

Prince Edward Island, Laws, statutes etc
Session laws

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THE
ACTS
OF THE
GENERAL ASSEMBLY
OF
PRINCE EDWARD ISLAND.

ANNO OCTAVO VICTORIÆ REGINÆ.



CHARLOTTETOWN:
PRINTED BY JAMES DOUGLAS HASZARD,
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.
1845.

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Rec. March 2, 1909

TITLES OF THE ACTS.

THIRD SESSION

OF THE SIXTEENTH GENERAL ASSEMBLY.

1845.

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ANNO OCTAVO
VICTORIÆ REGINÆ.

At the General Assembly of her Majesty's 1845.
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 :

Sir. HENRY
V. HUNTLEY,
Lt. Governor.

R. HODGSON,
President of
Council.

JOSEPH POPE,
Speaker.

And from thence continued by several Proro-
gations, to the Fourth day of March, 1845,
and in the Eighth Year of Her said Ma-
jesty's Reign ; being the Third Session of
the Sixteenth General Assembly convened
in the said Island.

CAP. I.

An ACT for the increase of the Revenue of this
Island.

[*Passed, April 17, 1845.*]

WE Her Majesty's dutiful and loyal Subjects,
the House of Assembly of Prince Edward
Island, towards raising the necessary Supplies for
defraying the expenses of Her Majesty's Govern-
ment of this Island, have resolved to give and
grant unto the Queen's Most Excellent Majesty,
the several Rates and Duties hereinafter mention-
ed; and do therefore pray your Excellency, that it
may be enacted : And be it therefore enacted, by
the Lieutenant Governor, Council and Assembly,

Imposes a duty upon Wines, Gin, Brandy, Rum, &c. over and above duty imposed by permanent Revenue Acts.

That from and after the commencement of this Act, and during the continuance thereof, there shall be raised, levied and paid, the following Impost Duties on the several articles hereinafter mentioned, imported into this Island: that is to say, on all Wines of every denomination, and on all Gin, Brandy and Rum, imported into this Island, and on all other Distilled Spirituous Liquors, Eleven-pence per Gallon, over and above the sum of Ten-pence per Gallon, on all such Liquors imported into this Island, under two several Acts of the General Assembly of this Island; the one passed in the Twenty-fifth year of the Reign of His late Majesty King George the Third, intituled "*An Act to amend, render more effectual, and to reduce into one Act, the several Laws made by the General Assembly of this Island, relative to the duties of Impost on Wines, Rum, Brandy, and other Distilled Spirituous Liquors, and for allowing a Drawback upon all Wines, Rum, Brandy and other Distilled Spirituous Liquors exported from this Island,*" and the other in the Thirty-fifth year of the same Reign, intituled "*An Act for raising a Duty on Wine, Rum, and other Distilled Spirituous Liquors, and for imposing a Duty on Porter, Ale and strong Beer,*" and on all kinds of Goods, Wares and Merchandize soever, except as is hereinafter excepted, which shall be imported or brought into this Island, from any place or Country whatsoever, after the passing hereof, and which shall be used, sold, expended or consumed within this Island; which said Impost Duties shall be levied, paid and collected at the following rates, that is to say, Five pounds on every One hundred pounds worth of Goods of any kind, which shall be imported for Sale or Consumption as aforesaid, by any person or persons whomsoever, which said Duty of Impost shall be calculated on the Invoice price of each One hundred pounds worth of such Goods as aforesaid, and so in proportion for a greater or lesser quantity thereof; and

Ad valorem duty on Goods & Merchandize.

