guilty of a Misdemeanor; and being convicted thereof, shall be liable to be imprisoned, with or without hard labour, for any term not exceeding Two Years; and it shall not be necessary to prove whether the Child died before, at, or after its birth: Provided always, that if any Woman tried for the Murder of her Child shall be acquitted thereof, it shall be lawful for the Jury by whose Verdict she shall be acquitted, to find, in case it shall so appear in evidence, that she was delivered of a Child, and that she did, by secret burying, or otherwise disposing of the dead body of such Child, endeavour to conceal the birth thereof; and thereupon the

Court may pass such sentence as if she had been convicted upon an Indictment for the concealment of the Birth.

VIII. And be it enacted, That if any person, with intent to procure the Miscarriage of any Woman, then being quick with Child, unlawfully and maliciously shall administer to her, or cause to be taken by her, any poison, or other noxious thing, or shall use any instrument, or other means whatever with the like intent, every such offender, and every person counselling, aiding or abetting such offender, shall be guilty of Felony, and being thereof convicted shall suffer Death as a Felon; and if any person, with intent to procure the Miscarriage of any Woman not being, or not being proved to be, then quick with Child, unlawfully and maliciously shall administer to her, or cause to be taken by her, any medicine or other thing, or shall use any instrument, or other means whatever, with the like intent, every such offender, and every person counselling, aiding or abetting such offender, shall be guilty of Felony; and being convicted thereof, shall be liable to be imprisoned, with or without hard labour, in the Common Jail or House of Correction, for any term not exceeding Two Years; and (if a Male) to be once, twice or thrice publicly whipped, if the Court shall so think fit, in addition to such Imprisonment.

Administering poison, or using any means to procure the miscarriage of a woman quick with child.

The like as to a woman not quick with child

IX. And be it enacted, That every person convicted of the abominable crime of Buggery, committed either with mankind or with any animal, shall suffer Death as a Felon.

Sodomy.

X. And be it enacted, That every person convicted of the crime of Rape, shall suffer Death as a Felon.

Rape.

XI. And be it enacted, That if any person shall unlawfully and carnally know and abuse

Carnal knowledge of a Girl

under 10 years of age. any Girl under the age of Ten Years, every such offender shall be guilty of Felony, and being convicted thereof, shall suffer Death as a Felon; and if any person shall unlawfully and carnally know and abuse any Girl being above the age of Ten Years, and under the age of Twelve Years, every such person shall be guilty of a Misdemeanor; and being convicted thereof, shall be liable to be imprisoned, with or without hard labour, for such term as the Court shall award.

The like of a girl above 10 and below 12.

What shall be sufficient proof of carnal knowledge in the four preceding cases.

XII. And whereas upon Trials for the crimes of Buggery and Rape, and of carnally abusing Girls under the respective ages herein-before mentioned, offenders sometimes escape by reason of the difficulty of the proof which has been required of the completion of these several crimes—For remedy thereof, be it enacted, That it shall not be necessary, in any of those cases, to prove the actual emission of seed, in order to constitute carnal knowledge, but that the carnal knowledge shall be deemed complete upon the proof of penetration only: Provided always, that if complaint shall not be made of the Ravishment of any Woman or Infant above Ten Years of age, within Ten Days after the commission of the crime (unless in cases where the Female shall be unable to make such complaint,) before one of His Majesty's Justices of the Peace, or other Magistrate, then such fact shall be adjudged to have been committed by and with the consent of such Woman or Infant.

Complaint of Rape to be made within 10 days.

Assault with intent to commit Sodomy & Rape.

XIII. And be it enacted, that every Assault and Battery committed on the body of any Man, Woman or Infant, with the intent to commit the abominable crime of Buggery, and every Assault and Battery committed on the body of any Woman or Infant, with intent to ravish, shall be punished by adjudging the offender or offenders, upon due conviction thereof, to stand in the Pillory, and to suffer Imprisonment, with or without

hard labour, for any term not exceeding Two Years ; and also to be fined, if the Court shall so award.

XIV. And be it enacted, That if any person shall take, or cause to be taken, any unmarried Girl, under the age of Sixteen Years, either with or without her consent, out of the possession and against the will of her Father or Mother, or of any other person having the lawful care or charge of her, every such offender shall be guilty of a Misdemeanor ; and being convicted thereof, shall be liable to suffer such punishment, by Fine and Imprisonment, or by Imprisonment in solitary confinement, with or without hard labour, as the Court shall award : Provided always, that no Imprisonment, in any such case, shall exceed the term of One Year ; and that no Prosecution shall take place unless complaint of such abduction shall be made before some Magistrate within One Calendar Month after the same shall have occurred.

Unlawful abduction of a Girl from her parents or guardians.

Prosecution to be commenced within One Calendar Month.

XV. And be it enacted, That if any person, being married, shall marry any other person during the life of the former Husband or Wife, whether the second Marriage shall have taken place in this Island or elsewhere, every such offender shall be guilty of Felony ; and being convicted thereof, shall be liable to be imprisoned, with or without hard labour, for any term not exceeding Two Years, and also fined, if the Court should so award ; and any such offence may be dealt with, inquired of, tried, determined and punished in the County where the offender shall be apprehended or be in custody, as if the offence had been actually committed in that County : Provided always, that nothing herein contained shall extend to any second Marriage contracted out of this Island by any other than a subject of His Majesty ; or to any person marrying a second time, whose Husband or Wife shall have

Bigamy.

Place of Trial.

Exceptions.

been continually absent from such person for the space of Seven Years then last past, and shall not have been known by such person to be living within that time; or shall extend to any person who at the time of such second Marriage shall have been [divorced from the bond of the first Marriage; or to any person whose former Marriage shall have been declared void by the sentence of any Court of competent jurisdiction.

Distinction between Grand and Petit Larceny abolished.

XVI. And be it enacted, That the distinction between Grand Larceny and Petit Larceny shall be abolished, and every Larceny, whatever be the value of property stolen, shall be deemed to be of the same nature, and shall be subject to the same incidents, in all respects, as Grand Larceny was before the commencement of this Act; and every person convicted of Larceny shall be liable to the punishment prescribed for Felony in the said recited Act of the present Session, for improving the Administration of Justice in Criminal Cases.

Punishment for Larceny.

Stealing public or private Securities for Money, or Warrants for Goods, shall be Felony, & punishable according to the circumstances like stealing Goods.

XVII. And be it enacted, That if any person shall steal any Certificate, Order, or other Security whatsoever, entitling or evidencing the Title of any person or Body Corporate to any share or interest in any public Stock or Fund, whether of the United Kingdom, or of *Great Britain* or *Ireland*, or of this or any other *British* Province, or of any Foreign State, or in any Fund of any Body Corporate, Company or Society, or to any Deposit in any Saving's Bank, or shall steal any Debenture, Deed, Bond, Bill, Note, Warrant, Order, or other Security whatsoever, for Money, or for payment of Money, whether of the United Kingdom, or of *Great Britain* or of *Ireland*, or of this or of any other *British* Province, or of any Foreign State, or shall steal any Warrant or Order for the delivery or transfer of any Goods or valuable thing, every such offender shall be deemed guilty of Felony of the same nature, and

in the same degree, and punishable in the same manner, as if he had stolen any Chattel of like value with the Share, interest or Deposit to which the Security so stolen may relate; or with the Money due on the Security so stolen, or secured thereby and remaining unsatisfied, or with the value of the Goods or other valuable thing mentioned in the Warrant or Order; and each of the several Documents herein-before enumerated shall throughout this Act be deemed for every purpose to be included under and denoted by the words "Valuable Security."

Rule of Interpretation.

XVIII. And be it enacted, That if any person shall rob any other person of any Chattel, Money or valuable Security, every such Offender being convicted thereof, shall suffer Death as a Felon; and if any person shall with menaces, or by force, demand any such property of any other person, with intent to steal the same, or shall assault any other person with intent to rob him, every such Offender shall be guilty of Felony; and being convicted thereof, shall be liable to the punishment prescribed for Felony in the said recited Act, for improving the Administration of Justice in Criminal Cases.

Robbery from the person.

Assault with intent to rob, and demands with menaces or force.

XIX. And be it declared and enacted, That if any person shall accuse, or threaten to accuse, any other person of any infamous crime as hereinafter defined, with a view or intent to extort or gain from him, and shall, by intimidating him by such accusation or threat, extort or gain from him any Chattel, Money, or valuable Security, every such Offender shall be guilty of Robbery, and shall be indicted and punished accordingly.

Obtaining money &c. by threatening to accuse a party of an infamous crime.

XX. And be it enacted, That if any person shall knowingly send or deliver any Letter or Writing, demanding of any person, with menaces, and without any reasonable or probable cause, any Chattel, Money, or valuable Security; or if

Sending letters containing menacing demands, or threatening to accuse a party of an infamous crime, to extort money, &c.

any person shall accuse, or threaten to accuse, or shall knowingly send or deliver any Letter or Writing, accusing, or threatening to accuse, any person of any crime punishable by Law with Death, Imprisonment with hard labour, or Pillory, or of any Assault with intent to commit any Rape, or of any attempt or endeavour to commit any Rape, or of any infamous crime, as hereinafter defined, with a view or intent to extort or gain from such person any Chattel, Money, or valuable Security, every such Offender shall be guilty of Felony; and being convicted thereof, shall be liable to be punished in the manner prescribed for Felony in the above mentioned Act, for improving the Administration of Justice in Criminal Cases.

What shall be deemed an infamous crime.

XXI. And for defining what shall be an infamous crime within the meaning of this Act, be it enacted, That the abominable crime of Buggery, committed either with mankind or with Beast, and every Assault with intent to commit the said abominable crime, and every attempt or endeavour to commit the said abominable crime, and every solicitation, persuasion, promise or threat, offered or made to any person, whereby to move or induce such person to commit or permit the said abominable crime, shall be deemed to be an infamous crime within the meaning of this Act.

Burglary capital.

XXII. And be it enacted, That every person convicted of Burglary shall suffer death as a Felon; and it is hereby declared, that if any person shall enter the Dwelling House of another, with intent to commit Felony, or being in such Dwelling House, shall commit any Felony, and shall, in either case, break out of the said Dwelling House in the night time, such person shall be deemed guilty of Burglary.

XXIII. Provided always, and be it enacted, That no Building, although within the same cur-

tilage with the Dwelling House, and occupied therewith, shall be deemed to be part of such Dwelling House, for the purpose of Burglary, unless there shall be a communication between such Building and Dwelling House, either immediate or by means of a covered and inclosed passage leading from one to the other.

What buildings only are part of a House, for capital punishment.

XXIV. And be it enacted, That if any person in the night time shall break and enter any Building, being within the curtilage of a Dwelling House, and occupied therewith, but not being part thereof according to the Proviso herein-before mentioned, or any Public Office, or other Public Building, or any Mill, Shop, Warehouse, Counting House, Bank, Office, or other Building used or occupied for carrying on any Trade or Business, such Public Office, Public Building, Mill, Shop, Warehouse, Counting House, Bank, Office, or other Building, not being a Dwelling House, for the purpose of Burglary, with intent, in any such case, to commit Felony, every such Offender shall be guilty of Felony; and being convicted thereof, shall be liable to the punishment prescribed for Felony in the said recited Act, for improving the Administration of Justice in Criminal Cases.

Robbery in any building within the same curtilage as the house, but not privileged as part of the house.

Robbery of public Office, Shop, &c.

XXV. And be it enacted, That if any person shall steal any Goods or Merchandize in any Vessel, Lighter, Barge, Boat, Raft or Canoe, or shall steal any part of the Rigging, Sails, Materials or other Appurtenances belonging to any such Vessel, Lighter, Barge, Boat, Raft or Canoe, in any Port of entry or discharge, or upon any navigable River or Canal within this Island, every such Offender shall be guilty of Felony; and being convicted thereof, shall be liable to be punished in the manner prescribed for Felony in the before mentioned Act, for improving the Administration of Justice in Criminal Cases.

Stealing any Goods from a Vessel, &c. in a Port, River or Canal, &c.

The stealing, &c.
of Records and
other proceed-
ings of Courts of
Justice.

XXVI. And be it enacted, That if any person shall steal, or shall, for any fraudulent purpose, take from its place of deposit for the time being, or from any person having the lawful custody thereof, or shall unlawfully and maliciously obliterate, injure or destroy any Record, Writ, Return, Panel, Process, Interrogatory, Deposition, Affidavit, Rule, Order, or Warrant of Attorney, or any original Document whatsoever, of or belonging to any Court of Record, or relating to any Matter, Civil or Criminal, begun, depending or terminated in any such Court; or any Bill, Answer, Interrogatory, Deposition, Affidavit, Order or Decree, or any original Document whatsoever, of or belonging to any Court of Equity, or relating to any Cause or Matter begun, depending or terminated in any such Court, every such Offender shall be guilty of a Misdemeanor; and being convicted thereof, shall be liable to suffer such punishment, by Fine or Imprisonment, or by both, as the Court shall award—the Imprisonment to be either with or without hard labour, and with or without solitary confinement, as the Court shall think fit, and in no case to exceed the term of Two years; and it shall not, in any Indictment for such offence, be necessary to allege that the article in respect of which the offence was committed, is the property of any person, or that the same is of any value.

The stealing, &c.
of Wills.

XXVII. And be it enacted, That if any person shall, either during the life of the Testator or Testatrix, or after his or her death, steal, or for any fraudulent purpose destroy or conceal any Will, Codicil or other Testamentary Instrument, whether the same shall relate to Real or Personal Estate, or to both, every such Offender shall be guilty of a Misdemeanor; and being convicted thereof, shall be liable to suffer such punishment as is herein-before last mentioned; and it shall not in any Indictment for such offence, be neces-

sary to allege that such Will, Codicil, or other Instrument, is the property of any person, or that the same is of any value.

XXVIII. And be it enacted, That if any person shall steal any Paper or Parchment, written or printed, or partly written and partly printed, being Evidence of the Title, or of any part of the Title, to any Real Estate, every such Offender shall be deemed guilty of a Misdemeanor; and being convicted thereof, shall be liable to suffer such punishment as is herein-before last mentioned; and in any Indictment for such offence, it shall be sufficient to allege the thing stolen to be Evidence of the Title, or of part of the Title, of the person, or of some one of the persons, having a present Interest, whether legal or equitable, in the Real Estate to which the same relates, and to mention such Real Estate or some part thereof; and it shall not be necessary to allege the thing stolen to be of any value.

The Stealing of Writings relating to Real Estate.

XXIX. Provided always, and be it enacted, That nothing in this Act contained, relating to either of the Misdemeanors aforesaid, nor any Proceeding, Conviction or Judgment to be had or taken thereupon, shall prevent, lessen or impeach any remedy at Law or in Equity, which any party aggrieved by any such offence might or would have had if this Act had not been passed; but nevertheless, the Conviction of any such Offender shall not be received in Evidence in any Action at Law, or Suit in Equity, against him; and no person shall be liable to be convicted of either of the Misdemeanors aforesaid by any Evidence whatever, in respect of any act done by him, if he shall, at any time previously to his being indicted for such offence, have disclosed such act on oath, in consequence of any compulsory process of any Court of Law or Equity, in any Action, Suit or Proceeding which shall

These provisions as to Wills and Writings shall not lessen any remedy which the party aggrieved now has.

have been, *bona fide*, instituted by any party aggrieved.

Killing Horses, Cows, &c. with intent to steal skin or carcass.

XXX. And be it enacted, That if any person shall wilfully kill any Horse, Mare, Gelding, Colt, or Filly, or any Bull, Cow, Ox, Heifer, or Calf, or any Ram, Ewe, Sheep, or Lamb, or any Boar, Sow, or Pig, with intent to steal the carcass or skin, or any part of the Cattle so killed, every such Offender shall be guilty of Felony; and being convicted thereof, shall be liable to be punished in the manner prescribed for Felony in the above mentioned Act, for improving the Administration of Justice in Criminal Cases.

Tenants and Lodgers stealing any property from houses or apartments let to them.

XXXI. And for the punishment of depredations committed by Tenants and Lodgers—Be it enacted, That if any person shall steal any Chattel or Fixture, let to be used by him or her, in or with any House or Lodging, whether the Contract shall have been entered into by him or her, or by her husband, or by any person on behalf of him or her, or her husband, every such Offender shall be guilty of Felony; and being convicted thereof, shall be liable to be punished in the manner herein-before last mentioned, as in the case of Larceny; and in every such case of stealing any Chattel, it shall be lawful to prefer an Indictment in the common form, as for Larceny; and in every such case of stealing any Fixture, to prefer an Indictment in the same form as if the Offender were not a Tenant or Lodger; and in either case to lay the property in the owner or person letting to hire.

Clerks or Servants receiving any Money, &c. on their master's account, and embezzling it, shall be deemed to have feloniously stolen it.

XXXII. And for the punishment of Embezzlements committed by Clerks and Servants—Be it declared and enacted, That if any Clerk or Servant, or any person employed for the purpose, or in the capacity of a Clerk or Servant, shall, by virtue of such employment, receive or take into his possession any Chattel, Money, or valuable

Security, for or in the name or on the account of his Master, and shall fraudulently embezzle the same, or any part thereof, every such Offender shall be deemed to have feloniously stolen the same from his Master, although such Chattel, Money or Security was not received into the possession of such Master, otherwise than by the actual possession of his Clerk, Servant, or other person so employed; and every such Offender being convicted thereof, shall be liable to be punished in the manner herein-before last mentioned.

XXXIII. And for preventing the difficulties that have been experienced in the prosecution of the last mentioned Offenders—Be it enacted, That it shall be lawful to charge in the Indictment and proceed against the Offender for any number of distinct acts of Embezzlement, not exceeding three, which may have been committed by him against the same Master within the space of Six Calendar Months from the first to the last of such Acts; and in every such Indictment, except where the offence shall relate to any Chattel, it shall be sufficient to allege the Embezzlement to be of Money, without specifying any particular coin or valuable Security; and such allegation, so far as regards the description of the property, shall be sustained, if the Offender shall be proved to have embezzled any amount, although the particular species of coin or valuable security of which such amount was composed shall not be proved; or if he shall be proved to have embezzled any piece of coin or valuable security, or any portion of the value thereof, although such piece of coin or valuable security may have been delivered to him in order that some part of the value thereof should be returned to the party delivering the same, and such part shall have been returned accordingly.

Distinct acts of Embezzlement may be charged in the same Indictment.

As to allegation and proof of the property embezzled.

Obtaining money
&c. by false pre-
tences, a Misdemeanor.

XXXIV. And whereas a failure of justice frequently arises from the subtle distinction between Larceny and Fraud—For remedy thereof, be it enacted, That if any person shall, by any false pretence, obtain from any other person any Chattel, Money, or valuable Security, with intent to cheat or defraud any person of the same, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof, shall be liable to suffer such punishment, by Fine or Imprisonment, or both, as the Court shall award—the Imprisonment to be either with or without hard labour, and with or without solitary confinement, as the Court shall see fit, and not in any case to exceed the term of Two Years: Provided always, that if upon the trial of any person Indicted for such Misdemeanor, it shall be proved that he obtained the property in question in any such manner as to amount in Law to Larceny, he shall not, by reason thereof, be entitled to be acquitted of such Misdemeanor; and no person tried for such Misdemeanor shall be liable to be afterwards prosecuted for Larceny upon the same facts.

No acquittal on
the ground that
the case proved
amounts to Lar-
ceny.

Where the origi-
nal offence is Fe-
lony, the Receiv-
ers of stolen prop-
erty may be
tried either as
Accessories after
the fact, or for a
substantive Fe-
lony.

XXXV. And with regard to Receivers of stolen Property—Be it enacted, That if any person shall receive any Chattel, Money, valuable Security, or other Property whatsoever, the stealing or taking whereof shall amount to a Felony, either at Common Law or by virtue of this Act, (such person knowing the same to have been feloniously stolen or taken,) every such Receiver shall be guilty of Felony, and may be indicted and convicted, either as an Accessory after the fact, or for a substantive Felony; and in the latter case, whether the principal Felon shall or shall not have been previously convicted, or shall or shall not be amenable to Justice; and any Court that has power to try the principal Felon may also try the Receiver, howsoever indicted;

and every such Receiver, howsoever convicted, shall be liable to be punished in the manner prescribed for Felony in the said Act for improving the Administration of Justice in Criminal Cases: Provided always, that no person, howsoever tried, for receiving as aforesaid, shall be liable to be prosecuted a second time for the same offence.

XXXVI. And be it enacted, That if any person shall receive any Chattel, Money, valuable Security, or other property whatsoever, the stealing, taking, obtaining or converting whereof is made an indictable Misdemeanor by this Act, such person knowing the same to have been unlawfully stolen, taken, obtained or converted, every such Receiver shall be guilty of a Misdemeanor, and may be indicted and convicted thereof, whether the person guilty of the principal Misdemeanor shall or shall not have been previously convicted thereof, or shall or shall not be amenable to Justice; and every such Receiver shall, on conviction, be liable to be punished in the manner provided for the person guilty of the principal Misdemeanor.

Where original offence is a misdemeanor, receivers may be prosecuted for a misdemeanor.

XXXVII. And be it enacted, That if any person shall receive any Chattel, Money, valuable Security, or other property whatsoever, knowing the same to have been feloniously or unlawfully stolen, taken, obtained or converted, every such person, whether charged as an Accessary after the fact to the Felony, or with a substantive Felony, or with a Misdemeanor only, may be dealt with, indicted, tried and punished in any County or place in which he shall have or shall have had any such property in his possession, or in any County or place in which the party guilty of the principal Felony or Misdemeanor may by Law be tried, in the same manner as such Receiver may be dealt with, indicted, tried and punished in the County or place where he actually received such property.

All receivers may be tried where the principal is triable, or where the property is found in their possession, as well as where the receiving takes place.

The owner of stolen property prosecuting thief or receiver, shall have restitution of his property.

XXXVIII. And to encourage the prosecution of Offenders—Be it enacted, That if any person guilty of any such Felony or Misdemeanor as aforesaid, in stealing, taking, obtaining or converting, or in knowingly receiving any Chattel, Money, valuable Security, or other property whatsoever, shall be indicted for any such offence, by or on the behalf of the Owner of the property, or his Executor or Administrator, and convicted thereof, in such case the Property shall be restored to the Owner or his Representative; and the Court before whom any such person shall be so convicted shall have power to award, from time to time, Writs of Restitution for the said property, or to order the restitution thereof in a summary manner; and the Court may, in like manner, if it shall see fit, order the restitution of property in cases where the party so indicted as aforesaid may not be convicted, if it shall clearly appear that the property had been stolen, or taken, or obtained from the Owner by Felony or Misdemeanor, as aforesaid: Provided always, that if it shall appear, before any award or order made, that any valuable security shall have been, *bona fide*, paid or discharged by some person or Body Corporate liable to the payment thereof, or being a negotiable Instrument, shall have been, *bona fide*, taken or received by transfer or delivery by some person or Body Corporate, for a just and valuable consideration, without any notice, or without any reasonable cause to suspect that the same had by any Felony or Misdemeanor been stolen, taken, obtained or converted as aforesaid, in such case the Court shall not award or order the restitution of such Security.

Exception.

Taking reward for helping to the recovery of stolen property, without bringing the offender to Trial.

XXXIX. And be it enacted, That every person who shall corruptly take any Money or Reward, directly or indirectly, under pretence or upon account of helping any person to any Chattel, Money, valuable Security, or other Property whatsoever, which shall by any Felony or Misde-

meanor have been stolen, taken, obtained or converted as aforesaid, shall (unless he cause the Offender to be apprehended and brought to Trial for the same,) be guilty of Felony; and being convicted thereof, shall be liable to be punished in manner prescribed for Felony, in the said Act for improving the Administration of Justice in Criminal Cases.

XL. And be it enacted, That if any person shall unlawfully and maliciously set fire to any Church or Chapel, or to any Chapel or other Building set apart and solely used for the religious worship of persons dissenting from the United Church of *England* and *Ireland*, or shall unlawfully and maliciously set fire to any House, Stable, Coach-house, Outhouse, Warehouse, Office, Shop, Mill, Barn or Granary, or to any Building or Erection used in carrying on any Trade or Manufacture, or any branch thereof, whether the same, or any of them respectively, shall then be in the possession of the Offender, or in the possession of any other person, with intent thereby to injure or defraud any person, every such Offender shall be guilty of Felony; and being convicted thereof, shall suffer Death as a Felon.

Setting fire to a Church, Chapel, &c.

or any House, Stable, &c.

XLI. And be it enacted, That if any person shall unlawfully and maliciously set fire to, or in any wise destroy, any Ship or Vessel, whether the same be complete or in an unfinished state, or shall unlawfully and maliciously set fire to, cast away, or in any wise destroy, any Ship or Vessel, with intent thereby to prejudice any Owner or part Owner of such Ship or Vessel, or of any Goods on board the same, or any person that hath underwritten or shall underwrite any Policy of Insurance upon such Ship or Vessel, or on the Freight thereof, or upon any Goods on board the same, every such Offender shall be guilty of

Setting fire to, or destroying a Ship &c.

Felony; and being convicted thereof, shall suffer Death as a Felon.

Damaging a Ship
otherwise than
by Fire.

XLII. And be it enacted, That if any person shall unlawfully and maliciously damage, otherwise than by Fire, any Ship or Vessel, whether complete or in an unfinished state, with intent to destroy the same, or to render the same useless, every such Offender shall be guilty of Felony; and being convicted thereof, shall be liable to the punishment prescribed for Felony in the said above recited Act of the present Session, for improving the Administration of Justice in Criminal Cases.

Destroying any
Dike, &c. or
Mill Dam.

XLIII. And be it enacted, That if any person shall unlawfully and maliciously cut down, break down, or otherwise destroy any Dike or Aboiteau, whereby any Lands shall be overflowed or damaged, or shall be in danger of being so, or shall unlawfully and maliciously cut down, break down, or otherwise destroy any Mill Dam, or shall unlawfully and maliciously pull down, or in any wise destroy, any public Bridge or Wharf, or do any injury with intent and so as thereby to render such Bridge or Wharf, or any part thereof, dangerous or impassable, every such Offender shall be guilty of Felony; and being convicted thereof, shall be liable to the punishment herein-before last mentioned.

Setting fire to a
public School-
house, or stack
of Hay, &c.

XLIV. And be it enacted, That if any person shall unlawfully and maliciously set fire to any public School-house, or any Stack of Corn, Grain, Pulse, Straw or Hay—every such Offender shall be guilty of Felony; and being convicted thereof, shall be liable to the punishment herein-before last mentioned.

Malice against
the owner not es-
sential to any of-

XLV. And be it enacted, That every punishment by this Act imposed on any person maliciously committing any offence against property,

shall equally apply and be enforced, whether the offence shall be committed from malice conceived against the owner of the property in respect of which it shall be committed, or otherwise.

fence under this Act.

XLVI. And be it enacted, That in the case of every Felony punishable under this Act, every Principal in the second degree, and every Accessary before the Fact, shall be punishable with Death or otherwise, in the same manner as the Principal in the first degree is by this Act punishable; and every Accessary after the Fact to any Felony punishable under this Act (except only a Receiver of stolen property), shall, on conviction, be liable to be punished by Fine or Imprisonment, or both, as the Court shall award—such Imprisonment to be either with or without hard labour, and with or without solitary confinement, as the Court shall see fit, and not to exceed the term of Two years; and every person who shall aid, abet, counsel or procure the commission of any Misdemeanor punishable under this Act, shall be liable to be indicted and punished as a principal offender.

Principals in the second degree and Accessaries.

Abettors in Misdemeanors.

XLVII. And for the more effectual apprehension and discovery of all Offenders punishable under this Act—Be it enacted, That any person found committing any offence punishable under this Act, may be immediately apprehended, without a Warrant, by any Peace Officer, or by the Owner of the Property upon or with respect to which the offence shall be committed, or by his servant, or any person authorized by him, and forthwith taken before a Justice of the Peace, to be dealt with according to Law; and if any credible Witness shall prove upon oath, before a Justice of the Peace, a reasonable cause to suspect that any person has in his possession or on his premises any property whatsoever, on or with respect to which any offence against this Act shall have been committed, the Justice may grant

Persons in the act of committing any offence may be apprehended without a Warrant.

a Warrant to search for such property, as in the case of stolen goods; and any person to whom any property shall be offered to be sold, pawned or delivered, if he shall have reasonable cause to suspect that any such offence has been committed on or with respect to such property, is hereby authorized, and, if in his power, is required, to apprehend and forthwith to carry before a Justice of the Peace the party offering the same, together with such property, to be dealt with according to Law.

Venue in proceedings against persons acting under this Act.

Notice of Action.

General Issue, &c.

XLVIII. And for the protection of persons acting in the execution of this Act—Be it enacted, That all Actions and Prosecutions to be commenced against any person for any thing done in pursuance of this Act, shall be laid and tried in the County where the fact was committed, and shall be commenced within Six Calendar Months after the fact committed, and not otherwise; and notice in writing of such Action, and of the cause thereof, shall be given to the Defendant One Calendar Month, at least, before the commencement of the Action; and in any such Action the Defendant may plead the general issue, and give this Act and the special matter in evidence at any Trial to be had thereupon; and no Plaintiff shall recover in any such Action, if tender of sufficient amends shall have been made before such Action brought, or if a sufficient sum of Money shall have been paid into Court after such Action brought, by or on behalf of the Defendant; and if a Verdict shall pass for the Defendant, or the Plaintiff shall become nonsuit, or discontinue any such Action, after issue joined, or if, upon demurrer or otherwise, Judgment shall be given against the Plaintiff, the Defendant shall recover his full Costs, as between Attorney and Client, and have the like remedy for the same as any Defendant hath by Law in other cases; and though a Verdict shall be given for the Plaintiff in any such Action, such Plaintiff shall not have Costs

against the Defendant, unless the Judge, before whom the Trial shall be, shall certify his approbation of the Action, and of the Verdict obtained thereupon.

XLIX. And be it enacted, That an Act made and passed in the Thirty-third year of the Reign of King *George* the Third, intituled *An Act relating to Treasons and Felonies*, be and the same is hereby repealed, except as to offences committed or done before or upon the last day of *July* next, which shall be dealt with and punished as if this Act had not been passed.

33 G. 3, c. 1,
repealed.

L. And be it enacted, That this Act shall commence and take effect on the First day of *August* in the present year.

Commencement
of this Act.

CAP. XXIII.

An Act to Incorporate the Trustees of *Saint Andrew's College*, and to repeal a certain Act therein mentioned.

[Passed 18th *April*, 1836.]

WHEREAS the Right Reverend *Æneas Bernard Maceachern*, Catholic Bishop of *Charlottetown*, now deceased, did, on the Thirtieth day of *November*, One thousand Eight hundred and Thirty-one, establish a College at *Saint Andrew's*, in this Island, which is commonly called *Saint Andrew's College*; and whereas the said late Right Reverend *Æneas Bernard Maceachern* hath, by Lease and Release, bearing date respectively the Seventeenth and Eighteenth days of *January*, One thousand Eight hundred and Thirty-three, (a copy of which said Indenture of Release is contained in the Schedule to this Act annexed) given up all his Claim, Right, Title and Interest in and to the said College, with

certain Lands, Tenements and Hereditaments thereunto belonging, as declared and set forth in the said Deed of Release, unto the Right Reverend *Aneas Bernard Maceachern*, Roman Catholic Bishop of *Charlottetown*, Right Reverend *William Fraser*, Roman Catholic Bishop of *Tanen*, the Reverend *Bernard Donald Macdonald*, of *Charlottetown*, aforesaid, the Reverend *Sylvanus Perry*, *Belle Alliance*, in *Prince County*, *John Small Macdonald*, of *West River*, in *Queen's County*, Esquire, *Daniel Brenan*, of *Charlottetown* aforesaid, Esquire, *Angus Macdonald*, of *Three Rivers*, in *King's County*, Esquire, and *Donald Macdonald*, of *Tracadie*, in *Queen's County*, Esquire, their Heirs and Successors, as Trustees of said College, to have and to hold the said Lands, Tenements and Hereditaments, in fee simple for ever, for the use and benefit of the said College: And whereas also it is necessary, for the better regulation thereof, to render the surviving Trustees, together with another Trustee, to be appointed as herein-after mentioned, a Body Corporate and Politic, with perpetual succession:—Be it therefore enacted, by the President, Council and Assembly, That the said Right Reverend *William Fraser*, the Reverend *Bernard Donald Macdonald*, the Reverend *Sylvanus Perry*, *John Small Macdonald*, *Daniel Brenan*, *Angus Macdonald* and *Donald Macdonald*, with another Trustee to be appointed as herein-after mentioned, and their Successors for ever—which said Successors shall be elected and chosen in way and manner herein-after mentioned—shall be and they are hereby constituted and declared a Body Corporate and Politic, in name and in deed, and by the name and style of “The Trustees of *Saint Andrew's College*,” shall be a perpetual Corporation, and shall have succession for ever, and a common Seal, with power to break, change and alter the same, from time to time, at pleasure; and shall be in Law capable of suing and being sued, pleading and

Incorporates the Trustees named in Trust Deed of *Saint Andrew's College*, and their Successors.

Style of Corporation.

Powers of Corporation.

being impleaded, defending and being defended, answering or being answered unto, in all Courts of Judicature, in all manner of Actions, Suits, Complaints, Matters and Causes whatsoever; and also of contracting and being contracted with, relative to the Funds of the said Corporation, and the business and purposes for which it is hereby constituted, as is herein-after declared; and may make, establish and put in execution, alter or repeal, such By Laws, Rules, Ordinances and Regulations, not contrary to the Laws of this Island, or the provisions of this Act, as the said Corporation may think necessary and expedient for the better regulation and management thereof: Provided always, that Five of the Members of the said Corporation shall be a *Quorum*, for all matters and business to be done or transacted by the said Corporation, not herein-after provided for.

Five Members to form a *Quorum*.

II. And be it further enacted, That the Lands, Messuages and Tenements aforesaid, now held by the surviving Trustees named in the before-mentioned Release, shall be holden by the said Corporation, to stand and be possessed thereof for ever, to and for the several trusts and purposes expressed and set forth in said Release, so far as this Act shall not alter or affect the same.

Lands held by Trustees named in Trust Deed, to be holden by Corporation.

III. And be it further enacted, That it shall and may be lawful for the said Corporation to purchase any Real or Personal Estate, or accept such as may be given, granted, devised or bequeathed, for the use and benefit of the said College, which shall not, together with that already holden by the said Trustees as aforesaid, exceed the net yearly value or income of One thousand Pounds Sterling; and that the said Corporation shall and may sell, alienate or dispose of the said Real or Personal Estate so pur-

Corporation may hold real or personal Estate, not exceeding in value £1000 Sterling per annum.

chased, given, granted, devised or bequeathed, from time to time, as they may see fit.

What persons shall vote for Trustees.

IV. And be it further enacted, That no person shall be authorized, or have power to vote for the Election of a Trustee, or Member of the said Corporation, except such as shall have subscribed and paid towards the support of the said College the sum of One Pound annually, for at least Two Years previous to such Election, or as shall have contributed at one time to the value of Twenty Pounds, (which sum shall entitle him to vote at the Election of a Member of said Corporation, as often as occasion may be, during his life,) or any one of the before named surviving Trustees, and the Trustees to be appointed as herein-after mentioned, and their Successors in Office for ever.

Mode of filling up vacancies in Corporation.

V. And be it further enacted, That when a vacancy shall happen in the said Corporation, by death, resignation, or other removal, of either or any of the before named Right Reverend *William Fraser*, Reverend *Bernard Donald Macdonald*, Reverend *Sylvanus Perry*, *John Small Macdonald*, *Daniel Brenan*, *Angus Macdonald*, *Donald Macdonald*, or the Trustee to be appointed as herein-after mentioned, or either or any of their Successors in Office, the said vacancy shall be filled up and supplied by the person who shall be duly elected by a majority of the votes of the surviving or remaining Members of the said Corporation, together with such other persons as shall be entitled to vote and be there present and give their votes; and the person so chosen or elected shall not have any power or authority to exercise his functions as a Member of said Corporation, until his said Election shall be duly registered in the proper Register Office within this Island; which Registry shall be on the production of a Certificate, signed by the Trustee or Trustees present at such Election,

and on the Oath of one of them, or of any subscribing Witness thereto.

VI. Provided always, and be it further enacted, That not more than Four of the Members of said Corporation shall be Clergymen of the Church of *Rome*, in Holy Orders—and proof of the celebration of any religious service by such person, according to the Rites of the Church of *Rome*, shall be deemed and taken to be, *prima facie* evidence of the fact of such person being in Holy Orders, within the intent and meaning of this Act.

Not more than 4 of the Trustees to be in Holy Orders.

What shall be deemed proof of person being in Holy Orders.

VII. And be it further enacted, That there shall be a Book or Register kept by the said Corporation, in which shall be contained the By Laws, Rules and Regulations, which may be made or put in execution, from time to time, for the government and management of the said College, as well as the proceedings that may from time to time take place in filling up vacancies, and also a regular List of such persons as may contribute towards the support of the said College, either by gift, devise, bequest or annual subscription, expressing the exact amount of the same.

A Book to be kept for entering By Laws, lists of Donations, &c.

VIII. And be it further enacted, That the said Corporation shall not have any power or authority under or by virtue of this Act, to make any such By Laws, Rules or Regulations, as may be considered in any manner whatsoever a religious Test; nor shall interfere with any individual student thereof in matters of Religion, nor compel or request any of them to attend at Prayers, or any Ceremony of or relating to the Catholic Church, except such only as shall profess to belong to the said Church.

Corporation not to interfere with religious opinions of Students.

IX. And be it further enacted, That the Lieutenant Governor or other Administrator of the

Lt. Governor, to be Visitor of the College.

Government for the time being, shall be the Visitor of the said College.

Remedy in case of neglect or abuse in the management of Trust.

X. And be it further enacted, That in every case of any neglect or abuse in the management of the Trust created by the said recited Deed and this Act, or which may hereafter be lawfully created in respect of the said Trust Property for the time being, or the Estates and Funds thereto belonging, or for regulating the Administration thereof, any person interested as Subscribers, Donors or Trustees as aforesaid, in the said Property, Funds or Institution, may present a Petition to the Chancellor of this Island, stating the abuse or neglect, and praying such relief as the nature of the case may require; and it shall be lawful for the Chancellor, and he is hereby required, to hear such Petition in a summary way, and upon Affidavits, or such other Evidence as shall be produced upon such hearing, to determine the same, and to make such Order therein, and with respect to the Costs of such application, as to him shall seem just; and such Order or Decree shall be final, but shall not be enrolled until signed by the Chancellor.

Notice of vacancy in Corporation, how to be given.

XI. And be it further enacted, That when a vacancy shall happen in the said Corporation as aforesaid, the Secretary of the said Corporation shall give notice thereof, for Three successive weeks, in any Newspaper then printed within this Island, and shall at the same time, and in the same manner, notify the persons entitled to vote in filling up such vacancies, when and where the same shall take place.

Mode of filling up vacancy occasioned by decease of Bishop Maceachern.

XII. And be it further enacted, That within Three Calendar Months after the passing of this Act, a Trustee in the place and stead of the said late Right Reverend *Aeneas Bernard Maceachern*, deceased, shall be appointed, in the manner prescribed by this Act for the appointment of

new Trustees; and such new Trustee, when so appointed, shall have and be invested with all the rights, powers and authority which were vested in the Trustees named in the said recited Deed of Trust and Release, and is given and confirmed to the said surviving Trustees and such new Trustee by this Act; and from and forever after the said appointment the number of Trustees shall always be Eight.

Powers of new Trustee.

XIII. And be it further enacted, That all Deeds of Gift and Conveyance of Real Estate which shall be made to the said Corporation, shall be registered within Twelve Calendar Months after the Execution thereof respectively, in the proper Office for the Registration of Deeds within this Island; and in default of such Registration as aforesaid, within the time aforesaid, the same shall be absolutely null and void, and of no more force or effect than if the same had not been made or executed.

Deeds of Gift and Conveyance of Real Estate to be registered within Twelve Months after execution.

XIV. And be it further enacted, That nothing herein contained shall affect, or be construed to affect, in any manner or way, the rights of His Majesty, his Heirs or Successors, or of any person or persons, or of any Body Corporate or Politic—such only excepted as are herein named.

Saving the rights of His Majesty, &c.

XV. And be it further enacted, That this Act shall be deemed a Public Act, and shall be judicially taken notice of as such, by all Judges, Justices of the Peace, and Ministers of Justice, and other persons whomsoever, without being specially pleaded.

This Act to be deemed a public Act.

XVI. And be it further enacted, That an Act made and passed in the Third year of His present Majesty's Reign, intituled *An Act to Incorporate the Trustees of Saint Andrew's College, in King's County*, and every matter, clause and thing therein contained, be and the same are hereby repealed.

Repeals 3. W. 4, c. 17.

SCHEDULE to which this Act refers.

Trust Deed recited in and referred to by this Act.

THIS Indenture, made the Eighteenth day of *January*, in the year of our Lord One thousand Eight hundred and Thirty-three, between the Right Reverend *Aeneas Bernard Maceachern*, Roman Catholic Bishop of *Charlottetown*, but now residing at *Saint Andrew's, King's County, Prince Edward Island*, of the one part, and the said *Aeneas Bernard Maceachern*, the Right Reverend *William Fraser*, Roman Catholic Bishop of *Tanen*, the Reverend *Bernard Donald Macdonald*, of *Charlottetown* aforesaid, the Reverend *Sylvanus Perry*, of *Belle Alliance*, in *Prince Edward Island* aforesaid, *John Small Macdonald*, of *West River*, in *Queen's County*, Esquire, *Daniel Brenan*, of *Charlottetown* aforesaid, Esquire, *Angus Macdonald*, of *Three Rivers*, in *King's County*, Esquire, and *Donald Macdonald*, of *Tracadie*, in *Queen's County*, in the said Island, Esquire, of the other part: Whereas the said *Aeneas Bernard Maceachern* is seised to him and his heirs in fee simple of the Messuages, Lands, Tenements and Hereditaments herein-after released, or otherwise assured, or intended so to be; and whereas the said *Aeneas Bernard Maceachern*, in his anxious desire to promote the Education of Youth, hath agreed to convey and assure the Premises herein-after particularly mentioned unto the said Trustees hereby appointed, and their Heirs in succession, for the purpose of founding a College, to be called *Saint Andrew's College*: Now this Indenture witnesseth, that for the considerations aforesaid, and also in consideration of the sum of Five Shillings, of lawful Sterling money to the said *Aeneas Bernard Maceachern* in hand paid, by the said *Aeneas Bernard Maceachern, William Fraser, Bernard Donald Macdonald, Sylvanus Perry, John Small Macdonald, Daniel Brenan, Angus*

Macdonald and *Donald Macdonald*, at and before the sealing and delivery of these presents, the receipt whereof the said *Æneas Bernard Maceachern* doth hereby admit and acknowledge, he the said *Æneas Bernard Maceachern* hath granted, bargained, sold, aliened and confirmed, and by these Presents doth grant, bargain, sell, alien, release and confirm unto the said *Æneas Bernard Maceachern*, *William Fraser*, *Bernard Donald Macdonald*, *Sylvanus Perry*, *John Small Macdonald*, *Daniel Brenan*, *Angus Macdonald* and *Donald Macdonald*, in their actual possession now being, by virtue of a bargain and sale to them thereof made by the said *Æneas Bernard Maceachern*, in and by an Indenture of bargain and sale, bearing date the day next before the day of the date of these Presents, and by force of the Statute made for transferring uses into possession, and to their Heirs and Assigns, all that Tract, Piece or Parcel of Ground or Land, situate, lying and being on the North side of *Hillsborough River*, in the Parish of *Saint Patrick*, in the *King's County*, and in the Island of *Prince Edward* aforesaid—the whole whereof now is and heretofore hath been part and parcel of that Lot or Township which is delineated, particularized and known by being numbered and laid down as Lot or Township Number *Thirty-eight* (38), on the two several Surveys or Maps of the said Island—one whereof now remains in the Plantation Office, *Whitehall*, in the Kingdom of *Great Britain*, and the other in the Office of His Majesty's Surveyor General for the said Island, at *Charlottetown* aforesaid—relation being thereunto respectively had, may more fully and at large appear; which said Piece or Parcel of Ground hereby released and confirmed, or mentioned and intended so to be, contains by estimation Two hundred Acres of Land (be the same more or less), and is bounded as follows, (that is to say)—commencing on the North side of the Road leading to *Saint Peter's*, and commonly called *Saint*

Peter's Road, on the Boundary Line of Lot or Township Number *Thirty-seven* (37), and running on the said Boundary Line due North Forty-seven Chains, and from thence by a Line due East for the distance of Forty-five Chains, or until it meets the Western Boundary Line of a certain Tract of Land formerly belonging to *George Burns*, and by him sold and conveyed to *William Bentick*, Esquire, Captain in His Majesty's Royal Navy; then running down the said last mentioned Boundary Line, South, Fifteen Degrees West, Sixty-six Chains, until it meets the edge of the Marsh or Salt Meadow Land on the North side of *Hillsborough River* aforesaid, containing in front thereof Thirty-one Chains and Fifty Links (more or less); the same to commence and be computed from the first mentioned place of admeasurement, on the said Boundary Line of Lot or Township *Thirty-seven* (37), and to run due East until it meets the said Boundary Line of the said Land and Premises belonging to the said *William Bentick*, Esquire, having in front thereof a certain piece or parcel of Marsh or Salt Meadow Land, and *Hillsborough River* aforesaid, together with the said last mentioned Marsh or Salt Meadow Land, together with the Messuage, Tenement or Dwelling House thereon erected and built, or on some part thereof; also all Barns, Sheds, Houses, Out-houses, Buildings, Fences, Meadows, Feeding, Marshes, Woods, Underwoods, Timber and Timber Trees, Ways, Waters, Water courses, Passages, Profits, Commodities and Appurtenances whatsoever to the same belonging, or in any wise appertaining; and the Reversion and Reversions, Remainder and Remainders, yearly and other Rents, Issues and Profits thereof, and of every part thereof, and also all the Estate, Right, Title, Interest, Trust, Property, claim and demand whatsoever, both at Law and Equity, of him the said *Aeneas Bernard Maceachern*, his heirs and Assigns, of, into or out of the said Tract of Land and Premises

hereby released and confirmed, and every part and parcel thereof, to have and to hold the said Tract, Piece or Parcel of Ground and Premises hereby released and confirmed, and intended so to be, unto the said *Aeneas Bernard Maceachern, William Fraser, Bernard Donald Macdonald, Sylvanus Perry, John Small Macdonald, Daniel Brenan, Angus Macdonald and Donald Macdonald*, their Heirs and Assigns, to the only use and behoof of the said *Aeneas Bernard Maceachern, William Fraser, Bernard Donald Macdonald, Sylvanus Perry, John Small Macdonald, Daniel Brenan, Angus Macdonald and Donald Macdonald*, their Heirs and Assigns for ever, upon the trusts and for the ends, intents and purposes herein-after expressed and declared, of and concerning the same, (that is to say)—that they the said *Aeneas Bernard Maceachern, William Fraser, Bernard Donald Macdonald, Sylvanus Perry, John Small Macdonald, Daniel Brenan, Angus Macdonald and Donald Macdonald*, their Heirs and Assigns, shall and will severally stand seised of the Lands, Hereditaments and Premises hereby granted and released, or mentioned and intended so to be, upon trust, to support and keep up the College so to be established as herein-before mentioned, for the Education of Youth, according to the true intent and meaning of these Presents: And the said *Aeneas Bernard Maceachern* doth hereby for himself, his Heirs, Executors and Administrators, covenant, promise and agree to and with the said *Aeneas Bernard Maceachern, William Fraser, Bernard Donald Macdonald, Sylvanus Perry, John Small Macdonald, Daniel Brenan, Angus Macdonald and Donald Macdonald*, their Heirs and Assigns, by these Presents, in manner following, (that is to say)—that he the said *Aeneas Bernard Maceachern*, at the time of the sealing and delivery of these Presents, is and stands, lawfully, rightfully and absolutely seised in his demesne, as of fee, of and in the Tract of Land and Premises hereby released or mention-

ed, or intended so to be, with the Appurtenances, in fee simple, in possession, without any reservation, remainder, trust, limitation, use or uses, or any other matter or thing whatsoever, to alter, change, charge, revoke, make void, lessen, incumber or determine the same; and further, that the said *Aeneas Bernard Maceachern* now hath in himself good right, full power, and lawful and absolute authority, by these Presents, to grant, bargain, sell, convey, and assure the said hereby released Premises, with the Appurtenances, unto the said *Aeneas Bernard Maceachern, William Fraser, Bernard Donald Macdonald, Sylvanus Perry, John Small Macdonald, Daniel Brenan, Angus Macdonald* and *Donald Macdonald*, their Heirs and Assigns, according to the true intent and meaning of these Presents: And further, that the said Tract of Land, Messuage, Tenement, Erections, Buildings and Premises hereby released, with the Appurtenances, now are, and from henceforth for ever hereafter shall remain, continue and be, unto and to the only and proper use and behoof of the said *Aeneas Bernard Maceachern, William Fraser, Bernard Donald Macdonald, Sylvanus Perry, John Small Macdonald, Daniel Brenan, Angus Macdonald* and *Donald Macdonald*, their Heirs and Assigns, forever, freely and clearly acquitted and discharged, or otherwise well and sufficiently saved harmless, and indemnified, of, from, and against all former and other Gifts, Grants, Bargains, Sales, Mortgages, Jointures, Dowers, and Title of Dower, Uses, Trusts, Judgments, Extents, Executions, Rents, Arrears of Rent, and of, from and against all and singular other Estates, Titles, Charges and Incumbrances whatsoever, had, made, done, committed or suffered, or to be had, made, done, committed or suffered, by the said *Aeneas Bernard Maceachern*, his Heirs or Assigns, or of or by any other person or persons lawfully claiming or to claim, by, from or under him, them, or any or either of them; and lastly,

that he the said *Æneas Bernard Maceachern*, his Heirs, Executors and Administrators, and all and every other person and persons whomsoever, having, or lawfully claiming, or who shall or may have or lawfully claim, any Estate, Right, Title, Trust or Interest, either at Law or in Equity, of and in the said hereby released Premises, with the Appurtenances, shall and will, from time to time, and at all times hereafter, upon the reasonable request, and at the costs and charges in the Law of the said *Æneas Bernard Maceachern, William Fraser, Bernard Donald Macdonald, Sylvanus Perry, John Small Macdonald, Daniel Brenan, Angus Macdonald and Donald Macdonald*, their Heirs or Assigns, make, do and execute, or cause or procure to be made, done and executed, all and every such further and other lawful and reasonable act and acts, thing and things, devises, conveyances and assurances in the Law whatsoever, for the further, better, more perfect and absolute granting, conveying and assuring the said hereby released Premises, with the Appurtenances, unto and to the use and behoof of the said *Æneas Bernard Maceachern, William Fraser, Bernard Donald Macdonald, Sylvanus Perry, John Small Macdonald, Daniel Brenan, Angus Macdonald and Donald Macdonald*, their Heirs and Assigns forever, according to the true intent and meaning of these Presents: In witness whereof, the said parties to these Presents have hereunto set their Hands and Seals, the day and year first above written.

ÆNEAS BERNARD MACEACHERN,
Bishop of Charlottetown.

B. DONALD MACDONALD,

S. PERRY,

JOHN S. MACDONALD,

DANIEL BREMAN,

ANGUS MACDONALD,

DONALD MACDONALD.

Received, the day and year first within written, of and from the within named *William Fraser*,

Bernard Donald Macdonald, Sylvanus Perry, John Small Macdonald, Daniel Brenan, Angus Macdonald and Donald Macdonald, the sum of Five Shillings, Sterling Money, being the consideration Money within expressed to be by them paid to me.

As witness my hand,

† *Aeneas Bernard Maceachern,*
Bishop of Charlottetown.

Witness,
William Mumford,
William C. Monckton.

Prince Edward Island,
Register Office.

This Release was duly registered the 20th *May*, 1833, at or about the hour of Twelve o'clock, on the Oath of *William C. Monckton*, a subscribing Witness.

Which I certify,
(Signed) *J. P. Collins*, Registrar.
Vide Liber 39, Folio 302.

C A P. X X I V.

Repealed by 11
Vic. c. 21.

An Act to consolidate and amend the Election
Laws.

[Passed 18th April, 1836.]

C A P. X X V.

Executed.

An Act for appropriating certain Moneys therein mentioned, for the service of the Year of our Lord One thousand Eight hundred and Thirty-six.

[Passed 18th April, 1836.]

ANNO SEPTIMO

GULIELMI IV. REGIS.

At the General Assembly of His Majesty's Island of *Prince Edward*, begun and holden at *Charlottetown*, the Twenty-sixth day of *January*, *Anno Domini* 1835, in the Fifth Year of the Reign of our Sovereign Lord WILLIAM the Fourth, by the Grace of God, of the United Kingdom of *Great Britain*, and *Ireland*, King, Defender of the Faith:

1837.

Sir J. HARVEY,
Lt. Governor.

E. J. JARVIS,
President
of Council.

And from thence continued, by several Prorogations, to the Twenty-fourth day of *January*, 1837, and in the Seventh year of His said Majesty's Reign: being the Fourth Session of the Fourteenth General Assembly convened in the said Island.

G. DALRYM-
PLE,
Speaker.

CAP. I.

An Act to provide Seed Grain and Potatoes for certain Settlers, and to regulate the distribution thereof and mode of re-payment.

Executed.

Passed 10th March, 1837.

CAP. II.

An Act to authorize the appointment of a Sheriff for each of the Counties in this Island.

[Passed 10th March, 1837.]

WHEREAS by an Act passed in the Twenty-sixth year of His late Majesty King George the Third, intituled *An Act to empower the Governor, Lieutenant Governor, or Commander in Chief for the time being, to appoint a Sheriff or Sheriffs for this Island; also to regulate the Office of Sheriffs, and the manner in which they shall return and pass their Accounts of all Fines and Forfeitures levied by them for the use of the Crown*, it is enacted, that one Sheriff shall be appointed for the whole Island: and whereas it is necessary that there be appointed a Sheriff for each of the Counties of this Island:—Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That so much of the said recited Act, as authorizes the appointment of one Sheriff for the whole of this Island, be, and the same is hereby repealed; and that it shall and may be lawful for the Chief Justice, or, in his absence, for the eldest Justice of His Majesty's Supreme Court of Judicature of this Island, and he is hereby authorized and required, to nominate three Persons in each County of this Island, from whom the Administrator of the Government for the time being, shall select One Sheriff for each of the several Counties of this Island, and each residing within the County for which he shall be appointed Sheriff, according to the mode of appointment prescribed in the said recited Act; and each of the said Sheriffs, when so appointed, shall, within his County, be invested with the same powers and authority, in all respects, as the High Sheriff of this Island is now invested with, and shall conform and be subject to all and singular the

26 Geo. 3. cap. 15.

See also 48 Geo. 3, c. 2.

Repeals so much of Act 26 G. 3, c. 15, as relates to the appointment of one Sheriff for the whole Island.

Chief Justice or eldest Puisne Justice, in his absence, to nominate three fit persons in each County for the office of High Sheriff.

Administrator of Government to select one for each County in this Island.

Powers of Sheriff when so appointed within his County.

Enactments, Penalties, Duties and Regulations of the herein before recited Act, and also of an Act in amendment thereof, made and passed in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, so far as respects the County for which he is appointed Sheriff.

Liabilities of Sheriff.

II. And be it further enacted, That from and after the passing of this Act, it shall not be necessary for any Sheriff to notify the Members of the Legislature to attend the Sittings thereof; but that the usual Proclamation in the *Royal Gazette*, or other authorized Publication, for convening the General Assembly, shall be deemed sufficient notice, unless, in cases of peculiar urgency, the Administrator of the Government should deem a special notification of the Members expedient—any Law, Usage or Custom, to the contrary in anywise notwithstanding.

In future, Sheriff not to notify Members of the Legislature, of time of meeting of the General Assembly,

except when required by the Administrator of the Government so to do.

III. And be it further enacted, That this Act shall take effect and become in force on the Third Monday in *April*, in the year of our Lord One Thousand eight hundred and thirty-seven.

When this Act takes effect.

CAP. III.

An Act relating to Merchant Seamen of this Island.

Repealed by 9 Vic. c. 27.

[Passed 20th *April*, 1837.]

CAP. IV.

An Act to establish an additional Term of the Supreme Court, and to extend the *Hilary* and *Trinity* Terms for *Queen's* County.

Continued by 4 Vic. c. 1. Expired.

[Passed 20th *April*, 1837.]

CAP. V.

Continued by 4
Vic. c. 3.
Repealed by 11
Vic. c. 12.

An Act to continue and amend the Act for more effectually preventing the spreading of Infectious Distempers within this Island.

[Passed 20th April, 1837.]

CAP. VI.

Continued by 1
Vic. c. 4.
Expired.

An Act to empower the Inhabitants of *Charlottetown* to Assess themselves, for the purpose of purchasing or renting Sites for Engine Houses, and for erecting such Buildings thereon.

[Passed 20th April, 1837.]

CAP. VII.

Repealed by 3
Vic. c. 6.

An Act for regulating the Herring and Alewives Fisheries.

[Passed 20th April, 1837.]

CAP. VIII.

An Act to incorporate the Steam Mill Company of *Charlottetown*.

[Passed 20th April, 1837.]

* * * The Company incorporated by this Act, having been dissolved, the Act is omitted.

CAP. IX.

Continued and amended by 6
Vic. c. 11.
Expired.

An Act for consolidating and amending the Act for the appointment of Limits and Rules for the Jail in *Charlottetown*, and the Act for regulating the Jails of *King's* and *Prince* Counties.

[Passed 20th April, 1837.]

CAP. X.

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

See 4 W. 4. c. 15, and Note thereto.

[Passed 20th April, 1837.]

WHEREAS it is oftentimes found difficult for the Commissioners named and appointed in and by an Act of the General Assembly of this Island, intituled *An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the duty of Surveyors, and to repeal a certain Act therein mentioned*, to ascertain who is or are the Proprietor or Proprietors of Lots or Townships, or parts or shares of Lots or Townships, adjoining Lots or Townships, or parts or shares of Lots or Townships, the Proprietors of which have applied to them to establish and fix the Boundary Lines between such Lands, for the purpose of giving him, her or them, the notice required in and by the said recited Act: Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, it shall and may be lawful for the Commissioners aforesaid, and they are hereby required and directed, to give at least Thirty days notice in the *Royal Gazette Newspaper*, published in this Island, of all applications made to them by any Proprietor or Proprietors desirous of having his, her or their Boundary Line or Lines ascertained, in which Notice shall be stated the time and place when and where the said Commissioners shall commence their survey, and which shall be inserted each time the said

Notice to be given by Commissioners under Boundary Act.

Newspaper shall be published during that period; and such Publication shall be deemed and taken to be a sufficient notice to the Proprietor or Proprietors of the adjoining Township, or parts or shares of such adjoining Township.

Repeals 12th section of Act relating to Boundaries,

and extends provisions of that Act to tracts of land not less than 1000 acres each.

II. And whereas the above recited Act hath been found beneficial in its operation, as far as respects the Owners of large Tracts of Land, and it is desirable that the provisions of the said Act should be extended to sub-divisions of Lots or Townships, being not less than One thousand acres in one Block; and that the Twelfth Section of the said Act should for that purpose be repealed: Be it therefore enacted, That from and after the passing of this Act, the Twelfth Section of the said herein-before recited Act shall be and the same is hereby repealed; and that the provisions of the said Act, and of this Act, shall extend to the ascertaining and settling of the Boundaries and Division Lines of all single Tracts or Parcels of Township Lands in this Island, not being of less quantity than One thousand Acres each.

Explains 7th section of Boundary Act of the 4 W. 4. c. 15.

III. And whereas doubts have arisen whether the directions contained in the Seventh Section of the herein-before recited Act for running Township Boundaries, should be construed to apply to such Boundaries, as may at one point commence on any part of the Sea-shore or Coast of this Island, and terminate at a River, but not intersect the Island by running from Coast to Coast: Be it therefore enacted, That the said Seventh Section of the herein-before recited Act shall not extend, or be applied, to any such Boundaries as are last above mentioned; but the same shall in all cases be run and ascertained by commencing at the real and true place of beginning of such Township Boundaries on the Sea-coast, and from thence running the same to the extremity of every

such Township Boundary, as directed in and by the First Section of the said recited Act.

IV. And whereas the herein-before recited Act does not define the Fees or Allowances to be made to the several persons employed to carry into effect the provisions of the said Act: Be it enacted, that no persons so employed shall, either directly or indirectly, demand, take or receive any other or greater Fee or Fees for the services herein-after mentioned than are hereunder specified; (that is to say,)

Rate of Fees to be taken under Boundary Act or this Act.

TABLE OF FEES.

COMMISSIONERS.

Thirty Shillings *per diem* each, to be computed from the time each shall leave his own residence to the day of his return—no unnecessary time to be allowed. Table of Fees.

SURVEYORS.

Twelve Shillings and Six-pence *per diem*.
Plan of each Survey, Ten chains to an inch,
Eleven Shillings and Eight-pence.

CAP. XI.

An Act to amend the several Acts of this Island relating to Small Debts. Repealed by 7 Vic. c. 2.

[Passed 20th April, 1837.]

CAP. XII.

An Act for the appointment of Harbor and Ballast Masters, and for more effectually preventing the throwing of Ballast into Harbours and navigable Rivers. Amended by 7 Vic. c. 10.
Repealed by 12 Vic. c. 18.

[Passed 20th April, 1837.]

CAP. XIII.

Repealed by 11
Vic. c. 29.

An Act for vacating the Seats of Members of the Assembly, in certain cases therein mentioned, and to repeal a certain Act heretofore passed for that purpose.

[Passed 20th April, 1837.]

CAP. XIV.

An Act relating to the Titles to Lands acquired under Deed from Sheriffs or Coroners.

[Passed 20th April, 1837.]

WHEREAS it is found necessary to define what shall be proof of Title to real Estate sold by the Sheriff or Coroner, under the Acts of the General Assembly of this Island making Lands and Tenements liable to the payment of Debts: Be it enacted, by the Lieutenant Governor, Council and Assembly, That in all cases where Lands and Tenements have heretofore been sold by any Sheriff or Coroner, or other Officer authorized to sell the same, under any Act or Acts of the Legislature of this Island, making Lands and Tenements liable to the payment of Debts, and where the purchaser or purchasers have been in the quiet and undisturbed possession thereof for the term of Two Years, the Deed or Conveyance of any such Sheriff or Coroner or other Officer authorized to execute the same, duly executed, acknowledged and recorded, as the Law directs, and the Exemplification of the Judgment and Execution upon which the same is founded, shall in all cases be *prima facie* Evidence of all matters and things therein set forth, so far as the obtaining the Judgment, issuing Execution, levying upon the property sold for the want of Goods and Chattels of the De

26 G. 3, c. 9.
35 G. 3, c. 8.
7 Vic. c. 13.

When lands have been sold under Execution for the payment of Debts, and the purchaser has been 2 years in quiet possession, the burthen of proof in certain cases to fall upon parties seeking to avoid such sales.

pendant from whom the property is taken, the appraising and advertising the same by the Sheriff or Coroner, as by Law required, and the sale thereof under the Execution recited in the said Deed or Conveyance, and exemplified as aforesaid, and that the *onus* of proving any defect in the appraising, advertising or selling the property conveyed, or any neglect or mal-practice whatsoever, in any way concerning the same, on the part of any Sheriff or Coroner, or of the Officers of either of them, shall henceforth lie on the party or parties disputing the same, any Law, usage or custom to the contrary thereof notwithstanding: Provided always, that nothing in this Act contained shall extend, or be construed to extend, to affect the rights of the parties, or either of them, in any cause of action, in any suit which may have already been commenced, and now pending, in any way relating to Lands or Tenements so sold as aforesaid.

Not to extend to affect any suit already commenced.

II. And be it further enacted, That all Deeds to be made in future by the said Sheriff or Coroner, or other Officer authorized to execute the same under any Act or Acts of the Legislature of this Island making Lands and Tenements liable to the payment of Debts, duly executed, acknowledged and recorded, as the Law directs, and the Exemplification of the Judgment and Execution upon which the same is founded, shall, in all such cases, be *prima facie* evidence of all the matters and things therein set forth, so far as the obtaining the Judgment, issuing the Execution, levying upon the property sold for the want of Goods and Chattels of the Defendant from whom the property is taken, the appraising and advertising the same by the Sheriff or Coroner, as by Law required, and the sale thereof under the Execution, recited in the said Deed, and exemplified as aforesaid, and that the *onus* of proving any defect in the appraising, advertising or selling the property conveyed, or any neglect or mal-practice whatso-

In cases of sales hereafter made, like burthen to fall upon parties seeking to avoid such sales.

If Sheriff or Coroner making such sales, shall have made an affidavit in the form set forth in Schedule to this Act.

ever in any way concerning the same, on the part of any Sheriff or Coroner, or of the Officers of either of them, shall henceforth lie on the party or parties disputing the same, any Law, usage or custom to the contrary notwithstanding: Provided always, that such Sheriff, Coroner, or other Officer, by whom the Deed was executed, under and by virtue of which, the party or parties in any Action or Actions claim title, or some one of the Under Sheriffs or Deputies of such Sheriff, regularly appointed, shall, at the time of the Execution of the said Deed, make and subscribe an Affidavit in the form set forth in the Schedule to this Act annexed, before the Officer authorized by Law to take acknowledgment and proof of the Execution of Deeds and other Instruments, who shall and is hereby required to take the same Affidavit, and endorse the same thereon; and which said Affidavit shall be Registered with the said Deed in the Register Office of this Island.

Form of Affidavit.

FORM OF AFFIDAVIT.

Prince Edward Island, }
County, ss. }

A. B. of _____ in the said Island, (Sheriff, Under Sheriff, or Coroner, for _____ *as the case may be,*) maketh Oath and saith, that the Lands and premises conveyed by the within Deed were regularly seized, appraised, advertised and sold, in every respect as by Law directed.

Sworn before me }
this day of 183 }

C. D.

Commissioner or Register.

CAP. XV.

An Act to explain and amend Two several Acts Expired.
of the General Assembly therein mentioned,
for raising a Fund by an Assessment on Land.

[Passed 20th April, 1837.]

** This Act may affect Titles to Lands; but is omitted pursuant to directions of Act 12 Vic. c. 23.

CAP. XVI.

An Act to prevent the running at large of Horses Repealed by 12
Vic. c. 26.
within the Streets and Squares of *Charlottetown*, in the Winter season.

[Passed 20th April, 1837.]

CAP. XVII.

An Act to continue for One Year an Act passed Expired.
See 5 W. 4, c.
14.
in the Fifth Year of His present Majesty's
Reign, providing for the payment of Interest
on Warrants.

[Passed 20th April, 1837.]

CAP. XVIII.

An Act relating to a certain Road in the
Royalty of *Charlottetown*.

[Passed 20th April, 1837.]

WHEREAS a survey of all the Roads which
ought to run through the Royalty of *Char-*
lottetown hath lately been made, by His Majes-
ty's Surveyor General of Lands for this Colony,
by order of the Government thereof, and the Plan
of such Survey hath been made, and is kept in
the Office of the said Surveyor General, at *Char-*

lottetown; and it appears by the said Plan, that the Road which leads from *Great George Street* in *Charlottetown*, through the Common and Pasture Lots towards *Princetown* and *Saint Eleanor's*, has been erroneously laid off from the Southern Boundary Line of Pasture Lot Number *Two hundred and Forty-eight*, to the Southern Boundary Line of Township Number *Thirty-three*: and whereas since such Survey, part of the said erroneous line of Road, viz: from the Southern Boundary Line of said Pasture Lot Number *Two hundred and Forty-eight*, to the Northern Boundary Line of Pasture Lot Number *Three hundred and Ninety-four*, hath been altered by order of the said Government of this Island, to its original and proper position, as defined and marked on the original Map or Plan of the said *Royalty*, kept in the Office of the said Surveyor General, and Public Money and Statute Labour expended and employed thereon: And whereas it is deemed necessary that the said part of the said Road, so altered as aforesaid, should be confirmed and established as a Public Road, and provision be made for the continuance thereof, from the said Northern Boundary of Pasture Lot Number *Three hundred and Ninety-four*, to the old Road leading to *Princetown* and *Saint Eleanor's*, as aforesaid: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the said new line of Road leading from the Southern Boundary Line of Pasture Lot Number *Two hundred and Forty-eight*, to the Northern Boundary Line of Pasture Lot Number *Three hundred and Ninety-four*, as the same is now used, shall be, and the same is hereby established and confirmed as a Public Road; and it shall and may be lawful for the Commissioner of Highways for the District wherein the same is situate, and he is hereby authorized, at the expiration of One Calendar Month after the passing of this Act, to lay off and continue the said Road Sixty Feet in breadth

Confirms new
Princetown Road
from Pasture Lot
No. 248, to Pas-
ture Lot No. 394,
as a public road.

Commissioner of
Highways within
one month to con-
tinue such road,
60 feet in breadth
from Pasture Lot
No. 394, until it
joins the present
road on Town-
ship No. 33.

from the said Northern Boundary Line of Pasture Lot Number *Three hundred and Ninety-four*, to the Southern Boundary Line of Township Number *Thirty-three*, and from thence through the said Township, until it shall join the present Road, being a distance from the said Boundary Line of Ten Chains, or thereabouts, as by reference to the said Plan will more fully appear—and the same when so laid off shall be, and for ever remain and continue a Public Road, to and for the use and benefit of the people of this Island.

The same to remain a Public Road.

CAP. XIX.

An Act to regulate the duties and charges of Pilots, and to repeal the Acts formerly passed for that purpose.

Amended by 11 Vic. c. 18.

[Passed 20th April, 1837.]

WHEREAS it is deemed necessary to repeal the existing Law relating to the duties and charges of Pilots, and to make further provision for their encouragement, and the protection of Shipping: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Administrator of the Government, for the time being, on the recommendation of the resident Magistrates and Merchants, to appoint one or more fit and proper person or persons to act as Pilot or Pilots for the Harbour or Harbours, from whence such person or persons shall or may be recommended.

Administrator of Government, on recommendation of Magistrates, &c. to appoint Pilots.

II. And be it further enacted, That every Pilot so appointed, shall provide himself with a good and sufficient Boat, and that the same shall be kept always in readiness, and fit to board a Vessel at sea; and that from and after the First day of *May* next, no Pilot for the Harbours on the South Side of the Island, shall be entitled to de-

Pilots to provide sufficient Boats for boarding Vessels at sea.

Rates of Pilotage. (that is to say)—For every Ship or Vessel boarded at sea, or without the Harbour, the sum of Four Shillings *per* Foot, for each and every foot of water the said Ship or Vessel shall draw; and for every Ship or Vessel boarded within the Bar or Harbour, in case a Pilot be required, one third the said Pilotage; and for every Ship or Vessel outwards, the sum of Three Shillings and Sixpence *per* foot, for each and every foot of water which the said Ship or Vessel may draw; and for all Harbours on the North side of the Island, the sum of Five Shillings *per* foot, to the place of destination—provided such Ship or Vessel shall be boarded without the Bar of any such Harbour; and in case such Ship or Vessel shall be boarded within the Bar of such Harbour, and a Pilot shall be required at the time of boarding, then one third part of the said Pilotage; and a further sum of Five Shillings *per* foot outwards from the place of loading: Provided always, that nothing herein contained shall extend, or be construed to extend, to the compelling Masters or Owners of Coasting Vessels to pay Pilotage, unless a signal be made for a Pilot, or a Pilot be requested to take charge of any such Vessel.

Coasters not compelled to employ Pilots.

Defines limits of Harbour of Charlottetown.

Rate of Pilotage within such Harbour.

III. And be it declared and enacted, That the limit of the Harbour of *Charlottetown*, according to which Pilots shall be entitled to receive Pilotage, shall be the Southernmost extremity of the Eastern shoal of *Saint Peter's Island*; and any Vessel taking a Pilot inside of the said limit, and outside of the Block House, shall be liable to pay only one half the full Pilotage, any thing in this Act contained to the contrary notwithstanding.