when such Goods shall be charged in the Invoice in British Sterling, then the said Duties shall be calculated on the amount of such Sterling, when reduced into the Currency of this Island, by adding to the said amount of Sterling, one-ninth part thereof; and for every hundred weight of Tobacco, whether manufactured or unmanufactured, the sum of Eighteen Shillings and Eight-pence; and for every pound of Tea, the sum of Four-pence, which said several Duties shall be secured in manner and form and subject to the Rules and Regulations mentioned, expressed and prescribed in and by an Act passed in the Fifty-second year of the Reign of His late Majesty King George the Third, intituled "*An Act to alter and amend two several Acts of the General Assembly of this Island, videlicet: An Act intituled An Act to amend, render more effectual, and to reduce into one Act, the several Laws made by the General Assembly of this Island, relative to the Duties of Impost on Wines, Rum, Brandy, and other distilled spirituous liquors, and for allowing a Drawback on all Wines, Rum, Brandy and other distilled Spirituous Liquors exported from this Island, and an Act intituled An Act for raising a Duty on Wine, Rum, and other distilled Spirituous Liquors, and for imposing a Duty on Porter, Ale, and Strong Beer,*" and by an Act passed in the Eleventh year of the Reign of His late Majesty King George the Fourth, intituled "*An Act for the further security and recovery of Moneys due to His Majesty upon Duties of Impost and Excise, and for regulating the Offices of Treasurer and Collector of Impost,*" and shall be collected under such Rules, Regulations and Credits as are prescribed by this Act, and by an Act passed in the Twenty-fifth year of the Reign of his late Majesty King George the Third, intituled "*An Act to amend, render more effectual, and to reduce into one Act, the several Laws made by the General Assembly of this Island, relative to the Duties of Impost on Wines, Rum, Brandy, and*"

Mode of calculating ad valorem duty.

Duty on Tobacco and Tea.

Mode of securing duties imposed by this Act.

Mode of collecting such duties.

other Distilled Spirituous Liquors, and for allowing a Drawback on all Wines, Rum, Brandy, and other Distilled Spirituous Liquors, exported from this Island."

Ad valorem
duty payable on
Hemp, Chain
Cables, &c.

II. Provided always, and be it enacted, that there shall be only levied and paid on all Hemp, and Chain Cables, Anchors, Cordage, Canvass, Sails, Rigging, Blocks, Pitch, Tar, Oakum, and Copper, Two Pounds Ten shillings on every One hundred Pounds worth thereof, imported into this Island.

Exempts certain
enumerated ar-
ticles from *ad*
valorem duty
imposed by this
Act.

III. And be it enacted, That no *ad valorem* duty whatever shall be levied or collected on the several articles following, any thing hereinafter contained to the contrary notwithstanding; that is to say: Books printed of all kinds, Salt, Lime, Gypsum, Building Stone or Lime Stone, Wines, Rum, Brandy or all other distilled Spirituous Liquors, Molasses, Porter, Ale, Tea, Tobacco, Fish, Fish Oil, Lumber, Staves, Pig Iron, Fire Engines, Barley, Oats, Potatoes, Raw Hides, Tallow, Burr-stones, Hemp, Flax, Manures, Teasles, or the Baggage of Emigrants, nor upon any Wheat or Grain, Garden and Grass Seeds, Live Stock or Implements of Husbandry, which may be imported by any Agricultural Society, for the purpose of being sold or used by such Society within this Island, nor upon any Breeding Live Stock, imported by any Agricultural Society from any place, or by any private individual from the United Kingdom; nor upon any Sails, Rigging, Blocks, Cables and Anchors, which may have been used in taking any new Vessel from this Island to a market for sale, if such Sails, Rigging, Blocks, Cables and Anchors, shall be returned forthwith after the Sale of the Vessel direct to this Island, by the Exporter thereof, and shall have previously paid or been charged with the duty imposed thereon by this or any former Act on the first importation thereof, into this Island.

IV. And be it enacted, That from and after the second day of May next, and during the continuance of this Act, there shall be raised, levied, collected and paid, an Impost Duty over and above the Rates and Duties hereinbefore imposed, and imposed by by the Acts passed previous to the passing hereof, the several Rates and Duties, as the same are respectively set forth in the following.

TABLE OF DUTIES.

Wheat Flour, the barrel of 196 lbs.	-	0	5	0	Table of other duties imposed by this Act.
Corn and Oatmeal, the barrel of 196 lbs.	0	4	0	0	
Meat salted or cured, the cwt.	-	0	4	0	
Lard, the cwt.	-	0	5	0	
Butter, the cwt.	-	0	5	0	
Cheese, the cwt.	-	0	5	0	
Coffee, the cwt.	-	0	2	0	
Bread, Biscuit and Crackers, the cwt.	0	5	0		
Refined Sugar, the cwt.	-	0	5	0	
Boots and Shoes, <i>ad valorem</i> 5 per cent.					
Sole Leather, per pound,	-	0	0	$\frac{1}{2}$	
Harness Leather, per pound,	-	0	0	1	
Upper and Trimming Leather, per pound,	0	0	2		
Manufactured Tobacco, except Cigars, per pound,	-	0	0	2	
Cigars, 20 per cent, <i>ad valorem</i> .					
Clocks and Clock Machinery, 10 per cent.					
Articles manufactured of Wood, except Blocks and Carriages and such articles as wood forms the principal part of, Seven and a half per cent <i>ad valorem</i> .					
Carriages, 10 per cent, <i>ad valorem</i> .					
Boards per Thousand feet,	-	0	2	6	
Brandy, Gin, Wine and Cordials, per Gallon.	-	0	0	3	
Horses, Mares, and Geldings, except as hereinbefore excepted, each	-	1	0	0	
Neat Cattle, except Cows, each	-	0	15	0	

V. And be it enacted, that from and after the commencement of this Act, there shall be allowed and paid on all Wines, Gin, Brandy, Rum or Drawback on Wines, Gin, &c. Tea, Tobacco, and Goods exported.

other Distilled Spirituous Liquors, Tea, Tobacco, and all Goods, Wares and Merchandize, that shall hereafter be imported into this Island on Exportation of the same therefrom, a Drawback equal in amount to seven-eighths of the whole duty, or secured to be paid on such articles on the importation thereof.

Mode of payment of such drawback.

VI. And be it enacted, That such Drawback on all Wines, Gin, Brandy, Rum or other Distilled Spirituous Liquors, Tea, Tobacco, Goods, Wares and Merchandize so exported, shall be paid to the Exporter or Exporters thereof, if the Duties imposed thereon as last aforesaid, shall have been *bona fide* paid prior thereto, and in the same Currency or description of money in which Warrants shall then be payable at the Treasury; and if only secured to be paid, said Credit shall be given on the back of the Security, for the Drawback hereby allowed on the quantity exported; Provided, that before the exportation of any of the before mentioned articles from this Island, on which a Drawback is allowed as aforesaid, the Collectors of Impost within this Island are hereby severally required, on request made to them for that purpose, to grant Permits for such exportation to be made therein, stating the names of the Importers and Exporters, and the quantity permitted thereby to be exported; and no Drawback shall be paid, nor Credit allowed to any such Exporter, until he shall have obtained and produced to the Treasurer of this Island, a Certificate endorsed on the back of the said Permit from the principal Officer of Her Majesty's Customs, at the Port to which the same shall or may have been carried, or from some Officer or Officers there duly authorized to grant the same, stating, such Wines, Gin, Brandy, Rum or other Distilled Spirituous Liquors, Tea, Tobacco, Goods, Wares or Merchandize, to have been there actually landed, and the Duties thereon, if any, duly paid or secured to be paid, according to the Law of the place to

Collectors of Impost to grant permits for exportation of articles subject to duty by this Act.

No drawback to be paid &c. until such certificate is produced with endorsement by officer of Customs at Port to which same have been carried.

Requisites of such endorsement.

which the same may have been exported from this Island, pursuant to such Permit; and for the better and more effectually preventing frauds herein, the Exporter or Exporters of any, or all such Article or Articles as aforesaid, shall take and subscribe the following Oath, which Oath the Collectors aforesaid, are hereby severally empowered and directed to administer.