All Foreign vessels to pay Pilotage, if a Pilot offers his services.

IV. And be it further enacted, That from and after the First day of *May*, One thousand Eight hundred and Thirty-seven, no Foreign Vessels (except such as are herein-after particularly excepted), shall sail into or out of any of the Har-

hours of this Island, without being liable to pay the rate of Pilotage, applicable to the case as herein-before stated, if a Pilot shall duly offer to board such Vessel outside of the Harbour, and shall be refused or shall offer his services within three hours after notice that any such Vessel is ready to proceed to sea, and that a Pilot is required for her, and shall be refused to perform his duty on board—but this Clause shall not apply to any Vessel owned, or partly owned, in any of the British North American Colonies, not exceeding Fifty Register Tons burthen, unless a Pilot be employed, nor to Vessels owned either in whole, or to the extent of at least one half, in this Island, unless a Pilot be employed.

Not to extend to vessels under 50 tons, belonging to British Colonies.

V. And be it further enacted, That any licensed Pilot declining or refusing to take charge of any Ship or Vessel, when duly required so to do, by the Master of such Ship or Vessel, or by any owner, or by any Agent acting for the owner or owners, or exacting or bargaining for more than the rates herein-before allowed, or delaying to go on board of, or take in charge, any Ship or Vessel; or who shall improperly, and contrary to his duty, quit such Ship or Vessel, after going on board or alongside thereof, or decline the piloting of any Vessel after he has engaged so to do, or gone alongside thereof, without leave of the owner or person having the chief command of such Vessel, or before the service for which he was hired shall be performed; or who shall by drunkenness render himself incapable of performing the same, or who shall negligently run any Ship or Vessel on shore, or cause the loss thereof, or any injury to her Tackle or Furniture, or who shall lend his License to any other person, shall for every such offence, forfeit a sum not exceeding Fifty Pounds, nor less than Five Pounds, and also be liable to dismissal or suspension from his Office; and such Penalty shall be recoverable with costs, in His Majesty's Supreme Court of

Duty of Pilots.

Penalty on Pilots;

How to be recovered and appropriated.

Judicature of this Island, and applied to and for the use of His Majesty's Government.

Repeals Act of the 5 G. 4, c. 11, regulating the duties of Pilots, and Act of the 11 G. 4, c. 1, continuing said Act.

VI. And be it further enacted, That an Act passed in the Fifth year of the Reign of His late Majesty King George the Fourth, intituled *An Act to regulate the duties and charges of Pilots within this Island*; and an Act passed in the Eleventh year of the Reign of His said late Majesty, intituled *An Act to continue an Act made and passed in the Fifth year of His present Majesty's Reign, intituled 'An Act to regulate the duties and charges of Pilots within this Island,'* be, and the same are hereby respectively repealed.

C A P. X X.

Expired.

An Act for the Encouragement and Support of District and other Schools, and to repeal the Act formerly passed for that purpose.

[Passed 20th April, 1837.]

C A P. X X I.

An Act for granting Patents for Useful Inventions.

[Passed 20th April, 1837.]

Lieut. Governor may issue Letters Patent in manner herein specified, for useful Inventions or Discoveries.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, whenever any person or persons who shall then be an Inhabitant or Inhabitants of this Island, or who shall have resided therein for one year previous thereto, shall apply to the Lieutenant Governor or Commander in Chief for the time being, and shall allege that he, she or they have invented or discovered any new or useful Art, Machine, Manufacture, or composition of Matter, or any new or useful improve-

ment on any Art, Machine, Manufacture, or composition of Matter, not before known and used, and shall, by Petition to the Lieutenant Governor, or Commander in Chief for the time being, signify his, her or their desire to obtain an exclusive property in such new Invention and Discovery, and shall pray that a Patent may be granted for the same, it shall and may be lawful for the Lieutenant Governor or Commander in Chief for the time being, to cause and direct Letters Patent under the Great Seal of this Island to be issued, which said Letters Patent shall recite the allegations and suggestions of the said Petition so to be preferred as aforesaid, and shall therein give a short description of the said Invention and Discovery; and thereupon shall grant to the said person or persons so applying for the same, his, her or their Executors, Administrators and Assigns, for a Term not exceeding Ten years, the full and exclusive right and liberty of making, constructing, using, and vending to others to be used, the said new Invention or Discovery— which Letters Patent shall be good and available to the Grantee or Grantees therein named, by force of this Act, and shall be recorded in the Office of the Secretary of this Island, in a Book to be kept for that purpose, and shall be delivered to the Patentee or Patentees: Provided always, that before the Great Seal of this Island shall be affixed to any such Letters Patent, or the same shall be issued and signed as aforesaid, such Letters Patent shall be delivered to His Majesty's Attorney General of this Island, who shall examine the same, and shall, if he finds the same conformable to this Act, certify accordingly, and return the same within Thirty days into the Office of the Secretary for the Island, to be issued and signed.

II. And be it enacted, That when any Letters Patent shall be obtained by any person or persons in manner aforesaid, for any new and useful

Patentee of an original Invention or Discovery, or Patentee

of improvement thereon, not to use or vend other than their own Inventions or Improvements.

Invention and Discovery in any Art, Machine, or composition of Matter, and thereafter any other person or persons shall discover any improvement in the principle or process of any such Art, Machine, or composition of Matter, for which such Patent hath been granted, and shall make application for and obtain Letters Patent under this Act for the exclusive right of such improvement, it shall not be lawful for the person or persons who shall obtain and procure Letters Patent for any such improvement, to make, use or vend the original Invention or Discovery, nor for the person or persons who shall have procured Letters Patent for the original Invention or Discovery, to make, use or vend any such Improvement.

Changing the form or proportion of any Machine, &c. not to be deemed an Improvement.

III. Provided always, and it is hereby declared and enacted, That simply changing the form or the proportions of any Machine or composition of Matter in any degree, shall not be deemed a Discovery or Improvement within the meaning of this Act.

Copies of Patents, Petitions, &c. may be obtained from the Secretary's Office.

IV. And be it enacted, That it shall and may be lawful for any person or persons to obtain and receive from the Office of the Secretary of this Island any Copy or Copies of any such Letters Patent, or of the Petition whereon the same were granted and issued, or of any paper connected therewith, or any Drawing relating to the same.

Applicants for Patents to make oath as to their being the true Inventor, &c.

V. And be it enacted, That before any person or persons shall obtain or receive any Letters Patent under this Act, such person or persons, or some or one of them, shall make Oath (or if a Quaker, shall make solemn affirmation in writing,) before some one of His Majesty's Justices of the Supreme Court of this Island, or some Commissioner for taking Affidavits in the said Court, that he, she or they do verily believe that he, she or they is or are the true Inventor or Inventors, Discoverer or Discoverers of the Art,

Machine, composition of Matter, or Improvement, for which he, she or they solicit Letters Patent, and that such Invention or Discovery hath not, to the best of his, her or their knowledge or belief, been known or used in this Island, or in any other country; which Oath or Affirmation shall be delivered in with the Petition for such Letters Patent.

VI. And be it enacted, That together with such Petition and Oath, or Affirmation, before any person or persons shall receive or obtain any Letters Patent as aforesaid, such person or persons shall also deliver in to the Office of the Secretary of the Island a written description of his Invention, and of the manner of using, or process of compounding the same, in such full, clear and exact terms as to distinguish the same from all other things before known, and to enable any person skilled in the Art or Science, of which it is a branch, or with which it is most closely connected, to make, compound and use the same; and shall explain the principle, and the several modes in which such person or persons have or hath contemplated the application of that principle, or character, by which it may be distinguished from other Inventions; and shall accompany the whole with Drawings and written references, where the nature of the case admits of Drawings; or with Specimens of the Ingredients, and of the composition of Matter, sufficient in quantity for the purpose of Experiment, when the Invention is a composition of Matter—which description, signed by such person or persons so applying for such Letters Patent, and attested by two Witnesses, shall be filed in the Office of the Secretary of the Island; and Copies thereof, certified under the hand of the Secretary, or Deputy Secretary of the Island, shall be competent Evidence in all Courts where any matter or thing touching or concerning the said Letters Patent shall or may come in question.

A full description of Inventions, accompanied with drawings, specimens of ingredients, &c. to be filed in the Secretary's Office, with Petitions for Patents.

Certified copies to be sufficient evidence touching the Patents.

Patentees may assign their rights in Patents.

VII. And be it enacted, That any Patentee, his Executors or Administrators, may assign and transfer all his right, title and Interest in the said Invention and Discovery in the Letters Patent to him granted, to any person or persons whomsoever; and the Assignee or Assignees thereof, having recorded the said Assignment in the Office of the Secretary of the Island, shall thereafter stand in the place or stead of the original Patentee, as well as to all right, privilege and advantage, as also in respect of all liability and responsibility, as to the said Letters Patent, and the Invention and Discovery thereby secured; and in like manner shall the Assignee or Assignees of any such Assignee or Assignees stand and be considered to be in the place and stead of the original Patentee or Inventor.

Persons making, using or selling Patent articles, without consent of Patentee, to be liable in damages to three times the actual damage.

VIII. And be it enacted, That whenever in any case any Letters Patent shall be, or shall or may have been, granted to any person or persons under and by virtue of this Act, and any person or persons, without the consent of the Patentee or Patentees, his, her or their Executors, Administrators or Assigns, first had and obtained in writing, shall make, devise, use or sell the Things, Invention or Discovery, whereof the exclusive right is secured to the said Patentee or Patentees by such Letters Patent, such person or persons so offending shall forfeit and pay to the said Patentee or Patentees, his, her or their Executors, Administrators or Assigns, a sum equal to three times the actual damage sustained by such Patentee or Patentees, his, her or their Executors, Administrators or Assigns, for or by reason of such offence; which sum shall and may be recoverable, together with Costs of Suit, by Action on the Case founded on this Act, in the Supreme Court of this Island.

Defendant may plead the genera

IX. Provided always, and be it enacted, That the Defendant or Defendants in such Action shall

be permitted to plead the General Issue, and give this Act, and any special matter in evidence, tending to prove that the Specification filed by the Patentee or Patentees does not contain the whole truth relative to the Invention or Discovery therein alleged to have been made by the said Patentee or Patentees; or that it contains more than is necessary to produce the described effect (which concealment in addition shall fully appear to have been made for the purpose of deceiving the Public;) or that the Thing, Invention or Discovery thus secured by Letters Patent as aforesaid, was not originally discovered by the Patentee or Patentees, but had been in use, or had been described in some public work anterior to the supposed Invention or Discovery of the said Patentee or Patentees; or that the said Patentee or Patentees had surreptitiously obtained Letters Patent as aforesaid, for the Invention or Discovery of some other person or persons—in either of which cases, upon sufficient and legal proof thereof, a Verdict shall be returned, and Judgment shall be entered for the said Defendant or Defendants, with Costs; and the said Letters Patent shall thereupon be and become, and shall by the said Court be adjudged void; and of no effect.

issue, and give this Act and any special matter in evidence.

X. Provided also, and be it enacted, That no Action shall be brought against any person or persons whomsoever, for any offence committed against the provisions of this Act, unless the same be commenced within the space of Six Calendar Months next after the discovery of every such offence committed.

Actions to be commenced within 6 months after discovery of offence.

CAP. XXII.

Continued for 10
years by 11 Vic.
c. 24.

An Act for establishing the Standard Weight of Grain and Pulse, and for the appointment of Officers for measuring and weighing the same.

[Passed 20th April, 1837.]

WHEREAS the Acts heretofore passed relating to the Standard Weight of Grain and Pulse are about to expire, and it is deemed expedient to provide for the regulation thereof: **Be it enacted by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Lieutenant Governor for the time being, to appoint such persons throughout the Island as he may deem requisite, for the purpose of measuring and weighing all sorts of Grain and Pulse.**

Licut. Governor
to appoint Mea-
surers & Weigh-
ers of Grain, &c.

Standard weight
of Grain & Pulse.

II. And be it enacted, That from and after the passing of this Act the Standard Weight of each *Winchester* Bushel of Grain exposed to sale in this Island shall be as follows; (that is to say,)

Wheat shall weigh Fifty-eight Pounds Avoirdupois.

Rye shall weigh Fifty-six Pounds.

Indian Corn shall weigh Fifty-seven Pounds.

Barley shall weigh Forty-eight Pounds.

Oats shall weigh Thirty-six Pounds.

Peas shall weigh Sixty Pounds.

Beans shall weigh Sixty Pounds.

Grain, &c. on
request of Buyer
or Seller, to be
measured and
weighed.

And all such Grain and Pulse as may be imported or brought to Market for sale, shall, on request of the Buyer or Seller, be measured and weighed by the Measurer and Weigher, where the same shall be brought for sale; and that the said Measurer and Weigher shall be allowed and

paid One Farthing per bushel—the one half by the Buyer, and the other half by the Seller.

Allowance to
Measurer and
Weigher.

III. And be it further enacted, That if any Grain or Pulse shall be imported or brought for sale within any Port or place within the Island, which shall not be agreeable to the Standard Weight herein-before appointed for each sort of Grain and Pulse to weigh respectively, it shall and may be lawful for the Measurer and Weigher, if required either by the Buyer or Seller thereof, to add to each bushel a quantity sufficient to make the same weigh equal to the Standard herein-before appointed for each particular sort; and if such Grain or Pulse shall weigh more than the Standard Weight herein-before appointed, it shall in like manner be lawful to deduct as much for each bushel as will make the same conformable to the said Standard.

Duty of Measurer
and Weigher
when Grain, &c.
is deficient in
weight.

IV. And be it further enacted, That if any person so appointed, and accepting the office of Measurer and Weigher as aforesaid, shall be guilty of any neglect or fraud, in the execution of his office, he shall, for each and every offence, forfeit and pay a sum not exceeding Five Pounds—to be recovered before any one of His Majesty's Justices of the Peace for the County where the offence may have been committed—one half thereof to be paid to the person or persons who shall sue for the same, and the other half shall be paid into the Treasury of this Island; and the person so offending shall be liable in damages to the party injured.

Penalty on Meas-
urer & Weigher
for neglect of
duty.

How recovered
and applied.

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

Continuance of
Act.

CAP. XXIII.

Amended by 2
Vic. (2d Ses-
sion) c. 9.

An Act to repeal the Laws now in force for regulating Pounds, and to make more effectual provision in lieu thereof.

[Passed 20th April, 1837.]

11 G. 4, c. 11.

WHEREAS an Act passed in the Eleventh Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for providing Pounds within this Island, and to suspend an Act made and passed in the Thirty-first Year of the Reign of His late Majesty, intituled 'An Act for providing Pounds in the several 'Royalties in this Province,'* and continued by an

5 W. 4, (2d Ses-
sion) c. 1.

Act passed in the Second Session of the Fifth Year of His present Majesty's Reign, intituled *An Act to continue Four several Acts therein mentioned,* will expire on the last day of the present Session, whereby the Act passed in the

31 G. 3, c. 3.

Thirty-first Year of the Reign of His late Majesty King George the Third, intituled *An Act for providing Pounds in the several Royalties in this Province,* the operation of which was suspended by the first above recited Act, will revive, unless provision to the contrary be made: And

whereas it is deemed necessary to repeal the said last recited Act, and to make further provisions in lieu thereof: Be it therefore enacted, by the

Lt. Governor may
cause Pounds to
be erected in the
several Towns &
Royalties.

Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Lieutenant Governor, by and with the advice of His Majesty's Council, to cause to be erected a common Pound or Pounds in each of the Town Plots or Royalties of *Charlottetown, Princetown and Georgetown,* in such places or parts thereof, and of such extent and dimensions, as may be judged necessary.

II. And whereas inconvenience hath been felt from the want of Pounds in the different Settle-

ments and Districts of this Island: Be it therefore enacted, That as often as it shall appear to the Lieutenant Governor for the time being, on the Petition of the Inhabitants of any District, Township or Settlement, that a Common Pound is requisite in such District, Township or Settlement, (the Petitioners offering a good and proper Site for the erection of the said Pound) it shall and may be lawful for the Lieutenant Governor, by and with the advice of His Majesty's Council, to cause a Pound to be erected, of such extent and dimensions as may appear necessary, for such District, Township or Settlement.

And also in any District, &c. on petition of Inhabitants offering a Site.

IV. And be it further enacted, That if any person or persons shall rescue any Horses, Neat Cattle, Sheep, Goats or Swine, from any Hog Reeve, or other person driving such Horses, Neat Cattle, Sheep, Goats or Swine, found trespassing as aforesaid, to any common Pound, within the Town or Royalty, District, Township or Settlement, where such Trespass is alleged to have been committed, the offender shall forfeit and pay for such offence, the sum of One Pound, together with reasonable Costs of recovering the same, over and above all damages that may be sustained by the Trespass of such Horses, Neat Cattle, Sheep, Goats or Swine; which Penalty and Damages shall be recovered on the Oath of one or more credible Witness or Witnesses, before any one of His Majesty's Justices of the Peace for the County where the offence shall have been committed, and shall be levied by Warrant of Distress and Sale of the Offender's Goods and Chattels; and if any person or persons shall make any breach of the said Pound or Pounds, or shall by any other indirect means rescue any Horses, Neat Cattle, Sheep, Goats or Swine, out of the same, the person so offending, on being duly convicted thereof before any Two of His Majesty's Justices of the Peace, shall forfeit and pay the sum of Five Pounds, to be levied as aforesaid;

Persons rescuing any Horses, &c. to forfeit £1.

Mode of recovery.

Persons breaking Pounds, or rescuing Horses, &c. out of the same, to forfeit £5.

Application of
the Penalty.

Mode of punish-
ment where of-
fenders have no
Goods, &c.

and the said Penalties for every such rescue and Pound breach shall, after deducting the expense of repairing the breach or breaches of said Pound, be paid into the Treasury of this Island, to be applied as herein-before directed; and if in either of the said cases the person or persons so offending shall have no Goods or Chattels whereon to levy for the said Fines, the said Justice or Justices is or are hereby authorized and empowered to commit the person or persons so offending to the Jail of the County in which the offence shall have been committed, for a period not exceeding Two Months.

Repeals
31 G. 3, c. 3.

V. And be it further enacted, That the above recited Act, intituled *An Act for providing Pounds in the several Royalties in this Province*, be, and the same, and every part and clause thereof, is hereby repealed.

* * Section 3 of the above Act having been repealed by 2 Vic. (2d Session) cap. 9, is not herein inserted.

CAP. XXIV.

20 G. 3, c. 9.

An Act to confirm certain Sales of Lands and Tenements made under the Act of the Legislature of this Island, enabling Creditors to recover their just Debts out of the Effects of their absent or absconding Debtors.

[Passed 20th April, 1837.]

WHEREAS it appears to have been the practice of the Supreme Court of this Island, from the passing of the said Act, in the year of our Lord One thousand Seven hundred and Eighty, until the Twenty-second day of *June*, in the year of our Lord One thousand Eight hundred and Fourteen, to permit and suffer Execution to be sued out against the Lands and Tenements of absent or absconding Debtors, upon a verbal

Award of Judgment by the Court, entered on the Minutes by the Prothonotary, but without any Judgment having been entered up and docketed against the said absent or absconding Debtors, and divers Sales of such Lands and Tenements have been made by the Sheriff of this Island under such Executions, to *bona fide* Purchasers, who, in several instances, have re-sold the Lands so purchased to third Parties, and in other instances, they, or their heirs, have remained in the quiet and undisturbed possession of the same ever since; And whereas such purchases were made at Public Sale, under the presumption that all previous proceedings had been regularly conducted on the part of the said Supreme Court and its Officers; and it is therefore equitable and proper that all such Purchasers, and those claiming under them, should be quieted in their respective possessions, any want of any such Judgment notwithstanding: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That in all cases against absent or absconding Debtors, under the Act of the General Assembly of this Island, intituled *An Act to enable Creditors to recover their just Debts out of the effects of their absent or absconding Debtors*, had and prosecuted in the Supreme Court of this Island, from and after the passing of the said Act, in the year of our Lord One thousand Seven hundred and Eighty, to the Twenty-second day of *June*, in the year of our Lord One thousand Eight hundred and Fourteen, and wherein Execution has been sued out agreeably to the then practice of the said Supreme Court, and Lands and Tenements sold thereunder, the *bona fide* Purchasers at such Sales, and all persons legally claiming under them, shall be, and they are hereby declared to be, quieted in their respective possessions under and by virtue of such Sales, notwithstanding the want of any Record or Docket of any such Judgments—any Law, usage or custom to the contrary thereof in any wise notwithstanding: Provided always, that

Confirms Sales of lands under absent Debtor Act, made under Executions sued out previous to the 22d June, 1814, to *bona fide* purchasers, &c.

Not to effect the rights of parties in any action pending at the passing of this Act.

this Act shall not extend, or be construed to extend, to affect the right of any Parties in any Action or Suit already commenced, and now pending, in any way relating to Lands or Tenements so sold as aforesaid.

C A P. XXV.

Expired. An Act to authorize the appointment of a Coal Meter for *Charlottetown*.

[Passed 20th *April*, 1837.]

C A P. XXVI.

Expired. An Act to continue an Act for regulating the weight and quality of Bread within the Town and Royalty of *Charlottetown*.

[Passed 20th *April*, 1837.]

C A P. XXVII.

Repealed by 12 Vic. c. 29. An Act to enable the Proprietors or Shareholders of a Company called "The Bank of *British North America*," to sue and be sued in the name of any one of the Local Directors, or of the Manager or Agent for the time being of the said Company in this Island.

[Passed 20th *April*, 1837.]

C A P. XXVIII.

Expired. An Act to prohibit the exportation of Grain, Meal and Potatoes, and for other purposes therein mentioned.

[Passed 20th *April*, 1837.]

CAP. XXIX.

An Act for vesting all Estates and Property in this Island belonging to, or occupied for the Ordnance Service, in the Principal Officers of His Majesty's Ordnance, and for granting certain powers to the said Principal Officers.

[Passed 20th April, 1837.]

WHEREAS divers Lands, Tenements, Estates, and other Hereditaments in this Island, have been reserved in many of the Grants of Land from the Government of this Island, and otherwise set apart for the use of the Department of His Majesty's Ordnance, and have been placed under the charge of the said Department, or of the Administrator of the Government, or Commander of His Majesty's Forces, in the said Island: And whereas it may be expedient that such parts of the said Lands, Tenements, Estates and Hereditaments, with the Messuages thereunto belonging, as may not be wanted for the service of the said Department, should from time to time be sold and disposed of: And whereas for effectuating such Sales it is necessary that all and every the said Messuages, Lands, Tenements, Estates and other Hereditaments so reserved or set apart for the service of the said Ordnance Department, and any other Messuages, Lands, Tenements, Estates and other Hereditaments, that may be hereafter purchased for the service of the said Department, should be vested in the principal Officers of His Majesty's Ordnance for the time being: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That immediately from and after the passing of this Act, all Messuages, Lands, Tenements, Estates and other Hereditaments, which have been heretofore reserved or set apart for His Majesty, or His Royal Predecessors, and his or their

Lands reserved or set apart for the service of the Ordnance, and all buildings thereon, vested in the principal officers of that department.

Heirs and Successors, for the use or service of the said Ordnance Department, and all Erections and Buildings which now are or which shall or may be hereafter erected and built thereon, together with the Rights, Members, Easements and Appurtenances to the same respectively belonging, shall be and become, and remain and continue vested in the principal Officers of His Majesty's Ordnance in *Great Britain* for the time being, and their Successors in the said Office, according to the respective nature and quality of the said Messuages, Lands, Tenements, Estates and other Hereditaments, and the several Estates and Interests of and in the same Hereditaments respectively, in trust for His Majesty, his Heirs and Successors, for the service of the said Ordnance Department, or for such other public service or services as the said principal Officers, or their Successors in the said Office, shall from time to time order and direct.

Lands to be hereafter purchased, and also the buildings thereon, shall be vested in like manner.

II. And be it further enacted, That from and after the Purchase and Conveyance, Grant or Demise thereof, all other Messuages, Lands, Tenements, Estates and other Hereditaments, which shall at any time or times hereafter be purchased by the principal Officers of His Majesty's Ordnance for the time being, or by any other person or persons by their order for the service of the said Ordnance Department, and all Erections and Buildings which shall then or which may thereafter be erected and built thereon, with the Rights, Members, Easements and Appurtenances to the same respectively belonging, by whatever mode of conveyance, either unto or in the name of His Majesty, his Heirs and Successors, or otherwise the same shall be purchased or taken, shall in like manner be and become, and remain and continue vested in the said principal Officers of His Majesty's Ordnance for the time being, and their Successors in the said Office, according to the nature and quality of the said

Messuages, Lands, Tenements, Estates and other Hereditaments, and the several and respective Estates and Interests of and in the same respectively, in trust as aforesaid.

III. And be it further enacted, That upon the death, resignation or removal of the present principal Officers of the Ordnance in *Great Britain*, or of any of them, or of any future principal Officers, or principal Officer in *Great Britain*, all such Messuages, Lands, Tenements, Estates and other Hereditaments respectively, shall become vested in and be hold by the succeeding principal Officers in *Great Britain*, according to the respective nature and quality of the said Messuages, Lands, Tenements, Estates and other Hereditaments, and the several Estates and Interests of and in the same respectively, in trust as aforesaid.

In case of death or removal of principal Officers such premises shall vest in their successors.

IV. And be it further enacted, That it shall and may be lawful for the said principal Officers for the time being, or any Two or more of them, to sell, exchange, or in any manner dispose of, or to let or demise as well any of the Messuages, Lands, Tenements, Estates and other Hereditaments respectively, which shall be vested in them under and by virtue of this present Act, with their respective Appurtenances, either by public Auction or private Contract, in due form of Law to convey, surrender, assign or make over, or to grant or demise the same respectively (as the case may require) to any person or persons who shall be willing to purchase or take the same in exchange or otherwise respectively; and also to do any other act, matter or thing in relation to any such Messuages, Lands, Tenements, Estates and other Hereditaments, which shall by the said principal Officers be deemed beneficial to the public service in relation thereto, or for the better management thereof, which might be done by any person having a like Interest in any such like

Lands may be sold, exchanged or let.

Messuages, Lands, Tenements, Estates or other Hereditaments.

Purchase monies shall be paid to the person appointed to receive the same by the principal Officers of Ordnance.

V. And be it further enacted, That the Moneys to arise and be produced by the sale or exchange of any of the said Messuages, Lands, Tenements, Estates or other Hereditaments which shall be so sold or exchanged under the provisions of this present Act, shall be paid by the respective purchaser or purchasers thereof, or the person or persons making such exchange, unto the respective or other chief Officers or Officer of the Ordnance in this Island for the time being, or to such other person or persons as the said principal Officers for the time being, or any Two or more of them, shall direct or appoint to receive the same, for the use of His Majesty, his Heirs and Successors, and that the receipt of the said principal Officers, or of any Two of them, or of the said respective or other chief Officers or Officer, for such Moneys—such receipt to be indorsed on every such Conveyance, Surrender or Assignment as aforesaid—shall effectually discharge the purchaser or purchasers, or person or persons by whom, or on whose account, the same shall be paid.

After payment of purchase money, &c. the purchaser to have full right and possession.

VI. And be it further enacted, That immediately from and after the payment of such purchase money, and the execution of every such Conveyance, Surrender and Assignment as aforesaid, the purchaser or purchasers therein named, or the person or persons making such exchange as aforesaid, shall be deemed and adjudged to stand seised and possessed of the Messuages, Lands, Tenements, Estates and other Hereditaments, which shall be so purchased or taken in exchange by and conveyed, surrendered, assigned or made over to him, her or them respectively, freed and absolutely discharged of and from all and all manner of prior Estates, Leases, Rights, Titles, Interests, Charges, Incumbrances, Claims and

Demands whatsoever, which can or may be had, made, set up, in, to, out of or upon or in respect of the same Messuages, Lands, Tenements, Estates or other Hereditaments, by any person or persons whomsoever, on any account whatever, (save and except such Estates, Leases, Rights, Titles, Interests, Charges, Incumbrances, Claims and Demands, as in any such Conveyance, Surrender, Deed of Exchange or Assignment shall be excepted.)

VII. And be it further enacted, That it shall be lawful for the said principal Officers for the time being, and for the said respective or other Chief Officers or Officer for the time being, and they are respectively hereby authorized and empowered, to bring, prosecute and maintain in the name of His Majesty, his Heirs or Successors, any Action or Actions of Ejectment or other Proceeding at Law or in Equity, in the Supreme Court of Judicature or Court of Chancery of this Island (as the case may require), for recovering possession of any Messuages, Lands, Tenements, Estates or other Hereditaments, by this Act vested in them as aforesaid; and to distrain or sue for any arrears of Rent which shall have become or shall become due for or in respect thereof, under any parol or other demise from the said principal Officers, or respective or other Chief Officers or Officer for the time being as aforesaid; and also to bring, prosecute and maintain in the name of His Majesty, his Heirs or Successors, any other Action or Suit in respect of or in relation to the said Messuages, Lands, Tenements, Estates or other Hereditaments, or of any Trespass or Encroachment committed thereon, or damage or injury done thereto.

Actions of Ejectment may be brought in the name of His Majesty to recover possession of Lands vested in the Ordinance department.

VIII. And be it further enacted, That it shall be lawful for all Bodies Politic or Corporate, Ecclesiastical or Civil, and all Feoffees or Trustees for charitable or other public purposes, and

Power given to bodies politic and others to treat for sale, exchange or lease of Lands.

for all Tenants for life and Tenants in Tail, and for the Husbands, Guardians, Trustees, Committees, Curators or Attorneys of such of the Owners or Proprietors of, or persons interested in any Messuages, Lands, Tenements, Estates and other Hereditaments in the said Island, which have been or may be hereafter agreed to be purchased or taken for the use of the said Ordnance Department, as shall be Femes-covert, Infants, Lunatics, Idiots, or persons beyond the seas, or otherwise incapable of acting for themselves, to contract or agree with the said principal Officers for the time being, either for the absolute sale or exchange of any such Messuages, Lands, Tenements, Estates or other Hereditaments, or sale of any reversion after any Estate or Estates for lives or years, or for the Grant of any Lease, either for life or lives, or for any term of years certain therein, or for such period as the exigency of the public service shall require, and to convey, surrender, demise or grant the same accordingly; and all Contracts, Conveyances, Surrenders, Leases and Agreements, which shall be made in pursuance hereof, shall be valid and effectual in Law to all intents and purposes whatsoever, and shall be a complete bar to all Dower, and claims of Dower, Estates Tail and other Estates, Rights, Titles, Trusts and Interests whatsoever.

Investment of
purchase money.

IX. And be it further enacted, That in every such case of purchase or exchange of any Lands or Hereditaments, or of any such reversion as aforesaid, or purchase of any other Interest belonging to any such body or other person or persons under any disability or incapacity, or not having the absolute Interest therein, the purchase money of the same, shall amount to or exceed the sum of Two hundred Pounds, shall be paid into the hands or into the name of the Accountant General or other proper Officer of His Majesty's Court of Chancery of the said Island respectively for the time being, for the use and benefit of the

Owners and Proprietors of such Lands and Hereditaments, and such Accountant General or other proper Officer respectively, is hereby authorized and required to receive or accept and to give a discharge for the same, and upon the acceptation or receipt thereof, to sign a Certificate to the Chancellor of the said Court of Chancery, under his hand, purporting and signifying that such Money or other consideration was received and accepted by and paid to him in pursuance of this Act, for the use and benefit of such Owners or Proprietors as shall be named in such Certificate; and the said Certificate shall be filed or deposited in the said Court of Chancery, and a true copy thereof, signed by the said Accountant General or other proper Officer respectively of such Court, shall and may be read and allowed as evidence for the purposes herein-after mentioned; and immediately upon the filing or depositing of such Certificate, the said Lands and Hereditaments shall be and become vested in the said principal Officers of the Ordnance for the time being, for the public service, in trust for His Majesty, his Heirs and Successors.

X. And be it further enacted, That the Chancellor of this Island for the time being is hereby authorized and empowered in a summary way, upon Motion or Petition for and on behalf of any person or persons interested in, or entitled to the benefit of the Money so paid to and received by the said Accountant General or other proper Officer, or the Interest or produce thereof, and upon reading the Certificate directed to be signed by the Accountant General or other proper Officer respectively, concerning the same as aforesaid, and receiving such further satisfaction as he shall think necessary, to make and pronounce such orders and directions for paying the said Money, or any part of the same, or for placing out such part thereof as shall be principal in or upon the Public or Government or Real Securities, either

Chancellor may make order for the investment of such purchase money.

in this Island or *Great Britain*, and for payment of the Dividends or Interests thereof, or any part thereof, to the respective persons entitled to receive the same, or for laying out the principal, or any part thereof, in the purchase of other Lands, Estates or Hereditaments, to be conveyed and settled to, for and upon the same uses, trusts, intents or purposes as the said Lands, Estates and Hereditaments so purchased or taken stood settled at the time of the payment of such Money as aforesaid, or as near thereto as the same can be done, or otherwise concerning the disposition of the said Money, or any part thereof, and the Interest of the same, or any part thereof, for the benefit of the person and persons entitled to and interested in the same respectively, or for appointing any person or persons to be a Trustee or Trustees for all or any of such purposes, as the said Court shall think just and reasonable.

Investment of
purchase money
when less than
£200.

XI. Provided always, and be it further enacted, That in case such purchase Money as is lastly herein-before mentioned shall be less than the sum of Two hundred Pounds, and shall exceed the sum of Twenty Pounds, then and in all such cases the same shall, at the option of the person or persons for the time being entitled to the Rents and Profits of the Lands and Hereditaments so purchased, or of his, her or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in writing under their respective hands, be paid into the hands of the said Accountant General or other proper Officer respectively of the said Court of Chancery, in order to be applied in manner herein-before directed, or otherwise the same shall be paid at the like option to Three Trustees, to be nominated by the person or persons making such option, and approved of by the said principal Officers, or any Two or more of them, or by the said respective or other Chief Officer of the Ordnance for the time being as aforesaid—such

nomination or approbation to be signified in writing under the hands of the nominating and approving parties, in order that such principal Money may be invested in the purchase of Public or Government or Real Securities, either in this Island or *Great Britain*, and that such Stock when purchased and the Dividends arising therefrom, may be applied in manner herein-before directed, so far as the case be applicable, without obtaining or being required to obtain the order, direction or approbation of the said Court of Chancery.

XII. Provided always, and be it further enacted, That in case such purchase Money shall be less than Twenty Pounds, then, in all such cases the same shall be applied to the use of the person or persons who would, for the time being, be entitled to the Rents and Profits of the Lands and Hereditaments so purchased, in such manner as the said principal Officers, or any two or more of them, or as the said respective or other Chief Officers or Officer for the time being as aforesaid shall think fit; or in case of any Infancy or Lunacy, then to his, her or their Guardian or Guardians, Committee or Committees, for the use and benefit of such person or persons entitled respectively.

Investment of purchase money when less than £20.

XIII. And be it further enacted, That upon the death or removal of any such Accountant General or other proper Officer respectively, all Public or Government and Real Securities vested in him by virtue of this Act, shall vest in the succeeding Accountant General or other proper Officer respectively, for the purpose herein-before mentioned, without any Assignment or Transfer, and all Moneys remaining in the hands of any Accountant General or other proper Officer respectively, at his death or removal, and not vested in the Funds, or placed out on Public or Government or Real Securities as aforesaid, shall be

Securities vested in Accountant General, &c. shall, in case of death or removal, vest in his successor.

paid over to the succeeding Accountant General or other proper Officer respectively for the time being.

Description of principal Officers of Ordnance in this Island in all Contracts, Conveyances, &c.

XIV. And be it further enacted, That in all Contracts, Conveyances, Surrenders, Leases and other Deeds and Instruments whatsoever, relating to the public service, which shall hereafter be made or entered into by, to or with the principal Officers of the Ordnance for the time being, or by, to or with the respective or other Chief Officers or Officer of the Ordnance, for the time being, in this Island, or whereunto they or any of them shall be parties or a party, it shall be sufficient to call or describe the said principal or other Officers or Officer as aforesaid, by the style or title of "The Officers or Chief Acting Officer (as the case may be), of His Majesty's Ordnance," without naming them, or any or either of them: and that all such Contracts, Conveyances, Surrenders, Leases and other Deeds and Instruments wherein the said principal Officers or the said respective or other Chief Officers or Officer as aforesaid shall be called or described by their style or title as aforesaid, and the execution thereof respectively, by the said principal Officers, or any Two or more of them, or by the said respective or other Chief Officer as aforesaid, and be as valid and effectual and have the like force and operation, to all intents and purposes whatsoever, as if the said principal Officers, or any two or more of them, or the said respective or other chief Officers or Officer as aforesaid, had been respectively named therein.

CAP. XXX.

An Act to repeal certain parts of an Act, intituled *An Act for the Limitation of Actions and for avoiding Lawsuits* so far as the same relate to Actions concerning Real estate, and to make other provisions in lieu thereof.

Amended by 4
Vic. c. 10.

[Passed 20th April, 1837.]

BE it enacted, by the Lieutenant Governor, Council and Assembly, That the words and expressions herein-after mentioned, which in their ordinary signification have a more confined or a different meaning, shall in this Act, except where the nature of the provision or the context of the Act shall exclude such construction, be interpreted as follows; (that is to say,) the word "Land" shall extend to Messuages, and all other corporeal Hereditaments whatsoever, and also to any Share, Estate or Interest in them or any of them, whether the same shall be a Freehold or Chattel Interest; and the person through whom another person is said to claim, shall mean any person by, through or under, or by the act of whom the person so claiming became entitled to the Estate or Interest claimed as Heir, Issue in Tail, Tenant by the curtesy of *England*, Tenant in Dower, Successor, special or general Occupant, Executor, Administrator, Legatee, Husband, Assignee, Appointee, Devisee or otherwise; and the word "Person" shall extend to a Body Politic, Corporate or Collegiate, and to a class of Creditors or other persons as well as an individual; and every word importing the singular number only, shall extend and be applied to several persons or things as well as one person or thing; and every word importing the masculine gender only, shall extend and be applied to a Female as well as a Male.

Meaning of the
words in this Act.

"Land."

Persons through
whom another
Claims.

"Person."

Number and
Gender.

No land to be recovered but within Twenty Years after the Right of Action accrued.

II. And be it further enacted, That no person shall make an Entry, or bring an Action to recover any Land, but within Twenty Years next after the time at which the right to make such Entry or to bring such Action; shall have first accrued to some person through whom he claims; or if such right shall not have accrued to any person through whom he claims, then within Twenty Years next after the time at which the right to make such Entry or to bring such Action shall have first accrued to the person making or bringing the same.

When the right shall be deemed to have accrued in the case of an Estate in possession.

III. And be it further enacted, That in the construction of this Act, the right to make an Entry or bring an Action to recover any Land shall be deemed to have first accrued at such time as herein-after is mentioned; (that is to say,) when the person claiming such Land, or some person through whom he claims, shall in respect of the Estate or Interest claimed, have been in possession or in receipt of the profits of such Land, and shall, while entitled thereto, have been dispossessed or have discontinued such possession or receipt, then such right shall be deemed to have first accrued at the time of such dispossession or discontinuance of possession, or at the last time at which any such profits were or was so received; and when the person claiming such Land, shall claim the Estate or Interest of some deceased person who shall have continued in such possession or receipt, in respect of the same Estate or Interest, until the time of his death, and shall have been the last person entitled to such Estate or Interest, who shall have been in such possession or receipt, then such right shall be deemed to have first accrued at the time of such death; and when the person claiming such Land shall claim in respect of an Estate or Interest in possession granted, appointed, or otherwise assured by any Instrument

On dispossession.

On abatement or death.

On alienations.

(other than a Will), to him or some person through whom he claims, by a person being in respect of the same Estate or Interest, in the possession or receipt of the profits of the Land, and no person entitled under such Instrument shall have been in such possession or receipt, then such right shall be deemed to have first accrued at the time at which the person claiming as aforesaid, or the person through whom he claims, became entitled to such possession or receipt by virtue of such Instrument; and when the Estate or Interest claimed shall have been an Estate or Interest in reversion or remainder, or other future Estate or Interest, and no person shall have obtained the possession or receipt of the profits of such Land in respect of such Estate or Interest, then such right shall be deemed to have first accrued at the time at which such Estate or Interest became an Estate or Interest in possession; and when the person claiming such Land, or the person through whom he claims, shall have become entitled by reason of any Forfeiture or Breach of condition, then such right shall be deemed to have first accrued when such Forfeiture was incurred, or such condition was broken: Provided always, that when any right to make an Entry or to bring an Action to recover any Land, by reason of any Forfeiture or Breach of condition, shall have first accrued in respect of any Estate or Interest in reversion or remainder, and the Land shall not have been recovered by virtue of such right, the right to make an Entry or bring an Action to recover such Land shall be deemed to have first accrued in respect of such Estate or Interest, at the time when the same shall have become an Estate or Interest in possession, as if no such Forfeiture or Breach of condition had happened: Provided also, that a right to make an Entry or to bring an Action to recover any Land, shall be deemed to have first accrued in respect of an Estate or Interest in reversion, at the time at which the same shall have become an Estate or Interest

In cases of future Estates.

In case of forfeiture or breach of conditions.

If advantage of forfeiture is not taken by remainder man, he shall have a new right when Estate comes into possession.

Reversioner to have a new right.

in possession, by the determination of any Estate or Estates in respect of which such Land shall have been held, or the profits thereof shall have been received, notwithstanding the person claiming such Land, or some person through whom he claims, shall at any time previously to the creation of the Estate or Estates which shall have determined, have been in possession or receipt of the profits of such Land.

An Administrator to claim as if he obtained estate without interval.

IV. And be it further enacted, That for the purposes of this Act, an Administrator claiming the Estate or Interest of the deceased person of whose Chattels he shall be appointed Administrator, shall be deemed to claim as if there had been no interval of time between the death of such deceased person and the granting of the Letters of Administration.

In the case of a Tenant at Will, the right to be deemed to have accrued at the expiration of one year.

V. And be it further enacted, That when any person shall be in possession or in receipt of the profits of any Land as Tenant at Will, the right of the person entitled subject thereto, or of the person through whom he claims to make an Entry or bring an Action to recover such Land, shall be deemed to have first accrued either at the determination of such Tenancy, or at the expiration of one year next after the commencement of such Tenancy, at which time such Tenancy shall be deemed to have determined: Provided always, that no Mortgager or *Cestuique* trust shall be deemed to be a Tenant at Will within the meaning of this Clause, to his Mortgagor or Trustee.

No person after a Tenancy from year to year to have any right but from the expiration of the first year or last payment.

VI. And be it further enacted, That when any person shall be in possession or in receipt of the profits of any Land, as Tenant from Year to Year, or other period, without any Lease in writing, the right of the person entitled subject thereto, or of the person through whom he claims to make an Entry or bring an Action to recover

such Land, shall be deemed to have first accrued at the determination of the first of such Years or other period, or at the last time when any Rent payable in respect of such Tenancy shall have been received, (which shall last happen.)

VII. And be it further enacted, That when any person shall be in possession or in receipt of the profits of any Land, by virtue of a Lease in writing, by which a Rent amounting to the yearly sum of Twenty Shillings or upwards shall be reserved, and the Rent reserved by such Lease shall have been received by some person wrongfully claiming to be entitled to such Land in reversion, immediately expectant on the determination of such Lease, and no payment in respect of the Rent reserved by such Lease shall afterwards have been made to the person rightfully entitled thereto, the right of the person entitled to such Land subject to such Lease, or of the person through whom he claims to make an Entry or to bring an Action after the determination of such Lease, shall be deemed to have first accrued at the time at which the Rent reserved by such Lease was first so received by the person wrongfully claiming as aforesaid, and no such right shall be deemed to have first accrued upon the determination of such Lease to the person rightfully entitled.

When Rent amounting to 20s. reserved by a lease in writing, shall have been wrongfully received, no right to accrue on the determination of the Lease.

VIII. And be it further enacted, That no person shall be deemed to have been in possession of any Land, within the meaning of this Act, merely by reason of having made an Entry thereon.

A mere entry not to be deemed possession.

IX. And be it further enacted, That no continual or other claim upon or near any Land shall preserve any right of making an Entry or of bringing an Action.

No right to be preserved by continued claim.

Possession of one Coparcener, &c. not to be the possession of others.

X. And be it further enacted, That when any one or more of several persons entitled to any Land as Co-parceners, Joint Tenants, or Tenants in common, shall have been in possession or receipt of the entirety, or more than his or their undivided share or shares of such Land, or of the profits thereof, for his or their own benefit, or for the benefit of any person or persons, other than the person or persons entitled to the other share or shares of the same Land, such possession or receipt shall not be deemed to have been the possession or receipt of or by such last mentioned person or persons, or any of them.

Acknowledgment in writing equivalent to possession or receipt of rent.

XI. Provided always, and be it further enacted, That when any acknowledgment of the Title of the person entitled to any Land shall have been given to him or his Agent in writing, signed by the person in possession or in receipt of the profits of such Land, then such possession or receipt of or by the person by whom such acknowledgment shall have been given, shall be deemed, according to the meaning of this Act, to have been the possession or receipt of or by the person to whom or to whose Agent such acknowledgment shall have been given at the time of giving the same; and the right of such last mentioned person, or any person claiming through him, to make an Entry or to bring an Action to recover such Land, shall be deemed to have first accrued at and not before the time at which such acknowledgment, or the last of such acknowledgments, if more than one, was given.

Where possession is not adverse at the time of passing the Act, the right shall not be barred until after 5 Years.

XII. Provided also, and be it further enacted, That when no such acknowledgment as aforesaid shall have been given before the time appointed for this Act to take effect, and the possession or receipt of the profits of the Land shall not at the time of this Act taking effect have been adverse to the Right or Title of the person claiming to be entitled thereto, then such person, or the per-

son claiming through him, may, notwithstanding the period of Twenty Years herein-before limited shall have expired, make an Entry or bring an Action to recover such Land, at any time within Five Years next after the time appointed for this Act to take effect.

XIII. Provided always, and be it further enacted, That if at the time at which the Right of any person to make an Entry or bring an Action to recover any Land shall have first accrued as aforesaid, such person shall have been under any of the disabilities herein-after mentioned; (that is to say,) Infancy, Coverture, Idiocy, Lunacy, unsoundness of mind, or absence beyond seas, then such person, or the person claiming through him, may, notwithstanding the period of Twenty Years herein-before limited shall have expired, make an Entry or bring an Action to recover such Land, at any time within Ten Years next after the time at which the person, to whom such Right shall first have accrued as aforesaid, shall have ceased to be under any such disability, or shall have died, (which shall have first happened.)

Persons under disability to be allowed 10 years.

XIV. Provided nevertheless, and be it further enacted, That no Entry or Action shall be made or brought by any person, who, at the time at which his Right to make an Entry or to bring an Action to recover any Land shall have first accrued, shall be under any of the disabilities herein-before mentioned, or by any person claiming through him, but within Forty Years next after the time at which such Right shall have first accrued, although the person under disability at such time, may have remained under one or more of such disabilities during the whole of such Forty Years, or although the term of Ten Years from the date at which he shall have ceased to be under any such disability, or have died, shall not have expired.

But no Action shall be brought beyond 40 years after the right accrued.

No further time to be allowed for a succession of disabilities.

XV. Provided always, and be it further enacted, That when any person shall be under any of the disabilities herein-before mentioned at the time at which his Right to make an Entry or to bring an Action to recover any Land shall have first accrued, and shall depart this life without having ceased to be under any such disability, no time to make an Entry or to bring an Action to recover such Land, beyond the said period of Twenty Years next after the right of such person to make an Entry or to bring an Action to recover such Land, shall have first accrued, or the said period of Ten Years next after the time at which such person shall have died, shall be allowed by reason of any disability of any other person.

What parts shall not be deemed beyond seas.

XVI. And be it further enacted, That no part of the *British Provinces of Nova Scotia* (including *Cape Breton*,) *Lower Canada*, *Upper Canada*, nor the Province of *New Brunswick*, nor *Newfoundland*, shall be deemed to be beyond seas, within the meaning of this Act.

When the right to an Estate in possession is barred, the right of the same person to future Estate shall also be barred.

XVII. And be it further enacted, That when the right of any person to make an Entry or bring an Action to recover any Land to which he may have been entitled for an Estate or Interest in possession, shall have been barred by the determination of the period herein-before limited, which shall be applicable in such case, and such person shall at any time during the said period have been entitled to any other Estate, Interest, Right or Possibility, in reversion, remainder or otherwise, in or to the same Land, no Entry or Action shall be made or brought by such person, or any person claiming through him, to recover such Land, in respect of such other Estate, Interest, Right or Possibility, unless in the meantime such Land shall have been recovered by some person entitled to an Estate, Interest or Right, which shall have been limited or taken ef-

fect after or in defeazance of such Estate or Interest in possession.

XVIII. And be it further enacted, That when the right of a Tenant in Tail of any Land to make an Entry, or to bring an Action to recover the same, shall have been barred by reason of the same not having been made or brought within the period berein-before limited, which shall be applicable in such case, no such Entry or Action shall be made or brought by any person claiming any Estate, Interest or Right which such Tenant in Tail might lawfully have barred.

When Tenant in Tail is barred, remainder man shall not recover.

XIX. And be it further enacted, That when a Tenant in Tail of any Land, entitled to recover the same, shall have died before the expiration of the period herein-before limited, which shall be applicable in such case for making an Entry or bringing an Action to recover such Land, no person claiming any Estate, Interest or Right which such Tenant in Tail might lawfully have barred, shall make an Entry or bring an Action to recover such Land, but within the period during which, if such Tenant in Tail had so long continued to live, he might have made such Entry or brought such Action.

Possession adverse to a Tenant in Tail shall run against the remainder man.

XX. And be it further enacted, That no person claiming any Land in Equity shall bring any Suit to recover the same but within the period during which, by virtue of the provisions herein-before contained, he might have made an Entry or brought an Action to recover the same respectively, if he had been entitled at Law to such Estate, Interest or Right in or to the same as he shall claim therein in Equity.

Limitation as to suits in equity.

XXI. Provided always, and be it further enacted, That when any Land shall be vested in a Trustee upon any express Trust, the right of the *Cestuique* Trust, or any person claiming through

In cases of express trust, the right not to accrue until conveyance.

him, to bring a Suit against the Trustee, or any person claiming through him, to recover such Land, shall be deemed to have first accrued, according to the meaning of this Act, at and not before the time at which such Land shall have been conveyed to a purchaser for a valuable consideration, and shall then be deemed to have accrued only as against such purchaser, and any person claiming through him.

As to cases of
Fraud.

XXII. And be it further enacted, That in every case of a concealed Fraud, the right of any person to bring a Suit in Equity for the recovery of any Land, of which he, or any person through whom he claims, may have been deprived by such Fraud, shall be deemed to have first accrued at and not before the time at which such Fraud shall, or with reasonable diligence might have been, first known or discovered: Provided, that nothing in this Clause contained shall enable any owner of Lands to have a Suit in Equity for the recovery of such Lands, or for setting aside any Conveyance of such Lands, on account of Fraud against any *bona fide* purchaser for valuable consideration, who has not assisted in the commission of such Fraud, and who, at the time that he made the purchase, did not know, and had no reason to believe that any such Fraud had been committed.

Saving the juris-
diction of Courts
of Equity.

XXIII. Provided always, and be it further enacted, That nothing in this Act contained shall be deemed to interfere with any Rule or Jurisdiction of Courts of Equity, in refusing relief on the ground of acquiescence or otherwise, to any person whose right to bring a Suit may not be barred by virtue of this Act.

Mortgager to be
barred at the end
of 20 years from
the time when
the Mortgagee

XXIV. And be it further enacted, That when a Mortgagee shall have obtained the possession or receipt of the profits of any Land comprised in his Mortgage, the Mortgager, or any person claim-

ing through him, shall not bring a Suit to redeem the Mortgage, but within Twenty years next after the time at which the Mortgagee obtained such possession or receipt, unless in the meantime an acknowledgment of the Title of the Mortgager, or of his right of Redemption, shall have been given to the Mortgager, or some person claiming his Estate, or to the Agent of such Mortgager or Person in writing, signed by the Mortgagee, or the Person claiming through him; and in such case no such Suit shall be brought but within Twenty years next after the time at which such acknowledgment, or the last of such acknowledgments, if more than one was given; and when there shall be more than one Mortgager, or more than one person claiming through the Mortgager or Mortgagers, such acknowledgment, if given to any of such Mortgagers or Persons, or his or their Agent, shall be as effectual as if the same had been given to all such Mortgagers or Persons; but where there shall be more than one Mortgagee, or more than one Person claiming the Estate or Interest of the Mortgagee or Mortgagees, such acknowledgment signed by one or more of such Mortgagees or Persons, shall be effectual only as against the party or parties signing as aforesaid, and the person or persons claiming any part of the Mortgage Money or Land, by, from or under him or them, and any person or persons entitled to any Estate or Estates, Interest or Interests, to take effect after or in defeasance of his or their Estate or Estates, Interest or Interests, and shall not operate to give to the Mortgager or Mortgagers a right to redeem the Mortgage, as against the person or persons entitled to any other undivided or divided part of the Money or Land; and where such of the Mortgagees or Persons aforesaid as shall have given such acknowledgment shall be entitled to a divided part of the Land comprised in the Mortgage, or some Estate or Interest therein, and not to any ascertained part of the Mortgage Money, the Mortgagee or

took possession,
or from the last
written acknow-
ledgment.

Mortgagers shall be entitled to redeem the same divided part of the Land, on payment with Interest of the part of the Mortgage Money, which shall bear the same proportion to the whole of the Mortgage Money as the value of such divided part of the Land shall bear to the value of the whole of the Land comprised in the Mortgage.

At the end of the period of limitation the right to be extinguished.

XXV. And be it further enacted, That at the determination of the period limited by this Act to any person for making an Entry or bringing any Action or Suit, the Right and Title of such person to the Land for the recovery whereof such Entry, Action or Suit respectively might have been made or brought within such period, shall be extinguished.

Receipt of Rent deemed receipt of profits.

XXVI. And be it further enacted, That the receipt of the Rent payable by any Tenant from year to year, or other Lessee, shall, as against such Lessee or any person claiming under him, (but subject to the Lease) be deemed to be the receipt of the profits of the Land, for the purposes of this Act.

Real and mixed actions abolished after 1st January 1838.

XXVII. And be it further enacted, That no Writ of Right, or Writ in nature of a Writ of Right, and no other Action real or mixed, (except a Writ of Right of Dower, or Writ of Dower, *unde nihil habet*, or an Ejectment) shall be brought after the First day of *January* One thousand Eight hundred and Thirty-eight.

Money charged upon Land and Legacies to be deemed satisfied at the end of Twenty years, if there shall be no interest paid or acknowledgment in the mean time.

XXVIII. And be it further enacted, That no Action or Suit or other Proceeding, shall be brought to recover any sum of Money, secured by any Mortgage, Judgment or Lien, or otherwise charged upon or payable out of any Land at Law or in Equity, or any Legacy, but within Twenty years next after a present right to receive the same shall have accrued to some person capable of giving a discharge for or release of the same,

unless in the meantime some part of the principal Money, or some Interest thereon, shall have been paid, or some acknowledgment of the Right thereto shall have been given in writing, signed by the person by whom the same shall be payable, or his Agent, to the person entitled thereto, or his Agent, and in such case no such Action or Suit or Proceeding shall be brought but within Twenty years after such payment or acknowledgment, or the last of such payments or acknowledgments, if more than one was given.

XXIX. And be it further enacted, That no arrears of Dower, nor any Damages on account of such arrears, shall be recovered or obtained by any Action or Suit, for a longer period than Six years next before the commencement of such Action or Suit.

No arrears of Dower to be recovered for more than Six years.

XXX. And be it further enacted, That so much of an Act made and passed in the Twenty-first year of the Reign of King George the Third, intituled *An Act for the Limitation of Actions, and for avoiding Lawsuits*, as relates to the Limitation of Actions of or for Real Estate, be, and the same is hereby repealed, except as the same may affect any Action now depending in any of His Majesty's Courts in this Island.

So much of Act of the 21 G. 3, as relates to Limitation of Actions of or for Real Estate repealed, except as the same may affect any Actions now pending.

C A P. X X X I.

An Act for levying an Assessment on all Lands in this Island.

See 3 Vic. c. 23. Repealed by 11 Vic. c. 7.

[Passed 20th April, 1837.]

* * * The provisions of this Act may affect Titles to Lands, but are omitted pursuant to directions of Act 12 Vic. c. 23.

CAP. XXXII.

Continued by 1
Vic. c. 17, 2 Vic.
(2d Sess.) c. 1,
3 Vic. c. 3, and
4 Vic. c. 2.
Expired.

**An Act for the Increase of the Revenue of this
Island.**

[Passed 20th *April*, 1837.]

CAP. XXXIII.

Executed.

**An Act for appropriating certain Moneys therein
mentioned, for the service of the year of our
Lord One thousand Eight hundred and Thirty-
seven.**

[Passed 20th *April*, 1837.]

ANNO PRIMO

VICTORIÆ REGINÆ.

At the General Assembly of Her Majesty's Island of *Prince Edward*, begun and holden at *Charlottetown*, the Twenty-sixth day of *January*, Anno Domini 1835, in the Fifth Year of the Reign of our late Sovereign Lord WILLIAM the Fourth, by the Grace of God, of the United Kingdom of *Great Britain*, and *Ireland*, King, Defender of the Faith: 1838.

SIR CHARLES
A. FITZ ROY,
Lieut. Governor.

E. J. JARVIS,
President
of Council.

G. DALRYM-
PLE,
Speaker.

And from thence continued, by several Prorogations, to the Twenty-third day of *January*, 1838, and in the First year of Her present Majesty's Reign: being the Fifth Session of the Fourteenth General Assembly convened in the said Island.

CAP. I.

An Act to amend an Act passed in the Third year of His late Majesty's Reign, intituled *An Act to regulate the performance of Statute Labour on the Highways, and for other purposes therein mentioned.* Repealed by 6 Vic. c. 1.

[Passed 9th March, 1838.]

CAP. II.

Repealed by 12
Vic. c. 26.

An Act to provide for the management of the *Charlottetown* Ferry, by the use of a Team Boat.

Passed 9th *March*, 1838.

CAP. III.

Expired.

5 W. 4, c. 14.

An Act for further continuing an Act passed in the Fifth year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the payment of Interest on Warrants, which are not paid at the Treasury on demand.*

[Passed 9th *March*, 1838.]

CAP. IV.

Expired.

An Act to continue an Act passed in the Seventh year of His late Majesty's Reign, empowering the Inhabitants of *Charlottetown* to assess themselves for the purpose of purchasing or renting Sites for Engine Houses, and for erecting such Buildings thereon.

[Passed 9th *March*, 1838.]

CAP. V.

Expired.

An Act to continue an Act passed in the Fourth year of His late Majesty's Reign, for the better preventing accidents by Fire within the Town of *Charlottetown.*

[Passed 9th *March*, 1838.]

CAP. VI.

An Act for the Regulation of the Public Wharf Expired.
of *Georgetown*.

[Passed 9th *March*, 1838.]

CAP. VII.

An Act to provide Salaries for Sub-Collectors Expired.
of Customs at the several Out Ports therein
mentioned.

[Passed 9th *March*, 1838.]

CAP. VIII.

An Act to make provision for the payment of a Repealed by 8
portion of the expense of maintaining Light Vic. c. 3.
Houses, and for the erection and maintenance
of Buoys and Beacons.

[Passed 9th *March*, 1838.]

CAP. IX.

An Act to alter and amend an Act passed in the Repealed by 11
Sixth year of the Reign of His late Majesty, Vic. c. 21.
intituled *An Act to consolidate and amend the*
Election Laws.

[Passed 9th *March*, 1838.]

CAP. X.

An Act for the regulation of Grist Mills in
this Island, and to repeal the Acts formerly
passed for that purpose.

[Passed 7th *April*, 1838.]

WHEREAS it is expedient that the Statutes
now in force, relating to Grist Mills, should

Rate of Toll for
grinding
Wheat, &c.

be repealed, and that the provisions thereof should be consolidated and amended: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing hereof, no greater Toll shall be taken by any Miller within this Island, for grinding Wheat, Rye, Barley, Oats, Buck-wheat or Indian Corn, than one Fourteenth part; and for kiln-drying, shelling and grinding Oats into Meal, the Toll shall be one Sixth part, and no more.

Rate of Toll for
pearling Barley.

II. And be it enacted, That no greater Toll shall be taken by any Miller as aforesaid, for pearling Barley, than Eight Pounds for every Bushel delivered to any such Miller to be manufactured into Pearl Barley.

Rate of Toll for
grinding Oats.

III. And be it enacted, That if Oats shall be brought to any Mill, dried and ready for grinding, the Toll to be taken for shelling and grinding such Grain, shall be equal to one Sixteenth part, and no more.

Miller keeping a
Bolt, to bolt all
Flour of Wheat,
&c. if required.

Rate of Toll for
bolting.

Miller keeping
Oatmeal Sifter
to sift Oatmeal,
if the quantity be
25 bushels gratis.

Rate of Toll for
lesser quantity.

IV. And be it enacted, That every Miller who keeps, or may in time coming keep, a Bolting Mill, shall be obliged to bolt the Meal of all Wheat, Rye, Barley or Buckwheat, ground at his Mill, when required, and that the Toll to be taken for the same shall not exceed one Pint of that Grain *per* Bushel, to be taken in addition to the former Toll; and that every Miller who keeps, or may hereafter keep, an Oatmeal Sifter, shall be obliged to sift the Meal of all Oats ground at his Mill when so required, without taking away Toll for so doing; provided that the quantity of any one Grist of such Grain shall amount to Twenty-five Bushels; but for any Meal sifted when the Grist at one time shall be less than that number of Bushels, then the Toll to be taken for such less quantity shall not exceed one Quart of that Grain *per* Bushel, to be also taken in addition to the former Toll of the said Grain; and all

Tolls allowed under this Act shall be taken from the Grist in the state in which it is brought to the Mill; and every Miller refusing to comply herewith, shall be subject to and incur a Penalty of Forty Shillings for every transgression; but no Miller shall be obliged to receive and grind any Indian Corn, Wheat, Rye, Barley, or Buckwheat, which shall not be clean, dry, and in good order.

Tolls how to be taken.

Penalty on Miller for offences against this section of Act.

Miller not obliged to grind Corn, &c. unless the same be in good order.

V. And be it enacted, That no Miller shall be entitled to keep any Bran or other Offal that may be made from any Grain manufactured as aforesaid, but that the same shall belong to the owner of such manufactured article; provided the same shall be removed with the Flour, Meal, or Pearl Barley but not otherwise, except with the consent of the Miller; but no Miller shall be liable to any Penalty if the owner of any Grist shall not send a bag or bags at the time of sending such Grist to the Mill, sufficient to contain such Bran or Offal.

Miller to return Bran, &c.

VI. And be it enacted, That if any Miller within this Island shall demand, take or receive any greater Toll than is herein directed to be taken, or who shall change any Grain so delivered as aforesaid to be ground or manufactured (except with the consent of the owner thereof), or who shall neglect or refuse to deliver any such Grain as aforesaid, when ground or manufactured, shall for every such offence, neglect or refusal, forfeit and pay a Fine not exceeding Two Pounds, over and above any damage the owner of the same may thereby sustain.

Imposes a Penalty on Miller taking greater Toll, or neglecting or refusing to deliver Grain or changing the same.

Penalty for either of those offences.

VII. And be it enacted, That all Millers within this Island shall be obliged, and they are hereby required, in all time coming, to grind all Grain brought to their respective Mills regularly, so as that whoever brings Grain first shall be first served, without the said Millers, or any of them, giving undue preference to one man beyond

Grain to be ground in the order in which it is delivered at the Mill.

another in point of time or priority, under a Penalty of Two Pounds for every transgression.

Miller to be provided with Scales and Weights, & Grain to be weighed on delivery, under a penalty of £2. Entire weight to be returned, deducting Toll.

No penalty to be recovered against Miller, unless Grist is weighed before leaving Mill.

All prosecutions to be commenced within 10 days after receipt of Flour by owner.

VIII. And be it enacted, That every Miller shall be provided with Scales and Weights, and that each Grist, at being brought into the Mill, shall be weighed by the Miller, if required, under a Penalty of Two Pounds, and an entire weight of the Flour or Meal of such Grist be returned, excepting the deduction for Toll allowed by this Act; but no conviction shall take place on any prosecution that may be made against any Miller for any deficiency on the Grist received from the Mill, unless such Grist shall have been weighed as aforesaid, and unless such prosecution shall be commenced within Ten days after the owner shall have received the Flour or Meal as aforesaid.

Copy of this Act to be hung up in Mill, under penalty of 5s.

IX. And be it enacted, That each Miller shall be provided with a copy of this Act within Two Calendar Months after the publication hereof, or within Three Calendar Months after his Mill shall be erected, which copy he shall keep posted up in some conspicuous part on the inside of his Mill, on pain of forfeiting Five Shillings for each offence.

Mode of recovery of Fines imposed by this Act.

X. And be it enacted, That all Fines arising under and by virtue of this Act, shall be recovered, over and above the Costs of prosecution, before any one or more of Her Majesty's Justices of the Peace, upon the Oath of one or more credible Witness or Witnesses, and be levied, upon due conviction, by Warrant of Distress, and sale of the offenders Goods and Chattels, under the Hand and Seal, or Hands and Seals, of such Justice or Justices; and for want of sufficient Distress whereon to levy, the offender to suffer imprisonment for such time as the Justice or Justices, before whom he may be prosecuted, may in his or their discretion think just and adequate to.

the offence, so as the said imprisonment shall not exceed Two Calendar Months; and one half of every such Fine imposed by this Act shall be paid into the Treasury of this Island, to and for the use of Her Majesty's Government, and the other half to the person who shall prosecute for and recover the same.

Appropriation of
Fines.

XI. And be it enacted, That so much of an Act passed in the Forty-third year of His late Majesty King *George the Third*, intituled *An Act for making perpetual certain Laws therein mentioned, and for continuing sundry other Laws that are near expiring*, as relates to an Act passed in the Thirtieth year of His said late Majesty's Reign, intituled *An Act ascertaining the Toll to be taken at the different Grist Mills in this Province*; and also an Act passed in the Fourth year of His late Majesty King *William the Fourth*, intituled *An Act for regulating the Toll for the manufacture of Oatmeal and Pearl Barley, and to amend an Act ascertaining the Toll to be taken at Grist Mills*, shall be, and the same are hereby repealed.

Repeals Act of
the 43 Geo. 3,
cap 1, so far as
it relates to Act
of the 30th year
of the same King,
cap. 1.

And also Act of
4 Will. 4, cap. 8.

CAP. XI.

An Act to amend an Act, intituled *An Act to regulate and establish the stated times and places for holding the Supreme Court in King's and Prince Counties; and to constitute the Michaelmas Term of the said Court in Queen's County, a Term for the trial of Issues for a limited period.*

Repealed by 12
Vic. c. 9.

[Passed 7th April, 1838.]

CAP. XII.

Amended by 2
Vic. (2d Ses.)
c. 6.
Repealed by 12
Vic. c. 12.

An Act for regulating the several Jails within this Island, and establishing Prison Discipline therein.

[Passed 7th April, 1838.]

CAP. XIII.

Expired.

An Act to prevent the Streets and Squares of *Charlottetown*, being incumbered with Nuisances.

[Passed 7th April, 1838.]

CAP. XIV.

An Act to prevent disorderly Riding, and to regulate the driving of Carriages on the Streets and Public Roads.

[Passed 7th April, 1838.]

Persons not to ride at full speed, or gallop on any Street of any Town in this Island.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the publication of this Act, it shall not be lawful for any person to ride at full speed, or gallop any Horse, Mare, Gelding, Mule or Ass, on any Street in any of the Towns within this Island.

Regulates the driving of Trucks &c. for the carriage of Goods within any Town in this Island.

II. And be it enacted, That each and every person who shall hereafter drive any Truck, Sled or Wheel Carriage, used for the carriage of Goods, within the Town of *Charlottetown*, or any other Town within this Island, shall not, on any pretence whatever, drive swifter than a slow or easy trot; and shall at all times take care to lead his, her or their Horse or Horses, with a halter, or to guide them with proper reins.

III. And be it enacted, That all and every person or persons who shall hereafter drive any Sleigh, or any Truck, Cart, Chaise, or other Wheel Carriage whatsoever, within any Town, or on any of the Highways in this Island, shall drive the same in a moderate and careful manner.

Regulates the driving of Sleighs, &c. within any Town or on any Highway.

IV. And be it further enacted, That it shall not be lawful for any person or persons, travelling with empty Sleds, to suffer pointed Stakes to remain standing, or carry frames, or projecting pieces, outside of the said Sled.

Persons travelling with empty Sleds not to suffer pointed Stakes, &c. to remain thereon.

V. And be it further enacted, That every person who shall ride any Horse, or drive any Gig, Chaise, Carriage, Waggon, Cart, Truck, Sleigh or Sled, on any Street in any Town within this Island, or on any Public Road or Highway within the same, every such person or persons shall always hereafter in meeting any other Horse, Gig, Chaise, Carriage, Waggon, Cart, Truck, Sleigh or Sled, leave the same on his right hand side in passing.

Persons riding or driving, in meeting others coming in opposite direction, to pass on the right hand.

VI. And be it further enacted, That whenever any Carriage, Waggon, Cart, Truck, Sleigh or Sled, shall at any time hereafter stop, or be suffered to stand, loaded or unloaded, on any of the said Streets or Highways, every such Carriage, Waggon, Cart, Truck, Sleigh or Sled, shall not be placed nearer to the centre of such Street or Highway than Two feet.

Loaded Waggon, &c. not to be placed nearer centre of Highway than 2 feet.

VII. And be it further enacted, That every person offending against any of the foregoing regulations of this Act, shall, upon conviction, on the Oath of one credible Witness, before any one of Her Majesty's Justices of the Peace for the County wherein the offence shall have been committed, or on the view of any one of such Justices, forfeit and pay for each and every offence a

Imposes a Fine on persons offending against the provisions of this Act, and points out mode of recovery.

Damages also to be recovered, if under £5, in same manner as Fine.

sum not exceeding Ten Shillings, together with Costs, over and above the amount of damages sustained, if the same be under Five Pounds; and in case of refusal or neglect to pay the same, shall be levied by Warrant of Distress on the Goods and Chattels of such offender; and for the want thereof, such offender shall be committed by such Justice to the County Jail, for a period not exceeding Three Months.

Persons driving Sleighs to have at least one Bell affixed to Harness, under penalty of 5s.

VIII. And be it further enacted, That all and every person and persons who shall hereafter drive any Sleigh or Sled, in any of the Streets or Highways within this Island, shall have affixed to the Harness used for the purpose of drawing such Sleigh or Sled, at least one good and sufficient Bell, under the Penalty of Five Shillings for each and every offence: Provided, that no person shall be liable to more than one Penalty in one and the same day—to be recovered, with Costs, in manner herein-before mentioned.

Commencement of prosecutions under this Act.

IX. And be it further enacted, That all Prosecutions under this Act shall be commenced within Six days after the committing of the offence.

Appropriation of Fines.

X. And be it further enacted, That all Moneys arising from Fines under the Provisions of this Act, shall be paid into the Public Treasury of this Island.

Repeals Act of 21 G. 3, c. 14.

XI. And be it further enacted, That an Act made and passed in the Twenty-first Year of the Reign of His late Majesty King George the Third, intituled *An Act to prevent disorderly riding of Horses, and driving of Carts, Trucks and Sleds, or any other Carriage whatsoever, within Charlottetown*, shall be, and the same is hereby repealed.

CAP. XV.

An Act relating to the Office of Surrogate and Judge of Probate of Wills, and for granting Letters of Administration. See 6 Vic. c. 26.

[Passed 7th April, 1838.]