I *A. B.* do swear, that the quantity of
by me shipped for Exportation on board the Ship
or Vessel called the _____ whereof
is Master, bound for the Port of _____ in
_____ was *bona fide* imported in the Ship or Vessel
_____ whereof _____ is Master, from the
Port of _____ in _____ since the _____ day
of _____ and is of the same strength as that for
which the Duty was paid or secured, and that I
have actually paid, or secured the Duties of Impost
directed to be levied thereon by the Laws of this
Island, agreeably to the value in the annexed
Invoice, [or as the case may be,] and that I have
shewn and exhibited the Packages [as the case
may be,] in which the said Articles are contained,
to the Officer appointed to examine the same, who
has attended the reshipment thereof, and that the
same have been regularly entered at this Office,
or some other Office of Impost in this Island, and
are not intended to be fraudulently relanded,
brought back, sold, bartered, exchanged or con-
sumed in any Port or Place within this Island, or
any of the Territories thereunto belonging.

So help me God.

And the Master of the vessel, in which such
Wines, Gin, Brandy, Rum, or other distilled
Spiritous Liquors, Tea, Tobacco, Goods, Wares
or Merchandise, shall be exported, shall likewise
make and subscribe the following Affidavit, which
shall be annexed to the said Invoice.

Master of Vessel
in which articles
liable to duty
under this Act
are exported,
and for which
drawback is
claimed to make
affidavit.

I *A. B.* do swear, that to the best of my know-
ledge and belief, the Casks or packages [as the
case may be,] marked and numbered as follows:

Form of Master's
affidavit.

with the Goods therein contained, are now actually laden on board the bound to and I do further swear, that unless prevented by dangers of the seas, or other unavoidable accidents, I will truly land or put on shore at the said port, or some other port or place out of this Island, the said casks or packages [as the case may be,] with the said Goods therein contained.

So help me God.

Articles liable to duty, landed after shipment, for exportation to be forfeited.

Penalty on persons concerned in relanding same.

VII. And be it enacted, That if any Wine, Gin, Brandy, Rum or other Distilled Spirituous Liquors, Tea, Tobacco, Goods, Wares or Merchandize shall be fraudulently relanded in or at any Port or Place within this Island, after the same shall have been shipped for Exportation, the same shall be forfeited, and all persons concerned in such fraudulent relanding shall also be liable to a fine of Fifty Pounds.

Defines respective quantities necessary to be exported before drawback can be obtained.

No drawback allowed unless claimed within 12 months from the period of re-shipment.

VIII. And be it enacted, That nothing herein contained shall entitle any Exporter or Exporters to a Drawback on a less quantity of such Wines, Brandy or Gin, than Fifty Gallons, or on a less quantity of Rum, or other distilled Spirituous Liquors than One Hundred Gallons, or on a smaller quantity than Three Hundred Weight of Tobacco, or Eighty Pounds of Tea, nor on any Goods, Wares or Merchandize, unless the Invoice price of the Goods shipped at one and the same time, and in one and the same Vessel, and owned by one and the same Person, shall exceed the sum of Fifty Pounds, and unless application be made for the Drawback, to be allowed, and the several proofs requisite for obtaining the same, made within Twelve months to be computed from the time of such re-shipment, any thing herein contained to the contrary notwithstanding, and provided also, that the time limited for such re-shipment, shall be from Sun-rising to Sun-setting.

IX. And be it enacted, That it shall be lawful for the Collectors of Impost within this Island, to go on board of any Ship or Vessel, coming into any Harbour, Port, River or Creek, or any part of the Coast of this Island, either before or after such Ship or Vessel comes to Anchor, to rummage and search all parts of such Ship or Vessel, so long as she shall remain in such Port or place, and to search and examine the Cargo, and to examine if they shall see fit, the Master upon Oath, touching the Cargo and Voyage, and if the Master shall not truly answer or refuse to answer, the questions to be demanded of him in such Examination, he shall forfeit the sum of One Hundred Pounds.

Collector of Impost may go on board and search &c.

and remain on board whilst vessels are in harbour,

and examine masters on oath.

Penalty on master refusing to answer or answering untruly.