WHEREAS it hath become necessary to invest the Surrogate and Judge of Probate of Wills, and for granting Letters of Administration, with sufficient power to enable him to carry his orders and decisions into effect: Be it enacted, by the Lieutenant Governor, Council and Assembly, That when the said Surrogate or Judge shall have issued any Citation, Monition, Precept, or Order, commanding any Executor or Administrator, *Executor de son tort*, or any other person or persons who are or may be within his legitimate jurisdiction, to be or appear before him, or to do, or abstain from doing, any act, matter or thing which by the Rules of the said Court, or the Laws of *Great Britain*, or of this Island, he, she or they would have been bound to have done, or to have abstained from, in case the person upon whom such Summons, Citation, Monition, Precept, or Order, shall have been duly served, shall refuse or neglect to appear, or shall refuse or neglect to obey the lawful order of the said Surrogate or Judge, it shall and may be lawful for the said Surrogate or Judge, to issue Process of contempt against the person or persons so offending—which said Process shall be executed by the Sheriff of the County in which the person or persons, guilty of such contempt, shall reside—or in case such Sheriff shall be of kin to the parties, or interested in the event of the matter pending before the said Surrogate or Judge, by the Coroner—and the parties against whom the same shall have issued shall be committed to Prison till they shall have purged their said contempt, to the satisfaction of the said Sur-

Surrogate or
Judge of Probate
may issue process
of contempt.

By whom to be
executed.

Persons guilty of
contempt may be
committed to
Prison.

rogate or Judge, agreeably to the Rules of the said Court.

Surrogate or Judge of Probate to appoint Guardians to Minors.

Mode of appointment.

Powers of Guardians.

II. And be it further enacted, That when the said Surrogate or Judge shall have been applied to, by or on behalf of any Minor or Minors entitled to Real or Personal Estate within his jurisdiction, to assign him, her or them a Guardian or Guardians, it shall and may be lawful to and for the said Surrogate or Judge, and he is hereby empowered and required, to assign such Minor or Minors a Guardian or Guardians, by Warrant for that purpose under his Hand and Seal of Office: Provided, that there be no legal objection to the said Guardians, in consequence of either the Laws of *Great Britain* or this Island; and such Guardians when so appointed, shall be vested with the like powers and authority as Guardians are in *England* and this Island, or as if they had been appointed by the Chancellor of this Island.

CAP. XVI.

See note to 10 G. 4, c. 10 for other Acts in amendment.

Repealed by 14 Vic. c. 1.

An Act to further amend an Act of the Tenth year of the Reign of His late Majesty King George the Fourth, intituled *An Act to regulate the laying out and altering of Highways, and to provide a mode of obtaining compensation for those who may thereby be injured, and to cause those who are benefitted thereby to contribute towards their formation.*

[Passed 7th April, 1838.]

* * * The provisions of this Act may affect Titles to Lands; but are omitted pursuant to Act 12 Vic. c. 23.

CAP. XVII.

An Act to continue for One Year, and to amend an Act passed in the Seventh Year of His late Majesty's Reign, intituled *An Act for the increase of the Revenue of this Island*. Expired.

[Passed 7th April, 1838.]

CAP. XVIII.

An Act to reduce the Penalty imposed on certain offences by an Act of the Imperial Parliament, passed in the Seventh Year of the Reign of His late Majesty, intituled *An Act for punishing Mutiny and Desertion, and for the better payment of the Army and their Quarters*. See 50 G. 3, c. 3, & 2 W. 4, c. 11.

[Passed 7th April, 1838.]

WHEREAS by an Act of the Imperial Parliament of the United Kingdom, made and passed in the Seventh Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for punishing Mutiny and Desertion, and for the better payment of the Army and their Quarters*, it is enacted, that any person who shall unlawfully have in his or her possession or keeping, or who shall knowingly detain, buy, exchange or receive from any Soldier or Deserter, or any other Person, on any pretence whatsoever, or shall solicit or entice any Soldier, or shall be employed by any Soldier, knowing him to be such, to sell any Arms, Ammunition, Clothes, or Military Furniture, or any Provisions, or any Sheets or other Articles used in Barracks, provided under Barrack Regulations or Regimental necessaries,

or any article of Forage provided for any Horses belonging to Her Majesty's Service, or shall change the colour of any Clothes as aforesaid, shall forfeit, for every such offence any sum not exceeding Twenty Pounds, nor less than Five Pounds, together with treble value of all or any of the several Articles of which such offender shall so become possessed; and it is in the said recited Act provided, that it shall be lawful for the Legislatures of each or any of Her Majesty's Colonies, on the recommendation of the Officer for the time being administering the Government of any such Colony, but not otherwise, to make provision by Law for reducing such pecuniary Penalty, if not exceeding Twenty Pounds, nor less than Five Pounds, to such amount as may to any such Legislature appear to be better adapted to the ability and pecuniary means of Her Majesty's Subjects, and others inhabiting the same: and whereas the lesser amount of the said Penalty is deemed too high, comparatively with the ability and pecuniary means of the people of this Colony, and His Excellency the Lieutenant Governor and Commander in Chief of this Island has recommended that the same be lowered: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing hereof, it shall be lawful for the Magistrates before whom any person shall or may be convicted for any offence against the provisions as herein-before set forth of the said recited Act, to fine each and every person so convicted, any sum less than the said Penalty of Five Pounds, but not less than Five Shillings; and that it shall not be lawful for any Magistrate or Magistrates to fine any person, although convicted for any such offence as aforesaid, any greater sum than a Penalty of Five Pounds, over and above the treble value of any such Clothes—any thing in the said recited Act to the contrary thereof notwithstanding.

In Prosecutions under Mutiny Act, Magistrates may mitigate the Penalty imposed by that Act, on persons purchasing Soldiers' necessaries, &c. to any sum less than £5, but not less than 5s.

CAP. XIX.

An Act for appropriating certain Moneys there-
in mentioned, for the service of the Year of our
Lord One thousand Eight hundred and Thirty-
eight. Executed.

[Passed 7th April, 1838.]



ANNO SECUNDO

VICTORIÆ REGINÆ.

At the General Assembly of His Majesty's
Island of *Prince Edward*, begun and hold-
den at *Charlottetown*, the Twenty-second
Day of *January*, *Anno Domini* 1839, in the
Second Year of the Reign of our Sove-
reign Lady VICTORIA by the Grace of
God, of the United Kingdom of *Great
Britain* and *Ireland*, Queen, Defender of
the Faith :

1839.

Sir CHARLES
A. FITZ ROY,
Lieut. Governor.

E. J. JARVIS,
President of
Council.

W. COOPER,
Speaker.

Being the First Session of the Fifteenth Gen-
eral Assembly convened in the said Island.

C A P. I.

An Act to further continue for a limited period
an Act passed in the Fifty-ninth Year of the
Reign of His late Majesty King *George* the
Third, intituled *An Act for regulating Juries,*
and further declaring the qualifications of
Jurors.

Expired.

[Passed 1st March, 1839.]

CAP. II.

An Act for further continuing an Act intituled *An Act to regulate the Fisheries of this Island.*

[Passed 1st March, 1839.]

Continues Act of 5 G. 4, c. 12 regulating Fisheries for Ten years, and to the end of the then next Session of the General Assembly.

9 G. 4, c. 2.

WHEREAS it is deemed necessary to protect the Fisheries of this Island: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, that an Act passed in the Fifth year of the Reign of His late Majesty King *George the Fourth*, intituled *An Act to regulate the Fisheries of this Island*, and continued for Ten years by an Act passed in the Ninth year of the Reign of His late Majesty King *George the Fourth*, intituled *An Act for continuing several Laws near expiring*, be, and the same is hereby continued for the space of Ten years, and from thence until the end of the then next Session of the General Assembly.

CAP. III.

Expired.

An Act to continue for a limited period Three several Acts therein mentioned.

[Passed 1st March, 1839.]

* * * This Act continued for Six years 3 Will. 4, c. 37. and also 3 Will. 4, c. 21, and 8 Geo. 4, c. 8.

CAP. IV.

Repealed by 3 Vic. c. 16.

An Act to continue and amend the Act regulating the Public Wharf of *Charlottetown.*

[Passed 1st March, 1839.]

CAP. V.

An Act to authorize the appointment of Coal Meters for *Charlottetown*. Repealed by 11 Vic. c. 16.

[Passed 1st March, 1839.]

CAP. VI.

An Act for granting a Bounty on Vessels engaged in the Fisheries of this Island. Continued by 3 Vic. c. 11, and 4 Vic. c. 12. Expired.

[Passed 1st March, 1839.]

CAP. VII.

An Act for the improvement of Property at *Georgetown*, and to provide against Accidents by Fire. Amended by 3 Vic. c. 2, and repealed by 5 Vic. c. 8.

[Passed 1st March, 1839.]

** The provisions of this Act may affect Titles to Lands, but are omitted pursuant to directions of Act 12 Vic. c. 23.

CAP. VIII.

An Act for the protection of Sheep against vicious Dogs. Expired.

[Passed 1st March, 1839.]

CAP. IX.

An Act to provide against the running at large of Hogs in the Streets and Squares of *Charlottetown*. Expired.

[Passed 1st March, 1839.]

ANNO SECUNDO

VICTORIÆ REGINÆ.

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

1839.

Sir CHARLES
A. FITZ ROY,
Lt. Governor.

T. H. HAVI-
LAND,
President of
Council.

W. COOPER
Speaker.

And from thence continued, by Prorogation, to the Twelfth Day of *March*, 1839, and in the Second Year of Her said Majesty's Reign ; being the Second Session of the Fifteenth General Assembly convened in the said Island.

C A P. I.

An Act to further continue for One year, and to amend an Act passed in the Seventh year of the Reign of His late Majesty King *William* the Fourth, for raising a Revenue in this Island. ^{Expired.}

[Passed 25th April, 1839.]

CAP. II.

Expired.

An Act relating to Treasury Warrants.

[Passed 25th April, 1839.]

CAP. III.

Repealed by 10
Vic. c. 11.

An Act for rendering more effectual the Laws now in force, for regulating the Retail of Strong and Spirituous Liquors.

[Passed 25th April, 1839.]

CAP. IV.

8 G. 4, c. 7.

An Act to revive and continue an Act, for regulating the sale of the Interest of Leaseholders when taken in Execution.

[Passed 25th April, 1839.]

Revives and continues Act of 8 G. 4 c. 7, continuing and amending Act of 59 G. 3d, c. 7, regulating the sale of the Interest of Leaseholders taken in Execution for 10 years, and from thence to the end of the then next Session of the General Assembly.

WHEREAS the hereinafter mentioned Act has expired, and it is deemed expedient to revive and continue the same: Be it enacted, by the Lieutenant Governor, Council and Assembly, That an Act passed in the Eighth year of the Reign of His late Majesty King George the Fourth, intituled *An Act to continue and amend an Act passed in the Fifty-ninth year of His late Majesty's Reign, intituled 'An Act to regulate the Sale of the Interest of Leaseholders, when taken in Execution,* be, and the same is hereby revived and continued in full force and effect, for the space of Ten years, and from thence to the end of the then next Session of the General Assembly.

CAP. V.

An Act for providing Buoys and Beacons for the Harboirs therein mentioned, and for a Nautical Survey of the Harboirs of Charlottetown and Three Rivers. Repealed by 8 Vic. c. 3.

[Passed 25th April, 1839.]

CAP. VI.

An Act to amend an Act for regulating the several Jails within this Island, and establishing Prison Discipline therein. Repealed by 12 Vic. c. 12.

[Passed 25th April, 1839.]

CAP. VII.

An Act to revive and continue an Act therein mentioned, relating to the shutting up of old Roads. 3 W. 4, c. 23

[Passed 25th April, 1839.]

WHEREAS the hereinafter mentioned Act has lately expired, and it is deemed expedient to revive and continue the same, for a limited period: Be it enacted, by the Lieutenant Governor, Council and Assembly, That an Act passed in the Third year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to empower the Administrator of the Government to shut up such Roads, or parts of Roads, as are no longer required*, be, and the same is hereby revived and continued for Ten years, and from thence to the end of the then next Session of the General Assembly. Revives and continues Act of 3 W. 4, empowering the Administrator of the Government to shut up old Roads, for ten years, and from thence to the end of the then next Session of the General Assembly.

CAP. VIII.

Disallowed by
Her Majesty.

An Act for the relief of certain of the American Loyalists and Disbanded Provincial Troops, and their Representatives.

[Passed 25th April, 1839.]

CAP. IX.

7. W. 4 c. 23.

An Act to amend a certain Act therein mentioned, relating to POUNDS.

[Passed 25th April, 1839.]

WHEREAS an Act passed in the Seventh year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to repeal the Laws now in force for regulating Pounds, and to make more effectual provision in lieu thereof*, has been found insufficient, inasmuch as the Third Section of the said Act requires that before any trespassing Beasts shall be impounded, the damage committed by them shall be viewed by one or more Housekeepers, and a Certificate under their respective hands, stating the time when, the place where, and the Cattle (if known) by which such damage may have been committed, delivered to the Pound-keeper; and in consequence of the delay occasioned in procuring the attendance of such Housekeeper or Housekeepers, much increased damage and injury have been sustained: For remedy whereof, be it enacted by the Lieutenant Governor, Council and Assembly, That if any damages shall be done or occasioned by any Horses, Sheep, Goats, Swine, or Neat Cattle, by breaking into any Inclosure, the fence whereof shall not be less than Four feet and a half in height, and otherwise a lawful fence, it shall and may be lawful for the person or persons whose Fence or Fences shall have been broken, and whose Inclosure shall have received such damage, to cause such Horses, Sheep, Goats, Swine, or Neat Cattle, to be taken to the nearest Pound; and the Keeper of such

If Horses, &c. break into inclosures, the fences of which are not less than 4½ feet in height;

Owners of inclosure may impound such Horses, &c.

Pound shall, and he is hereby required to receive such Horses, Sheep, Goats, Swine, or Neat Cattle, and to impound the same, until they shall be claimed by their respective Owners—provided that within Twenty-four hours after such trespassing Beasts shall have been impounded, the Owner or Occupier of such Inclosure shall deliver or cause to be delivered, to the Keeper of the Pound, or leave, or cause to be left, at his Dwelling House, or other place of residence, his Affidavit, or the Affidavit of one or more credible person or persons, sworn before and attested by a Justice of the Peace, or a true copy thereof, certified by said Magistrate, stating the time when, and the place where such Horses, Sheep, Goats, Swine, or Neat Cattle, so impounded, committed such damage; and the said Pound-keeper shall cause such impounded Beast to be advertised, by posting up written notices in three of the most public places of the Town, Royalty, District, Township or Settlement, in which such Pound is situate, within twenty-four hours after they shall have been impounded; and the person or persons injured may proceed against the Owner or Owners of such Horses, Sheep, Goats, Swine, or Neat Cattle, refusing to pay for the damage done by such Horses, Sheep, Goats, Swine, or Neat Cattle, as is directed by an Act, made and passed in the Third Year of His said late Majesty's Reign, intituled *An Act to consolidate, amend, and reduce into one Act the several Acts of the General Assembly, relating to Trespasses, and for other purposes therein mentioned*; and it shall be the duty of the Pound-keeper to provide for and sustain all such Horses, Sheep, Goats, Swine or Neat Cattle impounded, with necessary and wholesome provender and water; and the owner or owners of such Horses, Sheep, Goats, Swine, or Neat Cattle shall pay to the Keeper of the Pound, over and above the amount of damages which shall be adjudged to have been done by the said Horses, Sheep,

Keeper of Pound to receive them. Owner of inclosure to deliver to Pound-keeper within 24 hours an Affidavit of damage, &c..

Duty of Pound-keeper.

Persons injured may proceed against Owners of Horses, &c. for damage done, as directed in Trespass Act 3d W. 4, cap. 27.

Further duty of Pound Keeper :

Owner of Horses, &c. to pay to

Pound-keeper
cost of feeding
same.

Remuneration to
Pound-keeper
for feeding same.

Remedy of
Pound-keeper on
owners refusing
to pay the same.

Appropriation of
proceeds of Sale.

Goats, Swine, or Neat Cattle, for each and every day the same shall be impounded, for every Horse and head of Neat Cattle so provided and sustained, the sum of One Shilling and Three-pence, and for every Sheep, Goat or Swine, the sum of Six-pence; and if the Owner or Owners of such Horses, Sheep, Goats, Swine, or Neat Cattle shall refuse to pay the same to the Keeper of the Pound, together with the charges of advertising, within Fourteen days after the trespassing Beasts shall be impounded, then the said Keeper of the Pound shall cause the Horses, Sheep, Goats, Swine, or Neat Cattle, so impounded as aforesaid, to be publicly sold, and the money arising therefrom, after deducting the charge of the said Keeper for his Fees, and for supporting the said Horses, Sheep, Goats, Swine, or Neat Cattle, whilst so impounded, and the damages adjudged to the person or persons injured as aforesaid, shall be paid to the Owner or Owners of the Horses, Sheep, Goats, Swine, or Neat Cattle so impounded and sold as aforesaid; and if no Owner or Owners shall appear within Six Months, the money so remaining shall be paid into the Treasury of this Island, to and for the purpose of erecting and maintaining such Pounds.

If Owner of in-
closure, neglect
to furnish the Af-
fidavit required
by this Act,

Pound-keeper
not entitled to
demand costs of
feeding Horses,
&c. from the
Owners thereof.

Remedy of
Pound-keeper in
such case.

II. And be it further enacted, That if any person or persons who shall have impounded, or caused to have been impounded, any Horses, Sheep, Goats, Swine, or Neat Cattle as aforesaid, shall fail or neglect to deliver, or cause to be delivered, to the Keeper of the Pound, or to leave, or cause to be left, at his Dwelling House or place of residence, such Affidavit as aforesaid, within the time herein-before limited for that purpose, the said Pound-keeper shall not in such case exact or take from the Owner or Owners of such impounded Beasts, any fees, or any sum whatever for his charge in supporting such Horses, Sheep, Goats, Swine, or Neat Cattle; but the person or persons so failing and neglecting shall be liable

to pay to the said Pound-keeper, over and above his other Fees by this Act allowed, the sum of One Shilling and Three-pence for every Horse and head of Neat Cattle, and the sum of Six-pence for every Sheep, Goat or Swine, for each and every day the same shall be provided and sustained by him, before being claimed by the Owner or Owners thereof respectively; and in default of payment, the same to be recovered on the Oath of such Pound-keeper, or other credible Witness or Witnesses, before any one of Her Majesty's Justices of the Peace for the County in which such Pound is situated, and levied, with reasonable Costs, by Warrant of Distress and Sale of the Offender's Goods and Chattels.

Mode of recovery thereof.

III. And be it further enacted, That the following Fees shall be allowed to Pound-keepers for the following services:

For receiving and impounding, for every Horse and head of Neat Cattle	£0 1 6.
For Sheep, Goats, and Swine, per head	0 0 6
And an equal sum for every Twenty-four hours the same may be detained.	
Advertising	0 3 0

Fees of Pound-keeper, for receiving and impounding Horses, &c.

IV. And be it further enacted, That the Third Clause of the above recited Act, intituled *An Act to repeal the Laws now in force for regulating Pounds, and to make more effectual provision in lieu thereof*, be, and the same is hereby repealed.

Repeals 3d clause of Act of the 7th W. 4, c. 23.

CAP. X.

An Act for appropriating certain Moneys therein mentioned, for the service of the Year of our Lord One thousand Eight hundred and Thirty-nine.

Executed.

[Passed 25th April, 1839.]

ANNO TERTIO

VICTORIÆ REGINÆ.

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

1840.

Sir CHARLES
A. FITZ ROY,
Lieut. Governor.

R. HODGSON,
President of
Council.

W. COOPER,
Speaker.

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

CAP. I.

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

Repealed by 6
Vic. c. 1.

[Passed 29th April, 1840.]

CAP. II.

Repealed by 5
Vic. c. 8.

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

[Passed 29th April, 1840.]

*** The provisions of this Act may affect Titles to Lands; but are omitted pursuant to directions of Act 12 Vic. cap. 23.

CAP. III.

Expired.

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

[Passed 29th April, 1840.]

CAP. IV.

Repealed by 9
Vic. c. 3.

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

[Passed 29th April, 1840.]

CAP. V.

Amended by 5
Vic. c. 10, & 6
Vic. c. 13.
Expired.

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

[Passed 29th April, 1840.]

CAP. VI.

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

This Act repealed 7 W. 4, c. 7.

[Passed 29th April, 1840.]

CAP. VII.

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

Repealed by 12 Vic. c. 26.

[Passed 29th April, 1840.]

CAP. VIII.

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

Executed.

[Passed 29th April, 1840.]

CAP. IX.

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

Repealed by 8 Vic. c. 14.

[Passed 29th April, 1840.]

CAP. X.

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

Made perpetual by 11 Vic. c. 26.

[Passed 29th April, 1840.]

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

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

Mode of proceeding on Summons.

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

Mode of recovery of Fine, &c.

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

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

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

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

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

Appropriation of Fines, &c. under this Act.

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

Continuance of this Act.

C A P . X I .

An Act to continue for One Year, the Act intituled *An Act for granting a Bounty on Vessels engaged in the Fisheries of this Island*.

Expired.

[Passed 29th April, 1840.]

CAP. XII.

Continued by 5
Vic. c. 17.
amended by 6
Vic. c. 9.

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

[Passed 29th April, 1840.]

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

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

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

Owner of Mill Dam not obliged to make Waste Gate unless there be a Saw Mill above Dam, or unless oath be made according to form in Schedule.

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

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

How Waste Gate is to be kept up when made.

Time allowed to parties for use of Waste Gate.

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

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

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

Proof required before judgment be given for Plaintiff.

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

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

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

Mode of recovery of such Penalty.

Appropriation of Penalty.

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

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

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

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

Continuance of Act.

SCHEDULE to which this Act refers.

Prince Edward Island, }
County: }

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

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

CAP. XIII.

This Act continued 5 W. 4, c. 12. Expired.

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

[Passed 29th April, 1840.]

CAP. XIV.

Expired.

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

[Passed 29th April, 1840.]

. This Act suspended the operation of Act of 4 Will. 4, cap. 15, so far as regarded Townships Nos. 10, 9, 8, 7, 6, 5, 4, 3, 2 and 1, to the end of the then next Session of the General Assembly, and also empowered the Executive Government to suspend same in regard to any other Townships in this Island for a like period.

CAP. XV.

For other Acts for prevention of illicit trade, &c. see 6 Vic. c. 14, and 10 Vic. c. 8.

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

[Passed 29th April, 1840.]

WHEREAS it is deemed necessary to give the Officers of Excise appointed to enforce the Revenue Laws of this Colony, a like authority to sell and dispose of Vessels, Boats, Goods, Wares and Merchandise, and other things, seized as forfeited, as is given to the Officers of Her Majesty's Customs in certain cases: Be it

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

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

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

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

Mode of making claim.

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

No claim to be admitted until security be first given.

CAP. XVI.

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

[Passed 29th April, 1840.]

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

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

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

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

Mode of recovery
of Penalty.

Appropriation of
Penalty.

CAP. XVII.

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

Expired.

[Passed 29th April, 1840.]

* This Act continued 4 Will. 4, cap. 2, and 6 Will. 4, cap. 5, for 5 years.

CAP. XVIII.

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

Repealed by 7
Vic. c. 2.

[Passed 29th April, 1840.]

CAP. XIX.

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

This Act was
disallowed by
Her Majesty.

[Passed 29th April, 1840.]

CAP. XX.

Continued and
amended by 6
Vic. c. 5.
Expired.

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

[Passed 29th April, 1840.]

CAP. XXI.

Amended by 5
Vic. c. 15 & 7
Vic. c. 20.

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

[Passed 29th April, 1840.]

WHEREAS by a Despatch from the Right Honorable the Marquis of *Normanby*, Her Majesty's late Principal Secretary of State for the Colonies, bearing date the Seventh day of *August*, One thousand Eight hundred and Thirty-nine, in answer to an application from His Excellency Sir *Charles Augustus Fitz Roy*, Lieutenant Governor of this Island, made at the request of the House of Assembly, His Lordship has been pleased to state, that My Lords Commissioners of Her Majesty's Treasury have no objections to the appropriation of the sum of Fifteen hundred Pounds out of the accruing produce of the sales of Crown Lands in this Colony, to the erection in *Charlottetown* of a Building, required as an Asylum for Insane persons, and other objects of charity, on condition of the House of Assembly making suitable provision for the future maintenance thereof: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Administrator of the Government of this Island for the time being, by and with the

Lieut. Governor,
with advice of
Council, to pur-

advice and consent of Her Majesty's Council, to purchase a convenient tract or parcel of ground, comprising an area of from Twenty to Fifty Acres,* within or near to the Common of *Charlottetown*, for a site whereon to erect a Building for an Asylum for Insane persons, and other objects of charity, and to draw Warrants on the Treasury of this Island for the payment of the same: Provided, that the sum so to be paid for the said tract of land shall not exceed Five hundred Pounds.

chase a site for a Lunatic Asylum.

Size and situation of such site.

Mode of payment for the same.

Sum appropriated for purchase of such site.

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

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

Duty of Commissioners.

Limits the expense of building to £1500.

III. And be it enacted, That the Administrator of the Government for the time being, by and with the advice of Her Majesty's Council, be, and he is hereby empowered, to draw Warrants on the Treasurer of this Island, requiring him to pay out of the Moneys arising from the produce of the sales of Crown Lands, and which now are or hereafter may be in his hands, at the requisi-

Mode of payment for the building of Asylum.

* Altered to not less than Ten acres, by Act 7th Vic. cap. 20.

tion of the said Commissioners, the sum authorized by Her Majesty's Government, to be appropriated for the said Building, or any part thereof, at such times and in such proportions as they may deem necessary.

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

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

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

Grants £350 annually for the support of Asylum.
To be drawn by Warrants on Treasury, on application of Trustees.
Grants £150 for bedding & furniture for Asylum.

IX. And be it enacted, That from and out of the Moneys which shall from time to time be and remain in the Treasury of this Island, there shall be granted and paid towards the support and maintenance of the said Lunatic Asylum, Infirmary, and House of Industry, the annual sum of Three hundred and Fifty Pounds, or as much thereof as shall from time to time be required—the said sum to be drawn by Warrant, under the Hand and Seal of the Administrator of the Government, with the advice of Her Majesty's Council, on application of the Trustees for the time being; and that the sum of One hundred and Fifty Pounds be granted and placed at the disposal of the said Trustees, for the purpose of providing the necessary Bedding and Furniture for the said Institution.

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

* * Sections 4 and 5 of this Act having been repealed by 5 Vic. cap. 15, are not herein inserted.

☞ This Act received the Royal Allowance on the 11th of August, 1842, and the notification thereof was published in the *Royal Gazette* Newspaper of this Island on the 6th September, 1842.

CAP. XXII.

An Act to amend the Act relating to Merchant Seamen. Expired.

[Passed 29th April, 1840.]

* * This Act amended 7 Will. 4, cap. 3.

CAP. XXIII.

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

[Passed 29th April, 1840.]

* * The Act 7 Will. 4, cap. 31, which this Act explains, has been repealed by 11 Vic. cap. 7.

CAP. XXIV.

An Act to amend the Act enabling Married Women to convey Real Estate during their Coverture. 26 G. 3, c. 3.
See also 6 Vic.
c. 25.

[Passed 29th April, 1840.]

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

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

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

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

C A P. X X V.

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

[Passed 29th April, 1840.]

C A P. X X V I.

An Act to amend an Act made and passed in the First year of Her present Majesty's Reign, intituled *An Act to alter and amend an Act passed in the Sixth year of the Reign of His late Majesty, intituled "An Act to consolidate and amend the Election Laws."* Repealed by 11 Vic. c. 21.

[Passed 29th April, 1840.]

C A P. X X V I I.

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

[Passed 29th April, 1840.]

WHEREAS the Offices of Registrar of Deeds and Clerk of the Executive Council are now combined with that of Colonial Secretary, and the Salary payable by the Imperial Government to that Officer is One hundred and Fifty Pounds, Sterling, and the amount received by him from this Island, for his services in the

before named departments, is at present derived from certain Fees payable by the Laws of this Island: and whereas it is deemed expedient to establish and fix a certain amount to be paid annually to that Officer, in lieu and full of all Fees and Emoluments hitherto payable to him, for the various duties heretofore and henceforth devolving on him, in respect of the aforesaid offices: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That there shall be allowed and paid to the person holding, for the time being, the office of Colonial Secretary and Registrar and Clerk of the Executive Council, the Sum of Four hundred Pounds *per annum*, currency of this Island, over and above any sum he may receive from the Imperial Government, in lieu of all Fees, Emoluments and Allowances whatsoever, now by the Laws of this Island payable to that Officer, in respect of any service or duty to be performed by him, and heretofore paid or payable by, or on behalf of the Government of this Island, and by all other persons whomsoever and appertaining to any of the Offices aforesaid—which said Salary shall commence and be computed from the First day of *July* next payable by Warrant, to be issued quarterly by the Lieutenant Governor in Council.

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

Commencement of Salary.

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

Commencement of quarterly payments.

Appropriation of such Fees.

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

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

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

Mode of recovery of penalty and appropriation.

ANNO QUARTO

VICTORIÆ REGINÆ.

At the General Assembly of His Majesty's 1841.
Island of *Prince Edward*, begun and holden at *Charlottetown*, the Twenty-second Day of *January*, Anno Domini 1839, in the Second Year of the Reign of our Sovereign Lady VICTORIA by the Grace of God, of the United Kingdom of *Great Britain* and *Ireland*, Queen, Defender of the Faith :

SIR CHARLES
A. FITZ ROY,
Lieut. Governor.

R. HODGSON,
President
of Council.

W. COOPER,
Speaker.

And from thence continued, by several Prorogations, to the Twenty-sixth day of *January*, 1841, and in the Fourth year of Her said Majesty's Reign : being the Fourth Session of the Fifteenth General Assembly convened in the said Island.

CAP. I.

An Act to continue and amend an Act made and passed in the Seventh year of the Reign of His late Majesty King *William* the Fourth, intitled *An Act to establish an additional Term of the Supreme Court, and to extend the Hilary and Trinity Terms for Queen's County.* Expired.

[Passed 29th April, 1841.]

CAP. II.

Expired.

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

[Passed 29th April, 1841.]

CAP. III.

Expired.

An Act to continue for a limited period, an Act passed in the Seventh year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to continue and amend the Act for more effectually preventing the spreading of Infectious Distempers within this Island.*

[Passed 29th April, 1841.]

CAP. IV.

Amended by 5
Vic. c. 11, and 6
Vic. c. 10.
Expired

An Act for the appointment of Fish Inspectors, and to continue and extend the provisions of the Act now in force regulating the size and quality of Fish Barrels and Tierces, and the weight of Fish made up therein.

[Passed 29th April, 1841.]

CAP. V.

Executed.

An Act to enable the Government to ascertain the Population of this Colony, and to obtain other Statistical information therein mentioned.

[Passed 29th April, 1841.]

CAP. VI.

An Act relating to Schools, and for the encouragement of Education. Expired.

[Passed 29th April, 1841.]

CAP. VII.

An Act to amend the Act relating to Weights and Measures.

[Passed 29th April, 1841.]

WHEREAS the Second Section of an Act passed in the Third year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to repeal an Act made and passed in the Thirty-fifth year of the Reign of His late Majesty King George the Third, intituled 'An Act for ascertaining the Standard of Weights and Measures in this Island, and to make other provisions in lieu thereof,'* requires to be amended, in as much as it does not provide for the appointment of more than one person to act as Assayer of Weights and Measures in Queen's County: And whereas it is necessary to increase the number of those officers in the said County, as well as in Prince and King's Counties: Be it enacted, by the Lieutenant Governor, Council and Assembly, That when and so often as Fifteen Householdors of any Settlement of this Island, shall make application, in writing, to the Lieutenant Governor, or other Administrator of the Government for the time being, requesting the appointment of a person to act as Assayer of Weights and Measures for such Settlement, that it shall and may be lawful to and for the Lieutenant Governor, or other Administrator of the Government for the time being, to nominate and appoint a fit and proper person to be Assayer of Weights and Measures for such Settlement, who

For Acts relating to same subject, see 3 W. 4, c. 19. 9 Vic. c. 8.

On request of 15 householders of any settlement, Lieut Governor, &c. to appoint a person Assayer of Weights and Measures for such settlement.

Assayer to be sworn to the faithful discharge of his duty, and to be furnished with Standard Weights and Measures, at the cost of the persons applying for his appointment.

Power and duty of Assayers so appointed.

shall be duly sworn to the faithful discharge of his duty, and who, when and so soon as furnished and provided by and at the costs and charges of those persons who shall have applied for such appointment, with the necessary Standard of Measures, and likewise with that of Weights when required, shall have and exercise the like powers and authorities in Assaying Measures, when so provided with a Standard thereof; and also the like powers and authorities of Assaying Weights when so provided with a Standard thereof, as those officers already appointed, and to be appointed by virtue of the above recited Act.

Repeals the 8th Section of Act of the 3d Will. 4th, cap. 19.

II. And whereas the Standard to be used in the measurement of Potatoes, Turnips, or other Agricultural produce, or other matter usually sold by heaped measure, exported from this Island, and as defined by the Eighth Section of the said recited Act, is deemed too small to be just and equitable, and it is expedient to enlarge the same: Be it therefore enacted, that the said Eighth Section of the said recited Act, shall be, and the same is hereby repealed.

Persons in command of Vessels loading with produce to be furnished with stamped Measures at their own cost.

Description of such Measures.

III. And be it enacted, That from and after the passing hereof, no person being in the command or charge of any Vessel loading with Agricultural Produce, to be exported from this Island, shall, except as in the Ninth Section of the above recited Act is provided, take or receive any such Agricultural Produce on board of any Vessel as aforesaid, without having first measured the same, in a Measure regularly stamped and assayed by an Assayer of Weights and Measures within this Island; which said Measure when intended for Potatoes or Turnips, or other such matter, shall be of a cylindrical form, and of capacity to contain exactly Five Winchester half-bushels, struck or water-measure (level with the brim), which shall be deemed and taken as four half-bushels heaped measure; and such Measure so to be

stamped and assayed shall not exceed Nineteen inches in diameter, at the brim. And the measure for all kinds of Grain shall be agreeable to the present Standard; and any Master or other person having charge of a Vessel receiving Agricultural Produce as aforesaid, without having constantly on board the herein-before directed Measure, shall, on proof thereof, before any of Her Majesty's Justices of the Peace for this Island, forfeit and pay for every such offence, the sum of Twenty Shillings, with costs, to be levied by Warrant of Distress, and sale of the Offender's Goods and Chattels; and in case of no Goods or Chattels whereon to levy, the said Offender shall be imprisoned for Six days in the Common Jail within the County wherein such offence shall have been committed.

Penalty on Masters of Vessels receiving produce without being measured in such Measures.

Mode of recovery thereof.

IV. And be it enacted, That the Assayers of Weights and Measures to be appointed under and by virtue of this Act, for assaying and stamping every such Two-bushel Measure, shall be entitled to receive the sum of One Shilling and Sixpence; any thing in the above recited Act to the contrary notwithstanding.

Fee to Assayer for stamping $\frac{1}{2}$ bushel Measure.

CAP. VIII.

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

[Passed 29th April, 1841.]

WHEREAS from the increase of Population in this Island, it is deemed necessary that a Coroner be appointed for each of the Counties of *King's* and *Prince* Counties respectively: Be it enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for Her Majesty, or the Administrator of the Government for the time being, to appoint a

Her Majesty or Lieut. Governor may appoint Coroners for King's & Prince Counties.

Coroner in and for each of the Counties of *King's* and *Prince* Counties respectively, and which Coroners when so appointed, shall reside within their respective Counties, and shall be entitled to all and singular the Fees, Perquisites and Emoluments, of right belonging to the said office of Coroner.

Compensation to officer holding Patent as Coroner for the whole Island.

II. And be it enacted, That there shall be paid to *Daniel Hodgson, Esquire*, the Officer now holding the Office of Coroner for the whole Island, the sum of Thirty Pounds, as a compensation in full for the loss of the Emoluments of his office by the appointment of Coroners for Prince and King's Counties.

When Coroners are appointed for King's & Prince Counties, the authority of officer holding Patent for the whole Island to cease in those Counties, and to be confined to Queen's County.

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

Suspending Clause.

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

* * This Act received the Royal Allowance 21st August, 1841, and the notification thereof was published in the *Royal Gazette* Newspaper of this Island on the 21st September of the same year.

C A P. I X .

An Act to prohibit the interment of Human bodies within the limits of the Town of *Georgetown*, and to establish Burial Grounds in the Common thereof.

[Passed 29th April, 1841.]

BE it enacted, by the Lieutenant Governor, Council and Assembly, That from and after

the passing hereof, it shall not be lawful for any person or persons under any pretence whatsoever to bury any human body within the limits of the Town of *Georgetown*.

Prohibits the interment of human bodies within the limits of *Georgetown*.

II. And be it enacted, That every person who shall bury, or cause to be buried, or who shall aid or assist in burying any such body or bodies within the limits of the said Town, shall be liable to a fine of Five Pounds, and costs, and also to the expenses of disinterment, and the Burial in the Burying Ground of the Religious denomination to which the deceased belonged; or should that not be known, in the general Burying Ground; the same to be recovered in Her Majesty's name on the information of any person, before one or more of Her Majesty's Justices of the Peace for the said Town, as the case or cases may be, and be levied by Warrant of Distress, and Sale of the Goods and Chattels of such Offender or Offenders, and for want of Goods and Chattels whereon to levy, it shall and may be lawful for the said Justice or Justices to commit the Offender or Offenders to the common Jail of the said Town for a period not exceeding Ninety days; and such fine, when so recovered, shall be paid into Her Majesty's Treasury, to and for the use of Her Majesty's Government.

Penalty on persons aiding or assisting, in interring human bodies within said Town.

Mode of recovery of penalty.

Appropriation of penalty.

III. And be it enacted, That when and as often as it shall become necessary to disinter and re-bury any human body under the directions of this Act, the same shall be done and performed by the order of any one Justice of the Peace as aforesaid; and the costs and expenses thereof, and also the costs and charges of any prosecution under this Act where the same shall not be recovered by due course of Law from the Offender or Offenders, shall be paid out of the Public Treasury, upon an account in writing duly attested on oath, and certified by any such Justice of the Peace as aforesaid, being presented to the

Any Justice of Peace may order the disinterment of any human body buried in said Town.

Costs and expenses of disinterment, how recovered.

Administrator of the Government for the time being, in Council, who is hereby authorized to cause a Warrant to be drawn on the Treasury of this Island, for the amount of the said account in favor of the person or persons entitled to receive the same.

Appropriates a tract of Land in Common of Georgetown as a Burial Ground for the Roman Catholics.

Extent thereof.

By whom to be laid off.

IV. And be it enacted, That it shall and may be lawful for the Roman Catholics to hold and possess as a Burial Ground in the Common of *Georgetown*, a further tract of Land in the said Common, adjoining the tract now occupied by them as a Burial Ground in the said Common, so that the same shall not in the whole exceed two acres of land, the length of which shall not exceed the breadth more than one half, which shall be laid off and admeasured by Her Majesty's Surveyor General for this Island, and a description thereof, under the hand of the said Surveyor General, shall be recorded in the Registry Office of this Colony.

Appropriates a tract of Land in said Common as a Burial Ground for the Presbyterians.

Extent thereof.

By whom to be laid off.

V. And be it enacted, That it shall and may be lawful for the Presbyterians to hold and possess as a Burial Ground in the Common of *Georgetown*, a further tract of Land in the said Common, adjoining the tract now occupied by them as a Burial Ground in the said Common, so that the same shall not in the whole exceed one acre and a half of Land, the length of which shall not exceed the breadth more than one half, the same to be laid off and admeasured, and a description thereof recorded in the way and manner prescribed and directed in the Fourth Section of this Act.

Appropriates a tract of Land in said Common to members of Church of England.

VI. And be it enacted, That it shall and may be lawful for the Members of the Church of *England* and *Ireland*, as by Law established, to hold and possess as a Burial Ground in the Common of *Georgetown*, a further tract of Land in the said Common adjoining to a tract of Land now

occupied by them as aforesaid, as a Burial Ground in the said Common, so that the same shall not in the whole exceed one and one half acre of Land, the length of which shall not exceed the breadth more than one half, the same to be laid off and admeasured, and a description thereof recorded in the way and manner prescribed and directed in the Fourth Section of this Act.

Extent thereof.

By whom to be laid off.

VII. And be it enacted, That the Surveyor General of this Island shall lay off and admeasure a tract of Land in the said Common of *Georgetown*, adjoining the tracts of Land laid off for the Presbyterians as aforesaid, a further tract of Land not exceeding Three acres, the length of which shall not exceed the breadth more than one half, for other Protestants, and as a general Burial Ground, and so as the whole of the tracts so to be laid off for Protestants shall not in the whole exceed Six acres, the length of which shall not exceed the breadth more than Two times and a half, and so as the said tracts so laid off for Protestants as aforesaid shall be in parallel lines with the lines of the Common of *Georgetown*.

Surveyor General to lay off a tract of Land in said Common as a general Burial Ground for other denominations of Protestants.

CAP. X.

An Act to amend an Act of the Seventh year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to repeal certain parts of an Act, intituled 'An Act for the limitation of Actions, and for avoiding Law Suits, so far as the same relate to Actions concerning Real Estate, and to make other provisions in lieu thereof.'*

[Passed 29th April, 1841.]

WHEREAS doubts have been entertained as to the effect of a certain Act of the

7 W. 4, c. 30.

Persons claiming under any Mortgage within the definition of the 1st Section of Act of the 7th Will. the 4th, cap. 30, may make entry or bring Action to recover Land within 20 years after last payment of any principal or interest thereon, although the 20 years may have expired since right first accrued.

General Assembly of this Island, made in the Seventh Year of the Reign of the late King *William the Fourth*, intituled *An Act to repeal certain parts of an Act, intituled 'An Act for the limitation of Actions, and for avoiding Law Suits, so far as the same relate to Actions concerning Real Estate, and to make other provisions in lieu thereof,'* so far as the same relates to Mortgages, and it is expedient that such doubts should be removed: Be it declared and enacted, That it shall and may be lawful for any person entitled to or claiming under any Mortgage of Land, being Land within the definition contained in the first Section of the said Act, to make an entry, or bring an Action at Law or Suit in Equity to recover such Land at any time within Twenty years, next after the last payment of any part of the principal money or interest secured by such Mortgage, although more than Twenty years may have elapsed since the time at which the right to make such entry, or bring such Action at Law, or Suit in Equity, shall have first accrued, any thing in the said Act notwithstanding.

CAP. XI.

Expired.

An Act to further continue and to amend the Act for regulating the Measurement of Ton Timber, Boards, and all other kinds of Lumber, and declaring what shall be deemed Merchantable, and for appointing Officers to Survey the same.

[Passed 29th April, 1841.]

CAP. XII.

An Act further to continue for One Year, the Act for granting a Bounty on Vessels engaged in the Fisheries of this Island. 2 Vic. (1st Ses.)
c. 6.
Expired.

[Passed 29th April, 1841.]

CAP. XIII.

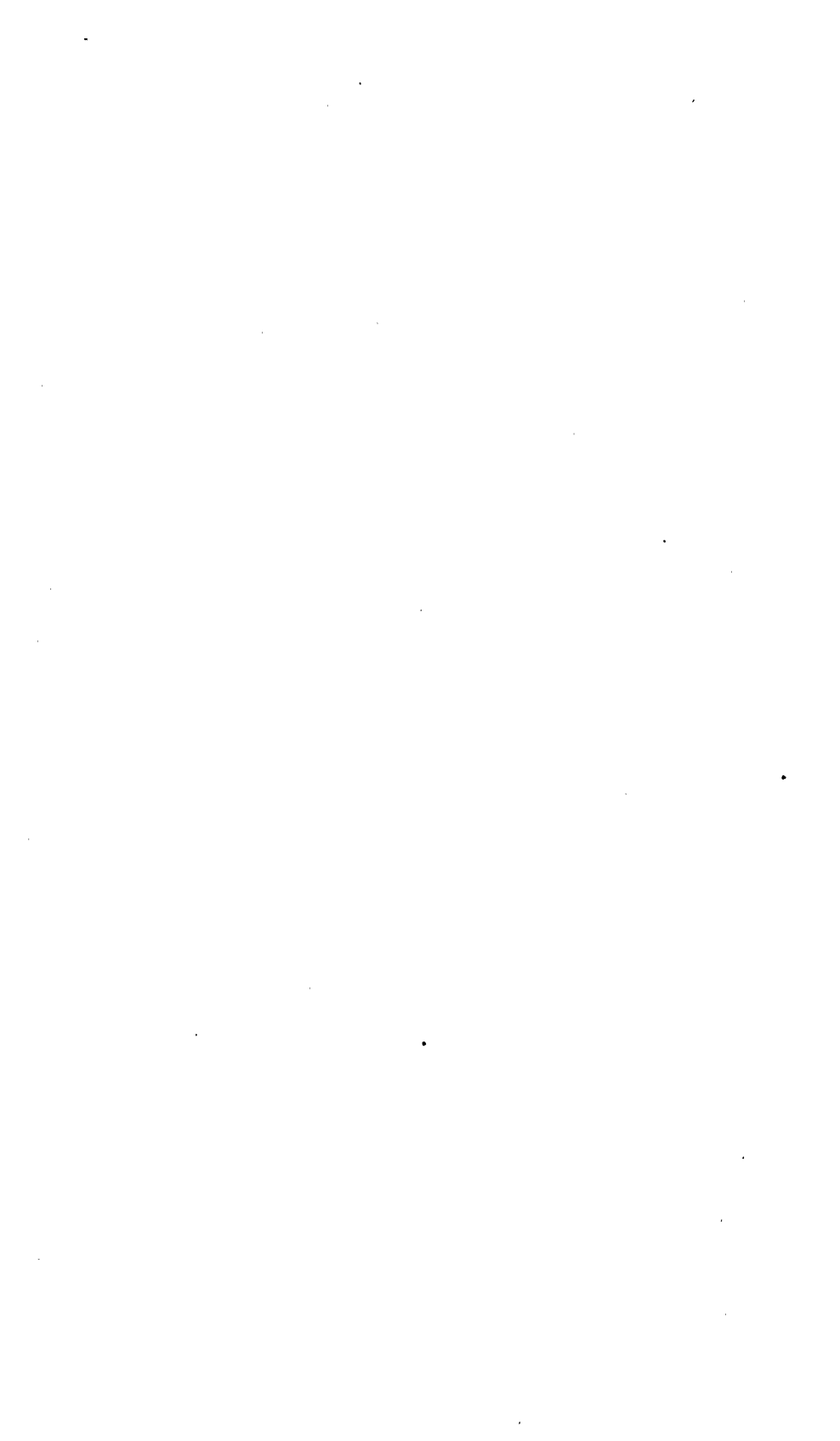
An Act to continue an Act for the more effectual Punishment of Offenders, by enabling the Supreme Court to add Hard Labour to the Sentence of Imprisonment. Expired.
See Note to 5
W. 4, (1st Ses.)
c. 2.

[Passed 29th April, 1841.]

CAP. XIV.

An Act for appropriating certain Moneys therein mentioned, for the service of the Year of our Lord One thousand Eight hundred and Forty-one. Executed.

[Passed 29th April, 1841.]



ANNO QUINTO

VICTORIÆ REGINÆ.

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

1842.

Sir HENRY
V. HUNTLEY,
Lt. Governor.

R. HODGSON,
President of
Council.

W. COOPER,
Speaker.

And from thence continued, by several Prorogations, to the Twenty-fifth Day of *January*, 1842, and in the Fifth Year of Her said Majesty's Reign; being the Fifth Session of the Fifteenth General Assembly convened in the said Island.

CAP. I.

An Act to confirm and render valid certain proceedings of the Executive Government of this Island.

[Passed 31st January, 1842.]

WHEREAS by Her Majesty's Royal Commission, in the absence of the Governor, Lieutenant Governor, or other Officer specially

appointed to administer the Government of this Island, the Government thereof vests in the Senior Military Officer for the time being, within the said Island: And whereas in consequence of the smallness of the Military force quartered in the said Island, the Commandant thereof is not a Field Officer, and therefore not of sufficient rank to be allowed to hold temporarily that high office: And whereas on the departure of the late Lieutenant Governor of this Island, His Excellency Sir Charles Augustus Fitz Roy, K. H. therefrom, and before the arrival of the present Lieutenant Governor, His Excellency Sir Henry Vere Huntley, the Government thereof was assumed by the Honorable George Wright, as Senior Member of Her Majesty's Executive Council, on the faith, and in the expectation that a Warrant under Her Majesty's Royal sign Manual, had been made to him for that purpose, and was then on its way to this Island: And whereas the said Warrant, although prepared, was not sent to the Island, by the then Secretary of State for the Colonies, under the impression, that Sir Charles Augustus Fitz Roy would not relinquish the Government, until the arrival of Sir Henry Vere Huntley: And whereas in consequence of such assumption of the Government by the Honorable George Wright, and the exercise of the duties of the Administrator of the Government thereof by him, without the possession of such Warrant under the Royal Sign Manual, the acts of him the said George Wright, as Administrator of the Government as aforesaid, and of his subordinate Officers, are illegal, null and void: For remedy whereof, Be it enacted, by the Lieutenant Governor, Council and Assembly, that all orders, acts, matters and things, made, done and performed by the said George Wright, as Administrator of the Government of this Island, in the Executive Council thereof; and all orders, acts, matters and things made, done and performed by the Executive Council of the said Island, and the

Confirms certain proceedings of Executive during Administration of the Government by Hon. George Wright, in 1841.

acts of all and every person and persons whomsoever, under or by virtue of any order of the said George Wright, as Administrator of the Government of the said Island, in the said Executive Council of the said Island, and of the said Executive Council, and usually and legally appertaining to the duties of Administrator of the said Government in the said Executive Council, and usually and legally appertaining to the duties of the said Executive Council, and every other act, matter and thing done and performed by him the said George Wright, as Administrator of the Government of the said Island, and usually and legally appertaining to the duties of the Administrator of the Government of the said Island, from the period of the said George Wright's assumption of the Government thereof, at the departure of Sir Charles Augustus Fitz Roy, until the assumption of the Government by Sir Henry Vere Huntley, and all acts, matters, and things whatsoever, done and performed by any subordinate Officer or Officers of the Government of the said Island, and usually and legally appertaining to the duties or place of such Officer or Officers, under or by the command, procurement, or consent of him the said George Wright, as said Administrator of the Government as aforesaid, be, and the same, and each and every, and all of them, are hereby confirmed, and shall be deemed and taken to be as valid, effectual, and binding, to all intents and purposes whatsoever, as if a Warrant under the Royal Sign Manual, especially authorizing him to administer the Government of this Island, for the period aforesaid, had been held by him the said George Wright.

CAP. II.

Altered and
amended by 6
Vic. c. 6, and 7
Vic. c. 9.

An Act for the Incorporation of the Prince Edward Island Steam Navigation Company.

[Passed 16th *April*, 1842.]

** The P. E. Island Steam Navigation Company having been dissolved, it is unnecessary to insert this Act.

CAP. III.

Altered and
amended by 6
Vic. c. 6, and 7
Vic. c. 9.

An Act to authorize the appointment of Commissioners to manage certain Shares and Property in the Prince Edward Island Steam Boat Company, on behalf of the Government of this Colony.

[Passed 16th *April*, 1842.]

** The above mentioned Company having been dissolved, this Act has been omitted.

CAP. IV.

Continued by 6
Vic. c. 7, and 7
Vic. c. 8.
Expired.

An Act for the increase of the Revenue of this Island.

[Passed 16th *April*, 1842.]

CAP. V.

Repealed by 11
Vic. c. 3.

An Act to create a Fund, for defraying the expence of providing Medical assistance for sick Emigrants, and of enabling indigent persons of that description to proceed to the place of their destination.

[Passed 16th *April*, 1842.]

CAP. VI.

An Act to consolidate, amend and reduce into one Act, the several Acts, and parts of Acts, relating to the Qualifications and mode of summoning Grand and Petit Jurors.

Continued by 8
Vic. c. 19 & 12
Vic. c. 33.

[Passed 16th April, 1842.]

WHEREAS it is expedient to consolidate and amend the several Acts, and parts of Acts of the General Assembly, relating to the Qualifications and mode of Summoning Grand and Petit Jurors, and in other respects relating thereto: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That an Act passed in the Thirteenth Year of the Reign of His late Majesty King George the Third, intituled *An Act for the more easy and effectual Trial of Criminal Offenders, also, Trials of Property or any other suit or suits of what nature or kind soever, and for the ascertaining the qualifications of Jurors, in trials of such Offenders, as also in trials of Property or any other suit or suits of what nature or kind soever*; and an Act passed in the Fifty-ninth year of the Reign of his said late Majesty, intituled *An Act for regulating Juries, and further declaring the qualifications of Jurors*; and also, the Fourth and Fifth Sections of an Act passed in the Third year of the Reign of His late Majesty King William the Fourth, intituled *An Act to regulate and establish the stated times and places for holding the Supreme Court in King's and Prince Counties, and to constitute the Michaelmas Term of the said Court in Queen's County, a Term for the Trial of Issues, for a limited period*, be, and the same are hereby respectively repealed.

Repeals Act of
the 13th Geo. 3d,
cap. 8.

Also, Act of the
59th Geo. 3d,
cap. 5.

And also, 4th and
5th Sections of
Act of 3d Will.
4th, cap. 12.

II. And be it enacted, That from and after the passing hereof, all persons living within their re-

Jurors to be sum-
moned to serve

as such only in the County in which they reside.

Qualifications of Jurors.

Exempts certain persons from serving as Jurors.

spective Counties, and being persons not herein-after exempted, shall be, and they are hereby made liable to be summoned and returned Jurymen on all Trials of Treasons, Felonies, Breaches of the Peace, or other Criminal Offences of what nature or kind soever they may be, as also on all Trials of Property, whether local or transitory, being such Trials as shall be had and conducted in the County wherein such person so liable to be summoned shall reside: Provided such person or persons at the time of being summoned, and at the time of such Trial or Trials, shall or may be liege subjects of Her Majesty, and Inhabitants or Owners of Land within this Island, and shall have resided therein Six Months next before such Summons; and all and every such person or persons so qualified as aforesaid, shall not be subject to be challenged for want of Freehold or other property, but shall nevertheless, for any other lawful cause shewn, be subject to be challenged, and if the cause of challenge be adjudged sufficient, rejected according to the Laws of that part of Great Britain called England, in like cases: Provided always, That the Members of the Executive and Legislative Councils, or of the House of Assembly, the Treasurer and Secretary of the Colony, the Surveyor General of Crown Lands, the Registrar of Deeds, the Officers of Her Majesty's Courts, the Officers composing the Staff of the Army, the Clerks belonging to the several departments of the Army, the Officers and Clerks belonging to and Labourers actually employed in Her Majesty's Ordnance, or in or to the Departments of the Customs and Excise, and Post Office, Ministers, Attorneys, Physicians, Surgeons, persons above Sixty years of age, and all persons expressly exempted by any Act of the General Assembly of this Island, now in force, and passed previous to the present Session, shall be, and all such persons are hereby exempted from serving on Juries.

III. And be it enacted, That no Sheriff or Bailiff, shall return any person to have been summoned as a Grand or Petit Juror, to serve in any County in this Island, unless such person shall have been duly summoned Six days before the day of appearance, and shall have resided in this Island for the space of Six months as aforesaid, next before such Summons—and in case any Juror be absent from his habitation, notice of such Summons shall be given, by leaving a Summons under the hands of such Officer at the dwelling of such Juror, with some person there inhabiting.

Grand and Petit Jurors to be summoned six days before day of appearance.

Jurors to be resident in this Colony 6 months before summons is served.

Summons, how to be served.

IV. And be it enacted, That if any cause, Criminal or Civil, cannot be tried when called on in Court, for default of Jurors, the Justices of the Court shall have authority to command the Sheriff to Summon so many other proper persons (not being liable more than once in a year) to attend forthwith, as will make up a full Jury for the trial of such Cause.

Court may order a tales when a sufficient number of Jurors do not attend.

V. And be it enacted, That upon motion made in the Supreme Court, on behalf of Her Majesty, or on motion of any Prosecutor or Defendant, in an Indictment or Information, for any Misdemeanor or Information in the nature of a *quo Warranto*, or on motion of any Plaintiff or Defendant, in any cause depending in the said Court, the Justices are required to order a Jury to be struck before the proper Officer for the trial of any Issue, in such manner as Special Juries are usually struck in the said Court, upon Trials at Bar; and in all cases the party who shall apply for a Special Jury, shall not only pay the Fees for striking such Jury, but shall also pay all the expenses occasioned by the trial of the cause by such Special Jury, and shall not have any other allowance for the same upon taxation of Costs, than such party would be entitled unto, in case the cause had been tried by a common Jury.

Special Juries, how obtained and struck.

Expense of Special Jury to be paid by party applying for same.

For non-attendance Grand Jurors may be fined not more than £5 nor less than £2.

VI. And be it enacted, That every person so Summoned as aforesaid, to serve as a Grand Juror, and who shall not appear after being openly called Three times, upon Oath made by the Summoning Officer, that such person so making default had been lawfully Summoned, shall forfeit and pay for such default, such Fine not exceeding the sum of Five Pounds, nor less than Forty Shillings, as the Judge or Judges presiding in said Court, shall think reasonable to inflict or assess, unless some sufficient cause of his absence be proved by Oath, Affidavit, or Affirmation to the satisfaction of the said Judge or Judges; and that every Petit Juror so Summoned to attend as aforesaid, at any Court of Record in this Island, and making default on proof, so as above set forth of their being legally Summoned, shall forfeit and pay for every such default the sum of Five Shillings, unless some reasonable cause by proof as above directed, be assigned to the satisfaction of the Judge or Judges, who sit to try the cause. Provided always, that the amount of the said Fines to be levied on each Petit Juryman for the several defaults at one Term, shall not exceed the sum of Three Pounds.

Petit Jurors, for non-attendance, to be fined 5s.

Fines on a Petit Juror, for one Term, not to exceed £3.

No Juror liable to serve oftener than every third issuable Term.

VII. And be it enacted, That no Grand or Petit Juror shall be liable to be Summoned, oftener than every Third issuable Term.

Grand Jury to choose their Foreman.

IX. And be it enacted, That when the Grand Jury in the several Counties of this Colony, shall assemble in Court for the first time under this Act, and ever after, and twelve or more thereof shall appear, the Court before the said Jury shall be sworn, shall direct them to retire and choose their Foreman to be presented to the Court, any usage or custom to the contrary notwithstanding.

Continuance of Act.

X. And be it enacted, That this Act shall continue and be in force for and during the term of Two years from and after the passing thereof,

and from thence to the end of the then next Session of the General Assembly, and no longer.

. Section 8 of this Act is repealed by 12 Vic. c. 9.

CAP. VII.

An Act to amend and continue for a limited period the Act intituled *An Act for the regulation of the Public Wharf of Charlottetown.* Repealed by 8 Vic. c. 16.

[Passed 16th April, 1842.]

CAP. VIII.

An Act to consolidate and amend the two several Acts now in force, relative to Accidents by Fire, and the Improvement of Property in Georgetown. Expired.

[Passed 16th April, 1842.]

. The provisions of this Act may affect Titles to Lands, but are omitted pursuant to directions of Act 12 Vic. c. 23.

CAP. IX.

An Act further to explain and amend an Act passed in the Third year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to consolidate, amend, and reduce into one Act, the several Acts of the General Assembly relating to Trespasses, and for other purposes therein mentioned.* Repealed by 12 Vic. c. 16.

[Passed 16th April, 1842.]

CAP. X.

Expired.

An Act to amend an Act made and passed in the Third year of the Reign of Her present Majesty, intituled *An Act to prohibit the Exportation of Oysters from this Island, for a limited period.*

[Passed 16th April, 1842.]

CAP. XI.

Repealed by 6
Vic. c. 10.

An Act to amend an Act for the appointment of Fish Inspectors, and to continue and extend the provisions of the Act now in force regulating the size and quality of Fish Barrels and Tierces, and the weight of Fish made up therein.

[Passed 16th April, 1842.]

CAP. XII.

An Act to prevent the taking and carrying away of Boats, Canoes or Flats, without the consent of the Owners thereof, and to repeal an Act formerly passed for that purpose.

[Passed 16th April, 1842.]

Repeals Act of
the 5th Geo. 4th,
cap. 9.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That the Act passed in the Fifth year of the Reign of His late Majesty King George the Fourth, intituled *An Act to prevent the using or taking away Boats, Flats or Canoes without the consent of the Owners*, be, and the same is hereby repealed.

II. And be it enacted, That any person or persons who shall after the passing of this Act, use

or take away any Flat, Canoe or Boat, fastened or moored at any place within this Island, without a felonious intent, and without the consent of the Owner or Owners of the same, shall upon proof of such using or taking away before any one of Her Majesty's Justices of the Peace for the County wherein the offence shall have been committed, forfeit and pay to the Owner or Owners, for each and every such offence, a sum of not less than Five Shillings, nor more than Forty Shillings, over and above any damage or loss sustained by the Owner or Owners; to be recovered before the said Justice of the Peace, if laid at Five Pounds, or under, with reasonable Costs; and if above Five Pounds, to be recovered in the Supreme Court of Judicature.

Persons taking away any Flat, Canoe or Boat, without permission of owner, to forfeit a sum not exceeding 40s. nor less than 5s.

Mode of recovery of fine, &c.

III. And be it enacted, That should any person or persons consider himself, herself, or themselves, aggrieved by the decision of any Justice of the Peace, under the operation of this Act, every such person or persons shall and may be entitled to appeal to Her Majesty's Supreme Court of Judicature, in manner and under the regulations prescribed for Appeals by the several Acts of the General Assembly of this Island for the recovery of Small Debts.

Persons convicted may appeal from decision of Justices to Supreme Court.

CAP. XIII.

An Act to authorize the Treasurer of this Island to pay off Treasury Warrants to the amount of Four thousand Pounds, out of the Land Assessment Moneys now in the Treasury.

Executed.

[Passed 16th April, 1842.]

CAP. XIV.

Revised and continued with additions, for 3 years, by 10 Vic. c. 16.

An Act to regulate the Letting of Stalls in *Charlottetown* Market House, and for other purposes therein mentioned.

[Passed 16th April, 1842.]

WHEREAS the Market House in *Charlottetown* has been built at the Public expense, and the Salary of the Clerk of the said Market paid out of the Public Treasury, and it is deemed expedient that the Stalls in the said Market House should be Let, in order to contribute towards defraying the contingent expenses thereof: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the said Clerk shall number the Stalls in the said Market House, and that any number (not exceeding Nine)* of the Stalls in the said Market House, to be selected by the Clerk thereof, shall, previous to the First day of June next, and as often thereafter from time to time, as shall become necessary by expiration or surrender of the terms respectively granted in the said Nine Stalls, be by him set up at Auction, upon first giving at least Fifteen days notice in any public Newspaper in *Charlottetown*, at the upset price of Four Pounds *per annum*, for each and every of said Nine Stalls, and thereupon Let to the highest Bidder, above the said upset price, for any term of not less than Six Months, nor more than Two Years, at the option of the Bidder; no person or persons to rent more than Two of the said Stalls at one and the same time.

Clerk of Market in *Charlottetown* to let Stalls in Market House not exceeding 9 in number, before 1st June, 1842.

Notice of letting, how to be given.

Upset price or rent of each Stall.

Term for which the same are to be let.

Limits number of Stalls to be let to each person.

Residue of Stalls in Market, and any of the nine Stalls unlet, to be let by the day to non-residents

II. And be it enacted, That the residue of the said Market Stalls, and also any number of the aforesaid Nine Stalls, not being let or occupied under the provisions aforesaid, shall be let by the

* By 10 Vic. cap. 16, the Market Clerk is authorized to Let the *whole* of the Stalls in the Market House, as often as they become vacant.

day to any non-resident of *Charlottetown*, and to Residents, if no application by a non-resident be made before Ten of the clock in the morning, on any Market day, at and after the rate of One Shilling for each and every Market day, to be paid to the said Market Clerk, prior to the said Stall or Stalls being used; and the preference when Two applications for the same Stall shall be made, shall be given to the first non-resident applicant on such Market day.

of Charlottetown, and to residents if no application therefor be made by non-residents before 10 o'clock, a. m., of any market day at the rate of 1s. per diem.

III. And be it further enacted, That no Sub-letting of the Stalls shall be permitted, under any pretence whatsoever, on pain of the forfeiture of the use and benefit of the Stall, by the party who shall Sub-let the same, as well as by the party to whom the same shall be Sub-let: Provided always, that nothing herein contained shall prevent several parties from taking a Stall together, as the Clerk shall see necessary.

No sub-letting of Stalls allowed.

IV. And be it enacted, That there shall be paid to the Market Clerk the Sum of Forty Pounds *per annum*, for the due performance of his services, to be drawn for by Warrant of the Administrator of the Government for the time being.

Salary to Market Clerk.

V. And be it enacted, That the Clerk of the Market, should it become necessary, may sue for and recover in his own name, the Rent of any Stall or Stalls, before the Commissioners for the recovery of Small Debts, and in like manner as Small Debts are now recovered, when the Debt shall not exceed Five Pounds; and in the Supreme Court of Judicature when the Debt shall exceed that sum.

Clerk of Market may sue in his own name, before Commissioners of Small Debts, for rent of Stalls, when debt does not exceed £5. And in Supreme Court when it exceeds that sum.

VI. And be it enacted, That the Moneys arising from the Rent of such Stall or Stalls as aforesaid, shall be paid into the Treasury of this

Appropriation of rent of Stalls.

Island, to and for the use of Her Majesty's Government.

Meat exposed for sale on tables or posts in Market House to be forfeited, if owner neglects or refuses to remove the same, on request of Market Clerk.

Power of Market Clerk on such neglect or refusal of owner.

Appropriation of proceeds of Meat forfeited.

Persons forcibly occupying Stalls; against the will of Market Clerk to forfeit 20s. and costs.

Mode of recovery of fine.

Market Clerk may remove Horses, Carts, &c. impeding free ingress and

VII. And be it enacted, That no Fresh Meat shall be exposed for Sale on any of the Tables, or in any way suspended from the posts, on the inner side of the Tables within the said Market, whether the Stalls immediately opposite such Tables, shall be let as aforesaid or not, on pain of the said Meat being forfeited, on view of the fact; and after the Owner or Owners shall refuse or neglect to remove the same on request made by the said Market Clerk, who is hereby empowered and directed immediately to Sell or cause to be Sold, at the best price that can be gotten for the same, all Fresh Meat so found exposed for Sale, contrary to this enactment, and pay the proceeds into the Treasury, to and for the use of Her Majesty's Government.

VIII. And be it enacted, That the Clerk of the Market shall prohibit any person or persons from occupying any Stall or Stalls, unless he, she or they shall have complied with the provisions of this Act; and if any person or persons shall forcibly occupy any Stall or any part of the Table or Tables therein, without permission of the Clerk of the Market, and shall not, on being required so to do, immediately remove therefrom, he, she, or they shall be liable to a Fine of not more than Twenty Shillings, with Costs, to be recovered in the manner hereinafter directed in the next following clause.

IX. And whereas access to the said Market House is at times greatly impeded by the number of Horses, Cattle, Carts, Sledges, and Animals, and Vehicles, which are irregularly placed immediately near the same: Be it therefore enacted, that the Clerk of the said Market for the time being, shall have power to remove and he is hereby required to remove, or cause to be removed,

all Horses, Cattle, Carts, Sledges, and all Animals, Vehicles, and any Implement, Machine, Article, or Material, which may appear, in any way, to impede the free ingress and egress to and from the said Market House, and the Owner or Owners thereof in every case wherein he or they shall refuse or neglect to remove the same, after order for that purpose being first to him or them make known by the said Market Clerk, shall forfeit and pay for each and every offence, any Sum not exceeding Twenty Shillings; the same to be recovered with Costs, on the Oath of the said Market Clerk, or other credible Witness, before any Magistrate or Commissioner of Small Debts, in like manner as Small Debts are now recovered, to and for the use of Her Majesty's Government.

egress to and from
Market House.

And owners re-
fusing to remove
same, to forfeit a
sum not exceed-
ing 20s.

Mode of recovery
of fine.

X. And be it enacted, That should any Meat be exposed for Sale that may have been blown, commonly called "blown Meat," the same on view of the fact, shall become forfeited, and shall be sold forthwith by the Market Clerk, and the proceeds paid into the Treasury, to and for the use of Her Majesty's Government; and further, should any diseased, unwholesome, or unsound Meat be exposed for Sale, the Market Clerk shall forthwith destroy or cause to be destroyed such Meat.

Blown Meat ex-
posed for sale to
be forfeited and
sold by Market
Clerk.

Appropriation of
proceeds of meat
so sold.

Market Clerk to
destroy unsound
meat.

XI. And be it enacted, That the said Market Clerk, shall make a return to the Administrator of the Government for the time being in Council, Quarterly, on Oath, of all Moneys received under and by virtue of this Act.

Market Clerk to
make return on
oath, in Council,
of all Moneys re-
ceived by him
under this Act.

XII. And be it enacted, That this Act shall continue and be in force for the space of Five Years, from the passing thereof and no longer.

Continuance of
Act.

CAP. XV.

See 3 Vic. c. 21,
and 7 Vic. c. 20.

An Act to repeal part of an Act, made and passed in the Third year of Her present Majesty's Reign, to authorize the erection of a Building near *Charlottetown*, as an Asylum for Insane persons, and other objects of Charity, and to provide for the future maintenance of the same, and to substitute other provisions in lieu thereof.

[Passed 16th April, 1842.]

WHEREAS by a Despatch from the Right Honorable *Lord John Russell*, Her Majesty's late Secretary of State for the Colonies, and bearing date the Thirteenth day of *October*, *Anno Domini* One thousand Eight hundred and Forty, the appointment of Trustees of the said Asylum by the House of Assembly, has been held by Her Majesty's Government, to be an encroachment on the rules which should separate from each other the functions of the Executive Government, and those of the Legislative Bodies; for remedy whereof: Be it enacted, by the Lieutenant Governor, Council and Assembly, That the Fourth and Fifth Clauses of the said Act, intituled *An Act to authorize the erection of a Building near Charlottetown, as an Asylum for Insane persons, and other objects of Charity, and to provide for the future maintenance of the same*, be, and the same are hereby repealed.

Repeals 4th and
5th Clauses of
Act of 3d Vic. c.
21.

Administrator of
Government,
with advice of
Council, to ap-
point 7 persons,
who, with the
Chief Justice,
President of Le-
gislative Council
and Speaker of
Assembly, are to
be Trustees of
Lunatic Asylum.

II. And be it enacted, That when and so soon as the said Building for a Lunatic Asylum shall be completed, it shall be lawful for the Administrator of the Government, by and with the advice and consent of Her Majesty's Council, to nominate and appoint, and as often as the same shall become necessary, to re-appoint Seven Trustees, Two of whom shall be Members of the House of Assembly, who together with the Chief Justice,

the President of the Legislative Council, and the Speaker of the House of Assembly, and their Successors in Office shall be Trustees, and which Trustees shall have power, from time to time, to make and ordain such Rules and Regulations, for the management of the said Asylum and House of Industry, and to appoint the several Officers required, and to fix and determine the amount of Salaries to be paid to such Officers, as to them or the majority of them shall seem needful and necessary.

Power of such Trustees.

CAP. XVI.

An Act to authorize the appointment of Coal Meters, where deemed necessary. Expired.

[Passed 16th April, 1842.]

CAP. XVII.

An Act to continue an Act intituled *An Act to regulate the Floating of Logs, Scantling, Deals and other kinds of Wood, down the Rivers and lesser Streams in this Island.*

[Passed 16th April, 1842.]

BE it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the Third year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act to regulate the Floating of Logs, Scantling, Deals and other kinds of Wood, down the Rivers and lesser Streams in this Island*, be, and the same is hereby continued, and declared to be in full force and effect until the First day of *May*, which will be in the year One thousand Eight hundred and Fifty, and no longer.

Continues Act of 3d Vic. cap. 12, until 1st May, 1850.

CAP. XVIII.

Repealed by 7
Vic. c. 14.

An Act to amend the Acts now in force relating to a Fire Engine Company, and Accidents by Fire, within *Charlottetown*.

[Passed 16th *April*, 1842.]

CAP. XIX.

Repealed by 8
Vic. c. 14.

An Act to amend the Act now in force relating to Apprentices, and to repeal a certain Act therein mentioned.

[Passed 16th *April*, 1842.]

CAP. XX.

Disallowed by
Her Majesty.

An Act to authorize the Issue of a Copper Coinage in this Colony, and to prohibit the circulation of base Coppers.

[Passed 16th *April*, 1842.]

CAP. XXI.

Repealed by 11
Vic. c. 31.

An Act to amend an Act passed in the Sixth year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Law relating to the admission of Barristers, Attorneys and Solicitors, and to regulate the admission of Advocates and Proctors in the Courts of Vice Admiralty, and Court of Probate in this Island*.

[Passed 16th *April*, 1842.]

CAP. XXII.

Continued by 8
Vic. c. 5.

Repealed by
14 Vic. c. 1.

See Note to 10
G. 4, c. 10, for
other Acts in
amendment.

An Act to alter, and in addition to an Act made and passed in the Tenth year of the Reign of His late Majesty King *George* the Fourth, relating to the laying out and altering of Highways, and for other purposes therein mentioned.

[Passed 16th *April*, 1842.]

** The provisions of this Act may affect Titles to Lands; but are omitted pursuant to Act 12 Vic. cap. 23.

CAP. XXIII.

An Act to repeal and amend a certain portion of the Nineteenth Section of an Act relating to Schools, and for the encouragement of Education. Expired.

[Passed 16th April, 1842.]

CAP. XXIV.

An Act to explain certain parts of the Act to consolidate and amend the Election Laws. Repealed by 11
Vic. c. 21.

[Passed 16th April, 1842.]

CAP. XXV.

An Act to authorize the appointment of Commissioners to superintend the erection of a Colonial Building in *Charlottetown*, and to repeal certain parts of an Act therein mentioned. Executed.

[Passed 16th April, 1842.]

CAP. XXVI.

An Act for appropriating certain Moneys therein mentioned, for the Service of the year of our Lord One thousand Eight hundred and Forty-two. Executed.

[Passed 16th April, 1842.]

ANNO SEXTO

VICTORIÆ REGINÆ.

At the General Assembly of Her Majesty's Island of Prince Edward, begun and holden at Charlottetown, the Twenty-fourth Day of January, Anno Domini 1843, in the Sixth 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 :

1843.
Sir HENRY V. HUNTLEY, Lieut. Governor.
R. HODGSON, President of Council.
JOSEPH POPE, Speaker.

Being the First Session of the Sixteenth General Assembly convened in the said Island.

CAP. I.

An Act to consolidate and amend the Laws relating to Statute Labour, and the Expenditure of Public Moneys on the Highways.*

Amended by 6 Vic. cap. 15, 8 Vic. c. 13, 11 Vic. c. 2, and 12 Vic. c. 11.

[Passed 4th April, 1843.]

WHEREAS it is deemed necessary to consolidate and amend the several Laws now in force, regulating the performance of Statute Labour on the Highways: Be it therefore enacted,

* So much of this Act as relates to Charlottetown, its Common and Royalty, is repealed by 12 Vic. c. 11.

Repeals Act of
the 3d William
4th, cap. 2.

Also Act of the
1st Victoria,
cap. 1.

And also, Act of
the 3d Victoria,
cap. 1.

by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, an Act passed in the Third year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to regulate the performance of Statute Labour on the Highways, and for other purposes therein mentioned*; and an Act passed in the First year of the Reign of Her present Majesty, intituled *An Act to amend an Act passed in the Third year of His late Majesty's Reign, intituled 'An Act to regulate the performance of Statute Labour on the Highways, and for other purposes therein mentioned'*; and also, an Act passed in the Third year of the Reign of Her present Majesty, intituled *An Act to amend an Act intituled 'An Act to regulate the performance of Statute Labour on the Highways, and for other purposes therein mentioned'*; be, and the same are hereby respectively repealed.

Lt. Governor to
appoint a Road
Commissioner
for each District
named in the
Schedule an-
nexed.

And also to nomi-
nate to any va-
cancy occurring
from death, &c.

Such Commis-
sioners not to
continue in office
longer than three
years, unless re-
appointed.

Commissioners
to appoint Over-
seers, direct
where labour
shall be perform-
ed, and receive
Overseers' re-
turns.

And make a
yearly return to
Lt. Governor in
Council of Sta-

II. And be it enacted, That from and after the passing of this Act, it shall and may be lawful for the Lieutenant Governor, by and with the advice and consent of Her Majesty's Council, to nominate and appoint a Commissioner of Highways, for each of the Districts, named in the Schedule to this Act annexed marked (A,) and who shall be a resident therein, and from time to time to fill up any vacancy occurring in any such office, by death, removal, resignation, or otherwise, of any such Commissioner, and which Commissioner so appointed, shall not continue in office for a longer period than Three years, unless re-appointed as aforesaid, and it shall be the duty of every such Commissioner to appoint Overseers of Statute Labour annually, and to direct such Overseers, where and when such Statute Labour shall be performed, and to receive from such Overseers, returns of their doings in manner hereinafter directed, and to make a yearly return to the Lieutenant Governor in Council, of all their actings and doings relative to the performance

of Statute Labour within the District, to which such Commissioner shall or may be appointed. Provided always, That so much of the District Number Eight, (S), as comprises Charlottetown, and the Common and Royalty thereof, shall be subject only to such of the enactments and provisions of this Act, as shall in themselves relate expressly by designation to the said Town, Common and Royalty, or as shall by any other clause or enactment therein be made expressly to extend to the said Town, Common and Royalty.

tute Labour within their Districts.

Such part of District No. 8, as comprises Charlottetown, its Common and Royalty, only to be subject to such of the enactments herein contained as relate expressly to said Town, Common and Royalty.

III. And be it enacted, That every male person between the ages of Sixteen and Sixty years, shall, when appointed, or required thereto, either by himself, or some sufficient substitute, and provided with such necessary implement or implements, as may be directed by the Overseer of the Precinct, work for the space of Four days or Thirty-two hours in every year, on the said Highways, Streets, or Bridges.

All male persons between 16 and 60 years of age, to work on Highways, &c. 4 days or 32 hours, in each year.

IV. And be it enacted, That every such Male person as aforesaid, possessing a Horse and Cart, or possessing a Cart and two Horses, or possessing two working Oxen and a Cart, or possessing one Horse or two Horses, or two working Oxen without a Cart, shall each of them respectively, if so directed by the Overseer of the Precinct within which he resides, bring out, or send, such Horse or Horses, or such Oxen or Carts, accompanied by one able-bodied man, for Three days in every year, to work on the Highways, Streets or Bridges of the Precinct, wherein such male person as aforesaid, shall reside, Eight hours being allowed to complete each day's work. Provided always, That nothing herein-contained, shall extend or be construed to extend, to render liable to Statute Labour any person whomsoever, who shall not have been at the time of appointing the Overseers, a resident of the Island, for at least Six Calendar Months. And provided also, That when in the

Rates of labour for males possessing horses, &c. or working cattle.

Number of days' work in each year.

Eight hours to be a day's work.

Exempts certain persons from Statute Labour.

If Overseer shall see fit, he may call upon the possessor of horses, &c. to send men to labour in lieu of them.

Horses, teams, &c. of persons over 60 years of age, liable to the performance of Statute Labour, in like manner as horses, teams, &c. of persons under that age.

Exempts horses, teams, &c. of Widows, in certain cases.

Persons liable to Statute Labour, absent from the Colony, or not attending, to forfeit 4d. for every hour neglect, or non-attendance.

Mode of recovery of the fine.

opinion of the Overseers, the labour of men will be more useful than that of Cattle, all persons liable to send two Horses or two working Oxen, with or without a Cart as aforesaid, shall instead thereof, send two Men for three days, or one man for six days or Forty-eight hours, to labour on the Roads, which said labour shall complete their yearly Statute Labour; and a person owning one Horse, with or without a Cart, or one pair of Oxen only, shall in such case, work or cause to be worked, five days' labour or forty hours. And provided further, That the Horses and Teams of all persons, shall be liable to the performance of Statute Labour, in like manner as the Horses and Teams of persons under Sixty years of age; and the Owners thereof respectively shall send out such Teams when so required, by any Commissioner or Overseer, for the performance of Statute Labour. And provided also, That nothing in this clause, shall extend to Widows having no male children under their control, above the age of Sixteen years, or who employ no male servants above that age.

V. And be it enacted, That all persons liable to Statute Labour, although absent from the Island, and all persons neglecting or not attending to perform the said duty faithfully, and to the satisfaction of the respective Overseers, shall forfeit Fourpence for every hour's neglect; and any one of Her Majesty's Justices of the Peace, or the Commissioner of Small Debts, nearest to the residence of such Overseer, is hereby empowered and required on complaint made to him by the said Overseers of the Highways, or any of them, to Summon the persons so neglecting to appear before him, to hear and determine the case, and which Summons so to be issued, shall be under the hand and seal of the said Justice or Commissioner of Small Debts, in the form in the Schedule to this Act annexed, marked (B.) and

upon proof being made of such person's non-appearance, refusal or neglect, the said Justice or Justices, Commissioner or Commissioners of Small Debts, shall cause the said forfeiture to be levied, together with the expenses of levying, by Warrant of Distress and sale of the Offender's Goods and Chattels; and if no Goods and Chattels can be found whereon to levy, then the offender shall suffer imprisonment for a period not exceeding Forty, nor less than Eight days, and the money so levied, shall immediately be put into the hands of such Overseer as shall have prosecuted for the same, to be by him applied, for and towards the repairs of the Highways within his Precinct, in such manner as the Commissioner thereof shall and may direct.

Appropriation of this fine.

VI. And be it enacted, That each Commissioner, so appointed as aforesaid, shall, on or before the First day of May, in each year, nominate and appoint such number of Overseers within his District as to such Commissioner shall appear to be for the public good, and shall prescribe to each Overseer the Limits and Boundaries of his Precinct within which such Overseer shall have authority, and the Roads and parts of the Roads, or the Bridges where the Statute Labour shall be wrought, and where the money received in commutation thereof shall be laid out and expended; and each Overseer shall, immediately after notification and acceptance of his appointment, give notice to the Inhabitants of his Precinct of his appointment, by causing a notice to be posted up in the most public place of such Precinct, to the end that such Inhabitants may know to whom to commute the payment of their Statute Labour in terms of this Act.

Commissioners to appoint Overseers on or before 1st of May, in each year, and prescribe their respective precincts, &c.

Overseers to give notice of their appointment.

VII. And be it enacted, That it shall and may be lawful for the Commissioner of each District, including in the Eighth District, the Town and Royalty of Charlottetown, whenever he may think

Commissioners to appoint persons contiguous to Bays and

Rivers to mark
Winter Roads on
the ice.

Such persons to
be exempt from
the performance
of any other Sta-
tute Labour.

Penalty on per-
sons cutting or
breaking down
bushes placed on
such Roads on
the ice.

Overseers to give
10 days' notice
where and when
labour is to be
performed.

Further duty of
Overseers.

Overseers
exempted from
other labour.

General duties of
Overseers.

it expedient and necessary to appoint some person or persons contiguous to the Bays or Rivers for the purpose of placing Bushes in the ice, on the best track generally used by travellers, as early in Winter, as the ice may become passable; and the Commissioner is hereby required, to notify the Overseers of the different Precincts, of the persons so appointed, and on such persons so appointed performing the requisite duty, they are hereby declared to be liable to no other Statute Labour during that year, any Law to the contrary notwithstanding. And any person who shall wilfully cut, break down or remove, any bushes placed as aforesaid, shall be liable to a fine, not exceeding Five Pounds, and not less than Ten Shillings.

VIII. And be it enacted, That the said Overseers of the Highways shall, and they are hereby required and empowered, in pursuance of the orders they shall or may receive from time to time from the Commissioner of the District, to Summon the Inhabitants residing within their respective Precincts, giving them at least Ten days notice, of the time and place, where and when they intend to employ them, and they shall direct and order the persons so Summoned, to labour in making or repairing the Highways, Streets or Bridges, in the most effectual and advantageous manner, for and during the number of days appointed by this Act for such service or Labour, they, the said Overseers being hereby exempted and excused from any other Labour and service on, or relative to the Highways, than the issuing the Summons, ordering and overseeing the performance of the Statute Labour within their respective Precincts, and making out and returning, within the time limited, by the orders they receive, from the Commissioner of the District as aforesaid, exact and true reports of their doings on the Highways, such reports always containing lists of absentees, and accounts of the

finest levied in consequence of such absence, and of the money received in commutation of Labour, and how expended, but without being entitled to wages or any other gratuity for their services, and if any person liable to Statute Labour as aforesaid shall refuse to accept of the office of Overseer, then he shall be liable to a fine of Two Pounds, and on any Overseer failing or neglecting to perform all or any of the duties herein pointed out to be done by him, he shall forfeit and pay a sum not exceeding Five Pounds.

Penalty on person refusing office of Overseer.

Penalty on Overseer failing or neglecting to perform all or any part of his duty.

IX. And be it enacted, That no Overseer shall have power or authority to compel any person to work his Statute Labour at a distance exceeding five miles from the place of such person's residence.

No person to be compelled to work more than 5 miles from his place of residence.

X. And be it enacted, That each Overseer of Highways is hereby required and directed, at the expiration of Two Months, from the time of performing Statute Labour within his Precinct, to account with the Commissioner of the District within which such Overseer shall reside, for his conduct in the execution of his trust as Overseer, and to report to him in writing, the work and Labour really done and performed, and the application accompanied with the proper vouchers of discharge, of the fines and forfeitures incurred, whether levied, or in arrear, why the same have not been levied, how applied in promoting the intentions of this Act; and also to account for all monies received in Commutation of Labour, and the application of the same, which monies shall be expended by the Overseers, with the exception of those residing in Charlottetown and Royalty, at public competition, under the direction of the Commissioner, within Ten days after the Labour has been performed, and within the Precinct or Precincts where such monies were collected. }

Overseer, two months after performance of Statute Labour, to account with Commissioner.

And monies in his hands, to be expended by him under direction of Commissioner.

Statute Labour to be performed in the month of July.

Overseer may choose any six days in said month for this purpose.

Notice to labour, to be by advertisement in three of the most public places of precinct.

Persons liable to Statute Labour may commute labour for money.

Time of commutation and rates thereof.

XI. And be it enacted, That from and after the passing of this Act, the whole of the Statute Labour shall be performed between the first, and last days of July annually, each Overseer to advertise the Inhabitants to perform the Statute Labour, in any six days within the month of July, which in his discretion he may judge most convenient to the Inhabitants of the Precinct; the advertisements being not less than three in number, and to be posted in the most public places of the Precinct of such Overseer, at least Ten days before the period of performing such Labour, which is to be held a sufficient warning.

XII. And be it enacted, That all persons liable to Statute Labour as aforesaid, shall have the option, instead of such labour, to pay annually, on or before the first day of the commencement of the Statute Labour in the respective Districts, the sums of money following, (that is to say,) the possessor of two Horses, or two Oxen and a Cart, or two Horses without a Cart, the sum of Ten Shillings. The possessor of one Horse, or two Oxen without a Cart, the sum of Eight Shillings, and persons owning neither a Horse, nor a pair of Oxen, the sum of Five Shillings. And the owner or owners of more than two Horses, whether such persons are otherwise liable to Statute Labour or not, shall pay for each and every working Horse, over and above the number of two, as stated in this Act, if above the age of four years, the sum of Two Shillings each, or shall be liable to perform eight hours' labour for each horse, in way and manner herein-before directed, in addition to, and over and above the respective sum or work, already prescribed in this Act.

Commissioner to expend money in his District as he sees fit, and

XIII. And be it enacted, That each Commissioner shall expend the money paid to him, under the preceding Section of this Act, on the Highways within his District, in such way and manner

as shall appear to him most conducive to the public interest, and shall within Four months after the period for the performance of the Statute Labour, deliver in to the Lieutenant Governor in Council, an exact account of all moneys received by him, as Commissioner aforesaid, and of the application thereof, and he shall certify and attest to the same before one of Her Majesty's Justices of the Peace, previous to transmitting the same, in the form set forth in the Schedule to this Act annexed marked (C,)* and in case any such Commissioner shall neglect or refuse to certify and attest the account as herein directed, he shall forfeit and pay a sum not exceeding Five Pounds, and shall at the same time, make a full and distinct report of all his actings and doings, as such Commissioner, with an account of the state and condition of the Highways within his District, prior to the performance of Statute Labour, and subsequent thereto; and until such account and report shall be given in, such Commissioner shall not be entitled to receive any salary or recompence whatever for such services.

within 4 months account therefor to Lt. Governor, &c. in Council.

Account to be on oath.

Form of attestation.

Penalty on Commissioner neglecting or refusing so to account.

Commissioner, also to make a full report of his proceedings, state of roads, &c.

And until such account and report be given, to receive no salary.

XIV. And be it enacted, That when any Commissioner or other person or persons, who may be appointed under the provisions of this Act, shall be directed by the Lieutenant Governor, to lay out and expend the public moneys appropriated for the making and repairing of Roads and Bridges, such Commissioner or other person or persons, shall and they are hereby required and directed, to cause Advertisements to be inserted in the public Newspapers of the Colony, and shall also cause similar Advertisements to be posted up in the vicinity of the place or places where such work is to be performed, giving fourteen days notice thereof, that on the day and hour named in such Advertisement, will be sold or let to the lowest bidder, on the spot, where such work is to be performed, or to the person or

Commissioner, &c., when directed to lay out moneys appropriated for making and repairing roads, &c., to advertise in public Newspapers, &c.

Requisites of advertisement.

—and to let the same to lowest bidder.

* See note to Schedule B of this Act.

Security to be taken for performance of contract.

Allowance to Commissioner, &c. for expenditure of moneys.

Penalty on persons taking down or defacing, &c. Advertisements posted under this section.

Moneys to be paid to Contractor on certificate of Commissioner.

Overseers or Commissioners to order removal of nuisances.

Mode of proceeding against persons causing nuisance.

Such persons may be fined in a sum not exceeding £5.

Duty of Overseer or Commissioner in removing Nuisance where per-

persons who shall make the lowest tender for the same, the Roads or Bridges named in such Advertisement; and the said Commissioner or other person or persons so appointed as aforesaid, are hereby directed to let all such Roads and Bridges, on the best and lowest terms, taking good and sufficient security or securities for the faithful performance of every Contract or Contracts, so entered into or made, and the Commissioner or other person or persons so authorized as aforesaid, shall be allowed and paid for such services the sum of Five Pounds *per centum*, upon the amount so laid out and expended as aforesaid: And any person or persons who shall take down, deface or destroy any Advertisements posted as aforesaid, shall be liable to a fine not exceeding Twenty Shillings, for every such offence.

XV. And be it enacted, That the Money so directed to be expended as aforesaid, shall be paid by the direction of the Lieutenant Governor, to the person or persons entitled to receive the same, on the certificate of the Commissioner or other person appointed to expend such Money, that the work has been performed or partly performed, as the case may be, according to the Contract so made and entered into.

XVI. And be it enacted, That it shall and may be in the power of each Overseer of the Precinct or Commissioner of a District, to order the removal of any obstruction or nuisance in the Highway within his Precinct or District, on a summary complaint to any one of Her Majesty's Justices of the Peace, or a Commissioner of Small Debts, to recover from the person or persons causing such obstruction or nuisance, the expense incurred in removing the same, provided the same shall not exceed Five Pounds; and if no owner of the article causing such obstruction or nuisance can be found, then the Overseer or Commissioner shall have power and he is hereby authorized to

have such obstruction or nuisance removed, and the same to be sold, or so much thereof as will pay for the expence of such removal, and the Overseers of Precincts are hereby required, to cause all Thistles growing on the Highways, in their respective Precincts, to be destroyed or cut down, during the time of performance of Statute Labour.

son causing the same cannot be found.

Overseers to cause Thistles growing on Highways to be cut down.

XVII. And be it enacted, That it shall and may be lawful for the Lieutenant Governor, with the advice and consent of Her Majesty's Council, to cause to be paid out of the Moneys in the Public Treasury, raised for the purpose of Highways and Bridges, to each Commissioner annually, for his services in the execution of this Act, a sum of Money not exceeding Ten Pounds, over and above the Commission or *per centage* to which he may be otherwise entitled and directed to be paid, as aforesaid.

Annual allowance to each Commissioner under this Act.

XVIII. And be it enacted, That no person shall be compelled to serve the office of Overseer, more than once in every Three years, but if any person shall accept such office, more than once within such period, then he shall be liable to all the rules, regulations and duties of that office, as prescribed in this Act.

No person compelled to serve as Overseer more than once in three years.

XIX. And be it enacted, That the Overseers of Highways, as well in *Charlottetown* and *Royalty*, as elsewhere, shall have power and authority, and they are hereby required, during the Winter season, to Summon so many of the Inhabitants in their respective Precincts as they in their discretion shall think fit, to work at the times and places appointed on the Highways or Public Winter Roads, by breaking Roads in the snow with their Horses, Oxen or Teams, if possessed thereof, or with such Implements as the Overseer may deem requisite, whenever the depth of snow shall render the same necessary in each Winter, and at

Overseers, in Winter, may summon Inhabitants to work with Teams, &c. in breaking Roads in the snow, at no greater distance than three miles from home.

Not to exempt such persons from other Statute Labour.

Penalty on persons for neglecting or refusing to perform such work in Winter.

Overscers to appoint a person to notify Inhabitants.

Exempts the person so appointed from one day's labour in breaking Winter Roads.

no greater distance than Three miles from their own houses, and such Inhabitants shall perform the same work over and above that which such Inhabitants are liable to perform upon the Highways, Roads and Bridges in and by this Act; and each and every person neglecting or refusing to turn out with his Team or Teams, or with such Implements as may be directed by the Overseer of any Precinct, shall be liable to a fine not exceeding Ten Shillings, for every such neglect or refusal: And the Overseers of Precincts are authorized to appoint a person or persons to notify the persons in their Precincts, when they are required to turn out, for the purpose of breaking the Winter Roads as aforesaid, which person or persons so notifying the Inhabitants of the Precinct, shall be exempted for One day from such Labour in breaking the Roads for each time they shall be engaged in so notifying as aforesaid.

Persons obstructing Bridges, or fastening any Vessel, &c. thereto, to forfeit £5 over and above any damage done thereby.

XX. And be it enacted, That if any person or persons shall hereafter place any Timber, Wood, Stone or other weighty article or articles upon any Bridge or Bridges within this Island, or shall fasten any Vessel or Vessels thereto, or shall in any other way injure any such Bridge or Bridges, he or they shall pay a fine not exceeding Five Pounds, for every such offence, to be recovered as hereinafter directed, over and above any damage done to any such Bridge or Bridges when the same shall not exceed Five Pounds.

Commissioners may appoint persons to superintend Bridges, which persons may allow vessels to moor at such Bridges.

XXI. Provided always, and be it enacted, That any Commissioner of Roads is authorized to appoint such person or persons, as he may think fit within his District, whose duty it shall be, to allow Vessels to moor or make fast to any Bridge within his District, and who is authorized to take and receive from the Master or Owner of any such Vessel, the sum of Two Shillings *per* day, (Sundays excepted) during the time she may be

Rate payable by owners, &c. of

moored or made fast to any such Bridge, and in case of refusal of the Master or Owner to pay such sum, as he may be liable to as aforesaid, then it shall be lawful for the person so superintending such Bridge, to sue for and recover the same, with Costs (and in all cases to be accounted for on Oath to the Commissioner of the District,) before any One of Her Majesty's Justices of the Peace or Commissioner of Small Debts, by Capias or otherwise, and the amount of such Judgment with Costs shall be realized by Warrant of Distress and sale of the materials of the Vessel, one half of such rate to be paid to the Superintendant as aforesaid, and the other half to the Commissioner of Roads, in whose District the Bridge may be, to be expended for the repairs of the said Bridge.

such vessels for such permission.

Mode of recovery thereof.

XXII. And be it enacted, That from and after the passing of this Act, every Highway in this Island, unless where legally established at a less width, shall be of the width of Sixty feet, and that no Occupier of ground adjoining the Highways, or any other person shall encroach thereon, by fencing or otherwise, under a penalty not exceeding Twenty Shillings, for each and every day such encroachment shall be allowed to remain after due notice to remove the same.

Every Highway to be 60 feet in width.

Penalty on persons encroaching on Highways.

XXIII. And be it enacted, That it shall and may be lawful for the Commissioner of any District, to commute as much of the Statute Labour as he may deem expedient, for an equal quantity or value of Labour to be performed in the Winter season, in procuring and hauling Timber for the building or repairing of Bridges.

Commissioners may commute Summer labour for Winter labour, &c.

XXIV. And be it enacted, That in case of the sickness or death of any Overseer, or absence from his Precinct, after his appointment, under this Act, it shall and may be lawful for the Commissioner within such District, to appoint some

In the event of sickness, death, &c. of Overseer, Commissioner may appoint another in his place.

other person or persons to perform the duties of such deceased or absent Overseer or Overseers, at any time before the time limited for the performance of such Statute Labour, as before directed.

Penalty on Commissioner, &c. for neglect, &c. of duty.

XXV. And be it enacted, That if any Commissioner or other person appointed to expend Money under or by virtue of this Act, shall after signifying his acceptance of said office, neglect or refuse to carry the provisions of the same into effect, so far as they are imposed on him by virtue of his said office, he shall for every such neglect or refusal, on due conviction thereof, forfeit and pay the sum of Five Pounds, to be recovered before any one of Her Majesty's Justices of the Peace or Commissioner of Small Debt, on the Oath of one or more credible Witness or Witnesses.

Mode of recovery of penalty.

Overseers to attest to their Returns.

XXVI. And be it enacted, That every Overseer of Statute Labour, shall and he is hereby required, previous to transmitting the Returns now prescribed by Law, to certify and attest to the same, before one of Her Majesty's Justices of the Peace, in the form set forth in the Schedule to this Act annexed marked (C,) but which attestation, shall only extend to an exact account of all Moneys received by him as Overseer aforesaid, and of the application thereof, and in case any such Overseer shall neglect or refuse to certify and attest the account as herein directed, he shall forfeit and pay a sum not exceeding Five Pounds.

Mode of attestation.

Form of attestation.

Penalty on Overseer for neglecting or refusing so to do.

Teachers of Schools, receiving Legislative aid, to be exempt from Statute Labour.

XXVII. And be it enacted, That all Teachers of Schools, who are entitled to receive Legislative aid as such, shall be exempt from the performance of Statute Labour, under the provisions of this Act.

XXVIII. And be it enacted, That the provisions of the Act passed in the Fifth year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for vacating the seats of Members of the Assembly in certain cases therein mentioned*, shall not extend, or be construed to extend, to vacate the seat of any Member of the present House of Assembly, who may be re-appointed a Commissioner of Roads under this Act.

The seats of Members of the present House of Assembly, who were Commissioners of Roads before the passing of this Act, not to be vacated by re-appointment under this Act.

XXIX. And be it enacted, That in the event of any Commissioner or Overseer, who may prosecute for any penalty or offence under the provisions of this Act, becoming non-suit, and it shall be certified by the Justice of the Peace or Commissioner of Small Debts, before whom such case shall be heard and determined, or other Court who shall finally decide the same, that such Commissioner or Overseer had just and reasonable grounds of action, then and in such case, said Justice of the Peace, Commissioner of Small Debts, or other Court as aforesaid, shall make out a certified statement of the Costs of such Action, which certified statement shall be delivered to the Clerk of Her Majesty's Council, and the amount so certified, after being approved of by the Administrator of the Government for the time being in Council, shall be paid to the Commissioner or Overseer, claiming the same, by the Treasurer of this Island.

If Commissioner or Overseer be non-suited in any prosecution instituted under this Act, on certificate from Justice, &c. of probable cause of action, the costs of non-suit to be paid to such Commissioner or Overseer by Treasurer, on order of Lieut. Governor, &c. in Council.

XXX. And be it enacted, That all Fines and Forfeitures arising under and by virtue of this Act, shall be sued for and recovered with costs, before any one of Her Majesty's Justices of the Peace, or any Commissioner of Small Debts, for the County wherein such Fine or Forfeiture shall or may be incurred, on the Oath of one or more credible Witness or Witnesses, and (where not otherwise appropriated by this Act,) shall be expended by the Commissioner of the District, and in the Precinct where such Forfeiture or For-

Mode of recovery of Fines imposed by this Act.

feitures may have been incurred: And in the event of no Goods and Chattels being found, whereon to levy, then the said Justice or Commissioner shall and may commit the party or parties delinquent, for the respective periods hereinafter mentioned, that is to say, where the penalty shall not exceed the sum of Five Shillings, for a space not exceeding Ten days, and where the penalty shall be above Five Shillings, and shall not exceed the sum of Twenty Shillings, for a period not exceeding Fourteen days, and where the penalty shall be above Twenty Shillings, and shall not exceed the sum of Forty Shillings, for a period not exceeding Twenty-one days; and when the penalty shall be above Forty Shillings, and shall not exceed Five Pounds, for a period not exceeding Sixty days.

Power of Commissioner where drains are necessary and owner, &c. of adjoining land shall refuse his assent to such drains passing through his lands.

Mode of proceeding to authorize such drains to be made.

XXXI. And be it enacted, That when, and as often as it may, in the opinion of any Commissioner of any District within this Island, become necessary for the draining of any Highway, to cut or open any ditch or drain, from the side of any Highway through any land adjacent thereto, and the owner or occupier thereof shall refuse his consent for so doing, then any of Her Majesty's Justices of the Peace shall, upon application of such Commissioner, issue a Summons directed to such owner or occupier, to appear before him at a time and place therein mentioned, of which at least three clear days notice shall be given, to such owner or occupier, to show cause why the said drain should not be opened, and in default of appearance, or after hearing the said owner or occupier, and evidence, relating thereto, such Justice shall and may make an order for the opening of such drain, to run in such course, and of such width, depth and extent, as to such Justice shall seem needful and necessary, and the costs of such suit shall be paid as by such Justice shall or may be adjudged, and be enforced by Execution in manner as the same shall or may be

issued for the recovery of Small Debts. And the order of such Justice so to be made, shall be full authority and justification for the said Commissioner, and all persons employed therein, in opening such drain or in clearing or keeping open the same, and may be proved as often as may become necessary, under a plea of the general issue. Provided always, that if at any future time it should be made to appear, to such or any other Justice, that such drain has become unnecessary, or is no longer useful, then he shall make order for the closing of the same. And provided also, That every such owner or occupier, who may feel aggrieved by any such order, shall and may appeal therefrom to the Supreme Court of Judicature, in manner prescribed by law for Appeals in matters of Small Debts, and the Supreme Court, on hearing such Appeal, may reverse, annul, vary or limit such order, and award costs thereupon, as to such Court shall seem just and necessary.

How drains no longer necessary or useful may be closed.

Gives owner, &c. of adjoining lands an appeal to the Supreme Court against any order of Justice of the Peace made in relation to drains.

Power of Supreme Court on appeal.

XXXIII. And be it enacted, That the rate or duty of all male persons, between the ages of sixteen and twenty-one years, shall be paid by the parents of such persons respectively, in all cases where such parents shall retain the ordinary control, and derive the ordinary services of persons within such ages, and the rate or duty of all Apprentices shall be paid by their Masters, but every such Master, shall nevertheless be entitled to retain such amount out of any wages by him payable to such Apprentice, over and above any sum allowed for Board, Lodging and Clothing only.

Rate due from Minors to be paid by Parents if they derive ordinary services from such Minors.

Rate of Apprentices, to be paid by Masters.

XXXIV. And be it enacted, That the said rate or duty, shall and may be sued for in manner prescribed in the Fifth section of this Act, and the like process for the recovery of the same, used and taken as therein is mentioned.

Mode of recovery of rate payable by Masters, &c.

*** Several Sections of the above Act having been repealed by 12 Vic. c. 11, are not therein inserted.

Schedules referred to in this Act.

SCHEDULE (A.)

DISTRICTS.

Commissioner's
Districts.

Nos.

1. Townships Nos. 1, 2, 3, 4, 5, 6 and 11.
2. Nos. 7, 8, 9, 10 and 12.
3. Nos. 13, 14, 15, 16 and 17.
4. Nos. 18, 19, those parts of Nos. 20 and 21, situate to the northward of the South-west River New London, and Princetown and Royalty, and that part of Princetown Road through Lot 25.
5. Nos. 25, 26, 27 and 28, and Wilmot Creek Bridge, Anderson's Road and other Roads south of said road on Lot 67.
6. Nos. 20 and 21, southward of the Southwest River New London, Townships Nos. 22, 23, 24 and Lot 67, north of Anderson's Road.
7. Nos. 29, 30, 31 and 32, (west side of York River,) and No. 65.
8. Nos. 33 and 32, (east side of York River,) and Charlottetown and Royalty, including the several Bridges on the York River.
9. Nos. 34, 35, (north side of the Hillsborough) 36 and 37.
10. Nos. 48, 49, 50 and 35, (south side of the Hillsborough.)
11. Nos. 57, 58, 60 and 62.
12. Nos. 38, 39, 40 and 41.
13. Nos. 42, 43, 56, 55, (North of Grand River,) and including the division Line Road between Townships 43 and 44.
14. Nos. 44, 45, 46 and 47.
15. Nos. 55, (South of Grand River,) 66, 54, 53, 52, 51, and* Georgetown and Royalty.
16. Nos. 59, 61, 63, 64 and Montague Bridge.

* Georgetown and Royalty crected into a separate District by 11 Vic. c. 4.

SCHEDULE (B.)*

FORM OF OATH TO BE MADE BY THE COMMISSIONER, AND ATTACHED TO HIS RETURN.

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

Form of Oath to be made by Commissioner and attached to his return.

So help me God.

A. B. Commissioner.

Sworn before me,

C. D.

J. P.

* This should be letter C, (No. 1,) referred to in the 13th Section of the above Act, as explained by 6 Vic. c. 15—by which Act the omission of Schedule B (referred to in the fifth Section of this Act) is also supplied.

SCHEDULE (C.)

FORM OF OATH TO BE MADE BY OVERSEERS OF STATUTE LABOUR, AND ATTACHED TO THEIR RETURNS.

I *A. B.* do swear that the Return now made by me, contains a correct account of all persons liable to perform Statute Labour, and also a correct account of the receipt and expenditure of all Moneys received by me as commutation of Statute Labour, within the Precinct for which I have been appointed during the current year.

Form of Oath to be made by Overseers and attached to their returns.

So help me God.

A. B. Overseer.

Sworn before me,

E. F.

J. P.

CAP. II.

An Act to compel Persons appointed to the Office of Constable, to serve as such.

[Passed 4th April, 1843.]

WHEREAS much difficulty and inconvenience have frequently arisen from persons having refused to serve as Constables, who have been nominated as such by the Justices of the Supreme Court of Judicature for this Island, for remedy whereof:

I. Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, it shall and may be lawful to and for any one of Her Majesty's Justices of the Peace, to fine any person or persons who may have been nominated by the Justices of the said Supreme Court to the office of Constable, and who have been duly notified thereof by the said Justice or other Justice of the Peace of the County, wherein such person or persons may reside, at least eight days previously, and refuse to be sworn in, a sum for such refusal, not exceeding Two Pounds, and upon the oath of one or more credible Witness or Witnesses being made, before such Justice of the Peace, it shall and may be lawful to and for such Justice to fine such person or persons, who may have been sworn in as aforesaid, and may refuse to act as such Constable or Constables, in a sum for each refusal not exceeding Two Pounds, the same to be recovered by Warrant of Distress, upon the offender or offenders Goods and Chattels, and when received, to be paid into the Treasury of this Island, to and for the use of Her Majesty's Government, and if the said offender or offenders shall not have any Goods or Chattels, whereon such Warrant of Distress can be levied, then, and in such case, it shall and may be lawful to and for the said Justice of the Peace, to commit the

Justice of the Peace may fine a person refusing to serve as Constable.

After eight days' notice of appointment, in any sum not exceeding £2,

and to fine him in a similar sum for each refusal.

Mode of recovery of fine.

Appropriation of fine.

For want of Goods and Chattels whereon to levy fine, offender may be committed to jail for a

said offender or offenders who have so refused to be sworn in as aforesaid, to the Jail of the County wherein such Justice may reside, for a period not exceeding Ten days, and also to commit such offender or offenders who being so sworn in as aforesaid refused to act as aforesaid, to the Jail aforesaid for a period not exceeding Five days.

period not exceeding 10 days, or for 5 days if sworn as Constable and refusing to act.

II. And be it further enacted, That in cases where any Constable appointed under and by virtue of this Act, shall neglect or refuse to serve, it shall and may be lawful to and for the Chief Justice, or any of the Justices of the said Court, out of the list returned by the Grand Jury as now by law prescribed, to appoint other persons in the place of such person or persons as may so refuse or neglect to serve as aforesaid, and so often as similar cases may arise, and such persons so appointed shall be subject to the like penalties for refusal or neglect to serve as are provided in and by this Act.

Mode of appointment of Constable in room of person refusing to serve.

III. Provided always, and be it further enacted, That no person or persons shall be compelled to serve as such Constables more than once in every Three years.

No person to be compelled to serve as Constable more than once in 3 years.

CAP. III.

An Act in addition to the several Acts relating to Licences for the Retailing of Spirituous and fermented Liquors.

Repealed by 10 Vic. c. 11.

[Passed 4th April, 1843.]

CAP. IV.

An Act to amend the Act relating to the Pumps and Wells of Charlottetown.

Expired.

[Passed 4th April, 1843.]

*** The provisions of this Act may affect Titles to Lands, but are omitted pursuant to directions of Act 12 Vic. c. 23. For other Acts relating to the same subject, see note to 26 Geo. 3, c. 1.

CAP. V.

An Act to continue and amend the Act for facilitating the intercourse between this Island and the Provinces of *Nova Scotia* and *New Brunswick*, by means of Sailing Packets.

[Passed 4th April, 1843.]

. This Act continued 3 Vic. cap. 20, for Three years.

CAP. VI.

Amended by 7
Vic. c. 9.

An Act to alter and amend the several Acts therein mentioned, relating to the *Prince Edward Island Steam Navigation Company*.

[Passed 4th April, 1843.]

☞ The above mentioned Company having been dissolved, this Act is omitted.

CAP. VII.

Expired.

An Act for the increase of the Revenue of this Island.

[Passed 15th April, 1843.]

CAP. VIII.

An Act to amend the Marriage Law.

[Passed 15th April, 1843.]

WHEREAS it has been found that improper Marriages have been celebrated, under Licences granted in pursuance of the Act now in force, authorizing the celebration of Marriages, in consequence of misrepresentation or concealment of facts, by the parties obtaining such Licences: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That

2 W. 4, c 14.

from and after the passing of this Act, no Licence shall be granted for the celebration of Marriage, where the parties contracting such Marriage, or either of them, shall be under the age of Twenty-one years, unless the consent of the Parents or Guardians of such contracting party or parties, so under age, shall be first signified in writing, under the hand or hands of such Parent or Guardian, Parents or Guardians, and signed in the presence of one or more Witness or Witnesses.

In future no Licence to be granted for the celebration of Marriage, when the parties, or either of them shall be under 21 years of age, unless by consent of parents, &c., in writing.

Mode of authentication of consent of parents, &c.

II. And be it enacted, That no Licence for Marriage shall be granted, without a Bond being previously given by the applicant, and one sufficient security (according to the form set forth in the Schedule to this Act annexed.)

No Licence to be granted for Marriage, unless a Bond be previously given, in form set forth in Schedule.

III. And be it enacted, That the Deputy Prothonotaries in *Prince* and *King's* Counties be empowered, to issue Marriage Licences, and to take the Bonds required in such cases, under such regulations as the Governor, or the Administrator of the Government, for the time being, may think proper to prescribe, and all such Bonds shall, on or before the First day of *January*, in each and every year, be transmitted to the Office of the Colonial Secretary, of this Island, and there deposited; such Deputy Prothonotary receiving the Fees, due to the Lieutenant Governor and Private Secretary for such Licence, and be responsible therefor, together with the Fee of Five Shillings and Six-pence to himself, for the issuing such Licence and taking such Bond.

Authorizes Deputy Prothonotaries in Prince and King's Counties to issue Marriage Licences, under regulations of the Lt. Governor, &c.

Bonds to be taken by them to be transmitted to Colonial Secretary.

Deputy Prothonotary to receive Lt. Governor's and Private Secretary's Fees.

Fees of Deputy Prothonotary.

IV. And be it enacted, That it shall and may be lawful to and for the Lieutenant Governor, or for any of his successors in Office, on application to him made by any person or persons aggrieved, to assign the said Bond to him or them, by endorsement thereon, and which said endorse-

Lt. Governor, &c. may assign Bond to party aggrieved.

Mode of assignment.

Mode of recovery
of penalty in
Bond.

ment shall to all intents and purposes, operate as an assignment thereof, and the penalty in said Bond may be recovered together with costs by suit, in the name of the said Assignee, to Her Majesty's Supreme Court of Judicature, for this Island.

SCHEDULE.

FORM OF BOND.

Prince Edward Island.

Form of Bond.

KNOW all Men by these Presents, That we are held and firmly bound to His Excellency Lieutenant Governor and Commander in Chief in and over Her Majesty's Island Prince Edward, and its Dependencies, &c., &c., &c., and to his Successors in Office, in the sum of One hundred Pounds lawful Money of *Great Britain*, to be paid to the said or his certain Attorney, Executors, Administrators or Assigns, for the true payment whereof, we bind ourselves and each of us by himself, for the whole and every part thereof, and the Heirs, Executors and Administrators of us, and each of us, firmly by these presents, sealed with our Seals, dated the day of in the 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, and so forth, and in the year of our Lord, One thousand Eight hundred and

The condition of this obligation is such, That if hereafter there shall appear any lawful let or impediment, by reason of consanguinity, affinity or any other lawful means whatever, why the said may not lawfully solemnize Marriage together, and in the same afterwards to remain and continue for Man and Wife, according

to the Law in that behalf provided [*if the Licence be directed to a Magistrate, insert, and if the same Marriage shall be openly solemnized, according to the form of the Book of Common Prayer now established,*] and if the above bounden do save harmless the said

and other his Officers whatsoever by reason of the premises, then this obligation to be void, or else to remain in full force and virtue.

Signed, Sealed and Delivered
in the presence of

C A P. I X.

An Act to amend the Act regulating the Floating of Logs, Scantling, Deals and other kinds of Wood, down the Rivers and lesser Streams in this Island, and for other purposes therein mentioned.

[Passed 15th April, 1843.]

WHEREAS the Act passed in the Third year of Her present Majesty's Reign intituled *An Act to regulate the Floating of Logs, Scantling, Deals and other kinds of Wood, down the Rivers and lesser Streams in this Island,* 3 Vic. c. 12. and continued by an Act passed in the Fifth year of Her Majesty's Reign, only entitles persons having 5 Vic. c. 17. Timber or other kinds of Wood to float down Rivers or lesser Streams in this Island, to pass the same through the Waste Gate of Mill Dams, but it frequently happens that Saw Logs, Timber and other obstructions are boomed in below such Mill, or placed in the course of such River or Stream, so as to prevent the Owners of such floating Wood from taking the same through such Booms and obstructions, and down the course of such River and Stream, whereby the benefit intended to be conferred by the said recited Act is lost, and in such cases, for remedy whereof: Be it

Imposes same penalty as Act of 3d Vic. c. 12, on persons obstructing the course of any River or Stream, so as to prevent the floating of Timber, &c. down the same, and who shall continue such obstruction after 48 hours' notice to remove the same.

enacted, by the Lieutenant Governor, Council and Assembly, That when and so often as any person or persons requiring to float Wood as aforesaid, and entitled to the benefit of the provisions of the herein-before recited Act, shall be hindered or obstructed in doing so by means of any Boom, Logs, Timber, Deals or other obstructions, so placed in the River or Stream of any Mill Dam, through which it may be necessary to float such Timber or Wood; then and in every such case, the person or persons causing such hindrance or obstruction, and continuing the same after Forty-eight hours' notice to remove such obstruction, shall be liable to the same penalty, and to be proceeded against as provided and directed in the Fifth Section of the said recited Act, of which this is an amendment.

Gives power to party aggrieved to remove such obstruction after said notice.

II. And be it enacted, That the person or persons so hindered or obstructed, after the expiration of notice given as aforesaid, shall have liberty to remove such Boom, Logs, Timber or other obstructions, so as to enable him or them to float his or their Timber, Logs or other kinds of Wood, down the Rivers and lesser Streams in this Island, and the expense of such removal shall be paid by the Owner or Owners of such Boom, Logs, Timber or other kinds of Wood, or the person or persons causing such obstructions as aforesaid, and may be recovered, with costs, in the same way and manner as Fines and Penalties are recoverable under the Act of which this is an amendment.

Expense of removal may be recovered against party causing the obstruction.

Mode of recovery.

Imposes a penalty on persons guilty of cutting adrift Timber, &c. or concealing the same when found adrift

III. And whereas much loss and damage has heretofore been sustained in consequence of Rafts of Timber, Deals, and other Lumber being cut adrift in the several Harbours, Rivers and Streams in this Island, and by defacing the marks and numbers on such Timber, Deals and other Lumber: Be it therefore enacted, that if any person

or persons shall, wilfully and unlawfully, with the intention to set adrift or unmoor, by cutting adrift or otherwise, any Timber, Deals or other Lumber, or shall wilfully or unlawfully conceal any Timber, Deals or other Lumber found adrift in any of the Harbours, Rivers or Streams in this Island, or on the Shores thereof, or shall deface any marks or numbers of such Timber, Deals or other Lumber, such person or persons convicted thereof, shall, for each and every offence, forfeit and pay a sum not exceeding Five Pounds, to be recovered, with costs, on the Oath of one or more credible Witness or Witnesses, or of the party aggrieved in the premises, before any one of Her Majesty's Justices of the Peace, or a Commissioner of Small Debts, for the County wherein such offence shall be committed; one half of the said fine to be paid to the person who shall sue for the same, and the other half to the person who may give such information as may lead to the conviction of the party so offending, and if such conviction shall take place on the sole evidence of the Owner or Owners of such Timber, Deals or other Lumber, then, and in such case, the penalty shall be paid into Her Majesty's Treasury, towards the support of the Government of this Island.

—or defacing marks or numbers on such Timber, &c.

Amount of penalty, and how recoverable.

Appropriation of penalty.

C A P. X.

An Act to alter, amend and repeal certain parts of the Acts now in force, regulating the Inspection of Pickled Fish.

Expired

[Passed 15th April, 1843.]

CAP. XI.

Expired.

An Act to continue and amend the Act relating to the Limits and Rules of Jails in the several Counties in this Island.

[Passed 15th April, 1843.]

* * This Act amended and continued for five years, Act 7 Will. 4. cap. 9.

CAP. XII.

Expired.

An Act to prevent the running at large of Hogs within the Common and Royalty of Charlottetown.

[Passed 15th April, 1843.]

CAP. XIII.

Expired.

3 Vic. c. 5.

An Act to further amend an Act intituled *An Act to prohibit the exportation of Oysters from this Island for a limited period.*

[Passed 15th April, 1843.]

CAP. XIV.

For acts for prevention of illicit trade, &c. see 3 Vic. c. 15. & 10 Vic. c. 8.

An Act relating to the Fisheries, and for the prevention of illicit Trade in Prince Edward Island, and the Coasts and Harbors thereof.

[Passed 15th April, 1843.]

WHEREAS by the Convention made between His late Majesty King George the Third, and the United States of America, signed at London, on the Twentieth day of October, in the Year of our Lord one thousand eight hundred and eighteen, and the Statute made and passed in the Parliament of Great Britain, in the Fifty-

ninth year of the Reign of His late Majesty King George the Third, all foreign Ships, Vessels or Boats, or any Ship, Vessel or Boat, other than such as shall be navigated according to the Laws of the United Kingdom of Great Britain and Ireland, found fishing, or to have been fishing, or preparing to fish, within certain distances of any Coasts, Bays, Creeks or Harbors whatever, in any part of His Majesty's Dominions in America, not included within the limits specified in the first article of the said Convention, are liable to seizure : And whereas the United States did by the said Convention, renounce for ever, any liberty enjoyed or claimed by the Inhabitants thereof, to take, dry or cure fish on, or within three marine miles of any of the Coasts, Bays, Creeks or Harbours of His Britannic Majesty's Dominions in America, not included within the above mentioned limits : Provided however, that the American Fishermen should be admitted to enter such Bays or Harbours for the purpose of shelter, and of repairing damages therein, of purchasing Wood, and of obtaining Water, and for no other purposes whatever, but under such restrictions as might be necessary to prevent their taking, drying or curing Fish therein, or in any other manner whatever abusing the privileges thereby reserved to them : And whereas no rules or regulations have been made for such purpose, and the interests of the Inhabitants of this Island, are materially impaired : And whereas the said Act does not designate the persons who are to make such seizure as aforesaid, and it frequently happens, that persons found within the distances of the Coasts aforesaid, infringing the articles of the Convention aforesaid, and the enactments of the Statute aforesaid, on being taken possession of, profess to have come within said limits for the purpose of shelter, and repairing damages therein, or to purchase Wood and obtain Water, by which the Law is evaded, and the Vessels and Cargoes escape confiscation, although the Car-

goes may be evidently intended to be smuggled into this Island, and the Fishery carried on, contrary to the said Convention and Statute: Be it therefore enacted, by the Lieutenant Governor Council and Assembly, That from and after the passing of this Act, it shall be lawful for the Officers of Her Majesty's Customs, the Officers of Impost and Excise, the Sheriffs and Magistrates throughout this Island, and any person holding a commission for that purpose from His Excellency the Lieutenant Governor, for the time being, to go on board any Ship, Vessel or Boat within any Port, Bay, Creek or Harbour in this Island, and also to go on board any Ship, Vessel or Boat hovering within three marine miles of any of the Coasts, Bays, Creeks or Harbours thereof, and in either case, freely to stay on board such Ship, Vessel or Boat, as long as she shall remain within such Port or distance, and if any such Ship Vessel or Boat be bound elsewhere, and shall continue so hovering for the space of twenty-four hours after the Master shall have been required to depart, it shall be lawful for any of the above enumerated Officers or persons to bring such Ship, Vessel or Boat into Port, and to search and examine her cargo, and to examine the Master upon oath, touching the cargo and voyage, and if there be any goods on board prohibited to be imported into this Island, such Ship, Vessel or Boat, and the cargo laden on board thereof shall be forfeited, and if the said Ship, Vessel or Boat, shall be foreign and not navigated according to the Law of Great Britain and Ireland, and shall have been found fishing, or preparing to fish, or to have been fishing within such distance of such Coasts, Bays, Creeks or Harbours of this Island, such Ship, Vessel, or Boat, and their respective cargoes shall be forfeited, and if the Master or person in command thereof, shall not truly answer the questions which shall be demanded of him in such examination, he shall forfeit the sum of One hundred Pounds.

Officers of Customs and Excise, Sheriffs and Magistrates, and any person holding a commission from Lt. Governor for that purpose, authorized to board vessels, &c. within 3 marine miles of coast of this Island.

Power of such Officers, &c.

Further power of such Officers, &c.

Prohibited Goods on board such vessel, to be forfeited and vessel, &c. if foreign, and found fishing, or preparing to fish, within such distance of 3 miles, to be forfeited.

Penalty on Master, &c. not truly answering questions.

II. And be it further enacted, That all Goods, Ships, Vessels and Boats, liable to forfeiture under this Act shall and may be seized and secured by any such Officer of Her Majesty's Customs, Officer of Impost and Excise, Sheriffs, Magistrates, or other person holding such Commission as aforesaid, and every person who shall in any way oppose, molest, or obstruct any Officer of the Customs, Officer of Impost and Excise, Sheriff, Magistrate, or other person so commissioned and employed as aforesaid, in the exercise of his office, or shall, in any way oppose, molest, or obstruct any person acting in aid or assistance of such officer of Customs, officer of Impost and Excise, Sheriff, Magistrate, or other person so commissioned and employed as aforesaid, shall, for every such offence, forfeit the sum of Two hundred pounds.

Further powers of Officers of Customs, Excise, Magistrates, &c.

Penalty on persons molesting or obstructing Officers of Customs, Excise, Magistrates, &c.

III. And be it further enacted, That all Goods, Ships, Vessels and Boats which shall be seized, as being liable to forfeiture under this Act, shall be taken forthwith and delivered into the custody of the Collector of the Customs, at the Custom House next to the place where the same were seized, who shall secure and keep the same, in such manner as other Vessels and Goods seized, are directed to be secured by the Commissioners of Her Majesty's Customs.

Goods, Vessels, &c. seized under this Act to be delivered to nearest Collector of Customs.

Collector of Customs to keep and secure same, &c.

IV. And be it further enacted, That all Goods, Ships, Vessels, Boats or other things, which shall have been condemned, as forfeited under this Act, shall, under the direction of the principal officer of the Customs or Excise, where such seizure shall have been secured, be sold by Public Auction, to the best bidder, and the produce of such sale to be applied as follows, that is to say:—the amount chargeable for the custody of said Goods, Ship, Vessel, Boat or any other thing so seized as aforesaid, shall be first deducted and paid, and the residue divided into two equal

Goods, Vessels, &c. condemned under this Act to be sold under direction of Officer of Customs or Excise, at Public Auction.

Appropriation of proceeds of such Goods and Vessels, &c.

I.t. Governor may direct articles condemned to be destroyed or reserved for public service.

moieties—one of which shall be paid to the officer or other person or persons legally seizing the same, without deduction, and the other moiety to the Government, and paid into the Treasury of this Island—all costs incurred having been first deducted therefrom. Provided always, that it shall be lawful for the Lieutenant Governor, in Council, to direct that any of such things shall be destroyed, or reserved for the public service.

Mode of recovery of penalties imposed by this Act.

V. And be it further enacted, That all penalties and forfeitures, which may be hereafter incurred under this Act, shall and may be prosecuted, sued for and recovered, in the Court of Vice Admiralty, having jurisdiction in this Island.

Judge of Court having jurisdiction in case of Goods, Vessels, &c. seized, may, on consent of seizing party, release the same on security being given therefor.

VI. And be it further enacted, That if any Goods, or any Ship, Vessel or Boat shall be seized, as forfeited under this Act, it shall be lawful for the Judge or Judges of any Court having jurisdiction to try and determine such seizures, with the consent of the person seizing the same, to order the delivery thereof, on security, by Bond, with two sufficient Sureties, to be first approved by such seizing Officer or person, to answer double the value of the same in case of condemnation, and such Bond shall be taken to the use of Her Majesty, in the name of the Collector of the Customs in whose custody the Goods, or Ship, Vessel or Boat may be lodged, and such Bond shall be delivered and kept in the custody of such Collector; and in case the Goods, or Ship, Vessel, or Boat shall be condemned, the value thereof shall be paid into the hands of such Collector, who shall cancel such Bond, and distribute the money paid in such manner as is above directed.

Requisites of Bond to be taken for same.

Amount of Bond to be distributed by Collectors of Customs, if Goods, Vessels, &c. be condemned.

Regulates the mode of prosecuting suits for penalties under this Act.

VII. And be it further enacted, That no suit shall be commenced for the recovery of any penalty or forfeiture under this Act, except in the name of Her Majesty, and shall be prosecuted by

Her Majesty's Advocate or Attorney General, or, in his absence, by the Solicitor General, for this Island; and if any question shall arise whether any person is an Officer of the Customs, Excise, Sheriff, Magistrate, or other person authorized to seize as aforesaid, *viva voce* evidence may be given of such fact, and it shall be deemed legal and sufficient evidence.

VIII. And be it further enacted, That if any Goods, Ship, Vessel or Boat shall be seized for any cause or forfeiture under this Act, and any dispute shall arise whether the same have been lawfully seized, the proof touching the illegality thereof shall be on the owner or claimant of such Goods, Ship, Vessel, or Boat, and not on the Officer or person who shall seize and stop the same.

Onus of proof of illegality of seizure to be on Claimant.

IX. And be it further enacted, That no claim to any thing seized under this Act and returned into Her Majesty's Court of Vice Admiralty for adjudication, shall be admitted, unless such claim be entered in the name of the owner, with his residence and occupation, nor unless oath to the property in such thing be made by the owner, or by his Attorney or Agent, by whom such claim shall be entered, to the best of his knowledge and belief, and every person making a false oath thereto, shall be deemed guilty of a misdemeanor, and shall be liable to the pains and penalties to which persons are liable for a misdemeanor.

No claim to any thing seized under this Act to be admitted until certain requisites be complied with.

X. And be it further enacted, That no person shall be admitted to enter a claim to any thing seized in pursuance of this Act, and prosecuted in this Island, until sufficient security shall have been given, in the Court where such seizure is prosecuted, in a penalty not exceeding Sixty Pounds, to answer and pay the costs occasioned by such claim, and in default of giving such

No claim to be admitted until security be given.

Amount of security and condition thereof.

security, such things shall be adjudged to be forfeited, and shall be condemned.

Defines mode of proceeding against any officer of Customs, Excise, Magistrate, &c., for any thing done under this Act.

XI. And be it further enacted, That no Writ shall be sued out against, nor a copy of any process served upon, any officer of the Customs, Excise, Sheriff, Magistrate, or other person authorized to seize as aforesaid, for any thing done in the exercise of his office, until One calendar Month after notice, in writing, shall have been delivered to him, or left at his usual place of abode, by the Attorney or Agent of the party who intends to sue out such Writ or Process, in which notice shall be clearly and explicitly contained, the cause of action, and the name and place of abode of the person who is to bring such action, and the name and place of abode of the Attorney or Agent, and no evidence of the cause of such action shall be produced except of such as shall be contained in such notice, and no Verdict shall be given for the Plaintiff unless he shall prove on the trial that such notice was given, and, in default of such proof, the Defendant shall receive in such action a verdict and costs, or Judgment of nonsuit shall be awarded against the Plaintiff, as the Court shall direct.

Limits time for bringing any action against any Officer of Customs, &c. for any thing done under this Act.

XII. And be it further enacted, That every such action shall be brought within Three calendar Months after the cause thereof, and shall be laid and tried in Her Majesty's Supreme Court of Judicature for this Island, and the Defendant may plead the general issue, and give the special matter in evidence; and if the Plaintiff shall become nonsuited, or shall discontinue the action, or if upon a verdict or demurrer, Judgment shall be given against the Plaintiff, the Defendant shall receive treble costs, and have such remedy for the same as any Defendant can have in other cases where costs are given by law.

Regulates mode of proceeding in such actions.

XIII. And be it further enacted, That in case any information or suit shall be brought to trial, on account of any seizure made under this Act, and a Verdict shall be found for the Claimant thereof, and the Judge or Court before whom the cause shall have been tried, shall certify on the Record that there was probable cause of seizure, the Claimant shall not be entitled to any costs of suit, nor shall the person who made such seizure, be liable to any Action, Indictment, or other suit or prosecution, on account of any such seizure; and if any such Action, Indictment or other suit or prosecution shall be brought to trial, against any person on account of such seizure, wherein a verdict shall be given against the Defendant, the Plaintiff, besides the thing seized or the value thereof, shall be entitled to no more than Two-pence damages, nor to any costs of suit, nor shall the Defendant in such prosecution, be fined more than One Shilling.

If verdict be found for any claimant on certificate of Judge or Court, of probable cause of seizure, no costs to be allowed to claimant, nor seizing officers liable to any action, &c.

XIV. And be it further enacted, That it shall be lawful for any such Officer of the Customs, Excise, or Sheriff, or Magistrate, or other person, authorized to seize as aforesaid, within One calendar Month after such notice, to tender amends to the party complaining, or his Agent, and to plead such tender in bar to any action together with other pleas, and if the Jury shall find the amends sufficient, they shall give a verdict for the Defendant, and in such case, or in case the Plaintiff shall become nonsuit, or shall discontinue his action, or Judgment shall be given for the Defendant upon demurrer, then such Defendant shall be entitled to the like costs, as he would have been entitled to in case he had pleaded the general issue only; provided always, that it shall be lawful for such Defendant by leave of the Court, where such action shall be brought at any time before or after issue joined, to pay money into Court as in other actions.

Seizing Officer, &c. may tender amends within 1 month after notice of action, and plead such tender, &c.

If Jury find amends sufficient, verdict to be given for defendant.

And in such case, or in case of nonsuit, or judgment on demurrer in favour of Officer, &c., same costs to be given as if he had pleaded the general issue.

Officer, &c., may pay money into Court.

If Judge or Court certifies probable cause of seizure, plaintiff only to be entitled to 2d. damages and to no costs.

XV. And be it further enacted, That in any such action, if the Judge or Court before whom such action shall be tried, shall certify upon the Record that the Defendant or Defendants in such action acted upon probable cause, then the Plaintiff in such action, shall not be entitled to more than Two-pence damages nor to any costs of suit.

All penalties or forfeitures under this Act may be recovered within 3 years after the offence committed or forfeiture incurred.

XVI. And be it further enacted, That all actions or suits for the recovery of any of the penalties or forfeitures imposed by this Act, may be commenced or prosecuted at any time within Three years after the offence was committed by reason whereof such penalties or forfeitures shall be incurred, any law, usage or custom to the contrary notwithstanding.

No appeal allowed from sentence of any Court under this Act, unless applied for within 12 months after.

XVII. And be it further enacted, That no appeal shall be prosecuted from any Decree or Sentence of any of Her Majesty's Courts in this Island, touching any penalty or forfeiture imposed by this Act, unless the inhibition shall be applied for and decreed within Twelve months from the time when such decree or sentence was pronounced.

Suspending Clause.

XVIII. And be it further enacted, That this Act shall not go into force or be of any effect until Her Majesty's assent shall be signified thereto, and an order made by Her Majesty in Council, that the clauses and provisions of this Act shall be the Rules, Regulations and Restrictions respecting the Fisheries on the Coasts, Bays, Creeks or Harbours of the Island of Prince Edward.

* * This Act received the Royal Allowance on the 3d day of September, 1844, and an Order was on the same day made by Her Majesty in Council, declaring that its clauses and provisions should be the Rules, Regulations and Restrictions respecting the Fisheries on the Coasts, Bays, Creeks, or Harbors of the Island of Prince Edward; and notification of said Royal Assent, and of the said Order, was published in the *Royal Gazette* Newspaper of this Island, on the 8th day of October, 1844.

CAP. XV.

An Act to amend and explain an Act, passed in this present Session of the General Assembly, intituled *An Act to consolidate and amend the Laws relating to Statute Labour and the Expenditure of Public Moneys on the Highways.*

See note to
6 Vic. c. 1

[Passed 15th April, 1843.]

WHEREAS in and by the Fifth Section of the said Act, intituled *An Act to consolidate and amend the Laws relating to Statute Labour and the Expenditure of Public Moneys on the Highways*, it is amongst other things enacted, that the Summons to be issued by the Justice of the Peace or the Commissioner of Small Debts, in the manner therein directed, shall be in the form in the Schedule to the said Act annexed, marked (B.) And whereas by an omission in the said Act, the Schedule containing the said Form of Summons intended to be designated as Letter B, is omitted; and whereas in the Thirteenth Section of the said Act, reference is made for the form of Oath, to be made by the Commissioner, and attached to his Return, to the Schedule designated by the Letter C. which by mistake is in the said Schedule designated by the Letter B., for remedy whereof: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the Form of Summons to be issued by the Justice of the Peace or Commissioner of Small Debts, as in the said Fifth Section, or in any other Section of the said recited Act mentioned, shall be in the Form following, that is to say :

Summons to be issued by Justice of the Peace, &c. under Act of 6th Vic. cap. 1, to be in form herein prescribed.

Form of said
Summons.

County.
By _____ Esquire, one of Her Majesty's
Justices of the Peace for the said County, (*or
Commissioner of Small Debts, as the case may
be.*)

You are hereby required personally to be and
appear before me, at _____ on the _____ day
of _____ next, at the hour of _____ o'clock, then and
there to answer A. B., wherefore (*here insert the
cause of action arising under said recited Act,*)
according to the tenor of the Act of the General
Assembly, in such case made and provided.

Given under my Hand and Seal the _____ day of
18 _____

—any thing in the said Act to the contrary not-
withstanding.

Schedule (B,) to
Act of 6th Vic.
cap. 1, annexed,
containing form
of Commission-
er's Oath, to be
deemed and ta-
ken to be Sched-
ule (C,) refer-
red to in 13th
Sec. of said Act.

II. And be it enacted, That the Schedule de-
signated in the said Thirteenth Section of the said
recited Act, by the Letter (C,) as prescribing the
form of Oath to be made by the Commissioner,
and attached to his Return, and which by mis-
take is designated by the Letter (B,) shall be
deemed and taken to all intents and purposes
whatsoever, as if the same had been both in the
said Thirteenth Section, and in the said Sched-
ule marked (B,) designated as Letter (C,)
number One, (I,) any thing in the said Act
to the contrary thereof in anywise notwithstand-
ing.

CAP. XVI.

Expired.

An Act to continue and amend an Act therein
mentioned, for the relief of Insolvent Debtors.

[Passed 15th April, 1843.]

CAP. XVII.

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

[Passed 15th April, 1843.]

*** This Act suspended operation of Act of 4 Will. 4, cap. 15, so far as regards Townships Nos. 10, 9, 8, 7, 6, 5, 4, 3, 2 and 1, to the end of the then next Session of the General Assembly; and also empowered the Executive Government to suspend same, in regard to any other Townships in this Island, for a like period.

CAP. XVIII.

An Act to prevent the going at large of Swine and Geese at all Seasons, and of Horses at certain Seasons, in the Square and Streets of *Georgetown.* Expired.

[Passed 15th April, 1843.]

CAP. XIX.

An Act to amend the Act relating to Distress for Rent, and to regulate the practice of the Supreme Court in cases of Replevin. Explained and amended by 8 Vic. c. 6.

[Passed 15th April, 1843.]

WHEREAS under the peculiar circumstances of this Colony, it is deemed expedient to amend an Act passed in the Fifth year of the Reign of His late Majesty King *William*

5 W. 4, c. 6.

the Fourth, intituled *An Act relating to Distress for Rent, and to regulate the practice of the Supreme Court in cases of Replevin*: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That in all cases of Distress that may be hereafter made between the First day of *December*, in any year, and the First day of *June* in the next ensuing year, for Rent of Land in arrear, no Horse, Horses or Cattle, so distrained, shall be sold, towards satisfaction of the Rent in arrear, until after the First day of *June* ensuing the time of distraint, provided the same shall have been distrained on between the herein-before mentioned periods of time—any Law, Usage or Custom to the contrary notwithstanding: And provided also, that in the event of any Horse, Horses or Cattle being distrained for arrears, all Hay and Straw thrashed and unthrashed, shall be left on the premises, for the foddering of such Horse, Horses or Cattle, but persons giving the usual Warrant of Attorney, in cases of Replevin, shall be bound and obliged to produce such Horses or Cattle on the said First day of *June*, or at the time legally appointed for the sale thereof, and also, not to convert such Fodder to any other use than as herein directed.

No Horses or Cattle distrained for rent between 1st December and 1st June, to be sold within that time.

All Hay and Straw on the premises to be left for fodder for Horses, &c. distrained within that period.

Owners to give the Warrant of Attorney required by Act of 5th Will. 4th, c. 6.

Defeazance of Warrant of Attorney.

No Bailiff, &c. to take any other fees than as established by this Act.

II. And be it enacted, That no Bailiff, Receiver, or other person or persons empowered to take and seize as a Distress for Rent, any Goods or Chattels, shall take or receive, directly or indirectly, any greater or other Fees than are hereinafter mentioned, the same to be paid in the Current Money of this Island, at the value such Money shall, at the time, be received by, and issued from the Treasury of this Island, that is to say:—

Bailiffs' &c. fees.

For every levy, on any amount, *Two Shillings and Six-pence*; for every Inventory and notice, *Two Shillings and Threc-pence*; for every mile

actually travelled, *Three-pence*; and no mileage to be allowed, except mileage within the County wherein such distraint is made—Warrant of Attorney, *Five Shillings*; Appraisers (if required,) *Four Shillings* and *Six-pence* per day, and no mileage allowed; Poundage, in the event of sale, *Five per centum* on all moneys received, but not to include any *per centage* on the Bailiff's own costs—any law, usage or custom to the contrary notwithstanding.

C A P. X X.

An Act relating to Landlord and Tenant.

Continued by 9
Vic. c. 10.

[Passed 15th April, 1843.]

WHEREAS the present mode of proceeding by action of Ejectment, in order to dispossess Tenants wilfully holding over Tenements or Premises after the expiration of their lease, or other demises, is attended with great inconvenience, delay and expense, and it is considered expedient to give, in certain cases, a more summary and less expensive remedy: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That when any Tenant of any Messuage, Tenements or Premises situate within this Island, where any Lands held therewith shall not exceed One acre, under a lease for years, or less period, or any other demise, shall, after the expiration of such Tenancy, and on due notice to quit having been given, refuse to deliver up such possession to the Lessor, or person entitled thereunto, it shall be lawful for such Lessor or person to apply to any Two of Her Majesty's Justices of the Peace, for the County within which such Tenements or Premises are situate, and having made Oath before such Justices that such Tenant has held and occupied such Tenements or Premises, [particularly designating in the Affidavit,

If Tenant of any Messuage where the land held therewith does not exceed one acre, holds over;

Lessor may apply to 2 Justices of the Peace; to make oath before such Justices, and requisites of oath.

whether a Tenement, Messuage or other Premises, and where situate,] for a certain period, then last past, as Tenant to such person, under a demise which had then expired, and that due notice to quit has been given, such Justices shall and may thereupon, summon such Tenant, giving at least, Six days' notice, to be served either personally on the Tenant, or, in case he cannot be found, by leaving the same with his Wife, Servant, or other adult member of the family on the Premises, to show cause at a place and time in such Summons to be specified, before such Justices, why such Tenant holds over such Tenements or Premises; and in case such Tenant shall neglect or refuse to attend such Summons, or attending, shall not show sufficient cause to the satisfaction of such Justices for so holding over, they shall issue their Warrant in the nature of a Writ of Possession and Execution, directed to the Sheriff of the County, within which such Tenements or Premises may be situate, requiring him forthwith to put such person claiming such Premises in possession, and to levy the costs of such proceedings, under and by virtue of an Execution to be issued by such Justices, and to be levied upon the Goods and Chattels of the person so holding over as aforesaid, or in default of such Goods and Chattels, to arrest his body, and imprison him for a period of time not exceeding Three months, as such Justices may direct; and it shall be the duty of such Sheriff to execute such Writ agreeably to the direction therein contained: Provided, that where such Tenant shall give to such Justices sufficient Security for the payment of such Costs, within Thirty days from the time of Judgment, then no Execution shall issue against the body or Goods and Chattels of such person during the said period of Thirty days.

Duty of Justices thereupon.

Further duty of Justices when Tenant neglects to appear, or does not shew sufficient cause against Lessor.

Duty of Sheriff upon execution to be issued by Justices.

Execution not to issue if Tenant gives security for payment of costs within 30 days.

Any Justice of Supreme Court

II. And be it enacted, That if such Tenant or other person, having an interest in such Tenements

or Premises, should consider himself aggrieved by the Judgment of such Justices, it shall be lawful for any one of the Justices of the Supreme Court of Judicature of this Island, on the application of such Tenant or other person, and upon sufficient cause shown therefor by Affidavit, to award a *Certiorari* for the removal of such proceeding before such Court, and upon the return of such proceedings, such Court shall examine into the matter, and may admit Affidavits on either side, and may, in case that in the opinion of such Court may require it, direct an Issue for trial of facts, and shall order and determine in the matter, either by confirming or quashing the proceedings, as to justice shall appertain, and such Court may make such orders and rules as may be necessary, to carry their proceedings and determination into effect: Provided always, That no such *Certiorari* shall in the mean time stay or suspend the Execution of the Judgment of such Justices.

to award *Certiorari* in case of Tenant aggrieved by judgment of Justices of the Peace.

Duty of Supreme Court on return of *Certiorari*.