X. And be it enacted, That all Boats, Carriages and Cattle made use of in the removal of any Goods, liable to a forfeiture under this or any Act relating to the Provincial Revenue, shall be forfeited, and every Person who shall assist or be otherwise concerned in the unshipping, landing or removal, or in the harbouring or concealing such Goods, or into whose hands or possession the same shall knowingly come, shall forfeit treble the value thereof, or the penalty of One Hundred Pounds at the election of the officer or person prosecuting, and the averment in any information on libel to be exhibited for the recovery of such penalty, that the officer or person prosecuting has elected, to sue for the sum mentioned in the information, shall be deemed sufficient proof of such election, without any other or further evidence of such fact.

All boats, carriages &c. used in removing goods, whereon duty is not paid or secured, to be forfeited.

Penalty on persons assisting in removing such goods.

XI. And be it enacted, That if any person shall by force or violence, assault, resist, oppose, molest, hinder or obstruct any officer of the Provincial Revenue, or other person employed as aforesaid, in the exercise of his office, or any person acting in his aid or assistance, such person being thereof convicted before any Court of Record in this Island, shall pay a fine not exceeding One hundred pounds, nor less than Fifty pounds,

Penalty on persons assaulting or opposing officers.

in the discretion of the Court before whom such offender shall be tried, which fine shall be paid into the Treasury of this Island for the use of Her Majesty's Government, and in case such fine be not paid, such person shall be imprisoned for a time not exceeding Twelve months nor less than Three months, at the discretion of the Court.

Appropriation of penalty. Party so offending to be imprisoned if penalty is not paid.

No officer &c. liable to action for any thing done in exercise of his office until after one month's notice given &c.

Requisites of such notice.

Proof of service of notice to be given by Plaintiff on trial.

XII. 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 Provincial Revenue or other person 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 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.

Limits the time for bringing such actions.

Where triable.

What may be pleaded by defendant.

Defendant entitled to treble costs in certain cases.

XIII. 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 the County where the acts were committed, 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 a remedy for the same as any Defendant can have in other cases where costs are given by law.

XIV. 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 or any other Act relating to the Revenue, and a verdict shall be found for the claimant thereof, and the Judge or Court before whom the same 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 such seizure, and if any 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 beside the thing seized, or the value thereof, shall not be entitled to more than Two-pence damages, nor to any costs of suit, nor shall the Defendant be fined more than One Shilling.

On certificate of Court, of probable cause of seizure, officer not liable to costs and only to a nominal fine on indictment, &c.

XV. And be it enacted, That it shall be lawful for such Officer, 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 tender of amends sufficient, they shall give a Verdict for the Defendant, and in such case, and in case the Plaintiff shall become nonsuited, or shall discontinue the 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 issue joined, to pay money into Court, as in other actions.

Officer may tender amends before action brought, and plead same in bar, &c.

Officer may pay money into Court by leave, &c.

XVI. And be it enacted, That in any such action, if the Judge or Court, before whom such action shall be tried, shall certify upon the Record,

On certificate of Court, &c. in such action of probable cause of

seizure, Plaintiff only entitled to nominal damages and to no costs.

that the Defendant or Defendants in such action, acted upon probable cause, the Plaintiff in such action, shall not be entitled to more than Two-pence damages, nor to any costs of suit.

Imposes a penalty on master when his report inwards does not agree with clearance from Port of shipment.

XVII. Whereas it may, and frequently does happen, that the Report, Manifest or Clearances made by Masters of Vessels at the Port of Shipment, and the Reports or Manifest directed to be made by this Act, and the hereinbefore mentioned Acts, do materially differ in the description, number and quantity of Articles liable to duty, and no provision hath hitherto been made in case the articles entered, shall fall short of those stated to have been shipped; in order to remedy any inconvenience that may arise therefrom: Be it enacted, that in any case where the numbers or quantities of Goods, Wares and Merchandize liable to duty, and specified in the Report or Manifest, made to any Collector of Impost, at any Port of Entry in this Island, shall be found not to agree with the Report, Manifest, or Clearance made at the Port of Shipment, but there shall appear to be a deficiency in the numbers or quantities of the Goods, Wares or Merchandize, reported as entered before the said Collector, and those described in the Report or Clearance, at the Port of Shipment, the Master of any Ship or Vessel, so making such deficient Report, shall forfeit and pay a Penalty not exceeding Fifty Pounds to be recovered and disposed of, in like manner as other Penalties are directed to be recovered, and disposed of by this Act, unless such Master or the Mate, in case there shall be such Officer belonging to the said Ship or Vessel shall, if required, make and subscribe the following Oath, in addition to the Oath hereinbefore directed to be taken by the said Master, and which Oath the said Collector is hereby authorized to administer, that is to say;