Court may direct an Issue, to find facts.

Power of Supreme Court in such cases.

No *Certiorari* to stay Execution of judgment of Justices of the Peace.

III. And be it enacted, That in all proceedings had under the provision of this Act, the party prevailing shall recover his costs, and have process therefor, that is to say, for proceedings had before such Justices, the like Costs to be by them taxed and allowed, as are recoverable for similar services by the Act to regulate proceedings before Commissioners of Small Debts, except the Sheriff's Fees on the execution of such Writ of Possession, which shall be the same as for executing a Writ of *Habere facias Possessionem* issuing out of the Supreme Court, and all proceedings upon *Certiorari* in the Supreme Court, Costs to be levied and recovered in the usual manner.

Who entitled to costs, amount, & how recoverable.

IV. And be it further enacted, That when such proceedings are quashed by the Supreme Court, the said Court may award a Writ of Restitution, and such Tenant or other person may

When proceedings of Justices are quashed, Supreme Court may award a Writ of Restitution.

unless the said _____ and your own fees,
 be sooner paid; and how you shall have executed
 this Writ, return to us within _____ days
 from the date hereof.

Given under our hands, this _____ day of

A. D. 18 _____

A. B.

C. D.

C A P. X X I.

See 10 G. 4, c.
 9—10 Vic. c. 14.

An Act to alter and amend the Act for the
 establishment of an Academy in Charlotte-
 town.

[Passed 15th April, 1843.]

WHEREAS it is deemed expedient to amend
 the Act passed in the Tenth year of the
 Reign of His late Majesty King George the
 Fourth, intituled *An Act for the establishment of
 an Academy in Charlottetown*, by increasing the
 number of the Trustees of the said Academy, and
 in other respects to alter the provisions of the said
 Act: Be it therefore enacted, by the Lieutenant
 Governor, Council and Assembly, That the Chief
 Justice, the President of the Legislative Council,
 and the Speaker of the House of Assembly only,
 shall, in future, be *ex officio* Trustees of the said
 Academy, and that the Administrator of the Go-
 vernment for the time being, shall have power to
 appoint Five additional Trustees, Two of whom
 shall be appointed from the Members of the House
 of Assembly; making, in the whole, the number
 of Thirteen, who shall have the same powers, in
 all respects, as the other Trustees appointed
 under the Act of which this is an amendment—
 any thing in the said Act to the contrary thereof
 notwithstanding.

Chief Justice,
 President of Le-
 gislative Council
 and Speaker of
 Assembly only,
 in future, to be
ex-officio Trus-
 tees of Academy
 in Charlotte-
 town.

Administrator of
 Government to
 appoint 5 addi-
 tional Trustees,
 2 of whom to be
 Members of As-
 sembly.

13 to be whole
 number of Trus-
 tees of said Aca-
 demy.
 Power of such
 Trustees.

Two of said five
 Trustees to go

II. And be it enacted, That after one year
 from the date of the appointment of such new

Trustees, Two of the said Thirteen Trustees not being *ex officio* Trustees, shall go out of office annually, commencing with the Two senior Trustees in office, and the Administrator of the Government, for the time being, shall have power, and he is hereby required, to re-appoint the said Two Trustees, or either of them, if he shall think fit so to do, or to appoint Two other Trustees in their stead, in manner pointed out and prescribed in this and the hereinbefore recited Act.

out of office annually.

Administrator may re-appoint them, or appoint 2 other persons to be Trustees in their stead.

III. And be it enacted, That after the passing of this Act, at all meetings of the said Trustees, Five shall be a *quorum*.

Five Trustees of Academy to be a quorum

IV. And be it enacted, That in case of removal, death, resignation, absence from the Island, or otherwise, of any of the said Five additional Trustees so to be appointed under and by virtue of this Act, it shall and may be lawful, to and for the Lieutenant Governor, or Commander in Chief for the time being, to nominate and appoint other Trustees in their stead.

In case of death, removal, &c. Lt. Governor, &c. to appoint other Trustees, &c.

V. And whereas it is found extremely inconvenient and detrimental to the interests of the said Academy, to have Two Masters therein with equal powers: Be it therefore enacted, That the Fourth Section of the said in part recited Act, be, and the same is hereby repealed.

Repeals 4th sec. of Act of 10th Geo. 4th, cap. 9.

VI. And be it enacted, That it shall and may be lawful to and for the said Trustees, immediately after the passing of this Act, or at such time as they may see fit, to nominate and appoint Three competent persons to manage the Educational department of said Academy, one of whom shall act as Head Master, having the control of the said Academy, subject to such Bye Laws, Rules, Regulations and Ordinances as may hereafter be made by the said Trustees, for the due government of the said Academy, and who shall

Trustees to appoint 3 Masters in said Academy, one of whom to be head Master.

Powers of head Master.

Duty of head Master. teach the higher branches of the Classics and Mathematics, and whose duty it shall be to classify the Pupils, and to whom shall be paid a salary of One hundred and Fifty Pounds per annum, of the current money of this Island; and another of whom shall teach the lower branches of the Classics and of Mathematics, together with general English Literature, and to whom shall be paid a salary of One hundred Pounds per annum, of the like money; and the third of whom shall teach Arithmetic, Writing, English Grammar, and the general Rudiments of an English Education, and to whom shall be paid a salary of Fifty Pounds per annum of the like money—the said Salaries respectively to be paid quarterly, to commence from the time of the appointment of the said Masters, or of either of them; the said sums to be drawn by Warrant under the hand and seal of the Lieutenant Governor or Commander in Chief for the time being, in Council, upon the Treasurer of this Island, on the production to the said Lieutenant Governor or Commander in Chief for the time being, of a Certificate under the hands of the said Trustees, or a majority of them, of the said Master or Masters conducting himself or themselves to the satisfaction of the said Trustees.

Salary to head Master.

Duty of second Master.

Salary of second Master.

Duty of third Master.

Salary of third Master.

Commencement of Salaries to Masters.

Salaries to be paid by Warrant on Treasurer, upon certificate from Trustees, &c.

Trustees to divide Tuition money amongst Masters as they deem just and reasonable.

VII. And be it enacted, That the Tuition money received for the different Pupils, at the said Academy, shall be apportioned to, and amongst the said Masters, by the said Trustees, as to such Trustees shall seem just and reasonable.

Lt. Governor, &c. to call meeting of Trustees when he shall see fit.

Power of Lieut. Governor, &c. over Academy.

VIII. And be it enacted, That the Lieutenant Governor or Commander in Chief for the time being, shall have power to call meetings of the said Trustees whenever he may think proper so to do, and have such other powers, control and authority, in and over the said Academy, as Governors of Colleges usually have and enjoy.

IX. And be it enacted, That Four Pupils from each County in this Island, shall have the privilege of being taught *gratis* at the said Academy, for a period not exceeding Two years for each pupil, and who are to be chosen and selected, from time to time, by the said Trustees or a majority of them.

Four pupils from each County to be taught gratis at Academy, for a period not exceeding 2 years.

Mode of choosing such pupils.

X. And be it enacted, That the Fees of Tuition to be taken at the Central Academy, for the several Branches of Education, shall in no case, be fixed at a higher rate for each Branch, than as follows: that is to say, Reading, Writing, English Grammar, and Practical Arithmetic, for each Term or half year, Ten Shillings; the Mathematics, with or without the foregoing Branches, for each Term, Fifteen Shillings; the Classics, Geography and the use of the Globes, with or without all or either of the above Branches, for each Term, Forty Shillings; Boarders at the Academy, from any part of this Island, for all or any of the above Branches, for each Term, Ten Shillings.

Tuition fees to be taken at Academy.

This Section suspended by 10 Vic. c. 14, until the end of the Session of 1850.

CAP. XXII.

An Act in further amendment of an Act, passed in the Tenth year of the Reign of King George the Fourth, intituled *An Act to regulate the laying out and altering of Highways, and to provide a mode of obtaining Compensation for those who may thereby be injured, and to cause those who are benefited thereby to contribute towards their formation.*

See 10 G. 4, c. 10, and note thereto, for other Acts in amendment.

Repealed by 14 Vic. c. 1.

[Passed 15th April, 1843.]

** The provisions of this Act may affect Titles to Lands; but are omitted pursuant to Act 12 Vic. cap. 23.

CAP. XXIII.

Disallowed by
Her Majesty.

An Act to authorize the issue *de novo* of certain Writs, under the Road Compensation Acts, in certain cases.

[Passed 15th April, 1843.]

CAP. XXIV.

Disallowed by
Her Majesty
13th December
1843.

An Act to provide for the Summary Trial of Small Debts, and to regulate proceedings in Cases of Summary Capias.

[Passed 15th April, 1843.]

CAP. XXV.

36 Geo. 3. c. 3.
3. Vic. c. 24.

An Act to enable Married Women to convey Freehold Property to which they may be entitled in their own right.

[Passed 15th April, 1843.]

Points out a mode by which *feme covert* entitled to freehold Estate in her own right, residing beyond the sea, &c., may, with consent of her husband, convey the same.

Conveyance how to be acknowledged in Great Britain or Ireland, And also in any other part of the Queen's Dominions.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That if any *feme covert* entitled to any Freehold Estate in her own right, shall live in parts beyond the sea, or out of the limits of this Island, such *feme covert*, by and with the consent of her husband, may, by any lawful Deed or Conveyance, convey such Estate, provided the acknowledgment of such Deed or Conveyance shall be made by such *feme covert*, as follows, that is to say—if such *feme covert* lives within the Kingdom of Great Britain or Ireland, the acknowledgment of such Deed or Conveyance may be had and taken by and before any Judge of the Courts of Queen's Bench or Common Pleas, or Baron of the Exchequer, or any Master in Chancery, or any Judge or Lord of Counsel and Session in Scotland; and, if in any other part of the British Dominions, or in any Colony, by and before any Judge of the

Supreme or Superior Court of Judicature in such Colony, or part of such British Dominions, wherein such *feme covert* shall reside, and certified on the said Deed or Conveyance, by and under the hand of such Judge or other person so taking the acknowledgment thereof as aforesaid; such Certificate being also authenticated—if in the British Plantations—under the hand and seal of the Governor, Lieutenant Governor or Commander in Chief of the Province where the same shall be made: and if in Great Britain or Ireland, a declaration in writing shall be made and certified under the seal of some Corporation there, that the Signature of the person taking such acknowledgment is the actual and proper handwriting of such person so taking such acknowledgment; and if such *feme covert* live in any Foreign State or Kingdom, the acknowledgment of such Deed or Conveyance may be had and taken by and before any Public Minister, Ambassador or Consul from the court of Great Britain, residing in any such State or Kingdom, and certified on such Deed or Conveyance, by and under the hand and seal of such Minister, Ambassador, or Consul so taking the acknowledgment thereof, as aforesaid.

If in British Plantations the acknowledgment to be authenticated under hand and seal of Lieut. Governor, &c.

If in Great Britain or Ireland a Declaration in writing to be made and certified.

How to be certified in such case.

If in Foreign State, &c., how acknowledgment is to be taken and how certified.

II. And be it further enacted, That it shall be lawful in like cases, for any married Woman, by any Deed or instrument in writing, under her hand and seal, and executed in the presence of one or more credible Witness or Witnesses, to constitute any person her Attorney to release and convey away, with the consent of her husband, her Right in or to any such Lands or Tenements within this Island, provided that such Lands or Tenements be described with sufficient certainty in such Power of Attorney, and that an acknowledgment in the manner hereinbefore prescribed be duly certified on or within the said Power of Attorney; and that the Signature of the person granting such Certificate be

Feme Covert, in like cases, may constitute an Attorney to convey Real Estate.

Mode of constituting Attorney for this purpose. Land to be conveyed, to be described in power, and power to be acknowledged in the same way as conveyance, &c.

Power to be registered in this Island.

Deeds executed under such power to be valid, &c.

duly authenticated, and the said Power of Attorney duly registered, in conformity with the Laws of the Island for registration of such instruments; and any Deed executed by such Attorney pursuant to such power, shall be as good and effectual, to all intents and purposes whatsoever, as if the same had been executed by such *feme covert*, and acknowledged in the manner pointed out in the First Section of this Act.

C A P. XXVI.

An Act to repeal an Act made and passed in the Twenty-first year of the Reign of King *George* the Third, intituled *An Act relating to Wills, Legacies, and Executors, and for the settlement and distribution of the Estates of Intestates*, and to make other provisions in lieu thereof.

[Passed 15th April, 1843.]

Meaning of certain words in this Act.

“ Will.”

“ Real Estate.”

BE it enacted by the Lieutenant Governor, Council and Assembly, That the words and expressions hereinafter mentioned, which, in their ordinary signification, have a more confined or different meaning, shall in this Act—except where the nature of the provision, in the context of this Act, shall exclude such construction—be interpreted as follows, (that is to say,) the word “Will,” shall extend to a Testament and to a Codicil, and to an appointment by Will, or by writing, in the nature of a Will, in exercise of a power; and the words “Real Estate,” shall extend to Lands, Rents and Hereditaments, whether Freehold or any other Tenure, and whether corporeal, incorporeal or personal, and to any undivided share thereof, and to any Estate, Right

or Interest, (other than a Chattel Interest) therein; and the words "Personal Estate," shall extend to Leasehold Estate, and other Chattels Real, and also to Moneys, Shares of Government and other Funds, Securities for Money, (not being Real Estate,) Debts, choses in Action, Rights, Credits, Goods, and all other Property whatsoever, which by Law devolves upon the Executor or Administrator, and to any share or interest therein; and every word importing the singular number only, shall extend and be applied to several persons or things, as well as one person or thing; and every word importing the masculine gender only, shall extend, and be applied to a female as well as a male.

"Personal Estate."

"Number."

"Gender."

II. And be it further enacted, That an Act passed in the Twenty-first year of the Reign of King George the Third, intituled *An Act relating to Wills, Legacies, and Executors, and for the settlement and distribution of the Estates of Intestates*, shall be, and the same is hereby repealed.

Repeals Act of the 21st G. 3, c. 2.

III. And be it further enacted, That it shall be lawful for every person to devise, bequeath, or dispose of by his Will, executed in manner herein-after required, all Real Estate, and all Personal Estate, which he shall be entitled to, either at Law or in Equity, at the time of his death, and which, if not so devised, bequeathed or disposed of, would devolve upon the Heir at Law of him, or if he became entitled by descent, of his ancestor, or upon his Executor or Administrator; and also to Estates per *autre vie*, whether there shall, or shall not be any special occupant thereof, and whether the same shall be Freehold, or of any other Tenure, and whether the same shall be a corporeal or incorporeal Hereditament; and also to all contingent, executory, or other future interests in any Real or Personal Estate, whether the Testator may or may not be ascertained, as

All property may be disposed of by Will.

Estates per *autre vie*.

Contingent interests.

Rights of entry,
and property
acquired after
execution of the
Will.

the person or one of the persons in whom the same respectively may become vested, and whether he may be entitled thereto under the instrument by which the same respectively were created, or under any disposition thereof by Deed or Will; and also to all Rights of Entry for conditions broken, and other Rights of Entry; and also to such of the same Estates, Interests and Rights respectively, and other Real and Personal Estate, as the Testator may be entitled to at the time of his death, notwithstanding that he may become entitled to the same subsequently to the execution of his Will.

Estates per
autre vie.

IV. And be it further enacted, That if no disposition by Will shall be made of any Estate per *autre vie*, of a freehold nature, the same shall be chargeable in the hands of the Heir, if it shall come to him by reason of special occupancy, as assets by descent, as in the case of Freehold Land in fee simple; and in case there shall be no special occupant of any Estate per *autre vie*, whether Freehold or of any other Tenure, and whether a corporeal or incorporeal Hereditament, it shall go to the Executor or Administrator of the party that had the Estate thereof by virtue of the grant; and if the same shall come to the Executor or Administrator, either by reason of a special occupancy, or by virtue of this Act, it shall be assets in his hands, and shall go and be applied and distributed in the same manner, as the Personal Estate of the Testator or Intestate.

No Will of a per-
son under age
valid.

V. And be it further enacted, That no Will made by any person under the age of Twenty-one years, shall be valid.

Nor a *feme covert*,
except such as
might now be
made.

VI. Provided also, and be it further enacted, That no Will made by any married Woman shall be valid, except such a Will as might have been

made by a married Woman before the passing of this Act.

VII. And be it further enacted, That no Will shall be valid, unless it shall be in writing, and executed in manner hereinafter mentioned; (that is to say), it shall be signed at the foot or end thereof, by the Testator, or by some other person in his presence, and by his direction, and such signature shall be made or acknowledged by the Testator, in the presence of Two or more witnesses present at the same time, and such witnesses shall attest and shall subscribe the Will in the presence of the Testator, but no form of attestation shall be necessary.

Every Will to be in writing and signed by the Testator in the presence of two witnesses at one time.

VIII. And be it further enacted, That no appointment made by Will, in exercise of any power, shall be valid, unless the same shall be executed in manner hereinbefore required, and every Will executed in manner hereinbefore required shall, so far as respects the execution and attestation thereof, be a valid execution of a power of appointment by Will, notwithstanding it shall have been expressly required that a Will made in exercise of such power, should be executed with some additional or other form of execution or solemnity.

Appointment by Will to be executed like other Wills and to be valid, although other required solemnities are not observed.

IX. Provided always, and be it further enacted, That any Soldier, being in actual military service, or any Mariner or Seaman being at Sea, may dispose of his personal Estate, as he might have done before the passing of this Act.

Soldiers and Mariners' Wills excepted.

X. And be it further enacted, That every Will executed in manner hereinbefore required shall be valid without any other publication thereof.

Publication not requisite.

XI. And be it further enacted, That if any person who shall attest the execution of a Will, shall at the time of the execution thereof, or at

Will not to be void on account

of incompetency
of attesting Wit-
ness.

any time afterwards, be incompetent to be admitted a witness to prove the execution thereof, such Will shall not on that account be invalid.

Gifts to an attest-
ing Witness to
be void.

XII. And be it further enacted, That if any person shall attest the execution of any Will, to whom, or to whose Wife or Husband, any beneficial Devise, Legacy, Estate, Interest, Gift, or appointment, of, or affecting any Real or Personal Estate, (other than, except charges and directions for the payment of any debt or debts,) shall be thereby given or made, such Devise, Legacy, Estate, Interest, Gift, or appointment shall, so far only as concerns such person attesting the execution of such Will, or the Wife or Husband of such person or any person claiming under such person or Wife or Husband, be utterly null and void, and such person so attesting, shall be admitted as a witness to prove the Execution of such Will, or to prove the validity or invalidity thereof, notwithstanding such Devise, Legacy, Estate, Interest, Gift, or appointment mentioned in such Will.

Creditor attest-
ing to be admit-
ted a Witness.

XIII. And be it further enacted, That in case by any Will, any real or personal Estate shall be charged with any debt or debts, and any Creditor, or the Wife or Husband of any Creditor, whose debt is so charged, shall attest the execution of such Will, such Creditor notwithstanding such charge, shall be admitted a witness to prove the execution of such Will, or to prove the validity or invalidity thereof.

Executor to be
admitted a Wit-
ness.

XIV. And be it further enacted, That no person shall on account of his being an Executor of a Will, be incompetent to be admitted a witness to prove the execution of such Will, or a witness to prove the validity or invalidity thereof.

XV. And be it further enacted, That every Will made by a Man or Woman shall be revoked

by his or her marriage, (except a Will made in exercise of a power of appointment, when the real or personal Estate thereby appointed, would not in default of such appointment, pass to his or her Heir, Executor or Administrator, or the person entitled as his or her next of kin, under this Act.)

Will to be revoked by marriage.

XVI. And be it further enacted, That no Will shall be revoked by any presumption of an intention on the ground of an alteration in circumstances.

No Will to be revoked by presumption.

XVII. And be it further enacted, That no Will or Codicil, or any part thereof, shall be revoked, otherwise than as aforesaid, or by another Will or Codicil executed in manner hereinbefore required, or by some writing declaring an intention to revoke the same, and executed in the manner in which a Will is herein before required to be executed, or by the burning, tearing, or otherwise destroying the same, by the Testator or by some person in his presence and by his direction, with the intention of revoking the same.

No Will to be revoked but by another Will or Codicil, or by a Writing executed like a Will, or by destruction thereof.

XVIII. And be it further enacted, That no obliteration, interlineation, or other alteration made in any Will after the execution thereof, shall be valid or have any effect, except so far as the words or effect of the Will before such alteration shall not be apparent, unless such alteration shall be executed in like manner, as hereinbefore is required for the execution of the Will; but the Will, with such alteration as part thereof, shall be deemed to be duly executed, if the signature of the Testator, and the subscription of the Witnesses be made in the margin or on some other part of the Will opposite or near to such alteration, or at the foot or end of, or opposite to a memorandum referring to such alteration, and written at the end of some other part of the Will.

No alteration in a Will shall have any effect unless executed as a Will.

No Wills re-
voked to be re-
vived otherwise
than by a re-exe-
cution or a codi-
cil to revive it.

XIX. And be it further enacted, That no Will or Codicil, or any part thereof, which shall be in any manner revoked, shall be revived, otherwise than by the re-execution thereof, or by a Codicil executed in manner hereinbefore required, and shewing an intention to revive the same, and when any Will or Codicil which shall be partly revoked, and afterwards wholly revoked, shall be revived, such revival shall not extend to so much thereof as shall have been revoked before the revocation of the whole thereof, unless an intention to the contrary shall be shewn.

A devise not to
be rendered in-
operative by any
subsequent Con-
veyance or act.

XX. And be it further enacted, That no conveyance or other Act made or done subsequently to the execution of a Will, of or relating to any real or personal Estate therein comprised, except an Act by which such Will shall be revoked as aforesaid, shall prevent the operation of the Will with respect to such Estate, or Interest in such real or personal Estate, as the Testator shall have power to dispose of by Will at the time of his death.

A Will shall be
construed to
speak and take
effect from the
death of the
Testator.

XXI. And be it further enacted, That every Will shall be construed with reference to the real and personal Estate comprised in it, to speak and take effect as if it had been executed immediately before the death of the Testator, unless a contrary intention shall appear by the Will.

A residuary de-
vise shall include
Estates compri-
sed in lapsed and
void devises.

XXII. And be it further enacted, That unless a contrary intention shall appear by the Will, such real Estate or Interest therein as shall be comprised or intended to be comprised, in any devise in such Will contained, which shall fail or be void by reason of the death of the devisee in the life-time of the Testator, or by reason of such devise being contrary to Law, or otherwise incapable of taking effect, shall be included in the residuary Devise (if any,) contained in such Will.

XXIII. And be it further enacted, That a devise of the Land of the Testator, or of the Land of the Testator in any place, or in the occupation of any person mentioned in his Will, or otherwise described in a general manner, and any other general devise which would describe a Leasehold Estate, if the Testator had no Freehold Estate which could be described by it, shall be construed to include the Leasehold Estates of the Testator, to which such description shall extend, as the case may be, as well as Freehold Estates, unless a contrary intention shall appear by the Will.

A general devise of the Testator's lands shall include Leasehold as well as Freehold Estates.

XXIV. And be it further enacted, That a general devise of the Real Estate of the Testator, or of the Real Estate of the Testator in any place, or in the occupation of any person, mentioned in his Will, or otherwise described in a general manner, shall be construed to include any Real Estate, or any Real Estate to which such description shall extend, (as the case may be,) which he may have power to appoint in any manner he may think proper, and shall operate as an execution of such power, unless a contrary intention shall appear by the Will; and in like manner a bequest of the Personal Estate of the Testator, or any bequest of Personal Property described in a general manner, shall be construed to include any Personal Estate, or any Personal Estate to which such description shall extend, (as the case may be,) which he may have power to appoint in any manner he may think proper, and shall operate as an execution of such power, unless a contrary intention shall appear by the Will.

A general Gift shall include Estates over which Testator has a general power of appointment.

XXV. And be it further enacted, That where any Real Estate shall be devised to any person without any words of limitation, such devise shall be construed to pass the Fee Simple, or other the whole Estate or Interest which the Testator had

A devise, without any words of limitation, shall be construed to pass the fee.

power to dispose of by Will in such real Estate, unless a contrary intention shall appear by the Will.

The words "die without issue," or "die without leaving issue," or "have no issue," shall be construed to mean die without issue living at the death.

XXVI. And be it further enacted, That in any devise or bequest of real or personal Estate, the words "die without issue," or "die without leaving issue," or "have no issue," or any other words which may import either a want or failure of issue of any person in his life-time, or at the time of his death, or an indefinite failure of his issue, shall be construed to mean a want or failure of issue in the life-time, or at the time of the death of such person, and not an indefinite failure of his issue, unless a contrary intention shall appear by the Will, by reason of such person having a prior Estate Tail, or of a preceding gift, being without any implication arising from such words, a limitation of an Estate Tail to such person or issue, or otherwise; Provided that this Act shall not extend to cases where such words as aforesaid, import if no issue described in a preceding gift shall be born, or if there shall be no issue who shall live to attain the age, or otherwise answer the description required for obtaining a vested Estate, by a preceding gift to such issue.

No devise to Trustees or Executors, except for a term, shall pass a chattel interest.

XXVII. And be it further enacted, That where any real Estate shall be devised to any Trustee or Executor, such devise shall be construed to pass the fee simple, or other the whole Estate or Interest which the Testator had power to dispose of by Will, in such real Estate, unless a definite term of years, absolute or determinable, or an Estate of freehold, shall thereby be given to him expressly or by implication.

Trustees, under an unlimited devise, where the Trust may endure beyond the life of a person,

XXVIII. And be it further enacted, That where any real Estate shall be devised to a Trustee, without any express limitation of the Estate to be taken by such Trustee, and the beneficial interest in such real Estate, or in the

surplus rents and profits thereof, shall not be given to any person for life, or such beneficial interest shall be given to any person for life, but the purposes of the trust may continue beyond the life of such person, such devise shall be construed to vest in such Trustee the fee simple, or other, the whole legal Estate which the Testator had power to dispose of by Will in such real Estate, and not an Estate determinable when the purposes of the trust shall be satisfied.

beneficially entitled for life to take the fee.

XXIX. And be it further enacted, That where any person to whom any real Estate shall be devised for an Estate Tail, or an Estate in *quasi* entail, shall die in the life-time of the Testator, leaving issue, who would be inheritable under such entail, and any such issue shall be living at the time of the death of the Testator, such devise shall not lapse, but shall take effect, as if the death of such person had happened immediately after the death of the Testator, unless a contrary intention shall appear by the Will.

Devises of Estates tail shall not lapse.

XXX. And be it further enacted, That where any person being a child, or other issue of the Testator to whom any real or personal Estate shall be devised or bequeathed for any Estate or interest not determinable at or before the death of such person, shall die in the life-time of the Testator, leaving issue, and any such issue of such person shall be living at the time of the death of the Testator, such devise or bequest shall not lapse, but shall take effect as if the death of such person had happened immediately after the death of the Testator, unless a contrary intention shall appear by the Will.

Gifts to Children or other issue, who leave issue living at the Testator's death, shall not lapse.

XXXI. And be it further enacted, That if any Executor or Executors resident within this Island, of the Will of any person deceased, knowing of their being so named and appointed, shall not within thirty days, or if resident out of this

Executor resident in this Colony knowing of his being appointed within 30 days, and

Executor not resident therein, within 6 months, to prove Will, on penalty of £5 for every month's delay.

Island, within Six Months next after the death of the Testator, on his appointment being made known to him, cause such Will to be proved and recorded in the Office of the Register of Wills and Probates of this Island, or present the Will and give in a written declaration of his refusal of the Executorship, every Executor so neglecting his duty in that behalf (without just excuse for such delay made to and accepted by the Surrogate and Judge of Probates before any suit or action commenced for the penalty next hereinafter mentioned), shall forfeit the sum of Five Pounds every month from and after the expiration of the said Thirty Days, or Six Months, as the case may be, until he shall have caused Probate of such Will to be made, or have presented the same in the manner above appointed: each and every such forfeiture to be had and recovered by action of debt in the Supreme Court of Judicature of this Island, at the suit of any Heir, Legatee, or Creditor, who shall or may prove to the satisfaction of the said Court, that any injury has accrued to him by the said delay, and to and for the proper use of the person who shall inform and sue for the same: and upon any such refusal of the said Executor, the Surrogate shall order and commit administration of the Estate of the deceased, with the Will annexed, unto the Widow or next of kin to the deceased; and in case of their refusal, to one or more of the principal Creditors, as he shall or may think fit.

Mode of recovery.

Application of penalty.

Surrogate may order administration in such case to Widow, &c.

On objection made by any Legatee, &c. to granting Letters Testamentary, to any Executor, Surrogate may enquire into such objection, and may refuse such Letters until he gives Bond, as in case of intestacy.

XXXII. And be it further enacted, That if objection should be made by any Creditor of a Testator, or any Legatee, Relative, or other person interested in his Estate, against granting Letters testamentary, to one or more of the persons named in the Will as Executors, the Surrogate shall enquire into such objection, and if it appear that the circumstances of any person named as such Executor are such, that, in the opinion of the Surrogate, they would not afford

adequate security to the Creditor, Legatee or Relative of the Testator, for the due administration of his Estate, he may refuse Letters testamentary to any such person until he shall give the like Bond, as is hereinafter required of Administrators, in case of intestacy.

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

Penalty on person suppressing a Will.

XXXIV. And be it further enacted, That where any certain Legacy is or shall be bequeathed and given by any person in his last Will and Testament, as also where any residuary or uncertain Legacy, is, or shall by the account of any Executor, be reduced to a certainty; in those cases, every such Legacy and Legacies may be sued for, and recovered at Common Law, any Law, Custom, or usage to the contrary notwithstanding.

Legacies ascertained recoverable at Common Law.

XXXV. And be it further enacted, That when and so often as it shall happen, that any person dies intestate, upon the application of the Widow or next of kin, within Thirty days after the death of such intestate, the said Surrogate shall grant Letters of Administration to such Widow, or next of kin; and in case they neglect applying within the said Thirty Days, upon first citing such Widow or next of kin; and their refusing to accept the same, such Surrogate shall grant administration to such person or persons, as he shall or may judge fit, Creditors being always considered as having a preferable right to persons in nowise interested in the affairs of the deceased and to whomsoever the said Surrogate shall grant administration according to the regulations and

Administration in cases of Intestacy.

Who entitled to administration in such cases.

Bond to be given with 2 Sureties by Administrator.

Form of Bond.

Surrogate may call Administrator to account

—and make distribution of Estates of Intestates.

Mode of distribution.

Appointment of Guardians.

Children previously advanced by settlement.

directions contained in this Act, he shall oblige him to give a Bond to him the said Surrogate, with two or more sufficient Sureties, to be approved of by the Surrogate; and such Bond shall be according to the form and with the condition prescribed in the Schedule to this Act annexed, or in words to the like effect, and shall be filed in the Registry of the Surrogate Court before the Letters of Administration are issued, and shall and may proceed to call such Administrators to account for and touching the Goods of the Intestates; and upon due hearing and consideration thereof (all just debts and funeral expenses being first allowed) the said Surrogate shall, and he is hereby fully empowered to order and make a just distribution of the surplusage or remaining Goods and Estate as well real as personal, in manner following, that is to say, one third part of the personal Estate, to belong to and vest in the Wife of the Intestate for ever, besides her Dower in the Houses and Lands, during life, where such Wife shall not be otherwise endowed before marriage; and the said Surrogate having appointed Guardians in manner as is now or hereafter shall and may be by Law directed, shall then out of all the residue of such real and personal Estate, distribute two shares, or a double portion to the eldest son then surviving (when there is no issue of the first born or of any other eldest son): and the remainder of such residue equally to and amongst his other children, and such as shall or may legally represent them. Provided, that children advanced by settlement or portions, not equal to the other shares, shall have so much of the surplusage as may make the Estate of all to be equal, except the eldest son then surviving (where there is no issue of the first born or of any elder son), who shall have two shares, or a double portion of the whole.*

* The Act 1 Vic. c. 15, empowers the Surrogate to enforce his orders and decisions—and also to appoint Guardians to Minors.

XXXVI. And be it further enacted, That each Estate, wherewith such Child shall have been advanced in the life-time of the Intestate, shall be accounted for upon the oath of such Child before such Surrogate, or by other evidence to the satisfaction of such Surrogate; and in case of refusal to account upon oath, such Child so refusing, shall be debarred of any share in the Estate of the Intestate.

Children advanced in life-time of intestate, to account therefor upon oath.

XXXVII. And be it further enacted, That the division of the Real Estate of such Intestates, shall be made by Five capable persons upon oath, or by any three of them, to be for that purpose appointed and sworn by the Surrogate: Provided always, that if all the parties interested in such Lands or Tenements, being of lawful age, shall by Deed agree to a division, such agreement, the same being acknowledged by the parties thereto, or by their Attorney for that purpose lawfully constituted, before the Surrogate, and being entered on Record in the Registry Office of the Surrogate Court, shall be deemed a legal and valid partition and Settlement of such Estate, as effectually, to all intents and purposes whatsoever, as if the same had been divided and settled by writ of partition, and shall be received and allowed in evidence on any Trial respecting such Lands and Tenements: Provided nevertheless, that where any Estate, in Houses and Lands, cannot be divided among all the Children, without great prejudice to the whole, the said Surrogate may, on sufficient evidence of the same, order the whole to the oldest Son, or upon his refusal to any other of the Sons successively, he paying unto the other Children of the deceased, their equal and proportionable parts or Shares of the real value of such Houses and Lands, upon a just appraisement thereof, to be made by Three sufficient unexceptionable persons upon oath, to be appointed and sworn as aforesaid, on giving good security to pay the same in such convenient time as the

Division of Real Estates of Intestates, how to be made.

Parties may agree to a division.

Agreement, how perfected and acknowledged.

Of Estates of Intestates in Houses and Lands which cannot be divided without prejudice to the whole.

Intestates' Children dying under age or before marriage.

Distribution of Intestates' Estates, where no Children or legal representatives of them.

No representatives among collaterals, after Brothers' and Sisters' Children.

Persons to whom shares are allotted, to give bond, &c.

Condition of Bond.

Widow's dower, how to be divided after her death.

Appeal to Governor and Council against sentence or decree of Surrogate.

Surrogate shall or may limit, making reasonable allowance in the mean time, at the rate of Six Pounds on the hundred in the year, and if any of the Children should happen to die under age, or before marriage, then the portion of such deceased Child, shall be equally divided among the survivors; and in case there be no Children, nor any legal representatives of them, then one moiety of the personal Estate shall be allotted to the Wife of the Intestate for ever, as also one third of the Real Estate for her term of life, and the residue, both of the real and personal Estate, shall be allotted equally to every of the next of kin of the Intestate, in equal degree, and those who shall or may legally represent them: no representatives to be admitted among Collaterals, after Brothers' and Sisters' Children, and if there be no Wife, then the whole shall be distributed among the Children; and in case of no Child, then to the next of kin to the Intestate in equal degree, and their legal Representatives as aforesaid, and in no other manner whatsoever; and every one to whom any share shall be allotted, shall give Bond, with sufficient Sureties, to the satisfaction of the said Surrogate, if debts afterwards be made to appear, conditioned to refund and pay back to the Administrator, his rateable part thereof, and of the Administrator's Charges.

XXXVIII. And it is hereby enacted, That the Lands and Tenements wherewith any Widow shall be endowed as aforesaid, shall, after the decease of such Widow, be divided in like manner as by this Act is directed, saving to any person aggrieved at any order, sentence, or decree made for the settlement and distribution of the Estate of any Intestate, their right of appeal to the Governor and Council; every person so appealing giving Security to prosecute such appeal with effect; Provided that such appeal be made within forty days after sentence of the said Surrogate.

XXXIX. And be it further enacted, That all such Estates, whether Real or Personal, which shall or may not be comprised in any last Will and Testament, or which shall or may not be devised or given by the same, shall be distributed in the same manner as the Estates of Intestates are directed to be distributed by this Act.

Estates, real or personal, not comprised in any last Will, to be distributed as Intestate Estates.

XL. And be it further enacted, That every Executor or Administrator taking upon himself that charge by proving the Will of his Testator, or receiving Letters of Administration of the Estate of any Intestate, shall within Three months from the time of granting Probate or Letters of Administration thereof, (unless a further time be given by the Surrogate) file with the Register of Probates, an Inventory, which shall contain a true and perfect description and estimate of all the Real Estate, Goods, Chattels and Credits of the deceased person, as well in possession as in action, and shall also specify the names of all the Debtors of the deceased known to the Executor or Administrator, together with the nature of the debt, and the security therefor, whether by Judgment, Bond, Mortgage, Promissory Note, Book debt, or otherwise; and the date of each security, the sum originally payable, and the payments, if any, which have been made thereon; and shall distinguish those debts, which, in the opinion of such Executor or Administrator, are doubtful or desperate; and shall also contain an account of all Moneys, whether in specie, or bank Bills, belonging to the deceased, which shall have come to the hands or knowledge of the Executor or Administrator, and if no such Moneys shall have come to his hands or knowledge, the facts shall be so stated in such Inventory, and such Inventory shall be verified by the Oath of the Executor or Administrator before the Surrogate.

Time of filing Inventory, by Executor or Administrator.

Where to be filed. Requisites of Inventory.

Inventory to be verified on Oath.

Mode of compelling Executor or Administrator to file Inventory.

XLI. And be it further enacted, That in case of an Executor or Administrator failing to return an Inventory within the time limited, for that purpose, he may be required so to do by a citation from the Surrogate, such citation to be issued on the application of some person having an interest in the Estate of the deceased, as Creditor, Legatee, or next of kin, or of some person on behalf of a minor having such interest, or of any Surety upon an Administration Bond.

In the event of property not mentioned in Inventory, coming to the hands of Executor or Administrator, a second Inventory to be filed.

Second Inventory may be required as in case of first Inventory.

XLII. And be it further enacted, That whenever property of any kind, not mentioned in any Inventory that shall have been filed as aforesaid, shall come to the possession or knowledge of an Executor or Administrator, he shall make and file an Inventory thereof, within Three months after the discovery thereof, verified in the same manner as such first Inventory, and the making of such further Inventory may be required in the same manner, as in the case of the first Inventory.

Executor, a residuary Legatee, may bring action of account against his Co-executor.

XLIII. And be it enacted, That every Executor being a residuary Legatee, may bring his action of account against his Co-executor, of the Estate of the Testator in his hands, and may also sue for and recover his equal and rateable part thereof, and any other residuary Legatee may have the like remedy against the Executor.

Debts to be paid according to legal priority.

No preference to be given in debts of the same class.

XLIV. And be it enacted, That every Executor or Administrator shall proceed with diligence to pay the debts of the deceased, according to their legal priority in the order of classes; and all debts of the same class shall be paid in equal proportion, and no preference* shall be given in the payment of any debt over debts of the same class, nor shall a debt due and payable be entitled

* By Act 12 Vic. cap. 2 this Section is amended as far as relates to Judgment debts; those debts being thereby made payable in the order of their priority.

to a preference over debts not due; nor shall the commencement of a suit for the recovery of any debt, or the obtaining of a Judgment therein, entitle such debt to any preference over others of the same class, nor shall any debt of an Executor or Administrator be entitled to any preference over others of the same class: Provided always, that all allowances made by the Surrogate to any Executor or Administrator for expences and services, shall have priority in payment to any debts of what class soever.

Nor to debt of Executor or Administrator over others of same class.

Allowance made by Surrogate to Executor or Administrator for expences, to have priority over all debts.

XLV. And be it further enacted, That in case the Personal Estate of any deceased person shall not be sufficient to pay his debts, and it be found necessary to apply the Real Estate of such person in payment of such debts, the Surrogate Court shall have Cognizance of the matter, and shall be authorized and empowered to grant a License to the Executors or Administrators for the application of the Real Estate for that purpose as hereinafter mentioned.

Surrogate authorized to grant License for sale of Real Estate to pay debts.

XLVI. And be it enacted, That in order to obtain such License, the Executor or Administrator shall at any time within Three years after the granting of the Letters Testamentary or of Administration, apply to the Surrogate Court by Petition, setting forth in such Petition, the amount of Personal Property which has come to the hands of such Executor or Administrator, the debts so far as they can then be ascertained against the Estate of the deceased person, a description of the Real Estate of the deceased, with the value of the respective Lots or parts thereof, and whether occupied or not; and if occupied, the names of such occupants, so far as they may have come to his knowledge, and the names and ages of the Heirs and devisees (if any) of the deceased; which Petition shall be verified by the

Executor or Administrator to apply for such License within three years.

Requisites of Petition to be presented for License.

Petition to be verified on oath.

Oath of the Petitioner, taken and certified thereon by the Surrogate, and there shall also be annexed to such Petition, a certified copy of the Inventory on file, and in case he died Testate a copy of the Will.

Surrogate, after notice, &c. to hear and examine allegations of Petition.

XLVII. And be it enacted, That the said Surrogate Court shall thereupon have Cognizance of the matter of such Petition, and after notice to the parties interested, either personally, or by advertisement in any public newspaper of this Island, as such Court may order and direct, shall proceed to hear and examine the allegations and proofs of the Petitioner, or any person interested in such Real Estate, who may think proper to oppose such application; and also the validity or legality of any debt or demand which may be represented as existing against the Testator or Intestate.

If satisfied of the insufficiency of personal Estate of Intestate to pay debts, Surrogate may grant License to sell Real Estate.

XLVIII. And be it enacted, That when in any case after due examination, the said Surrogate Court shall be satisfied that the Personal Estate of the Testator or Intestate is insufficient for the payment of debts, it shall be lawful for such Court to grant a License in general terms for the sale of such Real Estate, or such part thereof as may be sufficient to pay the said debts, or to specify in such License the particular parts or portions of the Real Estate so to be sold, and in cases where License is given to sell only a specified part of the Real Estate, such Court may, from time to time, proceed to grant further License to sell a further part, or all such Real Estate, if necessary, for the payment of such debts.

Terms in which License may be granted.

Surrogate may, from time to time, grant further License to sell.

On application of a Creditor after one year and before expiration of three years, Surrogate may grant License for sale of Real Estate.

XLIX. And be it enacted, That the said Surrogate Court upon the application of any Creditor, made after the expiration of One year, and before the expiration of Three years, from the time of granting Letters Testamentary or of Administration, and shewing probable cause for

believing that there will not be sufficient personal assets to pay the Debts of the Testator or Intestate, may proceed to examine into the matter, as in the case of such application on the part of an Executor or Administrator, due notice thereof been given to the parties interested as prescribed in the Forty-seventh Section of this Act; and if after due examination such Court shall be satisfied, that the Personal Estate of such Testator or Intestate, is insufficient for payment of the Debts, it shall be lawful for such Court to grant Licence to sell all or part of the Real Estate, in the same manner as if the application had been made therefor by such Executor or Administrator.

L. And be it enacted, That if it shall appear to the said Surrogate Court that it will be for the advantage of the Heirs or Devisees of any Testator or Intestate, and will not be injurious to Creditors, to Lease the Real Estate or any part thereof, for any time not exceeding Twenty-one years, (in possession and not by way of future Interest,) in lieu of selling the same for the purpose of raising money to pay Debts, the said Court may so direct in such License, and any Lease executed by such Executor or Administrator in pursuance thereof, shall have the like force and effect as if executed by the Testator or Intestate immediately before his death.

Surrogate, (if it shall be for the advantage of the heirs and not injurious to Creditors,) may direct real Estate to be Leased for 21 years.

LI. Provided always, and be it enacted, That in case any person interested shall, contest the granting of such License to sell or Lease the Real Estate of any Testator or Intestate, and shall not be satisfied with the Decree of said Surrogate in regard thereto, such person may appeal therefrom to the Governor and Council; provided that the appeal be filed in the Registry of such Surrogate Court, within Thirty days after the making of the Decree, and that the party appealing do at the same time with the appeal, file in

Any person interested may contest the granting of such License to sell or lease, and if dissatisfied with decree of Surrogate, may appeal to Governor and Council. Provided appeal be filed within 30 days after decree, and a bond be given to Surrogate.

the Registry of such Surrogate Court, a Bond to the said Surrogate, with Two sufficient Sureties, in the penal sum of Thirty Pounds conditioned for the payment of such costs as shall be awarded against him by the Governor and Council, upon such appeal, and such appeal when so perfected by the filing of such Bond therewith, shall suspend all proceedings upon the decision appealed from, until the appeal be determined.

Amount of bond, and condition thereof.

Appeal to suspend all proceedings before Surrogate.

Surrogate to transmit copy of appeal, and all papers, &c. to Governor and Council, with his decision and reasons therefor.

LII. And be it enacted, That upon such appeal being perfected, and upon the legal Fees being paid, the Surrogate shall immediately transmit to the Governor and Council a Copy of such appeal, and of all papers, documents, and testimony produced before him in relation to the subject of such appeal, duly certified under the Seal of the Surrogate Court with a statement of the decision made by him, and the reasons of such decision, and in case the decision of the said Surrogate shall be reversed or altered, the said Governor and Council shall make such Order, touching the subject of such appeal, as under the circumstances of the case shall seem fit, but in case the decision of the said Surrogate Court shall be affirmed, the proceedings shall be remitted back thereto, and the said Surrogate Court shall proceed thereon pursuant to the first Decree.

Power of Governor and Council on reversal of decree of Surrogate.

If decree of Surrogate be affirmed, the proceedings to be remitted back to him.

Form of License to sell Real Estate—and to be registered by Register of Surrogate Court.

LIII. And be it enacted, That every License to sell real Estate as aforesaid, shall be made in such form as the Surrogate (or in case of the decision of the said Surrogate Court being altered by the Governor and Council) may prescribe, and shall be Registered by the Register of the Court granting the same, in a Book to be kept for that purpose, and a Copy of such record certified under the hand of any such Register, shall be evidence of such License, in all Courts without further proof.

LIV. And be it further enacted, That upon a License to sell or Lease any Real Estate as aforesaid, being granted the Executor or Administrator, shall be deemed entitled to all the Rents and profits of the Real Estate of the Testator, or Intestate accruing from the time of his death, and shall and may, have and maintain all actions and other lawful means for recovering the same; and all the proceeds of such Real Estate shall be legal assets in the hands of such Executor or Administrator for the payment of such Debts: Provided always, that any Rent becoming due after the death of the Testator or Intestate, and paid in good faith by any Tenant to any Heir or Devisee, before notice of such License, shall not be recoverable from such Tenant by an Executor or Administrator.

On License granted to sell or lease real Estate, Executor or Administrator entitled to rents, &c. from time of death of Testator or Intestate.

Proceeds to be assets in their hands for payment of debts.

Rent due after decease of Testator, &c. paid in good faith by Tenant to Devisee, not to be recoverable against such Tenant.

LV. And be it enacted, That before any sale or Lease be made of any Real Estate by virtue of such License, the Executor or Administrator shall give Thirty days' public notice of such sale or letting by posting up notifications in Three, at least, of the most public places in the County where the Land lies, and by publishing such notification once in each week, for Four successive weeks, in a Newspaper printed in the Island, in which notification the several parcels of the Lands and Tenements to be sold or Leased shall be particularly and appropriately designated, and whoever will give the most, shall have the preference in such sale or letting, and such sale or letting shall be by public auction.

30 days' notice of sale or lease of real Estate to be given.

Mode of giving such notice.

Requisites of such notice.

LVI. And be it enacted, That before any Executor or Administrator do proceed to sell or Lease any such Real Estate, they shall first give Bond to the Surrogate, with Two sufficient Sureties, to be approved of by such Surrogate, in such penalty, not exceeding double the amount to be raised by such sale or letting, as the said Surrogate may think fit to direct, which Bond shall be

Before selling or leasing real Estate, Executor or Administrator to give Bond, &c.

Penalty of Bond.

Form of Bond. agreeable to the form and with the condition prescribed in the Schedule to this Act annexed, or in words to the like effect, and shall be filed with the Registrar of the said Surrogate Court before such sale or letting.

Where to be filed.

Executor or Administrator may execute Deed or Lease of real Estate sold or let.

Requisites of Deed or Lease.

Effect of such Deed or Lease.

LVII. And be it enacted, That on sale or letting of any such real Estate under such license, the Executor or Administrator shall and may execute a Deed or Lease of the premises so sold or leased, in which the substance of such License shall be recited; which Deed or Lease shall have the like force and effect (except as to rents or profits up to the date thereof,) as if made and executed by such Testator or Intestate immediately before his death.

Deed or Lease of real Estate sold or let by Executor or Administrator duly proved, &c. may be registered and given in evidence in any Court.

LVIII. And be it further enacted, That every Deed or Lease made by any Executor or Administrator under the provisions of this Act having been first duly acknowledged or proved according to the Laws relating to the Registry of Deeds, and an Affidavit having been made by such Executor or Administrator before any Officer or Court duly authorized to take acknowledgments in proof of the execution of Conveyances, and endorsed on the said Deed or Lease, that the said premises mentioned in such Deed or Lease, have been duly advertised and sold, according to Law, may be Registered in the Office of the Registrar of Deeds for this Island, and such Deed or Lease so registered, or a copy thereof, (in case the original be lost), may be given in evidence in any Court of Law or Equity in this Island, in like manner with and under the same rules and restrictions as any other registered Deed, and when so given in evidence, together with proof, as hereinbefore mentioned of such License, shall be deemed and taken to be evidence that all proceedings, on which such conveyance is founded were rightly had and done.

LIX. And be it further enacted, That no Bond given under the provisions of this Act, shall be put in suit without an order of the Surrogate Court for that purpose to be made, on the application of some person interested in such Estate, either as Creditor, Legatee, Heir, or next of kin, which Order may be proved by a copy thereof, certified under the hand of the Registrar of such Court, and shall have the effect, of an Assignment of such Bond, *pro hac vice*, to the party so interested and suing, and entitle him to proceed thereon, in his own name as Assignee thereof, in any Court of competent jurisdiction in this Island, and the party so suing shall be entitled to recover, and also be liable to pay costs, to be taxed in such suit as in ordinary cases, and such Surrogate Court may make such Order, for the delivery of any such Bond, for the purpose of being read in evidence in any such Court, and being again returned to the Office where it is filed as the ends of justice may require: and whenever any such Bond shall be so put in suit, recovery may be had thereon, to the full extent of any injury sustained by the Estate of the deceased person, by the acts or omissions of such Executor or Administrator, within the purview of such Bond, and to the full value of all property of the deceased person, within the purview of such Bond received, and not duly administered by such Executor or Administrator, and the amount recovered on such Bond (after deducting all legal and other necessary expenses attending the recovery, to be allowed by the said Surrogate Court,) shall be deemed assets, and shall be applied and distributed, under the Order and direction of the said Surrogate Court for that purpose to be made; and the said Surrogate Court may, from time to time, order such Bond, to be put in suit as occasion may require: provided always, that the whole amount to be recovered in any such suit or suits, shall never exceed the penalty of the Bond.

No Bond given under this Act to be sued for without order of Surrogate.

Mode of obtaining such order.

Order how to be proved.

Effect of order

Surrogate may order delivery of Bond, for the purpose of its being read in evidence in any Court.

To what extent recovery may be had on such Bond.

Amount recovered to be deemed assets, and to be distributed by Surrogate.

No greater sum to be recovered than penalty in Bond.

Where Letters Testamentary or of Administration have already been granted Surrogate may grant license to sell real Estate.

Provided application be made by Executor, &c. within 3 years, and by Creditor within one year after passing of this Act.

Act not to extend to Wills made before 1st January 1844,

Nor to Estates *per autre vie* of persons who die before 1st January 1844;

Confirms all proceedings under Act repealed, &c.

LX. And be it further enacted, That where Letters Testamentary, or of Administration of the Estate, of any Testator or Intestate have been already granted, it shall and may be lawful for the Surrogate to grant License, to sell the real Estate of such Testator or Intestate, on application to him made therefor, in the manner hereinbefore pointed out; provided such application if made by an Executor or Administrator, be made to him within three years next after the passing of this Act, or if by a Creditor after the expiration of one year and before the expiration of three years, from the passing of this Act.

LXI. And be it further enacted, That this Act, so far as the same extends to the making and construction of Wills, shall not extend to any Will made before the first day of January One thousand Eight hundred and Forty-four; and that every Will re-executed, re-published, or revived by any Codicil, shall, for the purposes of this Act, be deemed to have been made at the time at which the same shall be so re-executed, re-published or revived, and that this Act shall not extend to any Estate *per autre vie* of any person who shall die before the first day of January One thousand Eight hundred and Forty-four; but with respect to all matters and things and provisions in this Act contained, the same shall take effect from the passing thereof, save and except that all proceedings heretofore had under and by virtue of the Act hereby repealed, and all licenses granted to any Executor or Administrator for the sale of lands made before the passing of this Act, and all proceedings to be had thereunder, and all suits brought for any penalty, or any other matter or thing under and by virtue of the Act hereby repealed, shall not be discontinued, but shall be and remain valid and effectual, to all intents and purposes, in the same manner and to the same extent as if this Act had not been made and passed.

LXII. And be it further enacted, That the form of Bonds shall be according to the form in the Schedule to this Act annexed, or in words to the like effect.

Form of Bond.

LXIII. And whereas it frequently becomes necessary to give in evidence, Wills and Codicils in proof of Real Estate situate within this Island, but which have been proved and remain deposited in the Courts of other Countries, whereby great expense and inconvenience have ensued to individuals: For remedy whereof, be it enacted, That the Probate of every Will concerning Real Estate duly proved in any Court of competent jurisdiction out of this Island, shall and may be given and received as evidence *prima facie* of any devise or matter affecting Real Estate therein mentioned, in all cases where such Probate might heretofore have been used as evidence of, or relating to any matter concerning, Personal Estate therein mentioned.

Probate of Will concerning real Estate proved out of this Colony, made *prima facie* evidence of devise, &c.

LXIV. Provided always nevertheless, That nothing herein contained, shall have any force or effect, until Her Majesty's pleasure therein shall be known.

Suspending Clause.

** This Act received the Royal Allowance on the 13th December, 1843, and the notification thereof was published in the *Royal Gazette* Newspaper of this Island on the 13th February, 1844.

SCHEDULE.

Schedule No. 1.

No. 1.

ADMINISTRATION BOND.

KNOW all men by these presents, that we are held and firmly bound unto the Surrogate Judge of Probates, in and for the Island of Prince Edward, in the sum of Pounds, of lawful money of the said Island, to be paid to the said Surrogate Judge of Probates for the time being; for which payment to be well and truly made, we bind ourselves, and each of us by himself, for and in the whole, our and each of our

Form of Administration Bond.

Heirs, Executors, and Administrators, firmly by these presents. Sealed with our Seals, dated this day of _____ in the year of our Lord One thousand Eight hundred and _____

The condition of this obligation is such, that if the above bounden _____ Administrator of all and singular the Goods and Chattels, and Credits of _____ the deceased, do make or cause to be made, a true and perfect inventory of all and singular, the Real Estate, Goods, Chattels, and Credits, of the said deceased, which have, or shall come to the hands, or possession, or knowledge of the said _____ or into the hands or possession of any other person or persons, for _____ and the same so made, do exhibit or cause to be exhibited into the Registry of the Surrogate Court for the said Island, on or before the _____ day of _____ next ensuing; and the same Goods Chattels and Credits, and all other, the Goods, Chattels, and Credits, of the said deceased, at time of his death, which at any time after shall come to the hands or possession of the said

or into the hands or possession of any other person or persons, for _____ do well and truly Administer, according to law; and further do make, or cause to be made, a true and just account of the said Administration, at or before the _____ day of _____ and all the rest and residue of the Goods, Chattels, and Credits, which shall be found remaining, upon the said Administrator's account, the same being first examined and allowed of by the said Surrogate Court, or other Court of competent authority in that behalf, do deliver and pay over, to such person or persons respectively, as the said Surrogate Court, or other Court of competent authority in that behalf, by Decree or Sentence pursuant to the true intent and meaning of this Act, shall limit and appoint: [And if it shall hereafter appear, that any last Will and Testament, was made by the said deceased, and the Executor or Executors therein named, do exhibit the same

into the said Surrogate Court, making request to have it allowed, and approved accordingly, if the said above bounden being thereto required, do render and deliver the Letters of Administration, (Probate of such Testament being first had and made,) under the said Surrogate Court.] Then this obligation to be void, and of no effect, or to remain in full force and virtue.

Sealed and delivered in the presence of

[The Bond when given by any Executor to be in like form, substituting Executor, &c., for Administrator, &c., and omitting the words between the brackets.]

No. 2.

BOND ON APPEAL.

Schedule No. 2.

[The Bond to be taken for (£30,) Thirty Pounds, payable to the Surrogate in the same manner as Administration Bond, and conditioned as follows:]

WHEREAS the above bounden hath appealed from the decision of the said Surrogate Judge of Probates, made in a certain matter pending before him.

Form of Bond on appeal from decree of Surrogate.

Now the condition of this obligation is such, That if the said shall well and truly pay such costs arising from such appeal, and to such person as the Governor and Council may order and direct, then this obligation shall be void, otherwise to remain in full force.

Sealed and delivered in the presence of

No. 3.

BOND ON SALE OF REAL ESTATE.

Schedule No. 3.

KNOW all men by these presents, That we [as in Administration Bond.] Whereas Licence has been granted by the Governor and Council, or Surrogate Court, [as the case may

Form of Bond to be given by Executor or Adminis-

trator on order
for sale of real
Estate.

be] to the above bounden Executor of the last Will and Testament, [or Administrator of all and singular the Goods, and Chattels, and Credits, as the case may be,] of deceased, to sell or lease, [as the case may be,] Real Estate of the said deceased, for payment of debts.

Now the condition of this obligation is such, That if the said Executor or Administrator as aforesaid, do, and shall, well and faithfully apply all monies arising from the sale (or lease) of any of the Real Estate of the said deceased, or otherwise from the Rents and Profits thereof in payment of the debts of the said deceased, agreeably to Law, and shall well and truly account for the same in Administration account before the Surrogate Court, or other Court of competent authority in that behalf, and shall pay any surplus of such monies which shall be found remaining in his hands upon such accounting unto such person or persons, as the said Surrogate Court, or other Court of competent authority in that behalf, shall by decree or sentence pursuant to the true intent and meaning of this Act, in such case made and provided, limit and appoint, then this obligation to be void and of no effect, otherwise to remain in full force and virtue.

Sealed and delivered in the presence of

CAP. XXVII.

An Act to prevent trespassing on the Common of *Georgetown*.

[Passed 15th April, 1843.]

WHEREAS several encroachments have been made on the rights of Commonage to the certain piece or parcel of Ground known and designated as the Common of *Georgetown*,

in this Island, by the building thereon of Dwelling Houses and the enclosing of portions thereof with Fences for private use, to the prejudice of the Inhabitants of the said Town: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That no person or persons shall henceforth encroach on, or devote, or appropriate, any part or parcel of the Common of *Georgetown* to any private purpose, benefit or use whatsoever, saving and excepting such parts thereof as are already appropriated for Graveyards.

No person to encroach on the Common of Georgetown.

II. And be it enacted, That it shall and may be lawful for the Administration of the Government for the time being, in the month of *July*, in each year, to nominate and appoint Three Householders, resident in *Georgetown*, to act as Conservators of the Common of the said Town for one year, and no longer.

Administrator of Government, in the month of July in each year, to appoint three Conservators of Common.

III. And be it enacted, That any person or persons appointed as aforesaid, to act or serve as Conservator or Conservators of said Common, and refusing or neglecting to act or serve as such, in manner hereinafter defined, shall, on the information of one or more credible Witness or Witnesses, given to any one of Her Majesty's Justices of the Peace, residing in *Georgetown*, be summoned by said Magistrate to appear before him to answer for his or their refusal so to act or serve, and on satisfactory proof by the evidence of one or more credible Witness or Witnesses of the refusal or neglect of such Conservator or Conservators to serve in that capacity, as hereinafter stated, he or they shall be, by such Magistrate or Justice of the Peace, fined in a sum not exceeding Two Pounds, such fine to be levied on his or their Goods and Chattels, unless paid within Twenty-four hours after conviction, to the Justice of the Peace who shall adjudicate in the case, and half the fine shall be paid by such

Penalty on persons refusing to serve as Conservators of Common.

Mode of recovery thereof.

Amount of penalty for such refusal.

Appropriation of penalty.

Justice to the Road Commissioner of the District in which *Georgetown* is situated, to be appropriated by him to the improvement of the Streets of *Georgetown*, and the other half to the informant.

Duty of Conservators of Common.

IV. And be it enacted, That it shall be the duty of such Conservators to inspect said Common within One week after notice of their appointment, and if on such inspection, or at any other time, they or any of them, shall find any obstruction to the freest access to any and every part of the Common aforesaid, by Dwelling House or Houses, or other House or Houses, or enclosure or enclosures, or any other obstruction or obstructions whatsoever, placed thereon, by any person in any manner or way, then, and in such case, the person causing or making such obstruction, shall be notified by the Conservators, or any one of them, to remove the same within Forty-eight hours after serving such notification, and in the event of the refusal of such offender or offenders to remove such obstruction or obstructions, the Conservators, or any of them, shall make complaint against the person or persons so refusing to remove such obstruction or obstructions, to any one of Her Majesty's Justices of the Peace resident in *Georgetown*, which Justice shall, at the suit of such Conservators, or any of them, proceed against such Trespasser for every such trespass, obstruction or encroachment, and on proof thereof, by one or more credible Witness or Witnesses, to be liable to a fine not exceeding Two Pounds, together with the cost of such suit, and in default of payment, the fine, with costs, shall be levied on the Goods and Chattels of the offender, and if no such Goods and Chattels shall be found, then the offender shall be committed to Jail for a space of time not exceeding Thirty days.

Persons causing obstructions on Common, after notification, to remove same, and refusing or neglecting so to do, liable to a penalty not exceeding £2 and costs.

Penalty how levied.

V. Provided always, and be it enacted, That in case such Conservators or any of them, cannot ascertain by whom such trespass, obstruction, or encroachment was committed, then, and in such case, the Conservators, or any of them, may and shall apply to any one of Her Majesty's Justices of the Peace, resident in the Town aforesaid, for a Warrant to sell such obstruction, subject to its removal, within Forty-eight hours, from off said Common, and the proceeds of such sale, deducting costs, shall be paid to the Road Commissioner of the District in which Georgetown is situated, the same to be appropriated to the improvement of the Streets in said Town, and in the event of such obstruction consisting of decayed Houses or Fences, or any other material or matter, that in the opinion of the said Conservators, would not sell to pay for the cost of removal, then, and in such case, the Conservators, or any of them, by authority of such Justice, shall cause the same to be destroyed by fire, or otherwise removed as may be found most expedient.

Duty of Conservator when persons causing obstructions cannot be found.

Obstruction to be sold.

Appropriation of proceeds thereof.

Obstruction not saleable, to be destroyed.

VI. And be it enacted, That if any person or persons shall obstruct such Conservators, or any of them, or any person appointed by them, in the discharge of their or his duty, as hereinbefore prescribed, then, and in such case, such Conservators, or any of them, shall make complaint to any Justice of the Peace, resident as aforesaid, whereupon such Justice of the Peace shall grant a Warrant to any of the Constables of King's County for the apprehension of such offender, and if it shall be proved on the oath of one or more credible witness or witnesses, to the satisfaction of the said Justice, that the party is guilty of the alleged offence, then, and in such case, the said Justice shall commit the offender or offenders to the Jail of King's County, there to be confined for a space not exceeding Two Months.

Mode of proceeding against persons obstructing Conservators in discharge of their duty.

Offender, on conviction, to be imprisoned.

Any occupant of a House, &c. now on said Common to have the use of same, &c. for 6 months from the passing of this Act.

Mode of proceeding against such occupant at the expiration of six months.

VIII. Provided always, and be it enacted, That any person residing on said Common at the time of the passing of this Act shall have the unmolested use of any Dwelling House and other Buildings and of any enclosure he now occupies thereon, until the termination of Six Months next after the passing of this Act and no longer; but no person so residing shall have any other exclusive privilege for said or any other time; and if, at the termination of the specified Six Months, he or such person shall not have removed such House or Houses, Building or Fences around any enclosure on said Common he may have so made, then he or such shall be proceeded against as other offenders hereinbefore mentioned, any thing to the contrary notwithstanding.

Fees to be taken under this Act.

VIII. And be it enacted, That the following Fees shall be exacted for the services enjoined by this Act.

JUSTICES' FEES :

Justices' Fees.

Drawing and engrossing Affidavit, *One Shilling and Six-pence.*

Subpœna, *One Shilling.*

Each Warrant, *One Shilling.*

Every Judgment, *Three Shillings.*

Every Summons, *One Shilling and Six-pence.*

CONSTABLES' FEES :

Constables' Fees.

For executing each Warrant or Process, *One Shilling.*

Mileage, per mile, *Three-pence.*

WITNESSES' FEES :

Witnesses' Fees.

Each day's attendance, *Two Shillings.*

Mileage, per mile, *Three-pence.*

C A P. XXVIII.

Executed.

An Act for appropriating certain Moneys therein mentioned, for the service of the year of Our Lord, One thousand Eight hundred and Forty-three.

[Passed 15th April, 1843.]

ANNO SEPTIMO

VICTORIÆ REGINÆ.

At the General Assembly of Her Majesty's Island of *Prince Edward*, begun and holden at *Charlottetown*, the Twenty-fourth Day of *January*, Anno Domini 1843, in the Sixth 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 :

1844.

Sir HENRY
V. HUNTLEY,
Lieut. Governor.

R. HODGSON,
President
of Council.

JOSEPH POPE,
Speaker.

And from thence continued by several Prorogations, to the Twenty-first day of *December*, 1844, and in the Seventh year of Her said Majesty's Reign; being the Second Session of the Sixteenth General Assembly convened in the said Island.

C A P. I.

An Act to amend certain Errors in Two several Acts therein mentioned, relating to Commissioners of Highways and Commissioners for recovery of Small Debts.

[Passed 23d December, 1843.]

WHEREAS, by two several Acts, passed in the Sixth year of the Reign of Her present Majesty, the one, intituled *An Act to consolidate*

6 Vic. c. 1.

6 Vic. c. 24.

*and amend the Laws relating to Statute Labour, and the expenditure of Public Moneys on the Highways, and the other intituled 'An Act to provide for the Summary Trial of Small Debts, and to regulate proceedings in cases of Summary Capias,' certain Offices therein and thereby constituted; that is to say, the Office of Commissioner of Highways by the first Act, and the Office of Commissioner for the recovery of Small Debts, by the last mentioned Act, are placed in the gift of His Excellency the Lieutenant Governor of this Island, with the advice of Her Majesty's Council: And whereas, by the Twenty-eighth Section of the first mentioned Act, and also by the Thirty-ninth Section of the last mentioned Act, it is enacted, that the provisions of a certain Act, passed in the Fifth year of the Reign of His late Majesty King William the Fourth, intituled *An Act for vacating the Seats of Members of the Assembly in certain cases therein mentioned*, shall not extend, or be construed to extend, to vacate the Seat of any Member of the then, and present House of Assembly, who should be re-appointed a Commissioner, either of Highways or for the recovery of Small Debts, by virtue of the said two first mentioned Acts respectively: And whereas in reciting the Title of the said Act for vacating Seats of Members, in each of the hereinbefore enumerated Sections of the two first mentioned Acts, reference by mistake is made to an Act passed in the Fifth year of the Reign of His late Majesty, intituled *An Act for vacating the Seats of Members of the Assembly, in certain cases therein mentioned*, which had then been previously repealed, instead of to an Act made and passed in the Seventh year of the Reign of His said late Majesty, intituled *An Act for vacating the Seats of Members of the Assembly, in certain cases therein mentioned, and to repeal a certain Act heretofore passed for that purpose*. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That in the herein-*

before enumerated Sections of the two several Acts, intituled as follows, viz:—*An Act to consolidate and amend the Laws relating to Statute Labour, and the expenditure of Public Moneys on the Highways*, also, *An Act to provide for the Summary Trial of Small Debts, and to regulate proceedings in cases of Summary Capias*, the reference made to the aforesaid Act, intituled *An Act for vacating the Seats of Members of the Assembly in certain cases therein mentioned*, shall, to all intents and purposes, be held construed and deemed to apply, to the said Act passed in the Seventh year of His said late Majesty's Reign, intituled *An Act for vacating the Seats of Members of the Assembly, in certain cases therein mentioned, and to repeal a certain Act heretofore passed for that purpose*, and to no other Act, any thing in the two first hereinbefore mentioned Acts to the contrary thereof notwithstanding.

28th Section of the Act of 6 Vic. cap. 1, and 39th section of Act of 6th Vic. cap. 24.

to apply to the Act of the 7th Will. 4th, c. 13.

II. And be it enacted, That no Seat of any Member of the present House of Assembly, who may have accepted the Office of Commissioner of Roads, or of Small Debts, or of either of them, by virtue of either of the first hereinbefore mentioned Acts, and which would not have been vacated by the operation of the said Act, passed in the Seventh year of the Reign of His late Majesty, intituled *An Act for vacating the Seats of Members of the Assembly, in certain cases therein mentioned, and to repeal a certain Act heretofore passed for that purpose*, had the mistake hereinbefore mentioned not occurred, shall be deemed in any manner to be, or to have been, invalidated or affected by such mistake, in reciting the Title of the Act so repealed, as aforesaid, but such Members shall, and are hereby declared to be confirmed in their Seats, any Law to the contrary notwithstanding.

Seats of Members of present House of Assembly, who may have accepted offices of Commissioner of Roads, or offices of Commissioners for the recovery of Small Debts, not to be vacated or invalidated by reason of mistake in reciting title of Act of the 5th William 4th, cap. 1, instead of Act of the 7th William 4th, cap. 13.

CAP. II.

Amended by 7
Vic. c. 7.
See also 11 Vic.
c. 30.

An Act relating to the recovery of Small Debts, and to repeal certain Acts therein mentioned.

[Passed 24th February, 1844.]

Repeals Act of
the 2d W. 4, c.
1.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, the several Acts hereinafter mentioned, shall be, and the same are hereby repealed, that is to say: An Act passed in the Second year of His late Majesty, King *William the Fourth*, intituled *An Act to consolidate and amend the several Acts of the General Assembly therein mentioned, relating to the recovery of Small Debts*:

Also Act of 2d
W. 4, c. 5.

An Act passed in the same year of the same Reign, intituled *An Act to authorize Justices of the Peace and Commissioners under the Small Debt Act, to issue Writs of Summary Capias against persons about to leave this Island*:

Also Act of 3d
W. 4, c. 11.

An Act passed in the Third year of the same Reign, intituled *An Act to amend an Act, made and passed in the Second year of His present Majesty's Reign, intituled 'An Act to consolidate and amend the several Acts of the General Assembly therein mentioned, relating to the recovery of Small Debts,' and to repeal Two other Acts herereinafter mentioned*:

Also Act of 6th
W. 4, c. 4.

An Act passed in the Sixth year of the same Reign, intituled *An Act in further amendment of an Act of the Second year of His present Majesty for consolidating and amending the Acts relating to Small Debts*:

Also Act of 7th
W. 4, c. 11.

An Act passed in the Seventh year of the same Reign, intituled *An Act to amend the several Acts of this Island relating to Small Debts*: and

And also Act of
3d Vic. c. 18.

An Act passed in the Third year of the Reign of Her present Majesty, intituled *An Act to enable Commissioners under the Small Debt Act,*

and Justices of the Peace throughout this Island, to appoint Clerks.

II. And be it enacted, That it shall and may be lawful, to and for the Lieutenant Governor for the time being, by and with the advice and consent of Her Majesty's Council, to constitute within each County of this Island, as many Courts as may appear necessary and expedient for the recovery of Small Debts, and to appoint to each Court Three Commissioners to adjudicate therein; each Court to have jurisdiction only within the County in which it is held, except in the cases hereinafter mentioned: Provided always, That in the event of any Commissioner being absent by reason of sickness, or other unavoidable cause on any day appointed for the hearing of causes in the said Court of Commissioners, it shall and may be lawful for the Two Commissioners present to adjudicate upon all causes to be heard wherein the parties thereto shall so consent, and every necessary adjournment of the said Court shall and may be made by any Commissioner or Commissioners present, where one or more shall be absent by reason of any such cause as aforesaid.

Lieut. Governor, &c. with advice of Council to constitute within each County, as many Small Debts Courts as necessary.

Three Commissioners to be appointed for each Court, to act within their respective Counties only; except in certain cases.

In the event of the absence of one Commissioner on the day of hearing, the other two Commissioners may adjudicate in any case wherein both parties assent.

Every necessary adjournment to be made by any Commissioner or Commissioners present.

III. And be it enacted, That each Commissioner of Small Debts to be appointed under the authority of this Act, shall, before he shall exercise any of the duties belonging to his office, take the Oath following, before one of the Judges of the Supreme Court:

Each Commissioner before exercising the duties of his office, to take oath.

“ I *A. B.* do swear that I will, to the best of my judgment, faithfully discharge the Duties of a Commissioner of Small Debts for the time I may be continued in office, according to Law and Equity, without fear, favour or affection.

Form of Commissioner's oath.

“ So help me God.”

Confirms in office, Commissioners appointed under Act of the 6th Vic. c. 24. § Said Commissioners not required to take the oath set forth in this Act.

IV. Provided always, and be it enacted, That none of the Commissioners who have been appointed, and have duly qualified themselves to act as such, under and by virtue of an Act passed in the Sixth year of the Reign of Her present Majesty, intituled *An Act to provide for the Summary Trial of Small Debts, and to regulate proceedings in cases of Summary Capias*, which Act hath been lately disallowed by Her Majesty, shall be required to take the said Oath, or qualify under this Act, and their said appointments and qualifications are hereby continued and confirmed, and shall be deemed and taken to have the same force and effect, to all intents and purposes whatsoever, as if the same had been made and taken under this present Act.

Authorizes Commissioners to appoint Clerks for their respective Courts.

Commissioners to be responsible for such Clerks.

Clerks to be sworn.

Powers and Duty of Clerks.

Fees payable to Clerks.

Further duty of Clerks.

V. And be it enacted, That each Court of Commissioners is authorized, and hereby required to appoint a Clerk, to assist in the management of the business thereof; for whose acts in the discharge of his duty, the Commissioners making the appointment, shall at all times be responsible; which Clerk, when duly appointed and sworn into office, shall have full power and authority under the directions of the said Court, to issue Processes, administer Oaths, and execute Papers of Appeal, Recognizances, and such other Papers as may be required to carry out the intentions of this Act, in all matters appertaining to the Court to which he may have been appointed, and for his services he shall be allowed such Fees as are set forth in the Table of Fees to this Act annexed, and that each Clerk so appointed, shall, and is hereby required to keep a Book for the sole use and purpose of entering and recording the names of the parties Plaintiff and Defendant in each suit before the said Court, as also the several Orders and Judgments, that the said Court shall or may make thereon, in pursuance of this Act; and each and every Clerk as aforesaid,

neglecting to keep such Book, shall forfeit the sum of Five Pounds to the person who shall be thereby aggrieved, the same to be recovered in Her Majesty's Supreme Court of Judicature.

Penalty on Clerks neglecting to keep books.

VI. And be it enacted, That if the said Court shall see fit at any time to revoke such appointment, it shall be authorized to do so, and the Book so to be kept by the Clerk as aforesaid, shall be handed over, on his going out of office, to the Commissioners constituting said Court, and upon his neglect or refusal to deliver up the said Book when demanded, he shall forfeit and pay for such offence, a sum not exceeding Twenty Pounds, to be recovered with Costs in the Supreme Court of Judicature of this Island, and applied to and for the use of Her Majesty's Government.

Court of Commissioners may revoke appointment of Clerks.

Clerk to hand over book to Commissioners on going out of office, &c.

Penalty on Clerk neglecting or refusing so to do.

Mode of recovery thereof.

Appropriation of penalty.

VII. And be it enacted, That the said Courts shall be held only, (except for the hearing of Cases of Summary Capias hereinafter mentioned, and in cases of adjourned hearings,) on the First or Second Monday, First or Second Tuesday, First or Second Wednesday, or First or Second Thursday in each Month, and for as many days thereafter by adjournment as may be necessary to judge and finally determine the actions therein pending, and that the several Courts in each County, shall be held on different days to be agreed upon by the mutual consent of the Commissioners.

Days on which Courts of Commissioners are to be held.

Courts in different districts of same County, to be held on different days.

VIII. And be it enacted, That the said Courts shall have Jurisdiction in matters of Debt and Trover for the recovery of Sums not exceeding Eight Pounds, exclusive of any Interest that may have become due on the principal Debt, not exceeding Six years' Interest, but not in any Actions brought for the recovery of any sum arising upon any contract or case where the Title to Real Estate or Boundary Lines must be adjudicated

Jurisdiction of Courts limited to £8, and interest, in cases of Debt and Trover.

Cases which Courts are prohibited from entertaining.

upon, nor to any sum won by means of any Wager or Gaming, nor to any penalty incurred by any Act of this Island, unless so directed by any such Act, nor to any Debt whereof there has not been a contract, undertaking, or promise to pay within Six years before the commencement of the Action, if in the last mentioned case the Defendant shall plead the same.

Actions before said Courts to commence by Summons.

Form of Summons.

Summons to state Debt and Interest claimed separately.

Form of proceeding.

By whom to be served.

Time of service.

Mode of service of Summons.

IX. And be it enacted, That in all Actions brought before any Court as aforesaid, the proceedings shall commence by Summons according to the form in the Schedule to this Act annexed, marked (A,) in which shall be stated separately the original debt, as the immediate cause of Action and the amount of Interest (if any) sought to be recovered therewith, under the hand and seal of the Clerk, which Summons shall be served by any Constable of the County wherein the Defendant may reside or may be found, Eight days before the day named for Trial, (exclusive of the day of service) and such service shall be by delivering the same to the Defendant in person, or in case he cannot be found, then to the wife, child, or other person belonging to him, at his known place of abode, provided such child or other person, be Sixteen years old, or upwards, and at the time of delivering the said Summons shall inform him, or her, to whom it shall be delivered, of the meaning or purport thereof; and if the Defendant be an inmate or lodger and cannot be found, or shall endeavour to evade service, the service of the Summons shall be valid by delivering it to any person of discretion as aforesaid, at the house or place where the Defendant lodges or resides, and at the same time telling him, or her, the meaning or purport thereof.

Mode of compelling attendance of witnesses before Court of Commissioners.

X. And be it enacted, That if any person residing in this Island, shall be served with a Subpœna, in the form in the Schedule to this Act annexed, marked (B,) under the hand and seal of

the Clerk of any Court constituted under the authority and by virtue of this Act, requiring him at a certain time therein mentioned, to give evidence between the parties in any suit, in any of the said Courts, and at the same time being informed that his expenses and loss of time shall be duly satisfied agreeably to the order of the Court before whom said suit shall be heard, and shall neglect or refuse to appear as therein required, and due proof having been made of the service thereof and of the truth of such information, and no cause of absence having been shown to the satisfaction of the Court, and Oath having been made before it by the party at whose instance the said Subpœna issued, that the person served therewith was a material Witness in the suit, and it being also proved to the satisfaction of the Court, that damage had been sustained from the non-attendance of such Witness, then it shall and may be lawful for the said Court to give Judgment against such person so neglecting or refusing to attend as aforesaid, for the amount of damages so sustained, not exceeding Eight Pounds, together with Costs, and to order Execution against the said offender, as in other cases after Judgment as hereinafter directed, which damages, when recovered, shall be paid over to the party aggrieved by the said neglect or refusal.

Form of Subpœna.

Court may give judgment against witness for damage sustained by party in consequence of his non-attendance, for any sum not exceeding £8, and also for costs.

Mode of recovery thereof.

XI. And be it enacted, That for the better discovery of the truth, and for the more solemn determination of all matters and causes pending in any Court under this Act, it shall and may be lawful for the said Court, and it is hereby empowered, upon the hearing of any suit therein, to administer or cause to be administered, an Oath to either or both of the parties to the suit, touching the matter in question, as also to any Witness produced by either party, and also to any other person whose evidence shall be deemed necessary to the just determination of the said suit, or to

Court may examine either or both parties to a suit;

as also any witness produced.

And may defer hearing to any other day.

the making any order or Judgment therein, or for any other purpose requisite for the execution of this Act, and if the said Court shall for the better administration of Justice, deem it proper to defer the hearing of any cause, it is hereby authorized so to defer the same, to such other day as may be appointed by the said Court.

Clerk of any Court after issue of Summons authorized to receive confession from Defendant.

XII. And be it enacted, That after the issuing of any Summons, the Clerk issuing the same shall have full power and authority, to receive or take from the Defendant, a confession of the Debt or Demand for which he may have been sued, which said confession entered in writing and signed by the Clerk, shall be conclusive against the said Defendant, and be made a Judgment of the Court.

Defendant not appearing or making sufficient excuse, Court may hear the cause on the part of Plaintiff, and give judgment.

XIII. And be it enacted, That if any Defendant duly Summoned as aforesaid, do not appear before the Court at the time and place required by the said Summons, without some just cause to be allowed by the said Court, and if the Plaintiff shall duly appear, then it shall and may be lawful for the said Court, after proof of the due service of the said Summons upon oath of the Constable who shall have served the same, to hear the cause on the part of the Plaintiff only, and to make such order or Judgment, together with costs, as to it shall seem most agreeable to Law, Equity, and good conscience, as if the Defendant had duly appeared.

Plaintiff not appearing on day of hearing or being non-suit, Defendant to be allowed costs and travelling fees.

XIV. And be it enacted, That if upon the day of the return of the Summons, the Plaintiff shall not appear without some just cause to be allowed by the Court, or upon appearing shall not make proof of his demand to the satisfaction of the Court, but shall become nonsuit, it shall and may be lawful for the said Court to award to the Defendant and his witnesses, costs and travelling expences as allowed by this Act, and to issue Execution against the Plaintiff for the recovery

of the same, in the manner hereinafter prescribed; Mode of recovery thereof.
Provided nevertheless, that in all cases of adjourned hearings where Judgment shall be ultimately given against the Plaintiff, the Defendant shall be entitled to receive the same costs for travelling, and for each attendance, if more than once, as are by this Act allowed to Witnesses. Proviso as to adjourned hearings.

XV. And be it enacted, That it shall be lawful for the said Courts to order and direct, that the costs and charges of Witnesses shall be paid by either party, or apportioned as in their discretion shall deem just and equitable. Court may apportion costs of witnesses, between parties in its discretion.

XVI. And be it enacted, That if on the hearing of any Suit before any Court as aforesaid, it shall be proved that the Defendant had never before the issuing of the Summons, been furnished with an account of the Plaintiff's demand, and that the said account had been by the Defendant demanded of the Plaintiff at his place of residence, but that the action was vexatiously brought, then it shall and may be lawful for the said Court in its discretion, to apportion the costs as it shall see fit, or to order the Plaintiff to pay the whole of the said costs, or any part thereof, and to give Judgment only for such sum as is sufficiently proved to be due on either side. If Defendant had never been furnished with an account of the Debt sued for, after demand made, Court to apportion costs in its discretion.

XVII. And be it enacted, That in any case where wages not exceeding the sum of Eight Pounds, shall be due to any domestic or other Servant under the age of Twenty-one years, neither of whose parents reside within this Island, it shall be lawful for the said Servant to sue for and recover the said wages, before any of the said Courts, in the same manner as if he or she were of full age, and the said Courts are hereby fully authorized and required to take cognizance of and proceed concerning the same, in the same manner in regard thereto as if the Plaintiff were of full age. Wages due to any servant under age, neither of whose parents reside in this Island, not exceeding £8, may be recovered before Court of Commissioners.

Defendant may make set-off, and if allowed, Court to give judgment in favour of Defendant for sum due and costs.

XVIII. And be it enacted, That on any trial the Defendant shall be allowed to set-off any account or demand not exceeding Eight Pounds, which he may have against the Plaintiff, and if the said Court shall find that the Plaintiff is indebted to the Defendant, Judgment shall be rendered in favour of the Defendant, for the sum found due with costs.

Neither party to prove his own account, by his own oath, beyond £5.

XIX. And be it enacted, 'That in every instance where the amount of account advanced by either Plaintiff or Defendant shall exceed Five Pounds, it shall not be competent for either party to prove by his own Oath any greater part of such account than Five Pounds.

Defendant refusing or neglecting to make set-off on trial, to be precluded from suing for the same.

XX. And be it enacted, That if any Defendant refuse or neglect to bring forward his set-off [*if any such there be*] against the Plaintiff, at the time of trial, he shall ever after be precluded from recovering the same, and if any suit for the recovery thereof be brought, it shall be a sufficient defence on the trial thereof, that the demand sued for could have been on a former trial set-off or recovered. Provided always, nothing herein contained shall extend, or be construed to extend, to prevent any Defendant from sustaining his action when it shall be made to appear to the satisfaction of the Court that from some unavoidable circumstance he was precluded from proving his set-off upon the former trial.

Except where precluded from so doing by unavoidable circumstances.

Court empowered to grant time to Defendants, to satisfy judgment on giving security by Recognizance.

XXI. And be it enacted, That if any Defendant against whom any Judgment shall be given, shall appear to the Court who shall have given the same to be deserving of indulgence, then and in such case, the said Court is hereby empowered to grant such time for the payment of the Judgment as shall seem reasonable, provided the time so granted shall not exceed Two Months, in cases where the Judgment shall not exceed Five Pounds; and Three Months, in cases where the

Time to be so given.

Judgment shall exceed Five Pounds; said indulgence to be computed from the day of the Return of the Summons; and provided also, that the said Defendant so indulged, shall within such time as the Court may order, give sufficient Security by Recognizance, in the form prescribed in the Schedule to this Act annexed, marked (C), to pay the amount of the Judgment within the time limited therefor.

Form of Recognizance

XXII. And be it enacted, That if the amount of the Judgment shall not be paid at the expiration of the time so granted, then the party entitled to recover, shall have Execution against the principal named, and sureties in such Recognizance as in other cases after Judgment.

Mode of recovery of recognizance so given.

XXIII. And be it enacted, That if any person shall consider himself aggrieved by any Order or Judgment of any of the said Courts, he shall be at liberty to appeal to the then next sitting of Her Majesty's Supreme Court of Judicature; Provided always, that such Appeal shall be applied for within two clear days next after the day of giving the said order or Judgment, and the Clerk on application is hereby required to enter such application; and provided also, that the party applying for the same, shall before the expiration of the said two days, enter into Recognizance with two sufficient Sureties in the form in the Schedule to this Act annexed, marked (D), to abide the determination or Judgment of the Chief Justice, or other Justices of the said Supreme Court, and shall make and subscribe an Affidavit in the form prescribed in the Schedule to this Act annexed, marked (E), in the presence of said Clerk.

Gives an appeal to Supreme Court, against judgment of Court of Commissioners.

Appeal to be applied for within two days after judgment.

Not to be allowed unless security be given by recognizance before expiration of two days.

Form of Recognizance.

Form of Affidavit to be made before appeal granted.

XXIV. And be it enacted, That before the taking of such Recognizance the Clerk before whom the same shall be taken, is hereby required to repeat distinctly to the parties thereto, the con-

Clerk of Court to repeat condition of recognizance to the parties before taking the same.

dition in the form prescribed in the Schedule to this Act annexed, marked (F).

Appellant to give six days notice of appeal before sitting of Supreme Court.

Form of notice of appeal.

XXV. And be it enacted, That the Appellant shall also cause to be duly served upon the party Respondent, Six clear days at least before the sitting of the Supreme Court, at which the said Appeal shall be heard, a written notice of Appeal in the form prescribed in the Schedule to this Act annexed, marked (G).

Affidavit to be filed with recognizance and other appeal papers,

and transmitted to Clerk of Supreme Court's office.

Penalty on Clerk for neglecting to transmit papers, and how recoverable.

XXVI. And be it enacted, That the said Clerk is hereby required, to file the said Affidavit with the Recognizance and other papers connected with the said Appeal, and to transmit the same into the Clerk's office of the said Supreme Court, within the County wherein the case may have been heard, at least Two days before the sitting thereof, under a penalty for each and every neglect, of the sum of Five Pounds, to the person aggrieved thereby, to be recovered in the said Supreme Court.

Power and duty of Supreme Court in cases of appeal.

XXVII. And be it enacted, That the Chief Justice, or other Justices for the time being, of Her Majesty's Supreme Court of Judicature, be, and are hereby empowered and required upon any Appeal made as aforesaid, to the said Supreme Court, to cause all defects of form, that may appear in the original order or Judgment to be rectified and amended, without costs or expense to the party concerned, and after such amendment shall have been made, to proceed to hear, examine, and consider the truth and merits of all matters concerning the said Appeal, and the original Order or Judgment appealed from, and likewise to examine the Witnesses upon Oath, [being only such Witnesses as were sworn, or offered to be sworn, or were Subpœnaed to give evidence, and from some unavoidable cause were prevented from attending before the Court below,] and to hear all other proofs relating thereto, and

to make such final determination thereupon as shall appear just and reasonable; and if by the consideration of the said Supreme Court, the original Order or Judgment shall be affirmed, and the Appeal therefrom dismissed, if against the original Defendant, then the said Supreme Court shall adjudge the sum or sums awarded to the original Plaintiff to be paid to him, together with the Costs allowed by the Court of Commissioners, as also the full Costs of defending against the said Appeal; and in case the said Supreme Court shall affirm the Order or Judgment when against the original Plaintiff, and dismiss his Appeal, then the said Supreme Court shall adjudge the sum or sums so awarded to the original Defendant, to be paid to him, together with the full Costs for defending against the Appeal; and if the said Chief Justice or other Justices upon a full hearing of any such Appeal, shall set aside the Order or Judgment of the Court of Commissioners, then it shall and may be lawful for the said Chief Justice or other Justices to adjudge and order Costs to the Appellant, and upon all final determinations or Judgments, Execution is hereby directed to be issued from the said Supreme Court, for the sum or sums so recovered, and in case such final determination or Judgment of the Supreme Court, shall happen to be in favour of the Respondent, then he may have Execution against the Appellant or his Sureties, or any of them, or any of their Goods and Chattels, provided that Execution shall not in any case issue against the persons or property of any such Sureties, until the amount of the Judgment and Costs shall have been demanded of them, by some person duly authorized, at least Thirty days before the issuing of such Execution against them; nor until the Affidavit of such demand having been duly made, shall be filed with the Prothonotary of the said Supreme Court; and in case Execution shall issue against any such Sureties or their Goods and Chattels, the party at whose

Judgment how to be given by Supreme Court, and costs awarded.

Execution in appeal cases, to issue out of Supreme Court.

If decision of Supreme Court be in favor of respondent he may have execution against appellant or sureties. Provided demand be first made of sureties 30 days before issue of Execution against them.

Mileage to be allowed for making demand and to be levied under Execution.

instance the same shall be issued, shall be entitled to levy thereunder the same Mileage to give the aforesaid notice, as Constables may by this Act receive, together with Two Shillings and Sixpence for making and filing the said Affidavit of such Notice having been duly given.

If no appeal is applied for, or recognizance entered into for appeal, or time granted for payment, execution to issue against goods and chattels of party, &c.

Form of Execution, and how obtained.

Mode of levy thereof.

Term of imprisonment for Debtors under this Act.

XXVIII. And be it enacted, That in case there be no application for an Appeal as aforesaid, or that the party applying for the same shall not enter into the Recognizance, and make the said Affidavit as before directed, within the time aforesaid, or that there be no indulgence granted as aforesaid, then it shall be lawful for the Clerk of the Court who gave the Judgment to issue Execution in the form prescribed in the Schedule to this Act annexed, marked (H), upon the request either verbally or in writing of the party entitled to the same, and the Constable who shall be by him entrusted with the Execution, shall be, and is hereby authorized and required after having given at least Six days' notice, in at least three public places, to levy by distress and public sale of the Goods and Chattels of the Debtor, the sum of money mentioned in the Writ of Execution, with Poundage and other fees allowed by this Act in such cases; and for want of sufficient Goods and Chattels whereon to levy, then and in such case only, the said Constable is hereby authorized and required to arrest the Body of the Debtor, and take him to the Common Jail in the County wherein he shall be arrested, there to remain if the amount of levy shall not exceed Forty Shillings, for the space of one Month; and if above Forty Shillings, and not exceeding Three Pounds, for the space of three Months, and if above Three Pounds, and not exceeding Five Pounds, for the space of Five Months; and if above Five Pounds, for the space of six Months, and after any of the said imprisonments, the said Debtor shall be freed and discharged therefrom,

and also from the Debt and Costs for which such imprisonment had taken place.

XXIX. And be it enacted, That it shall and may be lawful for the usual Writ of Execution, for the recovery of Small Debts, issued in one County, to run into another County, where the Debtor may reside, or where his Goods and Chattels may be found, and it shall be lawful for the Constable to execute such Execution within such County, and he is hereby authorized to commit the Debtor to the Jail of the County in which he may be found [unless the Debtor shall elect to be imprisoned in the Jail of the County in which the Execution issues,] and the Keeper of the Jail of such County, is hereby authorized and required to receive and take the body of such Debtor into his custody, anything in this Act contained to the contrary thereof notwithstanding.

Executions issued, to run in all Counties where debtors reside, or goods, &c. may be found.

Debtors to be committed to Jail of County in which they are found unless they elect to be imprisoned in Jail of County where execution issues.

XXX. And be it enacted, that if any party who may have obtained a Judgment, in any of the Courts by this Act constituted, shall suffer one year to elapse without having sued out Execution, he shall be required to make an Affidavit before the Clerk of the said Court, stating if any, and what, sum or sums have been paid on said Judgment, after which he shall be at liberty to sue out Execution, for the amount then remaining due and unpaid thereon.

Mode of proceeding to revive judgment where a year has elapsed without Execution issued.

XXXI. And be it enacted, That a party obtaining Judgment in any of the said Courts as aforesaid, and having reason to believe that the person against whom the same has been given, is about to leave this Island, before the expiration of Forty-eight hours thereafter, may demand Execution forthwith, on an affidavit being made, in the form in the Schedule to this Act annexed, marked (I).

Party obtaining judgment may have Execution before expiration of forty-eight hours, on making affidavit of belief that Debtor is about to abscond.

Form of Affidavit.

Constables suffering prisoners to escape or failing to pay over money on demand made after 30 days, from date of Execution to be liable to pay full amount of levy.

Mode of recovery thereof.

For want of Goods and Chattels to answer amount, Constable to be imprisoned for a period not exceeding Six months ;

where amount exceeds £3, to be recovered in Supreme Court.

Penalty on Constable refusing or neglecting to make return of Execution or process.

Mode of recovery of penalty, and amount thereof.

XXXII. And be it enacted, That if any Constable shall suffer any Prisoner in his custody, by virtue of an Execution issued under the authority of this Act, to escape either voluntarily or negligently, or shall refuse or neglect to pay over to the party entitled to receive the same, any sum or sums of money levied or received thereon, on demand made, after Thirty days from the date of the Execution, then he shall be liable in a penalty to the full amount of the sum for which such Prisoner so escaping was taken in Execution, and for the sum or sums of money so received by him, to be recovered before the Court by whom the said Execution was issued, in case the said sums do not exceed Eight Pounds, by Warrant of Distress of the said Constable's Goods and Chattels; and if no sufficient Distress can be found, then the said Court is hereby authorized to commit the said Constable to the Common Jail, for a period not exceeding Six Months; the said penalty, if recovered, to be paid to the party aggrieved, and in case said sum or sums of money do exceed Eight Pounds, then to be recovered by action in Her Majesty's Supreme Court of Judicature together with costs of Suit.

XXXIII. And be it enacted, That if any Constable who shall be charged with the service of any Process issued by any Court constituted by this Act, and made returnable within a certain and defined period of time, shall neglect to serve or execute such service, or shall refuse or neglect to make due return thereof within the period prescribed therefor, it shall and may be lawful for the said Court to impose on said Constable a penalty, not exceeding Twenty Shillings, for the first offence, and a penalty not exceeding Forty Shillings for the second, and every subsequent offence together with costs, and shall also be liable to the party aggrieved for the amount of any loss sustained, by such neglect or refusal.

XXXIV. And be it enacted, That no privilege or pretended privilege, shall be allowed to exempt any person whatsoever from being proceeded against by virtue of this Act, nor shall any Attorney or Counsel of the Supreme Court, be allowed to speak in behalf of any Plaintiff or Defendant, in any Court constituted by this Act; Provided always, that nothing herein contained shall prevent, or be construed to prevent, any person duly authorized other than an Attorney of said Supreme Court, from appearing on behalf of any Corporate body, in any cause or matter before any Court constituted by this Act, in which such Corporate body may be concerned, either as a Plaintiff or Defendant.

No privilege to exempt any person from being sued under this Act.

No Attorney or Counsel allowed to be heard on behalf of any party.

Not to prevent any person not being an Attorney of Supreme Court from representing any corporate Body in Court of Commissioners.

XXXV. And be it enacted, That when it shall so happen, that any Witness who may be considered necessary to be produced on the trial of any cause, under the provisions of this Act is obliged to leave this Island, it shall and may be lawful for any Commissioner after due notice in writing to the adverse party to be present, if he shall see fit, to take the deposition of such person obliged to leave this Island as aforesaid, and such deposition so taken and certified under the hand and seal of the said Commissioner, and directed to the Court wherein such suit or action may be pending, shall be received as legal evidence in said suit; Provided that proof shall be first made on Oath, that due written notice was given to the adverse party, of the time and place of taking such deposition at least Three days previous to the day appointed for taking such evidence; and provided also, that if such Witness shall, at the time of the Trial of the suit, be on this Island and able to travel, he shall be required to give his testimony, *viva voce*, at said trial, in the same manner as if the deposition had not been taken.

When witness is about to leave the Island, his deposition in writing may be taken and given in evidence in any cause.

Notice to be first given to adverse party.

Provided that oath be made before the same is used in evidence that due notice was given to adverse party, of time and place of taking deposition.

Period of notice. Deposition not to be used in evidence if witness be within the Island at the time of trial.

XXXVI. Whereas it is necessary to give to the Courts to be constituted by this Act, the

Gives power to Courts to adjudi-

cate to the extent of £8, where Debtor is absent from the Island.

Form of oath of Creditor in such cases.

Form of Summons, and mode of proceeding.

Proviso that when monies, &c., are discovered in hands of Wife, Agent, &c., or valuable securities not by law saleable, Court may make such order touching disposal thereof to satisfy debt as it may deem proper.

Any person against whom judgment is given, in his absence, entitled to a rehearing within twelve months thereafter.

Plaintiff to give security for repayment of moneys levied in case judgment is reversed on rehearing.

Form of security to be so given.

power of adjudicating when the Debtor has absconded: Be it enacted, That it shall and may be lawful for the Clerk of any of the said Courts, upon application made to him on Oath, in the form prescribed in the Schedule to this Act annexed, marked (K), in cases where the Debt shall not exceed Eight Pounds, to issue a Summons, in the form prescribed in the Schedule to this Act annexed, marked (L), to cause the Wife, Agent, or other person having the custody of the absconding Debtor's Goods and Chattels, to appear before the said Court to answer the Plaintiff, and the said Court shall proceed to try the cause, give Judgment and issue Execution, against such Goods and Chattels, in the mode pointed out and prescribed by this Act; Provided always, that when any moneys shall be discovered, in the hands or power of such Wife, Agent, or other person as aforesaid, or any valuable securities, or effects, and not by Law saleable under Execution, then it shall and may be lawful for such Court of Commissioners, to make and enforce such Order touching the disposal of such Moneys, Securities or effects, for or towards satisfaction of the Debt and Costs sued for, as to such Court shall be deemed just and reasonable; Provided also, and be it enacted, that any absconding person against whom judgment shall or may be awarded, shall be entitled to a rehearing of the cause at any time within Twelve months next after Judgment, and the Plaintiff in such Action shall, before he shall be entitled to his Execution, give sufficient security, to the satisfaction of the Court in the form prescribed in the Schedule to this Act annexed, marked (M), for repayment of all such moneys as shall be levied by the said Execution, in case the Judgment be reversed on such rehearing as aforesaid, any thing in this Act contained to the contrary notwithstanding.

No sum due on any Contract not

XXXVII. And be it enacted, That no action or suit for any sum, due upon any Contract not

amounting to the value of Five Pounds, and being recoverable by virtue of this Act, shall be commenced in any Court of Record within this Island; Provided always, and be it enacted, That when the Plaintiff shall, upon any such action or suit brought in any Court of Record obtain a Verdict there for less than Five Pounds, then if the Chief Justice or other Justice before whom the same cause may have been tried, shall certify a reasonable or probable cause of action for more than Five Pounds, then and in such case the Plaintiff shall not be liable to pay costs, but may recover his costs of suit, as if this Act had not been made.

amounting to £5 if recoverable under this Act to be sued for in any Court of Record in this Island.

If verdict be obtained by any Plaintiff in any Court of Record for a less sum than £5, on certificate of Judge of reasonable or probable cause of action over that sum, he may nevertheless recover his costs in said Court.

XXXVIII. And be it enacted, That all Courts established by virtue of this Act, shall have power to punish by fine or imprisonment, or both, any person guilty of contempt of Court, or riotous and disorderly conduct thereat; Provided always, that no fine to be imposed by virtue of this clause shall exceed Forty Shillings, nor any imprisonment exceed the term of 'Thirty days.

Courts constituted by this Act to have power to punish by fine or imprisonment, or both for contempts.

Fine in such cases not to exceed £2, nor imprisonment 30 days.

XXXIX. And be it enacted, That any Clerk to be appointed under this Act, issuing any Summons without the Fee thereon being first paid, shall not be entitled to recover the same by any process of Law.

Clerk issuing Summons without receiving fee therefor, not entitled to recover the same.

XL. And be it enacted, That all Fees properly belonging to the Commissioners, arising out of any Summons or proceeding whatsoever under this Act, shall be divided equally between the Commissioners present at each sitting of the Court and no other—all such Fees to be entered and settled at every such sitting, together with the costs of all proceedings had or taken since the last previous sitting of the Court; Provided always, that no Commissioners other than those usually sitting in any Commissioners' Court, shall take upon themselves to hear or determine any

Fees payable to Commissioners, how to be apportioned amongst them.

No other Commissioner than those usually sitting in same Court, to hear any case therein.

unless requested by some Commissioner of said Court.

No greater number than three Commissioners, to hear any cause.

cause pending therein, unless he shall be requested by some of the Commissioners usually sitting therein so to do, and that no greater number than three Commissioners shall hear or determine any cause triable under this Act.

On Affidavit that a debtor is about to leave the Island, Justice of the Peace or a Commissioner or Clerk to any Court of Commissioners, may issue a Capias in cases not exceeding £5 in amount.

Form of Affidavit

Form of Capias.

Mode of proceeding in case of Capias issued by Justice of the Peace, or Commissioner or Clerk of Court of Commissioners.

Form of Recognizance to be taken for appearance of Defendant.

Mode of proceeding if Defendant does not appear on recognizance.

Form of Execution to be issued against Defendant and his bail, on Recognizance.

XLI. Whereas it is necessary to give to Justices of the Peace, and to the Commissioners appointed under this Act, a power to issue **Bailable Process** in cases of **Small Debts** where the **Debtor** is about to leave this Island: Be it therefore enacted, That it shall and may be lawful for any Justice of the Peace, or any Commissioner appointed under this Act, or the Clerk of any Court constituted under this Act, upon application made to him in all cases where the Debt shall not exceed **Eight Pounds** and on Affidavit being made in writing, which Affidavit shall be in the form in the Schedule to this Act annexed, marked **(N)**, to issue a Capias, which Capias shall be in the form in the Schedule to this Act annexed, marked **(O)**, to arrest the **Body** of the **Debtor** in whatsoever County he may be found, and to bring him before him, and upon the appearance of the **Defendant**, if he shall tender good and sufficient **Bail** that he will appear and answer the **Suit** at any sitting of the **Commissioner's Court**, for the **District**, within **Three Months** next after issuing of such Capias, it shall be lawful for the said Justice, Commissioner or Clerk, to take a **Recognizance** for the said appearance in the form in the Schedule to this Act annexed, marked **(P)**, and if the **Defendant** do not appear and answer to the **Plaintiff's** suit on the day named in the said **Recognizance**, the said Court shall proceed to try the same in the absence of the **Defendant**, and if **Judgment** be given in favour of the **Plaintiff**, **Execution** shall be awarded as well against the **Goods and Chattels** of the **Defendant** as against the **Goods and Chattels** of the said **Bail**, in the form in the Schedule to this Act annexed, marked **(Q)**, for the amount of the **Judgment and Costs** :

Provided always, and be it enacted, That if the Defendant do not tender Bail as aforesaid, and the amount of the Plaintiff's claim do not exceed Five Pounds, it shall be lawful for the Justice who issued the Capias, or one Commissioner by whose authority it was issued, forthwith to try the cause, give Judgment, and issue Execution in the form in the Schedule to this Act annexed, marked (R), according to the mode pointed out in and by this Act, and if the amount of the Plaintiff's claim shall be above Five Pounds, it shall be lawful for the Justice of the Peace who issued the Capias, together with another Justice of the Peace, acting in and for same County, or for Two Commissioners forthwith to hear and determine the said Cause, and issue Execution in the form herein last referred to : Provided also, and be it enacted, That if the Defendant shall, upon his appearance, deposit with the Justice, Commissioner, or Clerk, before whom he is brought, the amount of the sum sworn to, with a reasonable sum for Costs, he shall not be required to enter into Recognizance as above stated, but the Suit shall notwithstanding be heard and determined, in the usual way, and the money deposited shall abide the event of the trial.

when Bail is not tendered and amount of debt does not exceed £5, Justice who has issued Capias, or one Commissioner may try same instanter.

Form of Execution in such case.

If amount of debt is over £5, and not exceeding £8, and Capias is issued by a Justice of the Peace, he with another Justice of the Peace to hear the cause, or two Commissioners may hear the same.

Form of Execution.

Defendant may deposit amount of debt with Justice, &c., to abide the event of trial.

XLII. And be it enacted, That the Judgment of the said Justice or Justices, or Commissioner or Commissioners of the said Court may be appealed from, on the party Appellant entering into the Security and complying with the other conditions of this Act, in cases of Appeal.

Gives the right of appeal to parties in such cases.

XLIII. And whereas it is necessary in the last mentioned case to make provision for the custody of the Defendant after Judgment shall have been given, until the expiration of the time allowed for perfecting Appeals : Be it enacted, that the Defendant shall be discharged from custody, upon entering into a Recognizance in the form in the Schedule to this Act annexed, marked (S), with

Defendant on entering into Recognizance to be discharged from custody.

Form of Recognizance.

If Defendant refuses to enter into Recognizance, Execution to issue.

Two sufficient securities, and in case he shall refuse to give such security, Execution shall issue for the amount of Judgment and Costs as hereinbefore pointed out.

In cases of debt above £8, and not exceeding £10, where debtor is about to leave the Island, Justice of Peace or Commissioner, may issue a Capias to arrest him on Affidavit.

Form of Affidavit.

Form of Capias.

Defendant may give bond before Justice or Commissioner for appearance at next Term of Supreme Court.

Bond to be taken to Sheriff.

Form of Bond.

If Defendant does not enter into such bond, Justice or Commissioner to issue precept to Sheriff.

Form of Precept. Requisites of Precept.

Duty of Constables thereupon. Fee to Justice or Commissioner for taking bond.

XLIV. And whereas it is expedient to extend to Justices of the Peace, and to Commissioners under this Act the power of issuing Bailable Process in cases of Debts above Eight Pounds, and not exceeding Ten Pounds where the Debtor is about to leave the Island: Be it enacted, That it shall be lawful for any Justice of the Peace or Commissioner acting under this Act, upon application made to him in such cases, and on an affidavit being made in writing before him, in the form in the Schedule to this Act annexed, marked (N,) to issue a Capias which shall be in the form in the Schedule to this Act annexed, marked (T,) to arrest the body of the Debtor in whatsoever County he may be found, and upon his appearance before said Justice or Commissioner, if he do not tender good and sufficient Sureties, that he will appear and answer the Plaintiff at the next term of the Supreme Court, and execute a Bond to the Sheriff of the County to that effect, in the form in the Schedule to this Act annexed, marked (V,) the said Justice or Commissioner is hereby required to direct a precept, under his hand and seal to the Sheriff of the County, in the form in the Schedule to this Act annexed, marked (W,) to receive the said Defendant, and detain him in his custody, until the next sitting of the said Supreme Court, and the Constable who shall have arrested the said Defendant, shall take the said Precept and said Defendant, and forthwith lodge him in the County Jail, and it shall be lawful for the Justice or Commissioner, if a sufficient Bail Bond shall be tendered and executed, to demand from the Defendant, the sum of Two Shillings and Six-pence for the same.

XLV. And be it enacted, That when any person shall be so arrested, the Plaintiff shall, at least Eight days before the sitting of the said Court, serve the Defendant with a Declaration, wherein the cause or causes of action shall be set forth in the same manner as is usually done in Summary Writs, issued out of the Supreme Court, and the suit shall then proceed in the same manner as if it had originally commenced by Summary Writ out of the said Supreme Court, and in case the Defendant shall make default in appearing and putting in special Bail, the Plaintiff shall be entitled to demand an assignment of the Bail Bond, and to proceed thereon in his own name in the same manner as in other cases.

Plaintiff in such case, eight days before sitting of Supreme Court to serve Defendant with a Declaration, &c.
Form of Declaration.

Mode of proceeding in such case in Supreme Court.

LXVI. And be it enacted, That no person confined in Jail under and by virtue of any Execution, issued under this Act, shall be entitled to the benefit of an Act made and passed in the Sixth year of the Reign of His late Majesty King *William the Fourth*, intituled *An Act to suspend an Act made and passed in the Twenty-sixth year of the Reign of His late Majesty King George the Third*, intituled "*An Act for the relief of Insolvent Debtors, and to make other provisions in lieu thereof*," nor to the benefit of an Act made and passed in the First year of the said Reign, intituled *An Act for consolidating and amending the Act for the appointment of Limits and Rules for the Jail in Charlottetown*, nor to the benefit of an Act made and passed in the Fourth year of the same Reign, intituled *An Act for regulating the Jails of King's and Prince Counties*, nor to an Act passed this present Session, intituled *An Act to repeal certain Acts therein mentioned, and to consolidate and amend the Laws for the relief of Insolvent Debtors*.

No person imprisoned under this Act entitled to benefit of Insolvent Debtors' Acts, or Limit Acts.

Limitation of actions against persons acting under this Act.

XLVII. And be it enacted, That if any Action or Suit shall be commenced against any person for any matter or thing done in pursuance of this Act, such Action or Suit shall be brought or commenced within Six Calendar months, next after the cause of Action shall have arisen, and not afterwards, and the same shall be laid and brought in Her Majesty's Supreme Court of Judicature, and not elsewhere, and the Defendant in such Action or Suit, may plead the general issue thereto, and give this Act and the special matter in evidence at the trial thereof, and if the matter or thing for which such Suit or Action may be brought shall appear to have been done in pursuance of this Act, then the Jury shall find for the Defendant; and if the Plaintiff become non-suited or discontinue his Action or Suit, or if upon Verdict or Demurrer, Judgment shall be given against the Plaintiff, or if the said Action be brought in any other Court than the said Supreme Court, then, and in either of said cases, the Defendant shall and may recover full Costs, to be taxed as between Attorney and Client, and have such remedy for the same as any Defendant hath in any other case by Law.

Actions to be brought in Supreme Court. Defendant may plead general issue, &c.

In certain cases Defendant to be allowed full costs as between Attorney & Client.

Commissioners under former Small Debt Acts, empowered to adjudicate, &c. in all cases commenced by them.

XLVIII. And be it enacted, That nothing in this Act contained shall prevent the Commissioners of Small Debts heretofore appointed and acting under and by virtue of all or any of the Acts by this Act repealed, or under and by virtue of the said Act disallowed by Her Majesty, who may have issued any Summons or Summonses, from adjudicating thereon, or from issuing Execution for the Judgment or Judgments already given, or that may be given in any such cases, where Summonses have already been issued, or from perfecting and fulfilling all and singular the business commenced, under and by virtue of the powers vested in them by the said repealed Acts, and the Act so disallowed as aforesaid.

XLIX. And be it enacted, That the re-appointment of any Member of the present House of Assembly, to the office of Commissioner of Small Debts under this Act, shall not extend or be construed to extend to vacate the seat of such Member, any Statute, usage, or custom to the contrary notwithstanding.

Re-appointment of any member of present House of Assembly, to office of Commissioner under this Act, not to vacate the seat of such Member.

L. And be it enacted, That all Fines and Penalties imposed by this Act, shall be recoverable with Costs on the Oath of one or more credible Witness or Witnesses, unless where otherwise directed before any Court constituted by this Act, where such Fine or Penalty shall not exceed the sum of Eight Pounds, and if above that sum by Action in Her Majesty's Supreme Court of Judicature, and unless where otherwise appropriated, they shall be paid into the Treasury of this Island, to and for the use of Her Majesty's Government.

Mode of recovery of fines imposed by this Act.

Appropriation of fines not already herein appropriated.

LI. And be it enacted, That in the construction of this Act, the words in the singular number "Debtor," "Plaintiff" and "Defendant," may be deemed and taken to include more persons than one, and that the Masculine Pronouns, "he," "him" and "his," may be deemed and taken to refer as well to Females as to Males, and to the Plural number, as to the Singular, where the construction shall so require it.

Meaning of certain words in this Act.

LII. And be it enacted, That no person acting under and by virtue of this Act, shall take or receive directly, or indirectly, any greater or other Fee or Fees for his services, than is or are mentioned and allowed in the Table of Fees to this Act annexed.

No person under this Act to take any greater or other fee than is herein prescribed.

Table of Fees referred to in this Act.

COMMISSIONERS' FEES.

Commissioners'
Fees.

For issuing every Capias, *Two Shillings* and *Sixpence*, if not above *Five Pounds*; and above *Five Pounds*, *Five Shillings*.

For every Summons not above *Two Pounds*, *One Shilling* and *Sixpence*; from *Two Pounds* to *Five Pounds*, *Three Shillings*; and above *Five Pounds*, *Five Shillings*.

For every Subpœna, *One Shilling*.

For drawing and engrossing every Affidavit and Swearing, *One Shilling* and *Sixpence*.

For every Recognizance *One Shilling* and *Sixpence*.

For taking Depositions of Witnesses about to leave this Island, *Eightpence* for every one hundred words.

For every Notice to attend an examination of Witnesses, *One Shilling* and *Sixpence*.

Trial and Judgment, *One Shilling*.

CLERK'S FEES.

Clerk's Fees.

For every Summons or Capias *One Shilling* and *Sixpence*.

Every Execution, issued at the Plaintiff's request, *One Shilling*.

CONSTABLES' FEES.

Constables' Fees.

For service of every Summons, or other process, the sum of *One Shilling*.

For levying Execution, *Two Shillings* and *Sixpence*.

For every mile actually travelled to serve a Summons, Subpœna, or other process, *Two-pence*.

For making arrest under Capias, *Two Shillings* and *Sixpence*.

For levying Execution at the rate of *One Shilling* in the Pound, (except where the party shall suffer the full term of imprisonment, as prescribed by this Act.)

For Advertising Property taken in Execution, *One Shilling* and *Six-pence*.

WITNESSES' FEES.

For each day's attendance, *Two Shillings*.

Witnesses' Fees.

For every mile travelled, *Three-pence*.

In the event of Witnesses attending in more than one cause at the same time, then to be allowed only one half the above Fees in each cause.

Schedules to which this Act refers.

SCHEDULE (A.)

FORM OF SUMMONS.

Schedule A:

Prince Edward Island, } In the Court of Com-
County, } missioners for the reco-
very of Small Debts at in said County.

Form of Sum-
mons.

A. B. Plaintiff, }
C. D. Defendant, } You are hereby required to be and appear before the said Court on day the day of next, at the hour of o'clock, in the forenoon, to answer the Plaintiff, in an action for the sum of for (*if in Trover, say, in an action of Trover, for being the value of the property of the said Plaintiff, detained by you, as is said;*) and in default of your appearance, you will be proceeded against as to justice shall appertain.

Given under my hand and seal this day of 184

Clerk. (*L. S.*)

To the Defendant, *C. D.*

SCHEDULE (B.)

Schedule B.

FORM OF SUBPENA.

Prince Edward Island, } By the Court of Com-
 County. } missioners for the reco-
 verty of Small Debts, at } in the said County.

Form of Sub-
pena.

You are hereby required, personally, to be and
 appear before on day the day of
 next, at the hour of o'clock, in
 the forenoon, to testify the truth according to
 your knowledge, between *A. B.* Plaintiff, and *C.*
D. Defendant, and herein you are not to fail on
 pain of being fined as the law directs.

Given under my hand and seal this day
 of 184

Clerk of said Court. (*L. S.*)

To Mr.

SCHEDULE (C.)

Schedule C.

RECOGNIZANCE FOR PAYMENT OF DEBT.

A. B. Plaintiff, }

C. D. Defendant, }

We *E. F.* and *G. H.* do
 jointly and severally undertake, that if *C. D.* the
 Defendant shall not pay, or cause to be paid to
A. B. the Plaintiff, the amount adjudged against
 him the said *C. D.* in this action, being
 for Debt and Costs, on or before the day
 of next ensuing, we, or one of us will do
 it for him.

Form of Recog-
nizance for pay-
ment of debt.

E. F.

G. H.

Taken and acknowledged before me }
 this day of 184 }

Clerk.

SCHEDULE (D.)

RECOGNIZANCE OF APPEAL.

Schedule D.

County.

C. D. in error, Plaintiff. } *C. D.* is delivered
A. B. in error, Defendant. } on Bail to prosecute his appeal at the next sitting of Her Majesty's Supreme Court of Judicature, which will be at _____ on the _____ day of _____ next ensuing.

Form of Recognizance of Appeal.

To *E. F.* of _____ in _____ County, (occupation).

“ *G. H.* of _____ in _____ County, (occupation).

Taken and acknowledged before me, _____ Clerk.

SCHEDULE (E).

Schedule E.

FORM OF AFFIDAVIT OF APPELLANT.

County.

In the Court of Commissioners for the recovery of Small Debts at _____ in the said County.

Form of Affidavit for Appeal.

C. D. maketh Oath and saith that on the _____ day of _____ instant, a Judgment was given against this Deponent, in the said Court, in an action wherein *A. B.* was _____ and this Deponent the _____ for the sum of _____ together with costs of suit, (or for costs of non-suit, as the case may be), and that this Deponent, considering himself aggrieved by the said Judgment, intends to remove the same by Appeal into Her Majesty's Supreme Court of Judicature, to be held in _____ on the _____ day of _____ next ensuing, and then and there to cause the said Judgment and all proceedings thereon, to be examined in due course of Law. And this Deponent further saith, that he does not ask for the said Appeal, for the purpose of delaying the payment of the said Judgment, but for the purpose of having the case determined on its merits in the Supreme Court as aforesaid.

Sworn before me, this _____ }
 day of _____ 18 _____ }

C. D.

Clerk.

Schedule F.

SCHEDULE (F).

FORM OF CONDITION TO BE REPEATED TO
SURETIES TAKING RECOGNIZANCE.

Form of condition of Recognizance, to be repeated to sureties.

You *E. F.* and *G. H.* do jointly and severally undertake that if *C. D.* the Appellant, be condemned in this action to pay the Appellee *A. B.*, what has been ordered or adjudged for Debt and Costs, then you shall pay the same together with Costs and Condemnation Money, if adjudged by the Supreme Court of Judicature. This you severally acknowledge.

Schedule G.

SCHEDULE (G).

FORM OF NOTICE OF APPEAL.

County.

Form of notice of Appeal.

In the Court of Commissioners for the recovery of Small Debts, at _____ in the said County.

A. B. Plaintiff. }*C. D.* Defendant. }

Take notice that I have appealed from the Judgment of this Court in this suit, to Her Majesty's Supreme Court of Judicature, at the next sitting thereof, to wit: at _____ on the _____ day of _____ and that it is my intention to have the said appeal heard on that day, or as soon thereafter as counsel can be heard.

Given under my hand the _____ day of _____ 18
C. D. or *A. B.*

To Mr. *A. B.* or *C. D.*

Schedule H.

SCHEDULE (H).

FORM OF EXECUTION.

Form of Execution.

Prince Edward Island, } In the Court of Commissioners for the recovery of Small Debts, at _____ in said County.

To the Constables of _____ County, or to any of them, and to the Keeper of the Jail in the said County.

SCHEDULE (K).

Schedule K.

FORM OF AFFIDAVIT TO OBTAIN SUMMONS AGAINST AGENT OF ABSCONDING DEBTOR.

Form of Affidavit to obtain Summons against Agent of absent Debtor.

County. I A. B. do swear that C. D. is justly and truly indebted to me in the sum of lawful money of this Island, and that I have received information and verily believe, that he is absent from this Island, and that E. F. of hath the custody of his Goods and Chattels, or that he is indebted to him the said C. D.

So help me God.

A. B.

Sworn before me, this day of 18 Clerk of C. C.

SCHEDULE (L).

Schedule L.

FORM OF SUMMONS AGAINST WIFE OR AGENT.

Form of Summons against Wife or Agent.

County. A. B. Plaintiff, C. D. Defendant, } In the Court of Commissioners for the recovery of Small Debts at in the said County.

You are hereby required to be and appear before the said Court at on the day of next, at the hour of o'clock, in the forenoon, to discover on Oath, what Moneys, Goods, Chattels, and effects, (if any) of the above named Defendant you have in your custody, and on his behalf, to answer the Plaintiff in an action for the sum of for and herein you are not to fail at your peril.

Given under my hand and seal, this day of 18

Clerk. (L. S.)

To Mrs. Wife of said Defendant, or Mr. Agent, (as the case may be).

SCHEDULE (M).

Schedule M.

RECOGNIZANCE OF PLAINTIFF DEMANDING EXECUTION AGAINST ABSCONDING DEBTOR.

County.

A. B. Plaintiff, } In the Court of Commis-
C. D. Defendant, } sioners for the recovery of
Small Debts at } in said County.

Form of Recognizance to obtain Execution against absent Debtor.

Whereas Judgment hath been awarded in favour of the above named A. B. Plaintiff, against C. D. an absent or absconding Debtor, and he hath demanded Execution thereof against the Goods and Chattels of the said C. D. in the custody of E. F. Now we A. B., L. M. and S. T. do hereby undertake, that if on a rehearing in this cause, within twelve months, the said C. D. obtain a Judgment in his favour, we will repay to the said C. D. the amount thereof, and all Costs that may be adjudged to him on such rehearing.

A. B., L. M., S. T.

Taken and acknowledged before me }
this day of 18 }
Clerk.

SCHEDULE (N).

Schedule N.

FORM OF AFFIDAVIT TO OBTAIN CAPIAS.

County.

I A. B. do swear that C. D. is justly and truly indebted to me in the sum of of lawful money of Prince Edward Island, for and that I have been informed and believe that the said C. D. is about to depart from this Island, and that unless a Capias is granted to me, I shall lose the said Debt of

Form of Affidavit to obtain Capias.

A. B.

Sworn before me, the day of A. D. 18
E. F. J. P., Commissioner, or Clerk.

Schedule O.

SCHEDULE (O).

FORM OF CAPIAS.

Form of Capias.

To either of the Constables of
 You are hereby commanded to take *C. D.*, of
 in whatsoever County he may be found,
 and bring him before to answer to *A. B.*
 in an action for Hereof fail not.
 Given under my hand and seal this day
 of 18
E. F., *J. P.*, or Commissioner,
 or Clerk, (*L. S.*)

Schedule P.

SCHEDULE (P).

RECOGNIZANCE AFTER CAPIAS.

Form of Recognizance for appearance of Defendant on Capias.

A. B. Plaintiff, }
C. D. Defendant, } We *E. F.* and *G. H.*, do
 jointly and severally undertake to produce the
 body of the said *C. D.* at the sitting of the
 Court of Commissioners at in this
 County on day of next, to answer the
 Plaintiff in the action which he hath commenced,
 and in default thereof, we or one of us will pay to
 the said Plaintiff what shall be then and there
 adjudged to him for Debt and Costs.

*E. F.**G. H.*

Taken and acknowledged before me, }
 this day of 18 }
I. K., *J. P.* Commissioner or Clerk.

Schedule Q.

SCHEDULE (Q).

FORM OF EXECUTION AGAINST BAIL.

Form of Execution against bail.

Whereas Judgment hath been awarded in
 favour of *A. B.* as well against *C. D.*, for the sum
 of debt and Costs of Suit as against
E. F. and *G. H.*, who failed to produce the body
 of the said *C. D.*, as they had undertaken to do.
 These are therefore to command you that you levy
 from the Goods and Chattels of the said *C. D.*,
E. F., and *G. H.*, the sum of and for

want thereof to take the bodies of the said *C. D. E. F.*, and *G. H.*, and them commit to the Jail of there to remain until they pay the same, or be discharged by *A. B.*, or otherwise by order of Law.

Given under my hand and seal, this day
of

I. K., *J. P.*, or Clerk, (*L. S.*)

SCHEDULE (R.)

Schedule R.

FORM OF CAPIAS EXECUTION.

To the Constable of

Whereas Judgment hath been awarded against *C. D.* at the suit of *A. B.* for and for Costs, making in all the sum of

Form of Capias Execution.

These are to command you to take the body of the said *C. D.* and him commit to Her Majesty's Jail in there to remain until he pay the same, or be discharged by *A. B.* the Creditor, or otherwise by order of Law.

Given under my Hand and Seal this day
of

E. F., Clerk, *J. P.*, or Commissioner, (*L. S.*)

SCHEDULE (S.)

Schedule S.

FORM OF RECOGNIZANCE TO BE GIVEN IN
CASES OF APPEAL AFTER CAPIAS.

A. B. Plaintiff. }
C. D. Defendant. } We *E. F.* and *G. H.* do jointly
and severally undertake, that if the said *C. D.*
shall not cause to be given a Recognizance for
Appeal in this case, in manner and form and
within the time by law prescribed or duly render
himself to the custody of *I. K.* (here insert the
name of the Justice of the Peace or Commis-
sioner before whom the cause was tried,) we or

Form of Recogni-
zance on Appeal
after Capias.

one of us will pay the amount of Judgment and Costs awarded in this suit.

E. F.

G. H.

Taken and acknowledged before me this
day of

I. K., J. P., or Commissioner.

Schedule T.

SCHEDULE (T.)

FORM OF CAPIAS WHEN THE DEBT EXCEEDS EIGHT POUNDS.

Form of Capias
where debt ex-
ceeds £8.

To either of the Constables of
You are hereby commanded to take *A. B.* of
in whatsoever County he may be found,
and bring him before me, that he may give Secu-
rity for his appearance at the next term of Her
Majesty's Supreme Court, to answer to *C. D.* in
an action for

Hereof fail not.

Given under my Hand and Seal, at
this day of

E. F., J. P., Commissioner, or Clerk, (L. S.)

Schedule V.

SCHEDULE (V.)

FORM OF BAIL BOND.

Form of Bail
Bond to Sheriff.

Know all men by these presents, that we
are held, and firmly bound to
Esq., Sheriff of County, in
the sum of lawful money of Prince
Edward Island, to be paid to the said Sheriff, or
his certain Attorney, Executors, Administrators
or Assigns, for which payment well and truly to
be made, we bind ourselves, and each of us for
himself, our and every of our Heirs, Executors
and Administrators, firmly by these presents,
sealed with our seals, dated the day
of in the year of the

Reign of our Sovereign Lady Queen VICTORIA,
and the year of our Lord One thousand Eight
hundred and

The condition of this obligation is such, that
if the above bounden do appear be-
fore Her Majesty's Supreme Court of Judicature,
to be held at on the day of
to answer of a plea
and also to a Bill of the said to be
exhibited against the said on promises
then this obligation to be void, otherwise to be
and remain in full force and virtue.

Sealed and delivered in the presence of

SCHEDULE (W.)

Schedule W.

FORM OF PRECEPT TO SHERIFF.

To the Sheriff of County.

You are hereby commanded to receive here-
with into your custody, the body of C. D. and
him safely keep, so that you have him before Her
Majesty's Supreme Court of Judicature, on the
day of next coming, to
answer A. B. in a plea, as by his Bill hereafter
to be filed shall appear.

Form of Precept
to Sheriff.

Hereof fail you not.

Given under my hand and seal, this
day of

E. F., J. P., or Commissioner, (L. S.)

By Oath for the sum of

CAP. III.

Amended by 11
Vic. c. 27.
Repealed by
14 Vic. c. 2.

An Act to repeal certain Acts therein mentioned, and to consolidate and amend the Laws for the relief of Insolvent Debtors.

[Passed 26th *February*, 1844.]

CAP. IV.

An Act to incorporate certain persons therein mentioned, and others, to carry on a Fishery.

[Passed 19th *March*, 1844.]

*** This Act never having been acted upon, it is considered unnecessary to reprint it.

CAP. V.

Repealed by
12 Vic. c. 11.

An Act to alter the Act relating to Statute Labour:

[Passed 30th *March*, 1844.]

CAP. VI.

Amended by 11
Vic. c. 15.
Repealed by 12
Vic. c. 8.

An Act for the better preventing Accidents by Fire, within Charlottetown.

[Passed 30th *March*, 1844.]

CAP. VII.

Repealed by 12
Vic. c. 15.

An Act for regulating the size and quality of Fish Barrels and Tierces, and the weight of Fish made up therein, and for the appointment of Fish Inspectors; also to regulate the Inspection of Pickled Fish.

[Passed 30th *March*, 1844.]

CAP. VIII.

An Act imposing Duties for raising a Revenue. Expired.

[Passed 30th March, 1844.]

CAP. IX.

An Act to alter three several Acts, relating to the Prince Edward Island Steam Boat Company. 5 Vic. c. 2.
5 Vic. c. 3.
6 Vic. c. 6.

[Passed 30th March, 1844.]

* * * This Company having been dissolved, it is unnecessary to reprint this Act.

CAP. X.

An Act to alter and amend an Act passed in the Seventh year of the Reign of His late Majesty King William the Fourth, intituled *An Act for the appointment of Harbour and Ballast Masters, and for more effectually preventing the throwing of Ballast into Harbours and Navigable Rivers.* Repealed by 12
Vic. c. 18.

[Passed 30th March, 1844.]

CAP. XI.

An Act relating to Treasury Warrants. Expired.

[Passed 30th March, 1844.]

CAP. XII.

An Act concerning Bail in Civil Cases, and to amend an Act made and passed in the Twenty-sixth year of the Reign of King George the Third, intituled *An Act to amend, render more effectual, and reduce into one Act, all the Acts made by the General Assembly of this Island concerning Bail, and to prevent frivolous and vexatious arrests.* Repealed by 12
Vic. c. 17.

[Passed 30th March, 1844.]

CAP. XIII.

26 G. 3, c. 9, &
35 G. 3, c. 5. An Act in further amendment of the Laws,
for making Lands and Tenements liable
for the payment of Debts, and for other
purposes.

[Passed 30th March, 1844.]

26 G. 3, c. 9.

WHEREAS it is necessary to explain and amend the Fourth Section of the Act, made and passed in the Twenty-sixth year of the Reign of His late Majesty King George the Third, intituled *An Act for more especially making Lands and Tenements liable for the payment of Debts, also to enable the holders of Mortgages to sell the Premises mortgaged to them, more speedily and at less expense than heretofore; as also to repeal an Act made in the Twenty-first year of His present Majesty's Reign, intituled 'An Act making Lands and Tenements liable for the payment of Debts, so far as the same relates to the appraisement of Real Estate, before sale thereof under Execution, and also to further explain the manner of advertising for sale, all Property whether Real or Personal, taken in Execution, or levied on by Sheriffs, Coroners, or other Officers in this Island, as hereinafter mentioned.*

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, all Sheriffs, Coroners, and other Officers, who shall levy any Execution on Real Estate in this Island, shall, before the sale thereof, cause such Estate to be appraised by Two proper and disinterested Appraisers instead of Three, as mentioned and required in the Fourth Section of the said recited Act, and who shall be nominated, appointed and sworn by such Sheriff or other Officer.

Appraisement of
real Estate under
Execution and
before sale to be
made by 2 Ap-
praisers, instead
of 3 as hereto-
fore.

How to be nomi-
nated, and by
whom sworn.

II. And whereas the posting of Advertisements in Charlottetown, for the sale of Real Estate, when the same shall be situate in Prince or King's County, as required by the said first recited Act, has been found inconvenient and expensive: Be it therefore enacted, That a Notice published for Three Weeks successively in the *Royal Gazette*, and One Advertisement posted on the Land seized, also Three others, one at each of Three public places within the County, wherein such Land may be situate, shall be sufficient notice of such seizure, and intended sale, any thing in the said recited Act to the contrary notwithstanding: Provided always, that nothing herein contained, shall limit, or be construed to limit, the time prescribed for the sale of Lands and Tenements or Leasehold Estates, in and by any of the Acts of the General Assembly of this Island, of which this Act is an amendment.

Notice of sale of real Estate under Execution, how to be given.

Not to limit the time prescribed for sale of Lands or leasehold Estates.

III. And be it enacted, That from and after the passing of this Act, in all Advertisements for sale under Execution of any Property, Real or Personal, by Sheriffs or other Officers of Courts of Record in this Island, the amount of the levy or levies made thereon shall be plainly inserted.

Advertisements for sale of real or personal property under Execution to specify the amount of levy.

CAP. XIV.

An Act to consolidate and extend the provisions of the Laws now in force, relating to the Fire Engine Companies of Charlottetown.

Further extended by 11 Vic. c. 23.

[Passed 30th March, 1844.]

WHEREAS it is expedient to consolidate the several Acts, and parts of Acts, now in force, relating to the formation and regulation of Fire Engine Companies for the Town of Charlottetown, and to add to and make certain alterations in the provisions thereof: Be it therefore

Repeals Act of the 8th Geo. the 4th, cap. 8.

Also part of Act of 2d Victoria, cap. 3.

Also, part of Act of 6th William 4th, cap. 10.

And also, Act of the 5th Victoria, cap. 18.

Capt. Benjamin Davies's Fire Engine Company may elect 8 additional members for such Company.

Number of persons of which such Company shall consist, Designation of such Company.

Designation of Capt. James Watts's Fire Engine Company.

enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, the several Acts, and parts of Acts hereinafter mentioned, shall be, and the same are hereby respectively repealed, that is to say: An Act passed in the Eighth year of the Reign of His late Majesty King George the Fourth, intituled *An Act to authorize the formation of a Fire Engine Company for the Town of Charlottetown*; so much of an Act passed in the Second year of the Reign of Her present Majesty, intituled *An Act to continue for a limited period Three several Acts therein mentioned*, as relates to the above recited Act, to authorize the formation of a Fire Engine Company for the Town of Charlottetown; so much of an Act passed in the Sixth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to impose a Tax on Dogs, with certain exceptions, and relating to other matters connected with them*, as relates to the appointment and regulation of a Fire Engine Company for the Town of Charlottetown. An Act passed in the Fifth year of the Reign of Her present Majesty, intituled *An Act to amend the Acts now in force relating to a Fire Engine Company and accidents by Fire within Charlottetown*.

II. And be it enacted, that from and immediately after the passing of this Act, it shall be lawful for the Fire Engine Company at present commanded by Captain *Benjamin Davies*, and they or the major part of them, are hereby required to proceed to elect Eight additional men to such Company, being fit and proper persons residing in Charlottetown, so that in place of Thirty-two persons, such Company shall hereafter consist of Forty persons exclusive of Officers, and shall be distinguished as Number Two, and the Company at present commanded by Captain *James Watts* shall be distinguished as Number One.

III. And be it enacted, That it shall and may be lawful for the Administrator of the Government for the time being, when and so often as an additional Fire Engine Company shall become necessary in Charlottetown, to appoint a fit and proper person resident in the said Town, to be Captain of such Company, which said person so appointed, shall immediately after being notified of such appointment, nominate and appoint Two fit and proper persons resident in Charlottetown, one to be First Lieutenant and the other to be Second Lieutenant of such Company, and the said Captain and Lieutenants shall proceed to choose such number of fit and proper persons residents in the said Town, not exceeding Forty in number, as shall be ordered by the said Administrator of the Government, which persons, together with the said Officers, shall form and constitute a Company under such name or number as shall be ordered by such Administrator of the Government.

Administrator of Government when necessary may appoint a Captain for any additional Fire Engine Company.

Captain so appointed to nominate 1st and 2d Lieutenants for such Company.

Captain and Lieutenants to choose 40 persons to form such Company.

Such Company how to be designated, &c.

IV. And be it enacted, That all vacancies in the Office of Captain which may occur in any of the Companies in this Act mentioned, shall be filled by appointment of the Administrator of the Government for the time being, and all other vacancies shall be filled up by the choice of the Company wherein the same shall occur, or the major part of the persons composing it, as often as any such vacancy as aforesaid shall occur by death, resignation, continued absence from the Colony, inability to serve, or otherwise.

Vacancy of Captain in any Fire Engine Company, to be filled up by Administrator of Government;

mode of filling up other vacancies.

V. And be it enacted, That every Company shall be obliged to keep the Fire Engine for the said Town, placed in their care and custody, and the Hose, Buckets, and other materials appertaining and belonging thereto in good order, and fit for service on all occasions.

Every Company to keep Fire Engine, &c. committed to their charge in good order, &c.

Members of Company No. 1, exempted from serving office of Constable.

And members of that Company, and members of every other Fire Engine Company, exempted from performance of Statute Labour, &c.

Non-attendance at 3 successive training days, renders absentee liable to be discharged.

Mode of discharge.

Every Company to choose its own Clerk and Treasurer.

Also to fix its own training days.

Number of training days in the year.

Penalty on non-attendance or disobedience of orders.

VI. And be it enacted, That the Members of the said Company Number One, heretofore appointed, and who shall be in Office at the passing of this Act, shall be exempted, while such Members, from serving the office of Constable, unless with their own consent, and that all Members of each of the said Companies, whether now or hereafter to be appointed, shall be exempted from the performance of Statute Labour on the Highways, for themselves or their Teams, or any Tax, Rate, or Duty required in lieu of such Labour, during their continuance in the said office, and faithfully discharging the duties thereof, any Law, usage or custom, to the contrary thereof, notwithstanding.

VII. And be it enacted, That every Member of any Fire Engine Company who shall neglect to attend Three successive days of training, as appointed by such Company, without sufficient excuse arising from sickness or other unavoidable cause, shall be liable to be discharged from such Company, by an Order to be made by the said Company, or the major part thereof.

VIII. And be it enacted, That it shall and may be lawful for every such Company, or the major part thereof, to choose from their own number a fit and proper person to be Clerk and Treasurer to the said Company, and also to fix and appoint the days of training in each year, Four to be during the Summer season, and Four during the Winter season, and if any person or persons shall neglect or refuse to attend on the said days of training, without a sufficient excuse to be allowed by the Captain of his or their Company, or in his absence the Lieutenant commanding, or shall be guilty of disobedience of the Orders of the Captain of the said Company, or in his absence of the Lieutenant commanding the same, he, or they shall, for every such offence, forfeit and pay the sum of Five Shillings.

IX. And be it enacted, That every Member of every such Company, shall be obliged to provide himself with a strong Leathern Cap of such shape and form as the majority of the persons composing the Company to which he shall belong shall appoint, on which shall be painted or marked in Roman Letters, the words "Fire Engine," Number One (or Two, as the case may be), to which Cap shall be attached a Cape or Tippet of Leather of not less than Eighteen Inches in breadth, which said Cap and Tippet shall be worn at all Fires and times of training, under a penalty of Five Shillings, unless the person or persons offending herein, shall offer such excuse as the Captain of the said Company, or Officer commanding the same, shall deem sufficient.

Each member of Company to be provided with a Leathern Cap with the words "Fire Engine, No. ..." (as the case may be,) painted thereon, and a Leathern Cape,

to be worn at Fires and trainings.

Penalty for not wearing same.

X. And be it enacted, That the Captain of every Fire Engine Company or other Officer commanding, shall once in every year publish in the *Royal Gazette* the names of all persons belonging to his Company, and also, on request by an Overseer of Roads for any Precinct in Charlottetown, or by the Commissioner of Roads for such District, furnish and deliver to the said Overseer or Commissioner a true and correct list of the said Company, with the date of the admission of each Member thereof, and if the said Captain, or other Officer commanding, shall neglect or refuse to deliver such list, or shall deliver an erroneous list, such Captain or other Officer commanding the said Company, shall, for every such offence, forfeit and pay the sum of Twenty Shillings.

Captain of such Company, once in every year to publish in *Royal Gazette*, the names of persons belonging to his Company,

and give any Overseer of Roads, &c., or the Commissioner of the District, a true list of his Company. Requisites of List so to be given.

Penalty on Captain, &c., refusing to give list, or giving erroneous list.

XI. And be it enacted, That no person, now, or hereafter to be appointed an Officer or Member of any Fire Engine Company, shall be at liberty to resign or withdraw from the said Company (unless with permission of the Officer commanding the Company for the time being), until

No person allowed to withdraw from Company, unless with permission of Officer commanding, until after 1 year's service.

and after giving
3 months notice,
&c.

such person shall have served at least One year in the Company, and shall have given to such Commanding Officer, at least Three Months' previous notice in writing of such his intention to resign.

Administrator of
Government to
appoint a Cap-
tain of Company
of Firemen not
to exceed 12 in
number.

XII. And be it enacted, That from and after the passing of this Act, it shall be lawful for the Administrator of the Government for the time being to appoint One fit and proper person as Captain of a Company of Firemen not to exceed Twelve in number, and to be prudent and discreet persons chosen by such Captain, and who shall have the charge of all such Hooks, Chains, Ropes, Ladders, Axes, Shovels and Sacks as are provided for the use of said Company, and shall be obliged to keep them in good order and fit for service on all occasions, and the persons so appointed shall be exempted from serving the Office of Constable, so long as they shall perform this service, and all vacancies in every such Company shall be filled up in manner hereinbefore stated, with respect to the Fire Engine Company.

Captain to choose
the men of such
Company.

Duties of such
Company.

Exempts Fire-
men from serv-
ing as Consta-
bles.

Mode of filling up
vacancies in
Company.

Duty of Firemen
on alarm of fire.

XIII. And be it enacted, That at the time of any alarm, or breaking out of Fire, in the said Town of Charlottetown, the said Firemen shall, without delay, repair to the place where the said before mentioned Implements are kept and deposited, and shall bring the same to the place or places where the Fire shall have been discovered, and there diligently use and work with the same, under the direction of the Fire Wardens, in such way as shall be deemed most likely to extinguish such Fire.

Penalty on per-
sons neglecting
to return Fire-
Hooks, &c., or
for using the
same except at
a Fire.

XIV. And be it enacted, That if any person or persons shall have in his, her, or their possession, any of the said Hooks, Chains, Ropes, Ladders, Axes, Shovels or Sacks, which belong to the said Firemen, and shall neglect to return them, for Twenty-four hours after such Fire, or

shall be found using the same, except at the time of Fire or the alarm of Fire, he, she or they, shall be subject to the penalty of Five Shillings.

XV. And be it enacted, That each and every Fireman to be appointed in manner aforesaid, shall have power, and he is hereby authorized to call to his necessary aid and assistance in carrying or conveying to any Fire any Ladder, Fire Hook, Tub, Bucket, Grapnel or other Implement or material, all persons whomsoever not actually engaged at quenching any such Fire, or at any other unavoidable employment, excepting always such persons who by their office or employment are necessarily exempted by the provisions of this Act, or by any Law in force in this Colony, are expressly exempted from such manual employment, and each and every person so liable who shall refuse his aid and assistance when so called upon, shall forfeit and pay for every such offence any sum not exceeding Two Pounds, nor less than Five Shillings.

Firemen authorized to demand assistance in carrying Ladders, &c., to any Fire.

Penalty on persons refusing aid to Firemen.