Unless affidavit be made by him, &c.

Form of affidavit of master.

I *A. B.* Master (or Mate as the case may be) of the Ship or Vessel called the _____ make Oath and say that the following articles mentioned and described in the Manifest or Clearance of the

said vessel, at _____ to wit: (here describe the Packages, &c. &c.,) were omitted or neglected to be shipped on board the said Vessel called the _____ at _____ aforesaid, and that the same never came into my possession, care or custody, to the best of my knowledge and belief, for the purpose of being laden on board the said _____ at _____ aforesaid.
So help me God.

XVIII. And be it enacted, That all and every person or persons who shall import or bring into this Island any Wines, Rum, Brandy, Gin, or other Distilled Spirituous Liquors, Tea, Tobacco, Goods, Wares, or Merchandize of any kind whatsoever, such person or persons shall immediately produce to the Collector of Impost for the District, wherein such Importations shall be made, an Entry in writing, stating the quantity and description of all such dutiable articles, and the total amount of the original Invoice of the Goods, Wares, or Merchandize which shall be so imported, as aforesaid, the Vessel's name in which the same were imported, together with the Master's name, and the Importer, or Importers making such entry, shall severally make and subscribe the following Affidavit, and the said Collector is hereby empowered to administer the Oath thereon, that is to say:

Importer, &c. of articles liable to duty, to produce to Collector of Impost, an entry, &c.

Requisites of such entry.

I *A. B.* of _____ in the County of _____ do swear, that the Entry now by me made, read, or heard read and subscribed, is just and true, and contains a correct account as to the quantity and value of all Casks, Packages, number of Gallons and weight of dutiable Articles therein mentioned, and is according to the true value or the Original Account or Invoice of all the Goods, Wares, or Merchandize, [as the case may be] by me imported in the Ship or Vessel called _____ whereof _____ is Master, which are liable to an Impost duty within this Island, and I do

Form of oath to be taken by Importer, &c.

further swear that I am the Importer, [or as the case may be] thereof.

So help me God.

And if the Goods so imported shall belong to any Person or Persons not residing within this Island, then the Person producing to the Collector the Entry thereof as aforesaid, shall only be obliged to swear to such part of the said Affidavit, as relates to the quantity, Value, and Ownership of such Goods, Wares, and Merchandize.

In case of goods, &c. belonging to non-residents, oath how to be made.

Collectors of Impost, &c. may open all goods and packages.

If found to correspond with entry to be repacked at expense of Collector, &c.

And expense may be repaid on application to Lieut. Governor and Council.

XIX. And be it enacted, That it shall be lawful for any of the Collectors aforesaid, or for any Surveyor or Landwaiter, when directed by any such Collector, to open all Packages, and fully to examine all Goods therein contained, and if the Goods so examined shall be found to correspond in all respects with the Cocket or Clearance, or with the Importer's Entry, such Goods shall be repacked at the charge of the Collector, who may have examined, or directed the same Goods to be examined, and such charge may be repaid the said Collector, on application to the Lieutenant Governor and Council, if they see fit to allow the same.

When consignee, &c. has not received an invoice of Goods, Collector may grant permit to land same, &c.

Such goods to be appraised.

Drawback allowed to importer in the County from whence such goods are imported, to be deducted from invoice, &c.