XVI. And whereas it may happen, that Officers or Men of Fire Engine Companies, or Firemen may through accident, sustain bodily injury while in the faithful discharge of their duty, at or by the alarm of any Fire, and it is just that provision to some extent be made towards compensation, for the loss they or their families may sustain thereby: Be it therefore enacted, That when and so often as it shall happen, that any Officer or Member of any Fire Engine Company aforesaid, or any Fireman, while in the actual discharge of his duty at or upon the alarm of any Fire, shall by accident receive or sustain any bodily injury, every such person, or in the event of his death from such cause, the Wife or Children of every such person, shall be entitled to receive such amount of compensation towards the injury or loss by such person sustained thereby, as shall be fixed and allowed by a majority of the Fire Wardens of the

Compensation to members of Fire Engine Companies, or to Firemen when injured at Fires.

Mode of ascertaining compensation.

said Town and the Officers composing the Fire Engine Company, to whom such person shall belong, or if a Fireman, then by a majority of such Fire Wardens, and the Officers of any such Company, formed by virtue of this Act, or any other Act of the General Assembly of this Island, and present or employed upon the occasion of such accident. Provided always, that the sum to be fixed or allowed to any one such person, receiving injury as aforesaid, shall not in the whole exceed the sum of Eight Pounds, subject to be increased in manner hereinafter mentioned.

Compensation not to exceed £8 to one person, unless increased as hereinafter provided.

Compensation how and by whom payable.

XVII. And be it enacted, That a Certificate of such sums of money so fixed and allowed, signed by the Captain, or in his absence the next superior Officer of the Company ascertaining the same, shall and may be delivered to the Treasurer for the time being, of the Assessment levied, or to be levied, by virtue of the Acts of the General Assembly of this Island for keeping in repair the Pumps and Wells of Charlottetown; and such amount shall and may be assessed at the request, or on behalf of the person or persons entitled to receive the same, on the Inhabitants and Landholders of Charlottetown, together with such further sum in addition thereto, as such Inhabitants and Landholders may allow and vote, at any Meeting, for the purpose of Assessment, which shall first be convened next after such amount of compensation shall be so ascertained, and the said Treasurer is hereby authorized and directed, to pay such amount out of the first Moneys of such Assessment, which shall be paid into his hands, under the peril of being prosecuted, as now by Law provided, for neglect of duty, on neglecting or refusing so to do.

Compensation may be increased, and mode of increase.

Under Assessment Acts for keeping in repair Pumps and Wells, &c.

XVIII. And be it enacted, That when and so often as the Inhabitants of Charlottetown shall meet under or by virtue of any Act of the General Assembly of this Island, for making and re-

pairing the Pumps and Wells of the said Town, the majority of such Inhabitants present, at any such Meeting, may vote such sum or sums, as may at the time of voting, be considered necessary to be raised, for or towards purchasing or renting, a Site or Sites, within the said Town, for a House or Houses, wherein to keep in safety, one or more Fire Engine or Engines, with the requisite Implements and Appurtenances, and to enable the said Inhabitants to erect and keep in repair such Building or Buildings, and such Inhabitants may in like manner, vote such sum or sums, as may be considered necessary, for the purchase or repair of any Fire Engine or Engines, or any Apparatus for the same, or for providing any Implements to be used at Fires, and the same shall be assessed on the Inhabitants of the said Town, and collected in the same manner, as the sums voted for making and repairing the Pumps and Wells of the said Town, are now by Law assessed and collected.

Inhabitants may assess any sum necessary to purchase sites for Engine Houses, or to keep in repair Engines, &c.

or to purchase Engines, &c.

Mode of Assessment and collection of sums so assessed.

XIX. And be it enacted, That all Fines and Penalties incurred, under or by virtue of this Act, shall and may be recovered, upon the Oath of any one credible Witness, and with Costs of Suit, before any one of Her Majesty's Justices of the Peace, residing in Charlottetown or the Common thereof, or before any Court of Commissioners, holden in Charlottetown, for the recovery of Small Debts, and shall and may be levied, by Warrant of Distress and sale of the Offender's Goods and Chattels, and if no Goods and Chattels can be found whereon to levy the same, it shall and may be lawful for the said Justice, or the said Court of Commissioners, to commit the party so offending, to the Jail of Queen's County, for any period not exceeding Two Months; and all Fines and Penalties so recovered, shall and may be applied towards the keeping in repair the Fire Engines, or the Appendages or Implements thereof, belonging to the said Town.

Mode of recovery of Fines and Penalties imposed by this Act.

Appropriation of such Fines and Penalties.

CAP. XV.

An Act for the regulation of the Public Wharf of Georgetown, and other Wharves.

[Passed 30th March, 1844.]

Administrator of Government, &c. to appoint a Wharfinger, for Wharf at Georgetown, and Wharfingers for other public Wharfs.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Administrator of the Government, for the time being, and he is hereby authorized, by and with the advice of Her Majesty's Council, to appoint a fit and proper person, to act as Wharfinger for the Public Wharf of Georgetown, and each of the other Public Wharves in this Island.

Vessels liable to Wharfage.

II. And be it enacted, That it shall and may be lawful for the said Wharfinger, to ask, demand, take, and receive, for all Vessels, (except Her Majesty's Ships,) whilst careening, loading, unloading or lying fast to the said Wharf, the following rates *per diem*, (Sundays excepted,) that is to say :

Rates of Wharfage.

Vessels of Ten Tons, and under Thirty Tons, *Nine-pence*.

Vessels of Thirty Tons, and under Sixty Tons, *One Shilling*.

Vessels of Sixty Tons, and under One hundred Tons, *One Shilling and Sixpence*.

Vessels of One hundred Tons, and under One hundred and Fifty Tons, *Two Shillings*.

Vessels of One hundred and Fifty Tons, and under Two hundred Tons, *Two Shillings and Six-pence*.

Vessels of Two hundred Tons, and under Two hundred and Fifty Tons, *Three Shillings*.

Vessels of Two hundred and Fifty Tons, and under Three hundred Tons, *Three Shillings and Six-pence*.

Vessels of Three hundred Tons, and upwards, *Four Shillings and Six-pence*.

Lighters per Load, *Four-pence*.

Provided nevertheless, That no Vessel shall be subject to the payment of Wharfage, so long as the navigation shall remain closed by ice, except when undergoing repairs, in the Spring, as hereinafter mentioned.

During close of Navigation, no Wharfage to be paid.

III. And be it enacted, That every Ship or Vessel, which shall at any time, only be fast to the aforesaid Wharf, and shall be in a condition capable of being removed, shall be obliged to move off from thence, in order to make room for, and suffer any other Ship or Vessel to load, unload, or careen thereat, and on refusal or failure so to do, after due notice and request thereof, to the Master or Commander, or to any one of the Owners of such Ship or Vessel, he or they shall forfeit and pay, to the Wharfinger, a sum not exceeding Five Pounds, for each and every neglect or refusal, upon due proof thereof, being made upon the Oath of the said Wharfinger, before any one of Her Majesty's Justices of the Peace.

Vessels made fast to Wharf to be removed to make room, &c.

Penalty on Master or Owner refusing to remove Vessel;

mode of recovery.

IV. And be it enacted, That every Ship or other Vessel, that shall make fast to any other Ship or Vessel that shall be fastened to the Wharf aforesaid, and shall continue so to be fastened, or shall there load, unload, or careen, or shall be undergoing repairs, prior to, or subsequent to the opening of the navigation, shall be subject and liable, to pay the one half of the rates that such Ship or other Vessel so fastened, should, and would have been liable to pay by this Act, in case of being fastened to the said Wharf, and there loaded, unloaded or careened.

Vessel made fast to another, or undergoing repairs whilst navigation is closed only liable for half Wharfage.

V. And be it enacted, That if the said Wharf, shall at any time, be so incumbered with Lumber, Coals, Bricks, or any other species of Goods or Ballast, or Rubbish, so as unnecessarily to incommode or obstruct the passing or repassing of any Carts or Carriages, employed for the purpose of loading or unloading any Ship or other Vessel, then, and in that case, the Wharfinger

Wharfinger to cause incumbrances to be removed from Wharf,

shall personally warn, or by notice in writing, to be left at the place of residence of the Owner or Owners of such Lumber, Coals, Bricks, or other Goods or Matter, their Agent or Agents, requiring him or them to remove the same from thence, within a reasonable time, and if the same shall not be removed accordingly, the Wharfinger, by himself or his Agent or Agents, is and are hereby empowered to remove the same, and keep them in his custody, until the whole charges attending the removal be paid by the Owner or Claimant of such Goods, and in case the Owner or Agent is not to be found, the Wharfinger may, and shall, at his discretion, remove the said Goods, as is hereinbefore directed.

if owner, &c. neglects to remove the same after notice, &c.

Wharfinger to cause obstructions in the approach to wharf, to be removed, and to prevent stones or rubbish being thrown into the water.

Penalty on persons so offending, and mode of recovery thereof.

Wharfinger to demand wharfage daily.

VI. And be it enacted, That the said Wharfinger is hereby empowered to cause to be removed, all obstructions which may be placed on either side of the Wharf, in a line with the Main Street, at the expense of the person causing such obstruction, and to prevent, to the utmost of his power, the Master or Owner of any Ship, Vessel, Lighter, or Boat, or any other person, from throwing or unloading any Stones, Gravel, Ballast, Oyster-shells, Rubbish, or any other thing that will not float, into the water, within the limits aforesaid, and the said Wharfinger is hereby authorized and required to prosecute any person so offending, who shall, upon due proof thereof, before any one of Her Majesty's Justices of the Peace, forfeit and pay, for every such offence, a sum not exceeding Five Pounds, besides being liable to an Action for the damage that any Vessel or Cargo may sustain thereby.

VII. And be it enacted, That it shall and may be lawful to and for the said Wharfinger, during the time that any Ship or Vessel shall continue to use the said Wharf for the purposes aforesaid, daily and every day, to ask, demand, and recover, from the Master or Commander, Owner or Agent

of the said Ship or Vessel, the several rates of Wharfage to which the said Ship or Vessel shall or may be liable: Provided that such Agent or Agents of such Ship or Vessel shall be liable to pay the same, only when an account shall be delivered to, or in case of absence, left at his or their place of residence, and the money demanded of him or them, or his or their Clerk, before the sailing or departure of such Ship or Vessel from Port, and upon refusal of payment, such Wharfinger is hereby directed to sue for and recover such rates of Wharfage, before any one of Her Majesty's Justices of the Peace, or a Commissioner of Small Debts, which said Justice or Commissioner is hereby required, on Oath being made by such Wharfinger, of the amount being due, to cause a Capias to be issued for the recovery of the same, and immediately to proceed and adjudicate thereon, and to levy for the amount of such Judgment, together with Costs, as provided for in the Eighth Section of this Act, any thing herein contained to the contrary notwithstanding.

In what case Ship's Agent shall be liable for Wharfage.

Mode of recovery of Wharfage.

VIII. And be it enacted, That the Wharfinger so to be appointed, is hereby required to furnish an account (on Oath if required), and pay over to the Road Commissioner of the Fifteenth District, quarterly in each and every year, all moneys that may come into his hands, either for Wharfage or Fines imposed by this Act (after deducting one moiety of the said Wharfage dues), under a penalty of Ten Pounds, for each and every neglect or refusal, the same to be recovered by Bill, Plaint, or Information, in Her Majesty's Supreme Court of Judicature, of this Island, and shall also be liable to be displaced from his situation as Wharfinger, one half of which said Wharfage shall be retained as aforesaid, by the said Wharfinger for his services, and the other half of the Wharfage, together with the Fines and Penalties, shall be applied by the Wharfinger, towards the necessary repairs of the Wharf, under the superintendance

Wharfinger to furnish quarterly Accounts to Road Commissioners of 15th District, and pay over moneys, &c.

Penalty on Wharfinger neglecting so to do;

mode of recovery thereof.

Wharfage moneys how appropriated;

also Penalties.

Penalty on Wharfinger for any other neglect of duty.

and direction of the said Commissioner of Roads, and for each and every neglect of the other duties imposed on the Wharfinger by this Act, he shall forfeit and pay a sum not exceeding Five Pounds, to be recovered before any Two of Her Majesty's Justices of the Peace, to be applied as hereinbefore directed.

Mode of recovery thereof.

Mode of recovery of other Penalties imposed by this Act.

IX. And be it enacted, That all Fines and Penalties, arising under or by virtue of this Act, except such as may be imposed upon the Wharfinger shall be recovered, together with Costs, upon the Oath of the said Wharfinger, or any other credible Witness, before any one of Her Majesty's Justices of the Peace, or a Commissioner of Small Debts, to be levied by Warrant of Distress, and sale of the Offender's Goods and Chattels, and if no Goods and Chattels can be found whereon to levy the same, it shall and may be lawful for the said Justice to commit the party so offending to the Jail of Georgetown, for a period not exceeding Two Calendar Months.

Penalty for encumbering Wharf contrary to directions of Wharfinger.

X. And be it enacted, That if any Lumber or other Goods, or Ballast or Rubbish, shall be laid or left upon the Wharf contrary to the directions of the Wharfinger, for the time being, the party so offending, shall be liable to a Fine, not exceeding Two Pounds, with costs, to be recovered as last hereinbefore mentioned, over and above the charges of removing the same therefrom, in case the Wharfinger shall cause the same to be removed, as he is hereinbefore authorized to do.

Wharfinger may direct booms of Vessels to be taken in, and yards to be peaked.

XI. And be it enacted, That the person in charge of any Vessel lying at the said Wharf, when directed by the Wharfinger so to do, shall cause the lower yards to be peaked, and the jib-boom and mainboom of such Vessel, or either of them, to be rigged in, or taken on board the said Vessel, under a penalty not exceeding Twenty Shillings, and if the Owner, Master or Person, in

Penalty on persons in charge of

charge of any Vessel, shall allow such Vessel, through neglect or otherwise, to injure the said Wharf, such person shall be liable for every such offence, to a Fine not exceeding Twenty Shillings, over and above the amount of damage thereby done to the said Wharf, the said Fine to be recovered, together with costs, before any one of Her Majesty's Justices of the Peace, and the damage so done to the Wharf, if exceeding Five Pounds, shall be recovered at the suit of the Wharfinger, by Action in Her Majesty's Supreme Court of Judicature of this Island, and if under that sum, then to be recovered before any one of Her Majesty's Justices of the Peace.

Vessels refusing to comply with such directions.

Penalty for injury done to Wharf.

Mode of recovery thereof.

XII. And whereas it is deemed proper and expedient, that the foregoing Rates of Wharfage, and other provisions relating to the public Wharf at Georgetown, should be extended and applied to other public Wharfs within this Island, except as is hereinafter mentioned: Be it therefore enacted and declared, that no Wharf shall be considered a public Wharf, within the meaning of the following Sections of this Act, unless Vessels of the burthen of Ten Tons and upwards, can safely lay thereat, and that the rates, provisions and regulations hereinbefore enacted, in respect of and relative to, the public Wharf at Georgetown, except as hereinafter altered, shall henceforth be extended, and apply to all such public Wharfs, within this Island, as are last above described, save and except the Wharfs in Charlottetown called the Queen's Wharf, and the new Wharf now erecting, at the end of Pownal Street, in that Town, which are not to be affected by this Act.

What shall be deemed public Wharf, in meaning of subsequent sections of this Act.

Rates, provisions, &c. hereinbefore mentioned to apply to other public Wharfs, except as hereinafter altered, and excepting Queen's Wharf in Charlottetown and Pownal Street Wharf.

XIII. And be it enacted, That all the Wharfingers, for the said last mentioned Wharfs, to which this Act extends, shall be appointed in the same manner as is provided in the first section of this Act, respecting the Wharfinger at George-

Wharfingers for other public Wharfs how appointed.

Salaries to such Wharfingers.

Wharfingers to account for all rates, &c.

Appropriation of Wharfage rates after payment of Wharfinger.

town; and no such Wharfinger shall be entitled to receive, as annual Salary or share of Wharfage dues, for his services yearly, more than the sum of Ten Pounds, and not more than half such rates or dues, if the same shall amount to less than Twenty Pounds per annum, and each Wharfinger shall annually account for all such rates and dues for Wharfage, as he may receive, to the Commissioner of Highways, for the District in which the Wharf may be situate, and after deducting his salary or share as aforesaid therefrom, shall pay, apply and expend, the residue thereof, under the direction and superintendance of such Commissioner.

Mode of recovery of penalties incurred in respect of last mentioned Wharfs.

XIV. And be it enacted, That all fines and penalties that may arise under and by virtue of this Act, in respect of the said last mentioned Wharfs, shall be sued for, with costs, as mentioned in the ninth Section of this Act, and upon non-payment, and want of Goods and Chattels, whereon to levy the same, with costs, the offender shall be committed to the Jail of the County wherein the Wharf in respect of which such fine or penalty was incurred, shall be situate, for a period not exceeding Two Calendar Months.

Continuance of Act.

XV. And be it enacted, That this Act shall continue and be in force for Ten years, and from thence to the end of the then next Session of the General Assembly, and no longer.

CAP. XVI.

Repealed by 9 Vic. c. 3.

An Act for the protection of Sheep against vicious Dogs.

[Passed 30th March, 1844.]

CAP. XVII.

An Act for raising a Fund for the encouragement of Agriculture, to be expended in the erection of Lime Kilns, and the burning of Lime.

[Passed 30th March, 1844.]

§5- This Act was disallowed by Her Majesty.

CAP. XVIII.

An Act to consolidate, amend, and continue the Acts relating to Merchant Seamen.

Repealed by 9 Vic. c. 27.

[Passed 30th March, 1844.]

CAP. XIX.

An Act to establish a Reward for the destruction of Bears and Loupcerviers.

[Passed 30th March, 1844.]

BE it enacted, by the Lieutenant Governor, Council and Assembly, That a reward of Fifteen Shillings shall be given to each and every person who shall bring to the Treasurer of this Island, the Snout of any Bear killed within the same, after the passing of this Act, with a certificate from the nearest Justice of the Peace, (who is hereby required to grant the same,) that such Bear had been actually so killed, on the person so applying making Oath before the said Justice to that effect; and that the sum of Five Shillings shall be paid to any person or persons who shall bring to the said Treasurer, the Snout of any Loupcervier killed within the said Island, with a certificate to be granted on Oath as aforesaid.

Reward of 15s. to be paid on presenting the Snout of a Bear to Treasurer, with Certificate from a Justice of the Peace, &c.

And in like manner 5s. for Snout of a Loupcervier.

II. And be it enacted, That this Act shall continue and be in force for a period of Ten years from the passing hereof, and from thence to the end of the then next Session of the General Assembly, and no longer.

Continuance of Act.

CAP. XX.

An Act to alter the Act authorizing the erection of an Asylum for Insane persons.

[Passed 30th March, 1844.]

3 Vic. c. 21.

WHEREAS by an Act made and passed in the Third year of the Reign of Her present Majesty, intituled *An Act to authorize the erection of a building near Charlottetown, as an Asylum for insane persons, and other objects of Charity, and to provide for the future maintenance of the same*, it is enacted, that it shall and may be lawful for the Administrator of the Government of this Island, for the time being, by and with the advice and consent of Her Majesty's Council, to purchase a convenient Tract or Parcel of Ground, comprising an area of from Twenty to Fifty Acres, within or near to the Common of Charlottetown, for a site whereon to erect a building for an Asylum for Insane persons, and other objects of Charity: And whereas an eligible and convenient site for the said Building and Grounds hath not yet been found or provided, and it is deemed proper and expedient to alter the said Act in respect of the quantity of Land to be purchased for the purpose aforesaid: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Administrator of the Government of this Island, for the time being, by and with the advice and consent of Her Majesty's Council, to purchase a convenient Tract or Parcel of Ground, comprising an area of not less than Ten Acres, within or near to the Common of Charlottetown aforesaid, for a site whereupon to erect a building for an Asylum for Insane Persons, and other objects of Charity, and to draw Warrants on the Treasury of this Island, for the payment of the same: Provided, That the sum so to be paid for the said Tract of Land, shall not exceed the sum which has already or may hereafter be appropriated for that purpose.

Administrator of Government with advice, &c. of Council authorized to purchase a tract of Land, to comprise Ten Acres, within or near Common of Charlottetown, for a site for a Lunatic Asylum

Price of said tract of Land not to exceed sum already appropriated, or hereafter to be appropriated.

CAP. XXI.

An Act to provide Salaries for Sub-Collectors of Customs at the several Out Ports therein mentioned.

[Passed 30th *March*, 1844.]

WHEREAS it is necessary and expedient to provide Salaries for such persons as now are, or hereafter may be appointed Sub-Collectors of Her Majesty's Customs at the several Out Ports of this Island, hereinafter mentioned, that is to say, at Georgetown and Colville Bay, in King's County; and at or near Princetown, and at Bedeque, and at or near Cascumpeque in Prince County: Be it enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Administrator of the Government, for the time being, in Council, to draw Warrants on the Treasury for the sum of Forty Pounds, to be paid to each Collector so appointed and duly commissioned, yearly, during the continuance of this Act, except the Collector at or near Cascumpeque, who shall be paid the sum of Twenty Pounds annually, and in case such Collector shall so long continue to discharge the duties of his Office.

£40 to be paid to each Sub-Collector of Customs at certain Ports.

£20 only payable to Sub-Collector at Cascumpeque.

II. And be it enacted, That this Act shall continue and be in force for Ten years, and from thence to the end of the then next Session of the General Assembly, and no longer.

Continuance of Act.

CAP. XXII.

Expired.

An Act to continue for a limited period, an Act passed in the Sixth year of Her present Majesty's Reign, intituled *An Act for suspending for a limited period, certain parts of an Act passed in the Fourth year of His late Majesty's reign, intituled 'An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the duty of Surveyors, and to repeal a certain Act therein mentioned.'*

[Passed 30th March, 1844.]

* * * This Act continued Act of the 6 Vic. c. 17, until the end of the then next Session of the General Assembly.

CAP. XXIII.

Amended by 11
Vic. c. 17.

An Act to regulate the manner of proceeding upon controverted Elections of Members to serve in the General Assembly.

[Passed 30th March, 1844.]

No Petition against the return of a Member of Assembly, to be received after 6 days from the opening of the Session, &c.

Nor unless signed by 6 Electors.

WHEREAS the Law now in force regulating the Trial of controverted Elections will shortly expire, and it is deemed necessary to re-enact the same: Be it enacted, by the Lieutenant Governor, Council and Assembly, 'That no Petition against the Election or the Return of any Member to serve in the House of Assembly shall be received after the expiration of Six Days after that appointed for the opening of the Colonial Parliament for the Despatch of Business, or after the expiration of Six days next after that on which the return of the Election of such Member shall have been notified to the House, nor unless it be signed by at least Six Electors (being duly qualified according to Law) of the County or Town and Royalty within this Island for which the contested Election or Return shall have been

held or made, and the legal qualification of such Electors, shall be certified by them on Oath, before any Justice of the Peace, who is hereby authorized to administer such Oath in the form prescribed by Law of this Island, and a Certificate of the taking such Oath under the hand of such Justice of the Peace, shall be annexed to the Petition, which shall not be received, if this form be not observed, and every such Petition shall set forth the allegations and reasons by which such Petition is to be supported, and if the House of Assembly shall resolve that the said allegations and reasons, if well founded, are sufficient to render such Election or Return void, it shall appoint a day for taking the Petition into consideration, and the day shall be such as to afford sufficient time for the parties and Witnesses to attend before the House or Committee, according to the distance of the place whence they are to come, and the same shall be notified by the Clerk of the House, as well to the sitting Member or Members whose election or return shall be contested, as to the Petitioners; and the House of Assembly shall proceed to hear, try, and determine such contestation during the Session in which it shall be commenced, or during any subsequent Session of the same House, if it cannot be determined during that in which it is so commenced.

Qualifications of such Electors to be certified on oath.

Certificate to be annexed to Petition.

Requisites of Petition.

III. And be it enacted, That any Surety who shall have paid any sum of money, by reason of the forfeiture of any such Bond, shall be entitled to have such sum reimbursed to him as well by his co-surety for his portion as by the Petitioner or Petitioners.

Gives a remedy to surety against principal or co-surety.

IV. And be it enacted, That the Petitioners shall, within a time to be fixed by the House, place in the hands of the Clerk thereof, a list of the Witnesses whom they intend to call, and the opposite party shall do the like within the same

Petitioner and sitting Member to furnish Clerk of Assembly with lists of their Witnesses.

time, and it shall be the duty of the Speaker to issue an order under his hand, addressed to the Sergeant at Arms attending the House of Assembly, or his Deputies, enjoining him or them to summon the Witnesses named in such list, to appear on the day and at the hour fixed for the trial of the contestation, and if such Witnesses, after being duly summoned, do not appear, or give some sufficient excuse (of which the said House shall be judge), such of them as make default, shall incur a penalty which shall not exceed the sum of One hundred Pounds, the same to be recovered by Bill, Plaint or Information in any Court of competent Jurisdiction, and to be paid into the Treasury of this Island, to and for the use of Her Majesty's Government: Provided always, That no Witness shall incur any penalty if such Petitioner or the party summoning him, shall (being thereto required) have refused to advance him at the rate of Three-pence per mile, for each mile such Witness shall have to travel from his place of residence, to attend before the Committee and return back again: Provided also, that each party shall deposit in the hands of the Clerk of the House, the sum necessary to defray the expenses of summoning the Witnesses of such party, which shall be taxed by the Speaker of the House, saving to the House itself, the right of deciding finally which of the parties shall pay the whole amount of such expenses.

Mode of summoning Witnesses.

Penalty on Witnesses not obeying Summons. Mode of recovery of penalty. Appropriation of penalty.

Witness to be first tendered mileage.

Each party to deposit with Clerk of Assembly, a sum sufficient to defray the expense of summoning Witnesses to be taxed by Speaker.

Sitting member signifying in writing his intention not to contest Petition, not to be admitted a party against same, nor allowed to sit or vote before decision.

V. And be it enacted, That when any Member shall have signified in writing, under his hand to the Speaker, that he does not intend to contest the Petition presented against his Return, he shall not be admitted as a party against such Petition at any time, or during the course of any subsequent proceedings, and shall not sit or vote in the House of Assembly, at any time before the final decision of such contestation.

VI. And be it enacted, That the parties shall, within the delay mentioned in the First Section, exchange lists of all the Voters, to whom either of them intend to object, before the said House, with the reasons of such objection, and a statement of all other things and incidents on which either of them intends to insist or to contest before the said House.

Parties to exchange lists of voters deemed objectionable.

VII. And be it enacted, That in all contestations brought before the House of Assembly relative to Elections, the House shall refer the taking of the Inquest to a Committee of the whole House, out of which the Chairman shall be appointed, and the Chairman and Members shall be sworn by the Clerk of the House, who is hereby authorized to administer such Oath, and the Oath of the said Chairman and of the Members of the said Committee shall be, to enquire diligently and without favor or partiality into the facts relative to the order of reference, and to make a true and faithful Report of the Inquest by them taken, and of their opinion thereon.

Mode of trial of contested Elections on Petition.

VIII. And be it enacted, That the Witnesses shall remain outside of the House, and that when they shall be called in, they shall, before they are examined, be sworn at the Bar by the Clerk of the House: Provided always, that when any Member of the House shall be a Witness, he may be sworn and examined in his place.

Mode of examination of Witnesses in such cases.

IX. And be it enacted, That after the House shall have decided the Controverted Election, it shall determine the amount of the Costs incurred in consequence of the same, and the Speaker shall certify the amount under his hand, and such Certificate shall be evidence of such Costs, in favour of those to whom they shall have been adjudged by the House, in any Court having authority to award Judgment and Execution for the same; Provided always, that if the Election of one or

Speaker's certificate of Costs to be evidence in any Court in favor of person to whom granted.

Sitting member not to be condemned in costs, if Election be declared void in consequence of facts not within his knowledge.

more Members shall be declared void, by the said House, only by reason of facts which shall have happened without the knowledge, participation or consent of such Member or Members, he or they shall not be condemned to pay any part of the Costs.

Punishment of perjury under this Act.

X. And be it enacted, That every person who shall be guilty of wilful Perjury in giving any evidence, after being sworn under the authority of this Act, shall be liable to the pains and penalties attached by the Laws in force in this Colony, for the crime of wilful and corrupt Perjury.

No contested Election to be discussed, &c., unless the number of Members required by rules of House be present.

XI. And be it enacted, That no question concerning any Election shall be agitated, discussed or decided, unless the number of Members, required by the Rules of the House, be then present.

Continuance of Act.

XII. And be it enacted, That this Act shall continue in force for the space of Ten years from the passing thereof, and from thence to the end of the then next Session of the General Assembly, and no longer.

* * * The 2nd Section of the above Act having been repealed by II Vic. c. 17. is omitted.

CAP. XXIV.

An Act to regulate the publishing of Notices and Advertisements relating to the Public Service.

[Passed 30th March, 1844.]

WHEREAS by some of the Acts of Assembly of this Island, it is required that Notices or Advertisements of proceedings thereunder, connected with the public service, shall be inserted or published in more than one of the Island Newspapers, and it is deemed an unnecessary

expenditure of the public money, that such Publications or any other Advertisements or Notices, relating in any manner to the public service of the Island, should be made or inserted in more than one such Newspaper, except in such cases as are hereinafter mentioned, for remedy whereof:

Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, all Notices and Advertisements of every description in any manner relating to the public service of this Colony, whether directed to be made under or by virtue of any Act or Acts of Assembly of this Island, or otherwise, shall be inserted or published as often as may be requisite, only in the *Gazette* or Newspaper printed in the Island by the Queen's Printer, except in such cases as the Governor or the Administrator of the Government for the time being, may see fit to order the same to be published in some other paper; which cases, when they occur, as also the name or description of the Newspaper or Newspapers, to be used or employed, shall be made known to the Departments, Officers, or parties whence or from whom such Notices shall be required to issue, by the Administrator of the Government for the time being, in such manner as he may deem most proper, and all such Advertisements and Notices to be published as herein directed, shall have the same force and effect to all intents and purposes, as if they had been published under or by virtue of any Act or Acts of Assembly of this Colony, heretofore made, any thing in such Acts to the contrary in any wise notwithstanding.

Points out the mode of publishing Notices, &c. relating to the Public Service, or under any Act in force in this Colony.

Notices, &c. published as herein directed to have same effect as if published as prescribed in any Act in force.

II. And be it enacted, That this Act shall continue and be in force for and during the space of Five years, and from thence to the end of the then next Session of the General Assembly, and no longer.

Continuance of Act.

CAP. XXV.

Executed. An Act for the encouragement of the Seal and Cod Fisheries.

[Passed 30th March, 1844.]

CAP. XXVI.

An Act to prevent the going at large, within the Town of Charlottetown, of Horses, Bulls, Cows, and other Neat Cattle.

[Passed 30th March, 1844.]

WHEREAS it is deemed necessary to prevent the running at large, within the Town of Charlottetown, of Horses and Bulls, at any season of the year, and of Cows and other Neat Cattle, between the Twentieth day of December, and the Fifteenth day of April: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That if any Horse or Bull shall be found going at large, within Charlottetown, at any season of the year; or any Cow, or other Neat Cattle, between the Twentieth day of December, and the Fifteenth day of April, in any year after the passing of this Act, the owner thereof shall be liable to pay a fine of Ten Shillings, for each time such Horse or Bull, Cow or other Neat Cattle, shall be found so going at large in violation of this Act, to be recovered before any Justice of the Peace, on the oath of any credible Witness or Witnesses; and in case the owner of such Horse, Bull, Cow, or other Neat Cattle, cannot be found, then it shall be lawful for any person or persons who may take up such Horse, Bull, Cow, or other Neat Cattle, after Ten days' notice, by posting up Notices in Four public places in said town, and also giving notice in the *Royal Gazette*, describing such animal, and the time and place of sale, to sell the same at

Prohibits the going at large of Horses and Bulls in Charlottetown at any season.

And Cows between 20th December, and 15th April.

Fine on owner for Horse, Bull, or Cow at large contrary to this Act.

Mode of recovery of Fine.

Mode of proceeding where owner cannot be found.

Auction to the highest bidder, and after deducting the expenses of keeping such animal, and the charges of such sale, to pay over the proceeds of such sale into the hands of any of the Justices of the Peace, in Charlottetown to be paid to the owner or owners thereof; and the same, if not claimed within Thirty days thereafter, by the owner or owners, shall, after that period, be paid over by such Justice, to the Justices of the Peace having charge of the Streets of Charlottetown, to be by them expended in keeping in repair the said Streets.

Appropriation of proceeds of Horse, &c. sold, the owner being unknown.

CAP. XXVII.

An Act to establish an additional Term of the Supreme Court, and to extend the Hilary and Trinity Terms for Queen's County.

Repealed by 12 Vic. c. 9.

[Passed 30th March, 1844.]

CAP. XXVIII.

An Act relating to Schools and Education.

Expired

[Passed 30th March, 1844.]

CAP. XXIX.

An Act for the preservation of the Herring and Alewives Fisheries, in this Island.

[Passed 30th March, 1844.]

WHEREAS the Herring and Alewives Fisheries are of great benefit to this Island, and it being the opinion of many concerned therein that the leaving of Nets set in the day time is prejudicial to the said Fisheries: Be it enacted, by the Lieutenant Governor, Council

Nets not to be set in the day time, nor left so set between sunrise and sunset.

Mode of obtaining removal of nets so set or left set.

Penalty on party offending herein.

Not to subject party to penalty if prevented removing same by stress of weather, &c.

Penalty on persons wilfully injuring nets.

Penalty on persons setting nets or seines across mouths, &c., of streams or other parts to prevent fish passing.

and Assembly, That from and after the passing of this Act no person or persons shall set any Net or Nets, in the day time, for the purpose of catching Herrings or Alewives, or shall leave any such Net or Nets set in any of the Bays, Harbours, Rivers or Creeks in this Island, between sunrise and sunset; and any person or persons who may feel aggrieved thereby, may, and they are hereby required, to give notice to the Owner or Owners thereof, or to any other person or persons intrusted with or concerned in such Net or Nets, to remove the same forthwith; and on refusal or neglect, to proceed immediately to take up all such Nets, they shall be subject and liable to a penalty not exceeding Twenty Shillings for the first offence, and for the second and every future offence, shall be liable to a fine not exceeding Five Pounds, the said fines to be recovered and disposed of as hereinafter mentioned. Provided always, that this Act shall not subject any person to a fine or penalty when gales of wind or stress of weather shall render it impracticable or endanger the life of any person or persons to remove such Net or Nets in the day time as may have been previously set.

II. And be it enacted, That any person or persons who shall wilfully or designedly injure or destroy any Net or Nets set or placed for the purposes aforesaid, and properly buoyed or secured, shall, for every such offence, forfeit and pay to the party injured, a sum not exceeding Five Pounds, together with reasonable costs, to be recovered as hereinafter mentioned.

III. And be it enacted, That any person or persons who shall, at any time or season of the year, set any Nets or Seines across the Mouths or Outlets of any Streams in this Island, or across any other part of such Streams, so as to prevent Fish from passing into and up such Streams, shall be liable to a penalty not exceeding Five Pounds.

IV. And be it enacted, That all Fines and Penalties arising under or by virtue of this Act, shall be recovered, with costs, on the oaths of two credible Witnesses, before any one of Her Majesty's Justices of the Peace, or a Commissioner for the recovery of Small Debts, being a Justice or Commissioner for the County or District wherein the offence shall have been committed, and shall be paid to the party who may sue for and recover the same, and if Goods and Chattels cannot be found whereon to levy such Fines and Costs, then the offender shall be committed to the Jail of the County wherein the offence was committed, for a period not exceeding Sixty days, there to remain, without being entitled to the benefit of any Act made for relief of Insolvent Debtors, or for granting the limits of Jails in this Island.

Mode of recovery of Penalties imposed by this Act.

Appropriation of penalties.

Term of imprisonment when offender has no Goods or Chattels on which to levy penalty.

V. And be it enacted, That this Act shall continue and be in force for Ten years, from the passing thereof, and from thence to the end of the then next Session of the General Assembly, and no longer.

Continuance of Act.

CAP. XXX.

An Act relating to Entire Horses.

[Passed 30th March, 1844.]

BE it enacted, by the Lieutenant Governor, Council and Assembly, That no Entire Horse, being more than one year old, shall be used as such within the Town of Charlottetown except under such regulations as are hereinafter provided, that is to say, no such Horse shall be so used as aforesaid, in any uninclosed place whatsoever, but only within some permanent Building, having roofs and walls, and the doors of which shall be closed.

Entire Horses kept for covering within Charlottetown, how to be so used.

Penalty on owners using such horses contrary to provisions of this Act.

Appropriation of penalty.

Mode of recovery of penalty.

Imprisonment of offender having no Goods or Chattels on which to levy penalty.

II. And be it enacted, That any owner or other person having charge of such Horse, who shall cause or permit the use of such Horse for the purposes aforesaid, otherwise than within such Building as aforesaid, shall, for every such offence, forfeit and pay a sum of not less than Ten Shillings, or more than Two Pounds, which sum shall be paid to the Overseer of Highways for the Precinct wherein such offence has been committed, and applied towards the repair of the Roads.

III. And be it enacted, That such Fine, together with costs, shall be levied before any one of Her Majesty's Justices of the Peace or a Commissioner of Small Debts, within Charlottetown or the Royalty thereof, on the oath of one or more credible Witness or Witnesses, and in case such Fine shall not forthwith be paid, then it shall be levied by distress and sale of the Goods and Chattels of the offender; and in case no Goods shall be found whereon to levy such distress, it shall be lawful for the said Justice to commit the said offender to the Jail of Charlottetown, for any period not exceeding Two Calendar Months, unless such fine and costs shall be sooner paid.

CAP. XXXI.

An Act to incorporate a Marine Insurance Company.

[Passed 30th March, 1844.]

. This Act never went into operation.

CAP. XXXII.

Executed.

An Act for appropriating certain Moneys therein mentioned, for the service of the year of our Lord One thousand Eight hundred and Forty-four.

[Passed 30th March, 1844.]

INDEX.

ABATEMENT OF SUITS, 102.

ABDUCTION of a Girl from her Parents, 507.

ABOITEAU, malicious destruction of, 520.

ABSENT OR ABSCONDING DEBTORS, 50, 562.

In cases of Debts under Eight Pounds, 773, 774.

ACADEMY, CENTRAL, in Charlottetown,

Incorporation of Trustees, 290.

Members, rotation in office, and quorum of do., 716, 717.

Three Masters, their Salaries, 717, 718.

No Clergyman to be eligible as a Master, 291.

Lieutenant Governor to be Patron, 292.

do. to call Meetings of Trustees, 718.

Fees to be charged for Tuition, 719.

“ to be apportioned by Trustees, 718.

Four Pupils from each County to be taught gratis, 719.

Branches of Education to be taught, 292.

Boarders, and rate of Boarding, *ib.*

Removal of Masters, expulsion of Scholars, *ib.*

No religious test to be used, *ib.*

ACCESSARIES, 489, 521.

To Murder, Coroner's duty, &c., 488.

“ how punished, 503.

To be tried by Court having Jurisdiction of Principal, 490.

May be tried before or after Principal, 490.

Receivers of Stolen Goods, 516.

Punishment of do., 521.

ACCOUNTS,

To be filed in Court, 123—124.

Set off of, 325—327, 766.

ACTIONS, LIMITATION OF,

Personal, 69—73.

- do. in case of reversal of Judgment, 70.
- do. when Plaintiff barred, 71.
- do. in case of *feme covert*, minors, &c., 72.
- do. within Jurisdiction of Small Debt Court, 761—762.

For Recovery of Land, 20 years, 576.When right of entry shall be deemed to accrue, *ib.*

do. do. do. in case of Administrator, 578.

do. do. do. do. Tenant at Will, *ib.*do. do. do. do. do. from year to year, *ib.*

Wrongful receipt of Rent, 579.

Mere entry not to be deemed possession, nor continual claim to preserve Right of Entry, *ib.*

In case of Coparceners, 580.

Acknowledgment of Title equivalent to Possession, *ib.*

Five years allowed in cases, when possession not adverse, 580—581.

Ten do. do. to persons under certain legal disabilities, 581.

Forty years, full extent, to do., *ib.*

No further time in case of succession of disabilities, 582.

What parts not to be deemed beyond seas, *ib.*When the right to Estate in possession is barred, *ib.*

When Tenant in Tail is barred, 583.

Possession adverse to do. to run on against remainder man, *ib.*Equitable claims, *ib.*In cases of express trust, *ib.*

do. fraud, 584.

Courts of Equity not interfered with, *ib.*

Mortgager when barred, 584.

Right of Entry of Mortgagee, 647—648.

At end of limitation, right extinguished, 586.

Receipt of Rent, to be deemed receipt of profits, *ib.*What real and mixed Actions abolished, *ib.**For Moneys secured on Land*, *ib.*“ *Arrears of Dower*, 587.

ACTIONS,

Abatement of, 102.

Summary, Jurisdiction of Supreme Court, 119—123.

On Book Accounts, Bonds, Receipts, &c., 123, 124.

Within Jurisdiction of Small Debt Courts, 761.

Right of Parties to their Action, not annulled by decision of Court of Divorce, 460.

ACTS OF ASSEMBLY,

Date when passed, endorsement of, 344.

Orders in Council relative thereto to be recorded, 389.

ADIN, REV. THOMAS,

How certain Marriages by, may be recorded, 333, 4.

ADMINISTRATION,

Of Intestates' Estates, 733—746.

- ADMINISTRATION OF JUSTICE in Criminal cases, 485.
- ADMINISTRATOR of the Government,
Powers vested in Lieutenant Governor to extend to, 484, 485.
- ADMINISTRATORS, (see Intestates' Estates) 733—746.
May have *scire facias*, 103.
In Actions for Land, may claim without Interval, 578.
- ADULTERY, 461.
- ADVERTISEMENTS,
Of Public Notices, 820, 821.
Of Sheriffs' Sales, 797.
- AFFIRMATION OF QUAKERS, 97, 98.
- ALARMS,
At the Battery in Charlottetown, and elsewhere, 42, 43.
Punishment for false Alarm, 43, 44.
- ALE, Duty on Importation of, 171, 172.
- ALEWIVES, Act regulating Fishery of, 823.
- APPEALS,
From Small Debt Courts, 768.
- APPRAISERS,
Fees, when employed by Court of Probate, 24.
" valuing Distress for Rent, 711.
Of Real Estate, how to be chosen and sworn, 796.
- ARBITRATION,
Submission to, may be made Rule of Court, 65.
Refusal to obey award in such case, 66.
- ARREST,
Freedom of persons attending Militia Musters from, 40.
Of Debtors about to leave the Island, by Capias, 776—779.
- ARSON, 519.
- ASSAULTS,
In Civil Actions for, how Costs are to be awarded, 72.
Punishment of, to commit certain crimes, 506.
" . with intent to rob, 509.
- ASSAYERS OF WEIGHTS AND MEASURES,
How appointed, 391—393, 641.
Penalty for using unstamped and false Measures 392—394.
Measuring of cargoes of Agricultural Produce for
exportation, 642, 643.

ASSEMBLY, GENERAL

Not to be dissolved, on death of the Sovereign, 424.

ASSEMBLY, HOUSE OF

Persons in Roman Catholic Holy Orders excluded from sitting in, 311.

Members and Officers of, exempt from Militia Duty, 413.

“ “ exempt from serving on Juries, 656.

Members of, not to be summoned to attend, by Sheriff, 539.

Proclamation in *Gazette* to be sufficient notice to, *ib.*

ASSESSMENT ON LAND,

By Three Justices, for repairs of Highways, &c. 147-150.

ASYLUM FOR INSANE PERSONS,

Appointment of Commissioners, their duty, 631.

Purchase of site, 631, 814.

Mode of payment for erection of, 632,

Lieutenant Governor to be Visiter of, 632.

Appointment of Trustees to manage, 666, 667.

Grants towards support, Bedding, &c., 632.

ATTAINDER,

When not pleadable, 496.

ATTORNEY,

Warrants of, to be filed, 106, 107.

Powers of, relating to Land, to be recorded, 383.

Warrants of, for payment of Impost Duties, 314.

ATTORNEY GENERAL,

Exempt from Militia duty, 413.

ATTORNEYS,

Fees of, under Act of 1776, 17, 18.

Penalty for not filing their Warrants, 107.

Not to plead in Small Debt Courts, 773.

AUCTION PUBLIC,

Lands seized for Debt to be sold by, 115, 116.

Leasehold taken in Execution, *do.* 248.

Repairs of Roads and Bridges, *do.* 679, 680.

BAIL—*Special,*

Fee for taking out of Court, 15.

“ “ at Bar, 16.

BAILIFFS,

In certain cases, may enter Barns, &c., for Distress for Rent, 455.

Fees for distraining, 710, 711.

BAILMENT OF PRISONERS,

regulated, 486-488.

BAKERS, in Charlottetown,
Law regulating, 398-404.

BAPTISMS,
to be recorded, 308.

BARLEY,
Standard weight of, 558.
Pearling, legal toll for, 592.

BARRING ESTATES TAIL, Act for, 219-252.

BATHING,
Indecent, in Waters near Charlottetown, 477, 478.

BEANS,
Standard weight of, 558.

BEARS AND LOUPCERVIERS,
Rewards for destruction of, 813.

BEDEQUE,
Sub-Collector of Customs to be appointed at, 815.

BEER,
Duty on importation of 171, 172.

BENEFIT,
Of Clergy abolished, 496, 497.

BIGAMY, 507, 508.

BILLS OF EXCHANGE,
Acts relating to Protests of, 4.
Stealing of, 508.

BOATS, FLATS AND CANOES,
taking away of, without owner's consent, 660, 661.

BOLTING MILLS,
Duty of Millers, 592.

BOND,
Administration, 747, 748.
For obtaining Marriage License, 694, 695.

BONDS OR NOTES,
Stealing of, 508.

BOUNDARY LINES OF TOWNSHIPS, &c.
How to be established, 426.

BOUNDARY LINES OF TOWNSHIPS, &c. (*continued.*)

Appointment of Commissioners, their duties, 426, 427.

Fees of do., 543.

Bona fide tenants not to be disturbed, 430.

Surveyors, their qualifications and duties, 431.

Notice of Survey, how given, 541.

Extension of provisions of Act to blocks of 1000 acres, 542.

In case of a Line from sea-coast to river, 542, 543.

BRANDY,

Duties on, (*see Impost*) 76, 171, 172.

BREAD,

Act for regulating sale of, in Charlottetown, 398-404.

BRIDGES,

Injury done to by Vessels, &c., 682, 683.

In certain cases, vessels allowed to load on payment of 2s. daily, 682.

BURGLARY DEFINED, 510.

BURIAL GROUND in Georgetown, 644, 647.

BURNING,

Dwelling Houses, &c., 519.

Woods, 262, 322, 323.

BURYING, secret,

Of a Child by its Mother, 504.

CANOES,

Taking away of, without leave, 660, 661.

CAPIAS,

Against Debtors leaving the Island, 776, 779.

Form of, 790.

May be issued for use of Bridge as a Loading Wharf, 683.

CAPITAL OFFENCES,

Statute relating to, 502.

CARRIAGES, CARTS, &c.

Regulation of driving of, 596, 598.

CASCUMPEQUE,

Sub-collector of Customs at, 815.

CATTLE,

Killing of, with intent to steal skin, &c., 514.

Trespassing may be impounded, 612-615.

Rescue of, from Pound, 561, 562.

See Pounds, Fenceviewers.

Going at large, in Charlottetown, 822, 823.

CERTIORARI,

Jurisdiction of Supreme Court as to Costs, 421, 422.
 When allowed to issue, 422.
 Limitation of, *ib.*

CHARLOTTETOWN,

Local Laws relating to,

Academy, 290—292; 716—719.
 Bathing in waters contiguous to, 477, 478.
 Bread and Bakers regulated, 398.
 Carriages, driving of, regulated, 596.
 Cattle, Horses, &c., at large, 822.
 Entire Horses going at large, 825.
 Fire Engine Companies, 797.
 Firing off Guns, wantonly, 159.
 Geese, running at large in, 168.
 Sheep and Goats going at large, 619.
 Ships and Vessels with Emigrant Passengers, 337.

CHARLOTTETOWN ROYALTY,

Act respecting a certain Road in, 547.

CHIEF JUSTICE,

Fees of, 15.
 When to nominate Sheriffs, 538.
 Exempt from Militia, 413.
Ex officio Trustee of Academy, 716.
 To nominate Constables in certain cases, 691.
 Duties of, on Appeals, 768.

CHILD,

Mother concealing Birth of, 504.

CHURCHES,

Incorporation of Saint James's, Charlottetown, 355—362.
 " Saint John's, Belfast, 362—364.
 " Established Churches, 395—398.
 " Trustees of Methodist Society
 Charlottetown, 441—452.

CHURCH OF ENGLAND,

Act for establishment of, 204—206.
 Governor's duty as to Induction, &c., 205.
 Toleration to Protestant Dissenters from, 205, 206.
 Vestry and Church Wardens how and when chosen, their
 power, &c., 396.

CHURCH WARDENS,

How and when appointed, 396.

CLERGY,

Benefit of, abolition of, 496, 497.

CLERGYMEN,

- Not eligible as Masters in Central Academy, 291.
- Duty as respects recording Marriages, 306, 307; 351.
- Penalty for neglect, 308, 352.
- Fee for recording Baptisms, 308.
- Exempt from duty in Militia, 413.
- Exempt from Juries, 656.

CLERK,

- of Assembly,*
 - His fees, 14, 15.
- of the Crown,*
 - His fees, 15.
- of Executive Council,*
 - His fees, 13.
 - To give copies of Minutes of Council, as to Titles of Land, 140.
 - His fees thereon, *ib.*
 - His duty to endorse on Statutes, time when passed, 214.
- of Market,*
 - His duty as to Bread and Bakers, 400, 401.
 - “ “ in the Market, 662—665.
- of Militia Companies,* 40, 41; 411.
- of Supreme Court,*
 - His fees under Fee Act, 16, 17.
 - His duty as to Fines and Forfeitures, 131.
- of Small Debt Court,*
 - His duty, 760—781.
 - His fees, 782.

CLERKS AND SERVANTS,

- Embezzlement by, 514, 515.

COLLECTORS OF IMPOST,

- How appointed, 83.
- Rules for guidance of, 92.
- To take Recognizance for Duties, 231.
- To take Warrant of Attorney for do., 314.
- Salary of, for Charlottetown, 365.
- May appoint Deputy, 425.
- To keep regular Books, 314, 315.
- Exempt from Juries, 656.

COLLEGE AT SAINT ANDREW'S,

- Act for Incorporation of, 523—535.

COLONIAL SECRETARY,

- Fees of Office, 12, 13.
- Salary of, in lieu of Fees, 636.
- Fees to be paid into Treasury, *ib.*
- To register Orders in Council, 389.
- Exempt from Militia Duty, 413.
- “ “ Juries, 656.

COLVILLE BAY,

Sub-Collector appointed for, 815.

COMMISSIONERS OF BOUNDARY LINES,

Their duty, 426, 427 & *seq.*

Their fees, 543.

(*see Boundaries.*)

COMMISSIONERS OF DEEDS,

Appointed, 376.

Certificates of, 376, 377.

COMMISSIONERS OF GLEBES,

Their duties and powers, 465—467.

COMMISSIONERS OF HIGHWAYS,

Districts of, 688.

Appointed, 672.

To appoint Overseer, &c., 675, & *seq.*

To account, 679.

How to advertise for and make contracts, 679.

To remove nuisances, 680.

Duties as to Bridges, winter labour, 682, 683.

Penalty on for neglect of duty, 684.

To be reimbursed costs of nonsuit, 685.

Power as to Drains, 686, 687.

Oath of, attached to his return, 689.

Duty to appoint Sheep Reeves, 418, 419.

COMMISSIONER OF LIGHT HOUSES,

Appointed, 479.

COMMISSIONERS OF SMALL DEBTS,

Courts of, appointed, 759.

Oath of Office, *ib.*

Former appointments confirmed, 760.

To appoint Clerk, *ib.*

May revoke do. 761.

Times of sitting, *ib.*

Jurisdiction of, *ib.*

Power to issue Capias, given to, 776, 773.

Under former law to perfect their business, 780.

Fees of, 782.

How to be apportioned, 775.

(*see Small Debts ; Court.*)

COMMISSIONS,

To take Deposition of Witnesses abroad, 245.

do. do. where Judgment marked by default, 440.

COMMON OF GEORGETOWN,

Trespasses on, Forbidden, 751.

Conservators of, appointed, *ib.*

Their duties, 751—754.

CONCEALMENT OF BIRTH,
By the mother, Felony, 594.

CONSTABLES,

Their fees, under Act for regulating fees, 29.
do. for executing Warrants, 160.
Duties under Militia Law, 41.
do. under Small Debt Act, 762—770.
Penalty for neglect, escapes, &c., 772.
do. for refusal to serve, 699.
Fees under Small Debt Act, 782, 783.
Authority in enforcing Quarantine Law, 341, 343.
Fees in certain cases to be paid out of Treasury, 355.
Compelled to serve, 699.
Chief Justice, to appoint to vacancies, 691.

CONTRACTS,

For Roads, &c., how to be made, 679, 680.

CONVEYANCE OF MAILS,

In winter, how to be managed, 434—437.

CONVEYANCES,

Registry of, 374—385.

CONVICTS,

From Newfoundland, prohibition of importation of, 628.

CO-PARTNERS AND JOINT DEBTORS,

Regulations respecting recovery of Debts from, 238—241.

CORONER,

His Fees, 19.
Appointed for each County, 643.

CORPORATIONS,

College, Saint Andrew's, 523.
Churches, Saint James's, Charlottetown, 355.
" Saint John's, Belfast, 362.
" Established, 395.
" Trustees of Methodist Society, 441.

COSTS,

On certain actions, damages being below 40s., 71, 72.
Of Constables, in certain cases how defrayed, 355.
On Appeals, under Small Debt Act, 769.
In cases of Certiorari, 421.

COUNCIL,

Minutes of, allowed as evidence in certain cases, 140.
Members of, their duty on alarm from Batteries, 42.
do. exempt from Militia duty, 413.
do. do. Juries, 656.
(See Governor & Council.)

COUNSEL,

Allowed to Criminal prisoners, 495.

COUNTIES,

Boundaries of, how to be run, 427, 428.
 do. offences committed near, 491.
 Sheriffs, appointed for each of the, 538.
 Coroners, do. do. do. 613.

COURTS,

Confirmation of proceedings of, prior to the calling of a
 Legislature, 3.
 Officers of, exempt from Militia Duty, 413.
 do. from Juries, 655.
 Of Small Debts, constitution of, 759.
 do. powers of, and Duties, (*See Small Debts.*)
 Of Divorce, 459.

CRIMINAL CODE, 502.

CRIMINAL LAW, 485.

CRIMINAL INFORMATIONS,

How to be returned, 486, 487.

CRIER OF SUPREME COURT,

His fees, 20.

CUSTOMS,

Officers of, exempt from serving in Militia, 413.
 do. do. on Juries, 656.
 Sub-Collectors of, appointed for Out-ports, 815.

DAMS,

Mill, regulation of, 622—625, 695—697.
 Malicious destruction of, 520.

DEALS,

Floating of, through Mill ponds, &c. 622—625.
 do. do. Regulated, 695—697.

DE BENE ESSE,

Deposition of Witnesses, 90, 95—97.
 do. in cases of Small Debts, 773.

DEBTS,

Limitation of Actions of, 69—73.
 Set off of Mutual, 326.
 Lands & Tenements made liable for, 112.
 Of deceased persons, Surrogate's power, 730—743
 Small debts, Act for recovery of, 758—793.

DEBTORS.

Absent or Absconding.

- Attachment of Goods & Estate of, 59.
- do. of Effects of, *ib.*
- Relhearing within 3 years, 54.
- Agent of, may be summoned, 59.
- Agent allowed to defend and imparle, 51.
- Execution against, 51, 52.
- When Plaintiff non-suited, 52.
- Agent not appearing, liable for costs, *ib.*
- Agent to discover on Oath, 53.
- Agent acting fairly, allowed costs, *ib.*
- Sales under Act confirmed, 562—564.

DEEDS,

- Made by Sheriffs & Coronors, proof of, 546.
- Confirmed, (see *Sheriff*.)
- Stealing of, being evidence of title to land, 513.

DEPOSITIONS,

- Against persons charged with offences, 486, 487.
- De bene esse* on Excise cases, 90.
- Notice of to defendant, *ib.*
- In civil Actions, how to be taken, 95.
- Notice of and proof of same, 95, 96.
- Not to be used, if personal attendance may be had, 96.
- Exception of credit of testimony, *ib.*
- In case of Quakers, 96, 97.
- False swearing, or affirmation, 97.

DEPUTY SHERIFF,

- To act, in case of Sheriff's death, 128.
- Deeds formerly made by, confirmed, 215.
- For granting Replevins to be appointed, 455.
- do. do. their duties, 456.

DESERTERS,

From Army or Navy.

- Penalty for harboring, 226.
- May be apprehended, *ib.*
- To be imprisoned without charge, 227.
- Reward for apprehension of, 228.

Hired Fishermen,

- Desertion of, during fishing season, 259.

DIKES,

- How to be erected, 179—181.
- Destroying of, 520.

DILATORY PLEA,

- In civil suits, 110.
- In criminal proceedings, 494.

DISORDERLY DRIVING,

How to be punished, 596, 597.

DISSENTING PROTESTANTS,

Contracts with their Ministers confirmed, 146.

Exemption from Church Rates, *ib.*

To have toleration, 146, 205.

DISTRESS FOR RENT,

Time of sale of, extended to 20 days, under certain conditions, 452.

Time of sale of Horses, Cattle, Fodder, in the winter season,

do. (June 1st,) 710.

Fees of Bailiff for making, 710, 711.

DISTRICTS,

Road, Table of, 688.

DIVORCE *Court of,*

How constituted, and time of sitting, 459—462.

DOWER,

How to be set out on neglect of Heir, 154.

Form of Writ *unde nihil habet*, *ib.*

“ of Seizin, 156.

Writ of Seizin, how executed, 157.

Widows liable for waste, 158.

Barred by married Women, how, 174.

do. do. out of the Island, 633.

Arrears of, limitation of Action for, 587.

How divided after Widow's death, 736.

DUTIES,

Of Impost: permanent on Spirits, Wine, &c. 77.

Do. on do. do. 171.

Do. on Beer, Ale, &c., 172.

ELECTION,

Controverted,

Mode of proceeding upon by Assembly, 816.

Petition not to be received after 6 days, *ib.*

“ Requisites of, 817.

Witnesses, how summoned, 818.

“ penalty on, not attending, *ib.*

“ to be tendered mileage, *ib.*

Sitting Member not opposing, *ib.*

Lists of voters to be exchanged, 819.

Mode of trial, *ib.*

“ of examination of witnesses, *ib.*

Speaker's certificate of costs, *ib.*

Punishment of perjury, 820.

Not to be discussed, &c. unless a quorum be present, *ib.*

EMBEZZLEMENT,

By clerk or servant, 514, 515.

EMIGRANTS,

Passengers arriving in vessels from infected Ports, 337.

ENTAIL, see *Estates Tail*, 249—252, 286—288.

ESTATES,

By married women, how conveyed, 174.

do. do. living out of Colony, 633.

do. do. in their own right, do. 720.

Of absconding Debtors, may be attached, 50.

Real, made liable for debts, 112.

May be devised by Will, 723.

Par autre vie, devised, *ib.*

Leasehold devised, 729.

Devised without words of limitation, *ib.*

do. to Executors, 730.

do. in Tail, 731.

Of Intestates, how divided, 735.

Of Dower, divided after widow's death, 736.

Of deceased persons made liable for debts, 740 & *seq.*

do. do. how sold, 743.

Bond on sale of, under License of Surrogate, 749.

Tail,

May be barred, how, 249.

Deeds executed out of the Island, by Tenant in 251.

Deeds must be recorded, 252.

EVIDENCE,

Probate of Wills, to be received as, in certain cases, 747.

EXCHANGE, BILLS OF

On Europe, Protested, damages and interest, 4.

On a Colony, Protested, damages, *ib.*

Inland, do. do. *ib.*

Stealing of, Felony, 508.

EXECUTION,

May in certain cases, be extended on Real Estate, 112.

Against Goods in Agent's hands, 51.

Small Debt, 770.

Form of do. 786.

After appeal from Small Debt Court, 769.

Form of, after Capias, 791.

do. do. against Bail, 790.

EXECUTORS,

Declared competent Witnesses to prove Will of Testator, 726.

To prove Will, within limited time, 731, 732.

May in certain cases, be refused letters testamentary, 732, 733.

EXECUTORS, (*continued.*)

- To file Inventory, when and where, 737.
- How compellable, 738.
- To file second Inventory, *ib.*
- Action of, against Co-executor, *ib.*
- To pay debts according to priority, *ib.*
- How to obtain License to sell Real Estate, 739.
- Limitation of time for do., *ib.*
- To be entitled to Rents after License, 743.
- Notice to be given by, in such case, *ib.*
- Bond, do. do. do., *ib.*
- Form of do., 749.
- Deeds and Leases made by, 744.

FEES,

- Act for regulation of, to be taken by certain officers and functionaries, 11—27.
- No other or greater to be taken, 12.
- Lists to be hung up in the several offices, 26.
- Penalties for breach of Act, 26, 27.
- Of Colonial Secretary, to be paid into Treasury, 636.
- Of Clerk of Council, for Copies of Minutes, 140.
- Of Magistrates and Constables, on Warrants, 160.
- Of Surrogate, for recording Marriages, and for Certificates, 307, 352.
- Of Commissioners of Deeds, 376.
- Of Registrar, for recording Deeds, 382.
- do. do. Orders in Council, 389.
- Of Assayer of Weights and Measures, 392, 643.
- Of Distraining Bailiff, for Warrant of Attorney, 453.
- do. do. for levying distress, 710, 711.
- Of Commissioners of Glebes, 466.
- Of Commissioners, &c. of Boundary Lines, 543.
- Of Pilots, 550.
- Of Measurer and Weigher of Grain, 559.
- Of Pound Keeper, 615.
- Of Deputy Prothonotary, on Marriage Licenses, 693.
- Of tuition, at Central Academy, 719.
- Of Commissioners, &c. under Small Debt Act, 782, 783.

FELONIES,

- Act for punishment of, 502.
- Affirmation of Quakers, not to be evidence in, 98.

FELONY,

- When bailable, when not, 486.
- Duty of Justices of the Peace, 486, 487.
- Power of Judge of Supreme Court to admit to bail, 487.
- Duty of Coroner on Inquisitions, 488.
- Penalty on Justices and Coroners for neglect of duty, *ib.*
- Where to be tried, *ib.*
- If committed near Boundary of Counties, 491.
- do. during a voyage, journey, &c. *ib.*
- Accessaries, when and where to be tried, 489.

FELONY, (*continued*)

- Of the property of Partners, 492.
- do. do. of Government, 493.
- do. do. do. in charge of Public Officers, *ib.*
- What shall not abate Indictment, 491.
- do. do. vitiate Indictment after Verdict, *ib.*
- Reversal of Judgment, 495.
- Plea of "Not Guilty," *ib.*
- Prisoner may defend by Counsel, *ib.*
- Refusal to plead, 496.
- Plea of Attainder, *ib.*
- Challenge of Jurors, *ib.*
- Benefit of Clergy abolished, *ib.*
- What felonies capital, what not, 497.
- Hard Labor and solitary confinement may be added to sentence, *ib.*
- Second sentence, 498.
- Subsequent offence, *ib.*
- False certificate of conviction, 499.
- Effect of free or conditional pardon, *ib.*
- How criminal statutes to be interpreted, 500.
- Civil rights of felons, *ib.*
- Competency of convicts as witnesses, 501.
- Witness for prisoner to be sworn, *ib.*
- Form of Indictments for, *ib.*
- What shall be capital, 503.
- Murder, Manslaughter, Homicide, &c., *ib.*
- Attempt to murder, *ib.*
- Concealment of birth of child, 504.
- Procuring abortion, 505.
- Sodomy, Rape, &c., *ib.*
- Larceny, Robbery, Burglary, Arson, &c., 508—521.
- Stealing securities, 508.
- Forgery or alteration of Treasury Notes, 264.
- Plunder of wrecks, &c., 294.
- Wilfully causing a shipwreck, 300.

FEME COVERT,

- Limitation of disabilities of, 581.
- Renunciation of right of dower by, 174—176.
- Do. do. when out of the Island, 633.
- Conveyance made by, when out of, do., 720.
- Unable to make Will, 724.

FENCES & FENCEVIEWERS,

- What shall be a lawful fence, 161, 612.
- Notice to make fence, what required, 161.
- Notice to repair prostrated, do. do., 289.
- Appointment of Fence Viewers, how made, 162.
- Their duty and power, 161.
- Their fees, penalty for neglect of duty, 162.

FERRIES,

- To be advertised to be let by tender, 370.
- Ferry-men how to be appointed. *ib.*

FERRIES, (*continued*)

- Term of License, 371.
- Purpose of do., *ib.*
- Regulations for management of Ferries, how made, 370.
 - do. to be posted up, 372.
- Penalty on Ferrymen for breach of duty, 371, 372.
 - do. on persons not Licensed, acting as Ferrymen, 372.
- Ferrymen may demand payment before leaving, 373.
- No Revenue to be collected from, 374.
- Constant Ferrymen exempt from serving in Militia, 413.

FIRE ARMS,

- False alarm by means of, Penalty for, 43, 44.
- Unnecessary discharge of, in Charlottetown, punishable, 159.
- Limitation of complaint for do., *ib.*
- The property of Government to be kept in order, 45.
- Discharge of, with intent to hurt, &c., 504.

FIRE ENGINES,

- For Charlottetown, funds for purchase and repair of, how to be raised, 805.

FIRE ENGINE COMPANIES,

- Organization of Companies Nos. 1 & 2, 798.
- Any future Company, how to be constituted, 799.
- Vacancy in office of Captain, how filled, *ib.*
- Duty of each Company, *ib.*
- Exemptions of Members of Companies, 800.
- Non-attendance of do., discharge, &c., *ib.*
- Clerk and Treasurer to be chosen, *ib.*
- Number of training days, *ib.*
- Penalty for disobedience of Captain, *ib.*
- Caps and Tippets how made and marked, 801.
- Names of Members to be yearly published, *ib.*
 - do. to be furnished to Overseers of Statute Labor, *ib.*
- Withdrawal from Company, Notice, &c. *ib.*
- Compensation of Members injured at fires, 803.

FIREMEN,

- Constitution of Company of, for Charlottetown, 802.
- Duties, privileges, powers of, and penalties on, *ib.*
- Compensation to, if injured at fires, 803.

FIRING WOODS,

- Penalty for, 262.
- How to be levied and applied, 323.

FISHERIES,

- Contracts between masters and servants engaged in, 258
- Duration of season, 261.
- Preference as to wages, 258
 - Do do. supplies, 259

FISHERIES, (*continued*)

- Servants engaged in, absenting themselves from their duty, 259.
- Do. do. if harboured by Tavern-keepers, 260.
- Do. do. privileged from arrest, *ib.*
- Vessels engaged in, reporting of, at Custom House, 260, 261.
- Protection of*, Act for the, on the Coasts and in the Harbours of this Island, 698.

FLOATING OF LOGS, DEALS, &c.,

- Act for the regulation of, 622—625; 695—697.

FORGERY,

- Of Treasury Notes, capital, 264.
- Of the Coin of the Realm, Treason, 502.

FORMS,

- Small Debt Act, 782—793.

GAMING,

- Sums won by, not recoverable in Small Debt Courts, 762.

GEESE,

- Going at large in *Charlottetown*, may be seized, 169.
- Justice of Peace, his duty herein, *ib.*

GENERAL ASSEMBLY,

- Not to dissolve on demise of the Sovereign, 424.

GEORGETOWN,

- Local Acts*,
- Act relating to burials within, 644.
- do. relating to Common, 750.
- do. do. Wharf, 806.

GIN,

- Duty on, (See *Impost*,) 77, 171.

GLEBE AND SCHOOL LANDS,

- Act authorizing Sale of, 464.
- Appropriation of proceeds of Sale of, 467.

GOVERNMENT,

- Hon. George Wright, as Administrator, Act to render valid proceedings of, 652.
- Act relating to the Administrator of, for the time being, 484.

GOVERNOR AND COUNCIL,

- Rules of, prior to the calling of an Assembly, repealed, but all previous proceedings thereunder confirmed, 2.
- Duty and power in Division of Lands, 45, 177.
- Powers as to Sewers, 178—181.
- Powers as to pretended Ministers of Established Church, 205.
- To form a Court of Divorce, 460.
- To hear appeals from Surrogate Court, 741, 742.

GRAIN,

- Standard weight of, established, 558.
- Duty of Measurer, 559.
- Penalty on do. for neglect of duty, *ib.*
- Duty of Millers to grind in rotation, 593.

GRAND JURY,

- Duty, to appoint Fence Viewers, 162.
- To choose their Foreman, 658.

GRAND LARCENY,

- Distinction between, and Petit Larceny abolished, 508.

GRANTS,

- Of Townships, registration of, 483.

GRIST MILLS

- Regulation of rate of toll at, 592.
- And Millers regulated, 592—595,

GUARDIANS,

- Power of Surrogate to appoint, to Minors, 600.

GUNS,

- Firing off, after Sunset, unlawful, 43, 44.
- Do. do. in Charlottetown, punishable, 159.

HARD LABOUR,

- May be added to imprisonment for Felonies, 497.
- do. do. punishment of Accessories, 521.

HEALTH OFFICER,

- Authority, on board infected Vessels, 344.
- (See *Quarantine, Emigrants.*)

HERRINGS AND ALEWIVES,

- Regulations respecting Nets for catching, 824.
- Penalties, on breach of do., *ib.*

HIGHWAYS,

- Assessment by three Justices, in certain cases, for the repairs of, 147—149.
- To be 60 feet wide, (except in certain cases,) 683.
- Encroachment upon, by fencing or otherwise, how punishable, *ib.*
- Statute Labour upon,*
- 16 Commissioners appointed, 672.
- Their Districts, 688.
- Do. Oath attached to Return, 689, 707, 708.
- Do. duty to appoint and instruct Overseers, 672, 683, & when, 675.
- Their duty to appoint persons to bush the Ice on Rivers, &c., 675, 676.

HIGHWAYS, (*continued.*)

- Do. in expending moneys, 678, 679.
- Do. in advertising for Contracts, 679.
- Do. as to removal of Nuisances, 680.
- Do. as to Winter Labour, 683.
- Do. as to opening drains, 686.
- Penalty on Commissioner for neglect of duty, 684.
- Commissioner protected from costs, in case of non-suit, 685.
- Overseers, how appointed, 675.
 - Do. their duties and authority, 675, 676.
 - Do. to give notice to persons liable to work, 676.
 - Do. to account, and when, 677.
 - Do. when to advertize, 678.
 - Do. power as to nuisances, 680.
 - Do. need not serve more than once in 3 years, 681.
 - Do. duty in breaking Winter Roads, *ib.*
 - Do. Oath annexed to return of, 689.
 - Do. Penalty on, for neglect, 684.
- Persons liable to perform labour on, 673.
 - Do. do. do. may commute for money, 678.
- Widows exempt in certain cases, 674.
- Teachers receiving Legislative aid, *do.*, 684.
- Members of Fire Engine Companies, *do.*, 800.
- Penalty for non-performance of, 674.
- Form of Summons to recover Penalty, 708.
- Rates payable by Minors in lieu of Statute Labour on, 687.
 - Do. how recoverable, *ib.*

HOGS,

- Trespassing, may be impounded, 612.
- Affidavit to be made by persons impounding, 613.
- Fee to Pound-keeper for, 614.
- (*See Pounds.*)

HOMICIDE,

503.

HORSES,

- Using, without leave of Owners, punishable, 177.
- Amount of Penalty, &c., and mode of recovery, 177, 178.
- Galloping of, in Charlottetown, prohibited, 596.
- Penalty for *do.*, how applied, 597, 598.
- To be driven on left side of Road, 597.
 - Do. with good Reins, 596.
- Killing of, with intent to steal skin or carcass, 514.
- Trespassing, may be impounded, 612—615.
- Going at large in Charlottetown, prohibited, 822.
- Amount of Statute Labour to be performed for, 673.
- Stone*, not allowed at large in certain seasons, 35.
- Remedy for breach of Act, 35.
- Use of, in Charlottetown, regulated, 825, 826.

HOUSES,

- Breaking into, at night, burglary, 510.
- Setting fire to, maliciously, 519.

HUSBAND,

Taking second Wife in life-time of first, or *vice versa*, 507.

ICE BOAT,

Description of, for conveyance of Winter Mails, 434.

IMPOST,

Duty on Wines, Rum, &c., 6d. per gallon, (1785,) 77.

Do. do. additional, 4d. (1795,) 171.

Do. Ale, Beer, &c., 2d. (1795,) 172.

Duties under £10, to be paid on landing, 77.

Scale of credit to be given for sums under £100, *ib.*

After expiration of credit, duties to bear interest, 232, 233.

Collectors to be appointed, where and how, 83.

Do. to give security, *ib.*

Wines, &c., landed contrary to Act, seizable, 84.

Penalty for purchasing Wines, &c., landed without or before entry, *ib.*

Cargoes of Prizes liable for Duty, 85.

Duty of Marshal of Vice Admiralty herein, *ib.*

Drawback on Wines, &c., for use of Navy, 88.

Wines, &c., landed after Drawback allowed, &c., to be forfeited, 89.

Limitation of quantity allowed for Drawback, *ib.*

Collector to account to Treasury quarterly, *ib.*

How forfeitures are to be sued for, *ib.*

Application of Penalties, 90.

Limitation of Suits for Penalties, *ib.*

Witness may be examined *de bene esse*, *ib.*

Appropriation of Permanent Duty, *ib.*

Said Duty, how to be accounted for, 92, 172.

Appeal allowed from inferior Courts, 91.

Collectors to be guided by 25 Geo. 3, 92.

Do. to take Recognizance to the Crown, 231.

Do. do. Warrants of Attorney, in addition, 314.

Do. to keep regular Books of account, *ib.*

Do. penalty on, for not keeping such books, 315.

Do. allowed Clerks or Deputies, (sworn) 425.

Clerks or Deputies may make seizures, *ib.*

INDIAN CORN,

Standard weight of, 558.

INFAMOUS CRIME,

Definition of meaning of, 510.

Letters threatening to accuse of, 509.

INFANTS,

How Guardians may be appointed to, 600.

Limitation of disability in personal actions, 72.

Do. do. in Actions for Land, 581.

Carnal knowledge of, under 10 years of age, 506.

INFECTIOUS DISTEMPERS, 337—349.

(See *Health, Boards of.*)

INNKEEPERS,

(See *Licensed Houses.*)

INSANE PERSONS,

Asylum for, to be erected, 630.

Do. how expense to be defrayed, 631 & 814.

Do. Trustees for management of, how appointed, 666.

Do. their duty, quorum, &c., 632.

Do. Lieut. Governor to be Visitor, *ib.*Do. £350 per annum voted for maintenance of, *ib.*Do. £150 voted for Bedding, &c., *ib.*

INSOLVENT ACT,

Benefit not to extend to prisoners in execution for Small Debts, 779.

INTENT TO MURDER,

Felony, 503.

INTEREST,

No greater than 6 per cent. per annum to be taken, 93.

Bonds, Contracts, &c., for a higher rate, to be void, *ib.*Persons taking more, &c., to forfeit the whole, *ib.*Application of forfeiture, and mode of recovery, *ib.*

Certain exceptions, 94.

Prosecutions to be brought within 12 months, *ib.*

Writ of Error allowed to Supreme Court, 95.

INTESTATES' ESTATES,

How Administration to be granted, 733.

Who entitled thereto, *ib.*

Bond for due Administration to be given, 734.

Form of Bond, 747.

Power of Surrogate, &c., 734.

Children advanced in life time of Intestate to account, 735.

Real Estate, how divided, *ib.*May be divided by consent, and how, *ib.*

In case of Children of Intestates dying under age, 736.

Do. no Children, how distributed, *ib.*Do. no representatives among collaterals, *ib.*

Do. Widow's dower, how divided after her death, 736.

Estates, not comprised in any Will, to be distributed as Intestates' Estates, 737.

Administrators' Inventory, when to be filed, *ib.*Do. do. requisites of, *ib.*Do. do. to be verified on oath, *ib.*

Administrator failing, may be cited, 738.

Do. may file second Inventory, *ib.*Do. to pay debts according to legal priority, *ib.*

Real Estate, when to be sold to pay Intestates' debts, 739.

License therefor, how obtained, *ib.*Petition to Court of Surrogate, *ib.*

Do. to be examined into, 740.

Surrogate may grant License, *ib.*

INTESTATES' ESTATES, (*continued.*)

- Surrogate may grant License, within what time, 740.
- do. do. direct Estate to be leased, 741.
- do. decision of, may be appealed from, *ib.*
- Conditions of appeal, Bond, &c. 742.
- Form of Bond, 749.
- Power of Governor and Council on appeal, 742.
- On License granted, Administrator entitled to rents, 743.
- Notice of sale of Real Estate, *ib.*
- Bond to be executed, and filed before sale, *ib.*
- Form of Bond, 749.
- Deeds of Real Estate, how made and executed, 744.
- No Bond to be sued for, for breach of Act, without order of Surrogate, 745.
- If Bond sued for, amount recovered to be distributed as assets, *ib.*
- Power of Surrogate, in case of Intestacy before passing of Act, 746.

JAILORS,

- Their fees under fee Act, 21.
- Not allowed fees for confining Deserters from Navy or Army, 227.
- To receive small debt prisoners, arrested within the County, although Execution issued in another County, 771.

JEOFAILS,

- After Verdict, Judgment shall be given, notwithstanding mispleading, &c. 106.
- Do. do. Judgment not to be stayed for want of form, 107.
- Divers Jeofails prevented and reformed, *ib.*
- In what case Judgment not to be stayed for want of form, 108.
- Duty of Justices, on Judgment on Demurrer, 109.
- Judgment on Confession, not to be reversed for defect, &c. 110.
- Statute to extend to Actions at Suit of Crown, *ib.*
- To what, statute shall not extend, *ib.*
- No dilatory Plea received, but on Affidavit, 110, 111.

JOINT DEBTORS,

- Remedy against, one or more being out of the Island, 238.
- Court may abate Suit, in certain cases, 239.
- Declaration against, and Judgment, how filed and recovered, *ib.*
- Execution may issue against, 240.
- Court, on Affidavit, may grant Impar lance, *ib.*
- Not being served with Process and returning into the Island, may be admitted to defend, *ib.*
- Do. do. may be sued by *Scire facias*, 240, 241.

JUDGE OF PROBATE,

- May issue Process of Contempt, 599.
- Do. appoint Guardians to Minors, 600.

JUDGMENT,

- Not to be stayed for want of form, (*see Jeofails*), 108.

JUDGMENT, (*continued*)

- In criminal proceedings, after Verdict, 494, 495.
- Limitation of recovery of moneys secured by Judgment, 586.
- Want of registry, not to affect Judgments, 381.

JURORS,

- Their fees on Coroner's Inquest, 19.
- Do. do. in Civil Causes, *ib.*
- Persons liable to serve as Jurors, 655, 656.
 - Do. exempt from Juries, 656.
 - Do. to be summoned Six days, 657.
- How to be summoned, 657.
- If not attending, Court may order a *tales*, *ib.*
- Special, how struck, *ib.*
 - Do. to be paid by party applying, *ib.*
- Grand, to choose their foreman, 658.
- Grand, fine for non-attendance, *ib.*
- Petit, do. do., *ib.*
- Not liable to serve more than every third issuable term, *ib.*
- Grand, to nominate Fence Viewers, 162.

JURY, SPECIAL,

- How to be struck, 657.
- To be paid for by party applying, *ib.*

JUSTICES OF THE PEACE,

- Fees of, under fee Act, 24.
 - Do. for Warrants, in certain cases, 160.
- Duty of, on alarm from Battery, 42.
- Sheriff not allowed to act as a Justice of the Peace, 132.
- Three Justices empowered to assess unsettled Townships, in certain cases, 147—150.
- Sheriff, in laying out Widow's Dower, to be sworn by a Justice of the Peace, 157.
- Empowered to take acknowledgments of Married Women to Deeds, 175.
- Authority to commit Deserters, 227.
- Their duty as to Shipwrecks, 294—299.
- Marriages by, in certain cases, made valid, 349.
- Marriages by, regulated, 351, 352.
- May enforce the attendance of Witnesses before them, 324.
- May award Witnesses their expenses, 325.
- Mode of recovering Penalties and Costs in suits before, 354, 355.
- Exempt from Militia Trainings, 413.
- Duty of, on criminal information, 486.
- In what cases, may admit to bail, persons charged with Felony, *ib.*
- Penalty on, for neglect of duty, 488.
- Empowered to grant Search Warrants for stolen Goods, 521, 522.
- Duty of, on apprehension of Offender, *ib.*
- May reduce Penalty imposed by Mutiny Act, 602.
- Two Justices empowered to eject Tenants overholding tenements, 711.
- Empowered to board Vessels hovering, 700.

JUSTICES OF THE PEACE, (*continued.*)

Empowered to issue Capias against Debtors leaving the Island, 776.
 Mode of proceeding on Capias, 776, 777.

Empowered to Administer Oath to Electors on Controverted
 Elections, 817.

Their Jurisdiction, in regard to Bears and Loupcerviers, 813.		
Do.	do.	do. Boats, Flats and Canocs, 661.
Do.	do.	do. Bread and Bakers, 399—403.
Do.	do.	do. Booms, Logs and Rafts, 697.
Do.	do.	do. Burning of Oysters, 332, 333.
Do.	do.	do. Burning of Woods, 262, 323.
Do.	do.	do. Burials in Georgetown, 645.
Do.	do.	do. Carts, Carriages, &c. 597, 598.
Do.	do.	do. Capias, 776—778.
Do.	do.	do. Concealment of Goods, &c., Distrain- ed, 455.
Do.	do.	do. Common of Georgetown, 751—754.
Do.	do.	do. Constables refusing to serve, 690, 691.
Do.	do.	do. Deserters from Fishery, 259.
Do.	do.	do. Fence Viewers, 162.
Do.	do.	do. Ferries and Ferrymen, 373, 374.
Do.	do.	do. Fire Engines, 805.
Do.	do.	do. Firing Guns, 159.
Do.	do.	do. Firing Small Arms, 44.
Do.	do.	do. Grist Mills and Millers, 594.
Do.	do.	do. Geese in Charlottetown, 169.
Do.	do.	do. Georgetown and other Wharfs, 808—812.
Do.	do.	do. Herring Nets, 825.
Do.	do.	do. Horses used without leave, 178.
Do.	do.	do. Horses, Bulls and Cows, (Charlotte- town), 822, 823.
Do.	do.	do. Indecent Bathing, 477.
Do.	do.	do. Lord's Day, 48.
Do.	do.	do. Militia Men, 38, 411.
Do.	do.	do. Mill-dams and Rafts, 623, 624; 697.
Do.	do.	do. Oysters, 332.
Do.	do.	do. Partridges, 36.
Do.	do.	do. Pounds, 561; 612—615.
Do.	do.	do. Quarantine, 343—347.
Do.	do.	do. Rams and Sheep Reeves, 420.
Do.	do.	do. Servants, 407—409.
Do.	do.	do. Sheep and Goats, 620, 621.
Do.	do.	do. Stallions, 35; 826.
Do.	do.	do. Tavern-keepers, 260, 336.
Do.	do.	do. Weights and Measures, 392—394; 643.
Do.	do.	do. Weights of Grain, 559.
Do.	do.	do. Winter Mails, 437.
Do.	do.	do. Witnesses to Deeds, 379.

KING'S COUNTY,

Coroner appointed for, 643.

Deputy Prothonotaries authorized to issue Marriage Licences, 693.

LAND ASSESSMENT,

Act of 1790 (by 3 Justices), 147—150.

Quit Rent Act, (1802), 194—203.

LANDS,

Division of,

How non-residents may be compelled to divide lands held in common, 45.

Proprietors must own not less than 500 or 1000 acres, 177.

Proceedings before Governor and Council, 46.

Division to be completed within 40 days, 177.

How expense to be borne, 46.

Remedy, if not paid within 3 years, 47.

Resident Proprietors, &c., how compellable to divide, *ib.*

How division may be effected, for Levy and Sale under Quit Rent Act, 199.

Of Intestates, how made and perfected, 735.

And Tenements, made liable for Debts, 111.

In default of Personal Estate, 112.

Sheriff to advertise immediately, *ib.*

How and where, 797.

Two years to intervene before Sale, 171.

Levy to be inserted in advertisements, 797.

Appraisement to be made before Sale, 796.

Sheriff's duty at Sale, (where part of lands levied on will satisfy Execution,) 116.

Overplus how applied, *ib.*

Nature of Sheriff's Deed, 113.

Affidavit to be endorsed on do. by Registrar, 546.

Sheriff empowered to give possession of lands sold, 113.

In the case of lands leased before Levy, 114.

In the case of Sale of part of Leased premises, *ib.*

Appraisement of do., 114, 115.

Burthen of proof to fall, in certain cases, upon persons seeking to avoid Sales made upwards of 2 years, 545.

Sheriff to make Affidavit of regular seizure, &c., 546.

Mortgaged,

Action in Supreme Court, in certain cases, to recover amount secured on, 117.

Declaration to set out substance of Mortgage, *ib.*

Proceedings on plea, trial, &c., *ib.*

How Interest to be computed, *ib.*

Sheriff's duty on Execution against, 118.

Extent of jurisdiction of Supreme Court, *ib.*

Of deceased persons,

Made liable for their debts, 739.

Mode of proceeding with respect to same, 739—744.

Sale of certain lands on Judgments against absent Debtors, confirmed, 562.

Titles to, confirmed, (see Titles.)

LANDLORD,

- Not to sell property distrained, in certain cases, under 20 days, 452.
- Not to sell certain property between 1st December and 1st June, 710.
- Warrant of Attorney to be taken by, in such cases, 452, 453.
- May follow goods removed, for 30 days, 454.
- May search for goods secreted, 454, 455.

LANDLORD AND TENANT,

Act relating to, 711—716.

- How Tenant of a Messuage, where not more than an acre of Land is held, overholding, may be put out, 711.
- Lessor may apply to 2 Justices, *ib.*
- Duty of Justices, 712.
- Form of Summons, 714.
- Do. of Execution, 715.
- Sheriff to levy Execution, 712.
- Supreme Court may grant *Certiorari*, 713.
- Duty of Court thereupon, *ib.*
- Costs how awarded and recorded, *ib.*
- Writ of Restitution may be awarded, *ib.*

LAND SURVEYORS, (*see Surveyors.*)

LANDWAITERS AND SURVEYORS,

- How appointed, their powers, &c., 83.

LARCENY,

- Distinction between Grand and Petit, abolished, 508.
- Stealing of valuable securities, *ib.*
 - Do. from a Vessel, 511.
 - Do. of Records, Writs, &c., 512.
 - Do. of Wills, *ib.*
 - Do. of Deeds relating to Real Estate, 513.
 - Do. by Tenants or Lodgers, 514.
 - Do. by Clerks or Servants, *ib.*
- Killing any beast, with intent to commit, 514.
- Person guilty of, not to be acquitted of misdemeanor, if only indicted therefor, 516.
- Accessaries to, *ib.*
- Goods stolen to be restored to owner, 518.
 - Do. do. may be searched for by Warrant of J. P., 521, 522.

LAWS,

- To take effect from date of Governor's assent, 244.
- Orders of Council relative to, to be recorded, 389.

LEASEHOLD ESTATES,

- Taken in Execution, how to be advertised, 247, 297.
- If under-let by Defendant, under Tenants to attorn to Plaintiff, 247.
- Sheriff to return Writ within 8 days after Levy, 248.

LEASEHOLD ESTATES, (continued.)

Not to be sold until 12 months after Levy, 277.

Sale not to affect under-tenant, 247.

Must be sold at Auction, 248.

Sheriff may make Deed of Assignment, *ib.*

Do. may put purchaser in possession, *ib.*

LEGACIES,

To attesting Witness of a Will, void, 726.

Ascertained, may be recovered at Common Law, 733.

(*See Wills, Executors.*)

LEGATEE,

May object to Letters testamentary to executor named in Will, 732.

LETTERS,

Threatening, 509.

Do. to accuse of infamous crime, 510.

Testamentary, (*see Wills,*) 732.

Of Administration, 733.

LICENCES,

Governor's fees on, 12.

Secretary's do., 13.

Marriage,

To be granted by Lieutenant Governor, 350.

To be directed to such person, being authorized, as applicant may desire, 358.

Not to be granted to Minors, without consent of Parents, &c., 693.

Not to be granted without Bond, *ib.*

Form of Bond, 694.

May be issued by Deputy Prothonotaries in the Country, 693.

LIGHT-HOUSES,

Commissioner appointed with reference to Light Houses on Saint Paul's, &c., 479.

LIMITATION OF ACTIONS, (see Actions.)

Personal, 69—73.

Affecting Real Estate, 575—587.

For recovery of money secured on Mortgage, defined, 648.

In Small Debt Courts, 762.

For any thing done under Small Debt Act, 780.

LIMITS OR RULES OF JAILS,

Not to extend to any person in Execution under Small Debt Act, 779.

LODGERS,

Stealing property from apartments let to them, 514.

LOGS,

Regulation for floating, (*see Deals,*) 622, 695.

LORD'S DAY,

- No shop or Store allowed to be open upon, 48.
- Exception of Milk and fresh Fish, *ib.*
- No Labour or Business to be followed, *ib.*
- No Sports or Pastimes to be permitted, *ib.*
- Penalty, how recoverable, and to be applied, 48, 49.

LOUPCERVIERS,

- Reward to be paid to persons killing, 813.

LOYALISTS,

- American, Resignation of Lands to, by Proprietors, 142, 143, &c.
- Power of Governor to give Grants to, 145.

LUMBER,

- Floating of, through Mill dams, 622—625.
- Do., do., Booms, &c. 695—697.
- Cutting Rafts adrift, defacing, &c., 696.

MAILS,

- Act for regulating their conveyance in Winter, 434—437.
- Remuneration for conveying, 437.

MAIMING,

- With intent to kill, 504.

MALICE,

- Against the Owner of Property, not essential to bring Offender to punishment, 520, 521.

MANSLAUGHTER,

- How Punishable, 503.

MARKET, (*Charlottetown*),

- 9 Stalls therein to be let for a term, at Auction, 662.
- Remainder to be let, day by day, *ib.*
- No sub-letting to be allowed, 663.
- No forcible occupancy, 664.
- Salary of Clerk, 663.
- Duty of Clerk, as to Fresh Meat, 66a.
- Do. as to Cattle, Carts, &c. *ib.*
- Do. as to Blown Meat, 665.
- Do. to make Returns to Council, *ib.*
- Do. to visit Bakers weekly, 401.
- Do. to seize light Bread, *ib.*

MARRIAGE,

- Second, during life of first husband or wife, 507.
- Do. when not unlawful, *ib.*
- To be a revocation of Will made before, 727.
- Issue of lawful, not bastardized by sentence of divorce, 461, 462.

MARRIAGES,

- Certain, where parties have cohabited, confirmed, 349.
- By Rev. Thomas Adin, may be registered, and how, 333.
- To be recorded with Surrogate, 307, 352.
- Fees on Recording, 308, 352.
- Fees for Recording, by Rev. Thomas Adin, 334.
- May be celebrated by Clergymen obtaining Certificates from Lieutenant Governor, 350.
- Certain ordained Clergymen to solemnize without such Certificate, 350.
- In what cases Minors may contract matrimony, 353.
- Penalty for marrying Minors, without consent of parents or guardians, 351.
- Penalty for marrying without Licence or Banns, *ib.*
 - Do. not Recording, 352.
 - Do. Breach of Marriage Act, 353.
- Licences to be directed as applicant may desire, *ib.*
 - Do. issued in the Country by Deputy Prothonotaries, 693.
 - Do. not to be issued for Minors, without consent of parents, 693.
- Bond to be entered into to obtain Licence, *ib.*
- Form of Bond, 694.
- How dissolved and annulled, and for what, 459—462.

MARRIED WOMEN,

- Limitation of right of personal action, 72.
 - Do. in regard to Entry on Lands, 581.
- May convey Real Estate jointly with their Husbands, 175.
 - Do. do. if not residing on the Island, 720.
- May renounce right of dower, and how, 175.
 - Do. do. do. when not resident on the Island, 633.

MARSHAL,

- His Fees, 24.
- Of Admiralty Court, not to deliver Prize Goods liable to Duty, without Permit, 85.

MARSH LANDS,

- How dyked, drained and preserved, 178—181.
- Malicious destruction of Dykes, how punishable, 520.

MEASURES,

- To be Stamped, 392.
- Assayers, how to be appointed, 391, 393 & 641.
- Duty of Assayers, 392.
- For Agricultural Produce, how regulated, 642.
- Fees of Assayers, 392 & 643.
- Penalty on persons using unstamped, 392.
 - Do. do. false weights, 393.
 - Do. do. refusing admittance to Assayer, *ib.*
 - Do. do. receiving on board ship, Produce, without stamped Measure, 643.

MERIDIONAL LINE,

- For use of Surveyors established, 220.
- Surveyors to regulate their compass Needles by, *ib.*
- Do. to receive a certificate of Variation from, *ib.*

METHODIST SOCIETY,

- Trustees for certain property held by, 442.
- Trust established, *ib.*
- Official designation of Trustees, 443.
- President, Board of Trustees, &c., *ib.*
- Property vested in Trustees, 444, 445.
- Right to sue and be sued, vested in do. 445.
- Do. purchase and acquire property, 446.
- Do. sell, exchange and Mortgage, *ib.*
- Object of Trust, 447.
- Receipts of Trustees, valid, 449.
- Vacancies in Trust, how filled up, 443.
- Certificate of appointment of New Trustees, 451.

MILITARY WATCHES,

- May be appointed by the Governor, 39.
- All persons of age to attend under Penalty of 5s., *ib.*

MILITIA,

- Persons liable to serve in, 38.
- Do. above 45, to be enrolled as *corps de Reserve*, 412.
- Organization of, into *Battalions*, &c., 410.
- Inspector appointed, his duty, Salary, &c., 413.
- Distance of residence from place of training, 410.
- Persons entitled to exemption, 413.
- Clerks of Companies, appointed, 40.
- Do. do. their duties, 411.
- Do. do. their Oath, allowance, &c., 40.
- Captains, their duty to transmit Returns, 411.
- Musters, how to be notified, *ib.*
- Penalty on Officers refusing to draw out their Companies, 412.
- Do. Clerk, neglecting to Account, 41.
- Penalty on Privates refusing to attend Muster, 412.
- Do. Captains not making Return, 411.
- Do. Persons evading enrollment, 38.
- Do. do. not attending Military Watches, 39.
- Certificate of removal from Precinct, 38.
- Military Watches may be ordered by Governor, 39.
- Captain and Commissioned Officers may appoint non-commissioned Officers, *ib.*
- Refusal to serve of non-commissioned Officers, *ib.*
- Neglect of duty by do. *ib.*
- Persons attending Musters exempt from arrest, 40.
- Commanding Officer, his power to call together Captains, &c., to confer, 41.
- Alarm, how to be made at Charlottetown, 42.
- Do. do. do. in other parts of the Island, 43.

MILITIA, (continued.)

- Duty of persons in authority, on alarm, 42.
- Allowance to men wounded in service, 43.
- Persons exempt from, to provide Arms, &c., 44.
- No penalty, for not having Arms, to be enforced, until Government shall provide same, *ib.*

MILLERS,

- See *Mills*, 591—595.

MILL DAMS,

- Destruction of, wilful and malicious, felony, 520.
- Floating of Logs and Deals through, regulated, 622.

MILLS,

- Toll to be taken at, for grinding Wheat, &c., 592.
- Do. do. do. pearling Barley, *ib.*
- Do. do. do. grinding Oats, *ib.*
- Do. do. do. Bolting Wheat, *ib.*
- Do. do. do. sifting Oatmeal, *ib.*
- Toll, how to be taken, 593.
- Corn to be brought in good order, *ib.*
- Bran, Offal, &c., to be returned, *ib.*
- Grist to be ground in order, *ib.*
- Scales and Weights to be kept in Mills, 594.
- Penalty for taking more than Toll, &c., 593.
- Do. do. undue preference, *ib.*
- Do. do. want of Scales & Weights, 594.
- Do. do. not posting up copy of law, *ib.*
- Penalties, how recoverable, *ib.*
- Do. how appropriated, 595.

MINORS,

- Limitation of right of, in personal actions, 72.
- Do. do. of entry on Lands, 581.
- Marriage of, without consent of parents, &c., void, 351; (see 693.)
- Do. do. do. punishable, and how, *ib.*
- Do. in certain cases, may take place, 353.
- May recover wages in Small Debt Court, in certain cases, 765.
- Disqualified from making Will, 724.
- Mode of appointment of Guardians to, 600.

MISDEMEANORS,

- Mode of proceeding in cases of, by Indictment, 491—501.
- Concealment of Birth of Child, 504.
- Carnal knowledge of a female, between 10 and 12 years of age, 505.
- Abduction of a Girl from her parents, 507.
- Stealing of Records, Writs, &c., 512.
- Do. of Wills, *ib.*
- Do. Writings respecting Real Estate, 513.
- Obtaining Money under false pretences, 516.
- Receiving Stolen Goods, *ib.*

MISDEMEANORS, (*continued.*)

Accessaries to Misdemeanor, 516.

Do. how punished, 521.

Restitution of property to owner, 513.

Malice against owner of property, non-essential, 520.

Conviction for stealing Writings, &c., not to take away right of civil action, 513.

MISNOMER,

In Indictments, or Informations, 494.

MISPLEADINGS,

In civil actions, 106.

(*See Jeofails.*)

MONEY,

Obtaining, under false pretences, 516.

Embezzlement of, by Clerks & Servants, 514.

Robbery of, from the person, 509.

Extortion of, by threatening letters, *ib.*

Taking, for helping to recovery of stolen property, 518.

MORTGAGES,

Action may be brought in Supreme Court, to foreclose in certain cases, 117.

Mode of proceeding, *ib.*

Payment on account of, to be given in evidence, *ib.*

What Interest may be found by Jury, *ib.*

Do. to be allowed in cases of default, *ib.*

Mode of proceeding with Execution, 118.

Lands not to be sold in less time than two years, 171.

For want of sufficient assets, Mortgagee may have *alias* Execution, 118.

Limitation of actions in the Supreme Court, *ib.*

Right of entry of Mortgager, when barred, 584.

Do. do. Mortgagee, defined, 648.

Moneys secured on, when to be deemed satisfied, 583.

Registry of, (*see Registry.*) 375.

Certificate of payment of, to be registered, 380.

Form of Certificate, *ib.*

MOTHER,

Concealment of Birth of Child by, 504.

MURDER,

Punishment for, 503.

Do. of accessaries to, *ib.*

MUTE,

Plea of "Not Guilty," to be recorded for prisoners standing, 496.

MUTINY AND DESERTION,

Authority to Magistrates, to reduce Penalties inflicted by Act against, 602.

MUTUAL DEBTS,

May be set off in actions, (*see Set off*;) 123, 326, 327, 766.

NAVIGATION,

Act for security of, 293—300.

NAVY,

Wine and Spirits for the use of, entitled to drawback, 88.

Penalty for re-landing do., 89.

Deserters from, how punished, 227.

NETS,

Setting of, for Herrings, &c., regulated, 824.

NEWFOUNDLAND,

Banishment of Convicts from, 628.

NOTARIES PUBLIC,

Fees of, 24.

NOTES,

Promissory, Act to restrain the issue of, payable in Treasury Notes, 474.

Do. issue of, regulated, 475.

Do. penalty for issue of, under £5, *ib*.

Do. stealing of, 508.

Treasury, (*see Treasury Notes*.)

NUISANCES,

In Highways, how removed, 680.

OATHS,

Enactment respecting the abolition of, 482.

Quakers excused from taking, 97.

Of Suitors in Small Debt Court, limited to prove £5, 766.

OATS,

Standard weight of, 558.

Legal toll for drying, shelling, and grinding, 592.

OFFENCES,

Act for the punishment of, 502.

Treason, *ib*.

Petit Treason, 503.

Murder, 503.

Do. Accessories to, before fact and after, *ib*.

Manslaughter, *ib*.

Homicide, not felonious, *ib*.

Attempts to Murder, poisoning, maiming, &c., 504.

Secreting of birth of child, *ib*.

Procuring abortion and miscarriage, 505.

OFFENCES, (*continued.*)

- Sodomy, 505.
- Rape, *ib.*
 - Do. of Infant girls, 506.
 - Do. what to be proof of, *ib.*
 - Do. limitation of complaint of, *ib.*
 - Do. assault, with intent to commit, *ib.*
- Abduction of a girl, 507.
 - Do. limitation of complaint of, *ib.*
- Bigamy, *ib.*
- Larceny, 508.
- Stealing Securities for money, &c., *ib.*
- Robbery from the person, 509.
 - Do. assault with intent to commit, *ib.*
- Extortion of money by threats, *ib.*
 - Do. do., by threatening letters, *ib.*
- Definition of an infamous crime, 510.
- Burglary, *ib.*
- Definition of Dwelling-house, 511.
- Robbery in the night, of Shop, &c., *ib.*
- Stealing Goods from vessel, boat, raft, &c., *ib.*
 - Do. Records, Writs, &c., 512.
 - Do. Wills, Codicils, &c., *ib.*
 - Do. Deeds, &c., relating to Real Estate, 513.
- Prosecution for last offences, not to take away right of private action, *ib.*
- Killing animals, with intent to steal skin or carcase, 514.
- Stealing by Tenants, Lodgers, &c., *ib.*
- Embezzlement by Servants, Clerks, &c., *ib.*
- Distinct acts of embezzlement, 515.
- Obtaining money, &c., by false pretences, 516.
- Receiving stolen property, 516, 517.
- Restitution of stolen property by Court, 518.
- Taking reward to recover stolen property, *ib.*
- Setting fire to Church, House, Shop, &c., 519.
 - Do. do. Ship or Vessel, *ib.*
- Maliciously damaging Ship or Vessel, 520.
- Destruction of Mill-dam, Dyke, &c., *ib.*
- Setting fire to public School-house, *ib.*
 - Do. do. Stacks of Hay or Grain, *ib.*
- Malice against owner of property, not essential, *ib.*
- Principals in second degree, 521.
- Persons committing, may be apprehended without Warrant, *ib.*
- Stolen Goods may be searched for, *ib.*
- Where Venue in Indictments must be laid, 522.

ORDERS,

- For Goods, Stealing, 508.

ORDNANCE,

- Act relating to Estates and Property of, 565.

OVERSEERS OF STATUTE LABOUR,

How and when to be appointed, 675.

Duties of, 674—678.

Authority in removal of Nuisances, 680.

Do., to break Winter Roads, 681.

To account annually, 684.

(See *Highways.*)

OYSTERS,

Not to be burnt for Lime, 332.

Penalty for burning, *ib.*

Mode of recovery of penalty, *ib.*

Application of do., 333.

PARENTS,

Unlawful abduction of a Girl from her, 507.

Limitation of action for do., *ib.*

PARTITION,

Writ of, granted in certain cases, 47.

PARTNERS, (See *Joint Debtors.*) 238—241.

Offences committed on the property of, 492.

PARTRIDGES,

Penalty for killing, out of season, 35 & 68.

PATENTS,

For useful inventions, how to be obtained, 552.

Do. do. Petition to obtain, 553.

Do. do. Oath to accompany Petition, 554.

Do. do. Description of Invention, &c., do., 555.

Do. do. Assignable, 556.

Do. do. Action for infringement of, *ib.*

Do. do. do. may be defended, *ib.*

Do. do. Limitation of action for do., 557.

PEARL BARLEY,

Toll to be allowed Millers for manufacturing, 592.

PEAS,

Standard weight of, 558.

PENALTIES AND COSTS,

How recoverable, when Statutes are silent, 354.

Periods of imprisonment for, according to amount due, *ib.*

How Constables' fees to be paid, if defendant be imprisoned, 355.

PERJURY,

False affirmation of Quakers, punishable as, 98.

False swearing in Summary Suits, how to be punished, 123.

Do. do. before Registrar of Deeds, &c., how do., 379.

Do. do. on behalf of prisoners, 501.

Person convicted of, rendered afterwards incompetent as a witness, *ib.*

INDEX.

PETIT LARCENY,

Distinction of Grand and Petit Larceny abolished, 508.
(See *Larceny*.)

PETIT TREASON,

To be treated as Murder, 503.

PILOTAGE,

Rate of, for different Harbours, 550.
Certain Vessels exempt from, *ib*.

PILOTS,

How to be appointed, 549.
To keep sufficient Boats, *ib*.
Remuneration to, *ib*.
Coasters not compelled to employ, 550.
Offering their services, to be paid, *ib*.
Duty of, 551.
Penalty on, for neglect of duty, *ib*.
Do. how recovered and applied, *ib*.
For Charlottetown, to be furnished with printed Instructions, &c., 340.
Duty of, boarding Vessel with disease on board, 340.
When not allowed to board infected Vessels, 341.
Penalty on, for breach of Quarantine Law, *ib*.

PLEAS,

Judgments, not to be reversed for defects in, 104.
Defects in, to be amended, *ib*.
Exception, with respect to Appeals of Felony, &c., 105.
Variance from Record, in civil actions, how amended, 104.
After Verdict, Judgment not to be stayed for defect, *ib*.
Dilatory, not to be received, unless verified, 110.
Do. Indictment not to abate by, 494.
Of "Not Guilty," to an Indictment, 495, 496.

PORTER,

Duty on the importation of, 172.

POUNDS,

To be erected in the Towns or Royalties, 560.
Do. do. in districts in the country, when, 561.
Cattle trespassing, how to be impounded, 612.
Affidavit of Trespass, to be lodged with Pound-keeper, 613.
Pound-keeper to advertize, *ib*.
Persons injured, may proceed against owners, *ib*.
Costs of keeping Cattle till sale, &c., *ib*.
Pound-keeper's fees, 615.
If fees and damage not paid, cattle to be sold, 614.
Proceedings, on neglect of owner of enclosure to furnish affidavit of trespass, *ib*.
Penalty for Pound-breach, rescue of Cattle, &c., 561.

POWERS OF ATTORNEY,

Relating to land, to be recorded, 383.

PRINCE COUNTY,

Coroner appointed for, 643.

Deputy Prothonotary in, to issue Marriage Licences, 693.

PRINCE EDWARD,

Name of the Island changed to, from St. John, 186.

PRINCE TOWN,

Sub-Collector of Customs appointed for, 815.

PRISONERS,

Duty of Justices in the Examination and bailment of, 486 & 487.

PROBATE,

Fees in the Court of, 21.

Judge of, may issue process of contempt, 599.

Do. may imprison for contempt, *ib.*

Do. to appoint guardians to minors, 600.

Do. his duties, authority, &c., 732—747.

PROMISSORY NOTES,

The issue of certain, restrained, 474.

Stealing of, how punished, 508.

PROPERTY,

Malicious offences against, 508—521.

(*See Offences.*)

Taking reward, on pretence of recovering, when stolen, 518.

Stolen, to be returned to Owner by Court, *ib.*

PROTHONOTARY,

Or Clerk of Court, his fees, 16.

Deputies of, may issue Marriage Licences, 693.

PROVOST MARSHAL,

Power and authority of, to cease, 132.

PUBLICATION OF NOTICES,

Respecting the Public Service, how to be made, 820.

PUMPS AND WELLS, (*in Charlottetown*),

Under Acts relating to, power of Public Meeting to vote sums for Fire Engines, Engine Houses, &c., &c., &c., 805.

Do. do. Power of Public Meeting to vote compensation to persons injured at Fires, 803.

Fines, &c., under 3d Vic. Cap. 11, (Sheep Act,) to be applied in aid of Assessment, 621.

QUAKERS,

May be examined on affirmation, *de bene esse*, 96.

QUAKERS, (*continued.*)

- May make Affirmation, instead of Oath, in civil cases, 97.
- Form of Affirmation, *ib.*
- False do. how to be punished, 98.
- Not allowed to affirm in Criminal cases, *ib.*
- Who are to be deemed Quakers, *ib.*

QUARANTINE,

- Station of Vessels in Charlottetown Harbour, before inspection by Health Officer, 337.
- Regulations after inspection, 338.
- Signals to be hoisted abreast of Block House, 339.
- Instructions to be furnished to Vessels, 340.
- In what manner to be communicated with, *ib.*
- In what cases, Pilots not to go on board, 341.
- Duty of Pilots, and penalty for neglect, *ib.*
- Persons landing from Vessels at Quarantine, *ib.*
- How persons landing without authority conveyed on board, 341—343.
- Except Health Officer, no person to board after signal hoisted, 342.
- Place of landing and confinement for passengers from infected Vessel, 344.
- Persons escaping from such confinement, *ib.*
- Vessels to be purified and cleansed, *ib.*
- Regulations for Quarantine, at out-harbours, 345.
- Persons for executing do., how appointed, *ib.*
- Do. do. their powers, 346.
- Search Warrant for persons escaping from Quarantine Station, 347.
- Penalty for aiding or abetting escape, *ib.*
- Penalties, how to be recovered and applied, 348.
- Additional medical assistance to be afforded Vessels, on application of Master, *ib.*
- Act may be suspended, by Lieutenant Governor and Council, 349.

QUIT RENT,

- Power of Receiver General in collecting arrears, 195.
- How Lands to be proceeded against for non-payment, 196, 197.
- Proceeds of sale of Lands how disposed of, 198.
- How undivided Lands in arrear of, to be divided, 199, 200.
- In case of Tenants being willing to pay, 201.
- Do. paying on account of their Landlords, *ib.*
- Penalty on Sheriff, for neglect of Notice, 202.
- How to be paid, by Proprietors resident in Great Britain or Ireland, *ib.*

RAFTS,

- Stealing from, 511.
- Offences committed on, during a voyage through different Counties, 491.
- Cutting adrift, how punished, 696.

RAMS,

- Not to go at large, in certain seasons, 419.
- Reeves to be appointed to seize, going at large 418.

RAMS, (*continued.*)

- Reeves need not serve more than once in three years, 420.
- Do. appointed, may command assistance, 419.
- Do. do. to give notice of appointment, *ib.*
- Do. do. neglecting or refusing to serve, *ib.*
- Do. do. their authority to sell, &c., 420.
- Penalty on Reeve refusing or neglecting, 419.
- Do. persons refusing to assist, *ib.*
- Do. Owner of Ram at large, *ib.*
- Do. persons obstructing Reeve, 420.

RAPE,

- How punished, 505.
- Limitation of complaint for, 506.
- Assault, with intent to commit, *ib.*

REAL ESTATE, (*See Estate, Lands, Registry.*)

RECEIVERS,

- Of stolen Goods, may be punished as accessories to Felony after the fact, 516.
- Do. where principal offence is a misdemeanor, 517.

RECORDS,

- Stealing, obliteration, or destruction of, 512.

REGISTRAR,

- Of Probate, his fees, 22.
- Of Deeds, his fees, 382.
- Do. to pay fees into Treasury, 636.

REGISTRY OF DEEDS,

- Deeds, &c., relating to Land, may be registered, 375.
- Description of Registry Books, Indexes, &c., *ib.*
- Execution of Deeds, &c., how proved before Registrar, *ib.*
- Deeds registered, to be endorsed, *ib.*
- Do. to be registered at full length, *ib.*
- Commissioners to be appointed to take, in the country, acknowledgments to Deeds, 376.
- Deeds proved before Commissioner, to be registered, *ib.*
- Form of Certificate of Oath before Commissioner, *ib.*
- Certificate of acknowledgment by Grantee before Commissioner, 377.
- How Deeds, &c., executed abroad, to be proved, *ib.*
- The time of Registry to be thereon endorsed, 378.
- If Deed be lost, certified copy to be evidence, *ib.*
- Deeds, &c., to be recorded, in the order of time received, *ib.*
- How Registry to be made, in case Grantor and Witnesses be dead, 378, 379.
- False swearing before Registrar, &c., punishable as perjury, 379.
- Allowance to be paid to witness to compel attendance, *ib.*
- Refusal of Witness to attend before Registrar, &c., *ib.*
- Certificate of satisfaction of Mortgages, how to be recorded, 380.
- Do. Form of, *ib.*
- Do. Form of entry of, 381.

REGISTRY OF DEEDS, (*continued.*)

- No constructive notice of an unregistered Deed, to affect any Deed duly recorded, 381.
- Securities due the Crown, Judgments, &c., not affected by Act, *ib.*
- Fees to be paid for registering Deeds, &c., 382.
- Do. do. by Registrar into Treasury, 636.
- Do. to be tendered before registration, 382.
- Registrar authorized to appoint Deputy, *ib.*
- Deeds not registered, valid against Grantors, 383.
- Powers of Attorney to execute Deeds, &c., must be recorded, *ib.*
- Deeds executed by Attorney, not to take effect, until Registration of Power, *ib.*
- Former Acts of Registry repealed, 383, 384.
- Orders in Council to be registered, 389.
- Certified copy thereof, to be good evidence, 390.
- Grants of Townships to be registered, 483, 484.
- Affidavit of Sheriff, &c., to due execution of Statutory Deed, &c., to be registered, 546.
- Gifts, &c., to St. Andrew's College, to be registered, 529.
- Do. to St. James' Church, do. do. 361.

RENTS,

- Act relating to Distress for, 452.
- Do. do. amended, 709.
- Fees for distraining for, 710.
- In action for, set-off of a different nature to be allowed, 326.

REPLEVIN,

- Limitation of actions in, 69.
- Set-off, in actions in, 326.
- Deputy Sheriffs to be annually appointed, to grant Replevins, 455.
- Do. do. their power, 456.
- Bond to obtain, &c., *ib.*
- Do. to be lodged in the Supreme Court, 457.
- Precept to be issued by Sheriff or Deputy, 456.
- Plaint to be entered in the Supreme Court, 457.
- Penalty on Sheriff for default or neglect, 456, 457.
- Proceedings of Supreme Court regulated, in actions of, 457, 458.
- Bailiff distraining for Rent, (on Horses and Cattle, in the Winter season,) to take Warrant of Attorney in Replevin, 710.

RESTITUTION,

- Of stolen goods, how made, 518.
- Writ of, may be awarded by Supreme Court, on appeal from proceedings of summary ejectment, 713.

REVENUE,

(*See Impost, and Excise.*)

REWARD,

- Taking, for recovery of stolen property, without bringing offender to trial, 518.

ROADS,

- Shutting up of old Roads, how effected, 404.
- Application to Government, Notice, &c., 405.
- Minutes of Council, to be evidence of the abandonment and shutting up of old Roads, *ib.*

ROBBERY,

- From the person, 509.
- From a Building, Shop, &c.; Vessels, Rafts, &c.; 511.
- (*See Larceny.*)

ROMAN CATHOLICS,

- All civil disabilities removed, 309.
- Oath to be taken by, on taking office, *ib.*
- In holy orders, not to be eligible to sit in Assembly, 311.
- Time and manner of taking oath of office, 312.
- Penalty for acting in offices without taking oath, *ib.*

RUM,

- Duty on, (1785) 6d., 77.
- Do. (1795) 4d., 171.
- (*See Impost.*)

SAINT ANDREW'S COLLEGE,

- Trust Deed, 530.
- Trustees of, incorporated, their powers, 524.
- Lands, held by Trustees in their Trust Deed, to be holden by Corporation, 525.
- What Estate may be holden by, *ib.*
- Trustees how chosen, 526.
- Vacancies in Trust, how filled, *ib.*
- Not more than four Trustees to be in holy orders, 527.
- Book to be kept for Bye Laws, Bequests, &c., *ib.*
- Religious opinions of Students not to be interfered with, *ib.*
- Lieutenant Governor to be Visitor, *ib.*
- Remedy on neglect or mismanagement of Trust, 528.
- Notice of vacancy, how given, *ib.*
- Deeds of Gift to College, to be recorded, 529.
- Her Majesty's Rights not to be affected, *ib.*

SAINT JAMES'S CHURCH,

- Trustees of, incorporated, 356.
- Their style, powers, 357.
- What Real Estate shall and may be held by Corporation, 358.
- Minister for time being to be Trustee, *ib.*
- Do. how to be appointed, 359.
- Vacancies in Corporation, how filled up, *ib.*
- Qualifications of Trustees, 360.
- Who may vote at meetings of Pew-holders, *ib.*
- Meetings of Pew-holders, how to be called, *ib.*
- Duties of Corporation, *ib.*
- Deeds of Lands to be recorded, 361.

SAINT JOHN,

- Name of Island, altered to "Prince Edward," 186.

- SAINT JOHN'S CHURCH, BELFAST,
 Minister and Elders of, incorporated, 364.
 What Real Estate may be held by Corporation, *ib.*
- SALVAGE,
 Of Shipwrecked Goods, how ascertained, 297, 298.
- SCANTLING,
 Floating of through Mill dams, 622.
 Do. do. Booms, &c. 695, &c.
- SCHOOLMASTERS,
 Licensed, exempt from Militia duty, 413.
- SEAMEN.
 Deserters from Navy, 226.
- SEARCH WARRANT,
 For persons escaping from Quarantine, 347.
 For stolen goods, 521, 522.
- SECURITIES FOR MONEY,
 Stealing of, 508.
 Receiving of stolen, 516.
- SEIZIN,
 Writ in Dower, 156.
- SERGEANT AT ARMS,
 Of Assembly, his fees, 15.
- SERVANTS,
 Engagements with, to be made in writing, &c., 406.
 Breach of agreement, or absence from employment by, 406, 407.
 Their complaints against Master, how heard, 407.
 Wages, how recoverable, 408.
 If minors, without resident parents, &c., may recover wages in Small
 Debt Courts, 765.
 Persons hiring another's, how punished, 408.
 Penalty for hiring, without a written discharge, 408.
 To receive a discharge from late master, *ib.*
- SET OFF,
 In actions in Supreme Court, to be filed, 123.
 Mutual Debts to be set off in Courts of Record, 326.
 Particulars of, to be delivered, *ib.*
 In actions of Replevin, to be allowed, *ib.*
 In actions on Bond or Specialty, *ib.*
 Where set off exceeds Plaintiff's claim, 326, 327.
 In cases of Small Debt, 766.
- SEWERS,
 Commissioners of, how appointed, 178.
 Do. their duties, powers, &c. 179.
 Do. to account to Government, *ib.*
 Lands, how sold for non-payment of sum assessed, 180.

SEWERS, (*continued.*)

- Dykes, how to be made, repaired, &c., *ib.*
- Penalty on neglect, how recovered, &c., 181.
- Breaches in Dyke, how repaired, *ib.*
- Appeal from Commissioners to Governor & Council, *ib.*

SHEEP,

- Trespassing, may be impounded, 612.
- Do. rescuing from persons driving to Pound, 561.
- Do. fee to keeper of Pound, 615.
- Do. costs for feeding allowed to keeper, 614.
- Going at large in Charlottetown, prohibited, 620.
- Do. do. when owner is unknown, *ib.*
- Killing of, with intent to steal skin or carcass, 514.

SHEEP REEVES,

- Appointment of, &c., (*See Rams*), 418, 419, &c.

SHERIFF,

- Three fit and proper persons to be annually nominated by Chief or senior Justice of Supreme Court, for each County, 538.
- Administrator of Government to select one for each County, *ib.*
- On refusal to serve, Chief Justice, &c., to make another List, 126.
- Persons appointed, refusing to serve, to forfeit £20, 214.
- Not obliged to serve more than one year in seven, 132.
- Oath of Office, 129.
- To continue in Office until successor appointed, 126.
- To account for all Moncys paid to him, by virtue of his Office, 127.
- To return Writs, &c., penalty for neglect, *ib.*
- All Writs to be returned in name of High Sheriff, 215.
- Liable to fine and action for compromising any debt without consent of Parties, 128.
- If dying or superseded before the end of the year, *ib.*
- To render, on going out of Office, account of fines and forfeitures, 130.
- Not to act as a Justice of the Peace, 132.
- Not to summon Members of Assembly, unless in case of emergency, 539.
- Duty of, in the case of absent or absconding Debtors, 50.
- Do. in Writ of Dower, 154.
- Do. in Writ of Seizin, 156.
- Do. in Execution of order of Commissioners of Sewers, 180.
- Do. in proceedings for non-payment of Quit Rents, 196—202.
- Do. to summon Jurors on summary Trials, 120.
- Do. in summoning Jurors, 657.
- Do. in attaching Leasehold Estate, 246—248.
- Do. in advertising Land, 797.
- Do. in attaching and selling Mortgaged premises, 118.
- Do. in attaching Lands and Tenements for Debt, 112—116.
- 170, & 544. (*See Lands and Tenements.*)
- Do. on appraising Lands, 796.
- Do. to appoint Deputies to make Replevin, 455.
- Do. to execute process of Court of Probate, 599.
- Do. to make Affidavit of correct seizing and selling Real Estate, 545, 546.

SHERIFF, (*continued.*)

- Duty of, to receive Debtors committed under Capias issued under Small Debt Act, 778.
- Do. to execute Writ of Possession issued by Two Justices, 712.
- Do. to apprehend Deserters, 226.
- Do. on receiving notice of Shipwreck, &c., 294.
- Do. on alarm from Battery, 42.
- Do. division of Township, 47.
- Do. execute Precept of Three Justices under Act of 1790, (assessment for Roads,) 149.
- Do. to board Vessels hovering on the Coast, 700.
- Do. to insert Levy in Advertisements, 797.
- Deeds, where party has been in possession two years, burden of proof, of irregularity to fall on Parties avoiding the sale, 545.
- Deeds prior to 1795—confirmed, notwithstanding want of form, 167.
- Deeds, formerly made in name of Deputy or Under Sheriff, confirmed, 215.
- Deeds, under absent or absconding Debtor Act, prior to 1814, confirmed, 563.
- Deeds, to be made in name of High Sheriff, 215.
- Fees of, under Fee Act, 15.

SHIPS,

- Felony, to do any thing to cause wreck of, 294.
- Stealing of appurtenances belonging to, 511.
- Burning or destruction of, 519.
- Malicious damaging of, 520.
- Condemned for Smuggling to be sold, 701.
- May be boarded at sea, by persons in authority, 700.
(*See Fisheries.*)
- Pilotage payable by, 550.
- Exempt from Pilotage, 551.

SHOOTING,

- With intent to Kill or Maim, 504.
(*See Fire Arms.*)

SLANDER,

- Limitation of actions of, 70.
- Rule for Costs, if Damages found be under 40s., 72.

SLEIGHS & SLEDS,

- Driving of, regulated, 596.
- Pointed Stakes on empty Sleds, unlawful, 597.
- To keep the left side of the Road in passing, *ib.*
- Bells to be affixed to harness, 598.
- Penalty for breach of Act, 597, 598.
- Limitation of prosecution, 598.

SMALL DEBTS,

- Act for the Recovery of Small Debts, (1844.) 758.
- Repeal of former Laws, 758.
- Courts of Small Debt constituted, 759.
- Oath of Commissioners, *ib.*
- Confirmation of former Commissioners, 760.
- Appointment of Clerk, his duty, &c., *ib.*
- Do. do. may be revoked, 761.
- Courts, when to be held, *ib.*
- Jurisdiction of Courts, *ib.*
- Mode of proceeding, by summons, 762.
- Attendance of subpoenaed witnesses compelled, *ib.*
- Authority of Court to examine on oath, 763.
- Clerk may take confessions, 764.
- Judgment by default, *ib.*
- Judgment of nonsuit, *ib.*
- Costs of witnesses, may be apportioned, 765.
- Account of plaintiff's demand, not rendered to defendant, *ib.*
- When minors may sue for wages, *ib.*
- Set off to be allowed, 766.
- Oath of party, to be limited to £5, *ib.*
- If defendant do not bring in set off on trial, *ib.*
- Indulgence to defendant, *ib.*
- Execution against sureties, 767.
- Appeal allowed to Supreme Court, *ib.*
- Recognizance of appeal, *ib.*
- Notice of appeal, 768.
- Appeal papers to be filed, *ib.*
- Power and duty of Supreme Court, on appeal, *ib.*
- Execution, when and how obtained, 769.
- Do. may run into any County, 771.
- Do. after one year has elapsed, *ib.*
- Do. within 48 hours after judgment, *ib.*
- Do. Constables' neglect of duty on, 772.
- Neglect of service, by Constable, *ib.*
- Privilege not to excuse any one, 773.
- Attorneys not to be admitted to plead, *ib.*
- Depositions, how to be taken, *de bene esse*, *ib.*
- Absent Debtor's Agent, how summoned, 773, 774.
- Actions for less than £5 not to be brought in Supreme Court, 122, 774 & 775.
- Courts may punish contempt, 775.
- Clerk not to issue summons without payment of fee, *ib.*
- Fees of Commissioners to be equally divided, *ib.*
- Authority, &c., in cases of Capias, 776.
- Appeal after Capias, 777.
- Capias for sums above £8, 778.
- Debtors, in Execution, not to be allowed Limits, 779.
- Do. do. not to have benefit of Insolvent Act, *ib.*
- Actions for things done under Small Debt Act, 780.
- Former Commissioners may perfect their business, *ib.*

SMALL DEBTS, (*continued.*)

- Proviso about re-appointment of Members of Assembly to office of Commissioner, 781.
- Recovery of Fines, *ib.*
- Fees to be taken under Small Debt Act, 781, 782.
- Fees of witnesses, 783.
- Form of Summons, *ib.*
- Do. Subpœna, 784.
- Do. Recognizance for payment of debt, *ib.*
- Do. do. of Appeal, 785.
- Do. Affidavit of Appellant, *ib.*
- Do. condition of Recognizance of Appeal, 786.
- Do. notice of Appeal, *ib.*
- Do. Execution, *ib.*
- Do. Affidavit, in cases of debtor leaving Island within 48 hours after judgment, 787.
- Do. Affidavit for Summons against wife or agent of absent debtor, 788.
- Do. Summons against wife or agent, *ib.*
- Do. Recognizance for Execution against absent debtor, 789.
- Do. Affidavit to obtain Capias, *ib.*
- Do. Capias, 790.
- Do. Recognizance after Capias, *ib.*
- Do. Execution against Capias Bail, *ib.*
- Do. Capias Execution, 791.
- Do. Recognizance for Appeal after Capias, *ib.*
- Do. Capias for debts above £8, 792.
- Do. Bail Bond to Sheriff, *ib.*
- Do. Precept to Sheriff, 793.

SMUGGLING, (*See also Impost.*)

- Vessels, Boats, &c., concerned in, and seized as forfeited, to be sold after limited time, 627.
- Persons in commission, and Officers in authority, authorized to board Vessels in harbour, &c., 700.
- Their powers and duties, *ib.*
- Penalty for refusing to answer questions, &c., *ib.*
- Do. obstructing Officers, 701.
- Goods and Vessels may be seized for illicit Trade, *ib.*
- Do. do. condemned to be sold, *ib.*
- Do. do. sold, how proceeds appropriated, *ib.*
- Penalties, to be sued for in Court of Vice Admiralty, 702.
- Do. how to be sued for, *ib.*
- Goods, Vessels, &c., may be released on security, *ib.*
- Bond to be taken therefor, *ib.*
- Onus of proof of illegality of seizure, to be on claimant, 703.
- Requisites, before claim to seized goods be admitted, *ib.*
- Security to be given before do. do. *ib.*
- Mode of proceeding against Officers acting under authority of Act of 6th Vic., cap. 11, 704.
- Limitation of such actions, *ib.*

SMUGGLING, (*continued.*)

Costs, how allowed on verdict for claimant, 705.

Seizing Officer may tender amends, *ib.*

Case of sufficient tender, *ib.*

Do. nonsuit, *ib.*

Do. payment by Officer of money into Court, *ib.*

Certificate of probable cause of seizure, 706.

Limitation of action for penalties, *ib.*

Limitation of right of Appeal, *ib.*

Suspending clause, (until an Order in Council give effect to Act,) *ib.*

SODOMY, 505.

Assault, with intent to commit, 506.

SOLDIERS,

Deserting, may be apprehended, &c., 226.

Premium for apprehension of, 228.

Tavern-keepers allowing, to remain in their houses after hours, 336.

In service, may make Will, 725.

SPEAKER OF ASSEMBLY,

His fees, under Fee Act, 14.

SPECIAL JURIES,

How to be moved for and struck, 657.

Expense of, how to be borne, *ib.*

Travelling expenses, &c., to be paid at discretion of Court, 19.

SPIRITUOUS LIQUORS,

(*See Licensed Houses, Smuggling.*)

STABBING,

Malicious, with intent to kill or maim, 504.

STACKS OF GRAIN,

Malicious destruction of, 520.

STALLIONS,

Above one year old going at large, 35.

Penalty for offence, how recovered and applied, *ib.*

In Charlottetown, regulation for, 825.

Penalty for breach of Law, 826.

Do. how recovered and applied, *ib.*

STANDARD WEIGHT,

Of various kinds of Grain, 558.

To be according to English Standard of 1819, 391.

STATUTE LABOUR,

Act to consolidate Laws relating to, (1843,) 671.

Island divided into 16 Districts, 688.

Commissioner in each District, for, 672.

Exception as to Commissioner in 8th District, *ib.*

STATUTE LABOUR, (*continued.*)

Persons liable to perform, 673.

Do. owning horses or working cattle, *ib.*

What shall be a day's work, *ib.*

Persons exempt, (non-resident 6 months,) *ib.*

Teams of persons above 60 years of age, 674.

Neglect of performance of, *ib.*

Do. do. how punished, *ib.*, & 675.

Overseers to be annually appointed, 675.

Do. to give notice of appointment, *ib.*

Winter Roads on ice, how marked, *ib.*, & 676.

Penalty for removing marks of Winter Road, 676.

Overseers to give notice of performance of, *ib.*

Do. exempted from other labour, *ib.*

Do. their duties, *ib.*

Do. obliged to accept office, 677.

Do. Penalty on, for refusal, *ib.*

Persons not obliged to work more than five miles from home, *ib.*

Overseer, to account with Commissioner, *ib.*

Do. to expend moneys under direction of Commissioner, *ib.*

When to be performed, 678.

How to be advertised, *ib.*

Commutation of, for money, *ib.*

Rate and time of commutation, *ib.*

Commissioner to account to government, 679, (*see* 708.)

Do. do. on oath, 679.

Form of oath of Commissioner, 689.

Penalty on Commissioner not accounting, 679.

How Commissioner is to advertise for contracts, *ib.*

Do. do. to sell and let contracts, *ib.*

Remuneration of Commissioner for superintending contracts, 680.

Penalty for defacing Advertisements, *ib.*

How contractor to be paid, *ib.*

How nuisances to be removed, *ib.*

Persons causing do., may be fined, *ib.*

Overseers to cause thistles to be cut down, 681.

Annual allowance to Commissioner, *ib.*

Overseer not compelled to serve more than once in three years, *ib.*

Do. to break roads in winter, *ib.*

Penalty on persons refusing to do do. do., 682.

How persons to be warned to do do. *ib.*

Summer labour may be commuted for winter labour, 683.

On Overseer's dying, &c., how vacancy supplied, *ib.*

Penalty on Commissioner for neglect of duty, 684.

Overseers to attest to their returns, *ib.*

Form of do., 689.

Persons exempt from, (Teachers,) 684.

Do. Fire Engine men, 800.

Actions brought by Commissioner or Overseer against persons liable for Penalties, and becoming non-suit, 685.

SUITS,

Abatement of, by death of either party, 102.

After verdict, Executor or Administrator may have *Scire facias*, 103.

SURTS, (*continued.*)

In case of new Commission, or alteration of Justices, 103.
Limitation of, (*see Actions.*)

SUMMARY SUITS,

Jurisdiction of Supreme Court, in cases under £20, 120.
Defendant, on trial, to have all benefit of forms of law, &c., *ib.*
When a Jury shall be summoned to try the fact, *ib.*
How confessions may be taken, 121.
Execution to be granted on affidavit of plaintiff, *ib.*
Limitation of Costs on Trial, 122.
Do. do. on Confession, *ib.*
No action to be brought in Supreme Court for sums under £5,
122; 774 & 775.
Suborned Witnesses compelled to attend and give Evidence, 122.
Punishment for Perjury on hearing, 123.

SUMMONS,

Form of, in cases of Small Debt, 788.
Do. against Wife or Agent, 788.
Do. for default of Statute Labour, &c. 708.

SUNDAY, (*See Lord's Day,*) 47, 48, &c.

SUPREME COURT,

Proceedings of, prior to February, 1776, confirmed, 29.
Summary Jurisdiction of, 119—123.
Judges of, may take depositions *de bene esse*, 95.
May issue Commissions to examine Witnesses abroad, 245.
Do. do. do. in cases of default, 440.
Practice of, in Mortgages under £200, 117.
Do. in cases of Replevin, 458.
Do. on Appeal from Small Debt Court, 768.
Do. in cases of Certiorari, 421.

SURROGATE,

To record Certificates of Marriage, 307, 351.
To give certified copies of do., on payment of fees, 307, 352.
Empowered to issue Process of Contempt, 599.
Contempt of, punished by imprisonment, *ib.*
To appoint Guardians to Minors, 600.
Do. order Administration with Will annexed to Widow or next of
kin, &c., 732.
May hear objections to Executor receiving Letters testamentary, *ib.*
May grant Administration in cases of Intestacy, 733.
To take Bond for do., 734.
Form of Bond, 747.
May call Administrator to account, 734.
May make distribution and how, *ib.*
Directed in making distribution, *ib.*
Do. in dividing Real Estate of Intestate, 735.
To record Deed of Partition, by consent, *ib.*
Power of, where Estates of Intestates cannot be divided, *ib.*

SURROGATE, (*continued.*)

- To take Bond for repayment of Shares allotted, on appearance of Debts, 736.
- To distribute Dower after Widow's death, *ib.*
- To distribute Estates, &c., not devised, as Intestacies, 737.
- Inventory of Executor or Administrator to be filed with, *ib.*
 - Do. do. to be sworn to before, *ib.*
 - Do. do. compelled to be filed, 738.
- May allow Executor or Administrator remuneration for services, 739.
- May grant Licence for sale, &c., of Real Estate to pay debts, *ib.*
- Limitation for Licence, *ib.*
- Requisites of Petition for Licence, *ib.*
- Petition for do., to be Sworn to, 740.
- May enquire into Petition, *ib.*
- When, may grant Licence, and terms of same, *ib.*
 - Do. do. on application of Creditor, *ib.*
- May direct Estate to be leased for 21 years, 741.
- Appeal from decision of, *ib.*
- Bond on Appeal, *ib.*
 - Do. do. Form of, 749.
- Effect of Appeal, 742.
- To transmit to Governor and Council, Appeal, &c., *ib.*
- Proceedings on reversal of Decree of, *ib.*
 - Do. on confirmation of Decree of, *ib.*
- Effect of Licence to sell or lease Real Estate, 743.
- Mode of giving notice of Sale, &c., of Real Estate, *ib.*
- Bond previous to Sale of Real Estate, *ib.*
 - Do. Form of, 749.
- Bonds to, forfeited, how to be put in Suit, 745.
- May grant Licence to Executor or Administrator previously appointed to sell Real Estate, 746.

SURGEONS,

- Exempt from serving on Juries, 656.

SURVEYOR GENERAL,

- His fees under Fee Act, 25.
- To make division of undivided Lands under Act of 1780, 177.
- Exempt from Militia duty, 413.
- Exempt from Juries, 656.
- Ex-officio* a Boundary-line Commissioner, 427.
- To be present when Land Surveyors regulate their Instruments, 220.

SURVEYORS & LANDWAITERS,

- How to be appointed, 83.
- Do. to be regulated, 92.

SURVEYORS OF LAND,

- How to proceed to division of Land, under Act of 1780, 45, 46.
- To compare their instruments annually with Meridional Line, 220.
- Fees of, under Township Boundary Act, 543.
- Duty of, under do. do. 431, 432.

(*See Boundary Lines.*)

SWINE,

Committing Trespass may be impounded, 612—615.

TAIL, (*Estates.*)

How they may be barred, 249—252.

How they may be leased, 286—288.

Devises of, shall not lapse, 731.

Tenant, in,

When his right to recover land is barred, 583.

Possession adverse to, shall run on against remainder man, *ib.*

TAVERN KEEPERS,

Vending liquor to hired fishermen, 260.

Suffering Soldiers in the house after hours, 336.

TENANTS,

And Lodgers, stealing from apartments by, 514.

Overholding Tenements, 711.

Conveying away property to defraud Landlord, 453.

At will,

When right of action accrues to, 578.

THISTLES,

To be cut down or destroyed by Overseers at Statute Labour, 681.

TITLES,

Act for confirming and quieting, (1795,) 166.

Do. do. certain Sheriff's Deeds, 563.

(*See Sheriff.*)

TOLL,

To be taken by Millers, at certain Mills, 592.

[*See Mills.*]

TOWNSHIPS,

How to be divided, when held in common, 45, 46.

How they may be assessed, for Highways, in certain cases, 147.

Boundary Lines of, how ascertained, 426.

[*See further, Boundary Lines.*]

TREASON,

What deemed High, 502.

Petit, to be considered Murder, 503.

TREASURER,

Penalty on, for paying Moneys contrary to Act of 25th Geo. 3.

Cap. 4, 91.

To countersign Treasury Notes, 264.

To pay Warrants due, in Notes or specie, at his option, 264.

To keep Books of Account, &c., 314.

To allow search therein, during office hours, 315.

Exempt from Militia Duty, 413.

Do. Juries, 656.

Salary of, fixed, 414.

TREASURY NOTES,

- Commissioners of, how appointed, 263.
- Do. their fees for issuing, 328.
- First issue of, their form, &c., (1825,) 263.
- Treasurer, at his option, to pay Warrants in Specie or Notes, 264.
- Forging or altering of, *ib.*
- Re-issue of Notes paid in, *ib.* & 464.
- Funding of, provided for, 265.
- Second issue of, (1826,) 273.
- Third issue of, (1830,) 318.
- Fourth issue of, (1831,) 327.
- Fifth issue of, (1833,) 387.
- Stealing of, 328, & 508.
- £1000 per annum to be annually paid off to a certain extent, 388.
- Laws relating to, amended and made perpetual, 462.

TRESPASSES,

- By Cattle, Sheep, Swine, &c., 612.

TROVER,

- Summary jurisdiction of Supreme Court in, 120.
- Do. do. of Small Debt Courts, 761.

TRUCKS,

- Regulation of driving of, 597.

UMPIRAGE,

- Settlement of differences by arbitration or, 65.

UNDE NIHIL HABET,

- Form of writ, in Dower, 154.

UNDER SHERIFF,

- To act, in case of High Sheriff's death, 128.
- Deeds executed in name of, before 1808, (confirmed,) 215.
- For executing Replevins, 455.

UNDERTAKINGS,

- To restrain the issue of, as money, 474.

USURY,

- What, and how punished, 93—95.

VESSELS,

- Stealing from, 511.
- Burning of, 519.
- Malicious injury to, 520.
- Wrecked, (*See Wrecks*,) 293.
- Pilotage of, 549—551.
- Fastening of, to Bridges, 682.
- Selling of, seized for Smuggling, 627.
- Suspected of illicit trade, (*See Smuggling*,) 700.
- Wharfage payable by, 806.

VESTRIES,

How appointed, 395.

VICE ADMIRALTY COURT,

Prize goods sold by Marshal, not to be landed without permit, 85.
Penalties incurred under Act relating to illicit trade, to be sued for
in, 702.

WARRANTS OF ATTORNEY,

To be filed and put on record, 106.
For return of distress for rent, 452, & 710.

WEIGHTS AND MEASURES,

Assayers of, how appointed, 391, 393, & 641.
Standard of England in 1819 to be used, 391.
Assayers' duty, 392, & 393.
Penalty for selling by unstamped weight or measure, 392.
Do. do. by short do., 393.
Do. refusing to allow Assayer to inspect, *ib.*
Standard for agricultural produce for exportation, 642.
Penalty for receiving on board a vessel, Potatoes, &c., without a
stamped measure, 643.
Fee for assaying, 392.
Do. do. Potato Tub, 643.
Millers to keep Scales and Weights in Mills, 594.

WESLEYAN METHODIST SOCIETY,

Act relating to certain property held by, 441.

WHARFAGE,

Georgetown, and other Wharfs.

Power of Governor and Council to appoint Wharfinger, 806.
Rates of Wharfage, *ib.*
When no Wharfage to be paid, 807.
Vessels to be removed for others loading, &c., *ib.*
When vessels liable to half Wharfage, *ib.*
When Ship's Agent liable to Wharfage, 809.
How encumbrances are to be removed, 807, & 808.
How obstruction in the approach to Wharf, do., 808.
Wharfinger to prevent Rubbish being thrown into water, *ib.*
Do. to demand Wharfage daily, *ib.*
Do. to furnish accounts, and to whom, 809.
Penalty for refusing to remove Vessel, 807.
Do. throwing Ballast, &c., into water, 808.
Do. on Wharfinger, for not accounting, 809.
Do. do. neglect of duty, 810.
How Penalties are to be recovered, *ib.*
Do. Wharfage is do. do. 809.

WHEAT,

- Standard weight of, 558.
- Toll for grinding, 592.
- Do. bolting Flour of, *ib.*

WILLS,

- Stealing of, &c., 512.
 - What may be devised by, 723, 724.
 - Made by Minors and *femes covert*, not valid, 724.
 - How to be made and attested, 725.
 - Appointment by Will, how made, &c., *ib.*
 - Soldiers' and Seamen's Wills, *ib.*
 - Publication of, not required, *ib.*
 - Incompetency of attesting Witness not to invalidate, 725, 726.
 - Gifts to an attesting Witness, void, 726.
 - Creditor attesting, to be admitted to prove, *ib.*
 - Executor do. do. do. *ib.*
 - To be revoked by Marriage, 727.
 - Not to be revoked by presumption, *ib.*
 - Not to be revoked but by another Will or Codicil, *ib.*
 - Alteration in, how to affect, *ib.*
 - Revival of, after revocation, 728.
 - How affected by subsequent conveyance, *ib.*
 - When to be construed to take effect, *ib.*
 - What residuary devises shall comprise, *ib.*
 - General devise to include Leasehold, 729.
 - General Gift, what it shall include, *ib.*
 - A devise unlimited, to pass the Fee, *ib.*
 - How "die without issue," &c., shall be construed, 730.
 - Devise to Trustee or Executor of Real Estate, *ib.*
 - Devise to Trustee without limitation, *ib.*
 - Devise of Estate Tail shall not lapse, 731.
 - Gifts to Children, &c., leaving issue at Testator's death, *ib.*
 - Executors of, within what time to prove same, *ib.*
 - How Letters Testamentary are to be obtained, 732.
 - Penalty for suppressing, 733.
 - To what Wills, Statute of 1843 shall extend, 746.
 - Probate of Will, how and when received in evidence, 747.
- (See *Executor, Surrogate.*)

WINE,

- Duty on, (*see Impost,*) 77, & 171.

WITNESSES,

- Allowance to, under Fee Act, 20.
- On summary Trials in Supreme Court, 122.
- Deposition of, residing out of the Island, 245, & 440.
- Compelled to attend before J. P., 324.
- To prove deeds to be recorded, 379.
- May be examined *de bene esse*, 90—95.
- Before Small Debt Courts, 763, & 773.
- Do. do. their fees, 783.

WOODS,

Burning of, 262.

Do. do. fine for, how applied, 323.

Do. do. limitation of action for, *ib.*

WRECKS, &c.

Found on coasts, &c., how preserved, 293.

Capital offence, to plunder, 294.

Stealing from, less than 20s., *ib.*

Goods taken from, and exposed for sale, 295.

Assistance to be afforded to, 296, 297.

Salvage, how to be ascertained, 297, 298.

What to be sold of wrecked goods, 298.

Surplus after payment of Salvage, *ib.*

Default of claim of surplus, *ib.*

Unlawful interference with, how punished, 299.

Capital offence, to produce shipwreck, 300.