XX. And be it enacted, That when any Goods, Wares, or Merchandize liable to the payment of the Duty of Impost, shall have arrived at any Port or place within this Island, before the Consignee thereof, shall have received an Account or Invoice of the same, the Collector for the District is hereby required on request of such Consignee, to grant a Permit for the same, to be landed or inspected on board, and the same being appraised as to the prime cost thereof when landed, by two competent and disinterested Persons, on Oath, made before such Collector, shall pay duty according to such appraisement: Provided always, that if for any Goods, Wares, or Merchandize so imported, the Importer shall be entitled to a Drawback of any Duties imposed on such Goods, in Great Britain

or Ireland, or any British Colony, the amount of such Drawback shall be deducted from the amount of such Invoice, and the said Duty of Five *per centum* be imposed on the residue of the Invoice, after such deduction.

XXI. And be it enacted, That all such duties as are imposed under and by virtue of the hereinbefore mentioned Acts and this Act, be and the same shall be levied and paid over and above all duties levied and imposed by any Act or Acts of the Imperial Parliament of Great Britain and Ireland in force in this Island.

Duties imposed by this Act payable over and above all duties imposed by any Imperial Act.

XXII. And be it enacted, That the Collectors that now are, or hereafter shall be appointed by the Lieutenant Governor, by and with the advice and consent of Her Majesty's Council, to secure and collect the Duties payable under the hereinbefore mentioned Acts, and this Act, shall only be paid and have Five *per centum* on all moneys paid, or secured under and by virtue of the hereinbefore mentioned Acts and this Act, except the Collector for Charlottetown who is already provided for by Salary.

Allowance to be paid to Collectors of Impost under this Act.

XXIII. And be it enacted, That when from henceforth the Duty to be paid by any Importer or Importers of any Articles liable to Duty, under the hereinbefore mentioned Acts, or this Act, shall exceed the sum of One Hundred Pounds, the Collector of such Duty, is hereby authorized to give credit for the payment thereof, for the space of Twelve Months: Provided that sufficient security be given for the payment of the said Duty within the time so limited as aforesaid, for the payment thereof, any thing in the hereinbefore recited Acts to the contrary notwithstanding.

Credit allowed to Importers when duty exceeds £100.

XXIV. And be it enacted, That the Twentieth, Twenty-first, Twenty-second, and Twenty-third sections of the first hereinbefore mentioned Act,

Suspends 20th, 21st, 22d & 23d sections of Act of the 25th Geo. 3d cap. 4.

be, and the same, are hereby suspended during the continuance of this Act.

On reimportation of sails, &c. used in taking vessels to market, oath to be made by person reimporting them, of identity.

XXV. And be it enacted, That on the reimportation of any Sails, Rigging, Blocks, Cables or Anchors which may have been used in taking Vessels to Market, as aforesaid, the Person reimporting the same, shall make Oath before one of the Collectors of Impost, that such Articles are the identical Sails, Rigging, Blocks, Cables or Anchors, as were so previously exported in any such Vessel in manner aforesaid.

Military or naval stores for Her Majesty's service and Military baggage, &c. exempted from duty.

XXVI. And be it enacted, That if any Contractor or Contractors, Commissioner or Commissioners, or any Person or Persons in Her Majesty's service, shall import and bring into this Island for the use of Her Majesty's Army or Navy, any Ordnance or Commissariat Stores, or War munitions of any kind whatsoever; or Military Baggage and Clothing, the same shall not be considered in any manner, liable to any duty imposed by this Act, any thing herein contained to the contrary notwithstanding.

Wines, Rum, &c. imported in boats liable to same duty as if imported in larger vessels.

XXVII. And be it enacted, That all Wines, Rum, Brandy, Gin or other distilled Spirituous Liquors, Tea, Tobacco, Goods, Wares, and Merchandize, as aforesaid, which shall or may be imported in Boats, from any part of the neighbouring Colonies, shall be subject to the same Duties, Regulations, Fines, and Forfeitures, as if the same were imported in Vessels of greater burthen.

Time during which Collectors of Impost are to keep open their offices.

XXVIII. And be it enacted, That the Collectors appointed, or who may hereafter be appointed, shall be, and they are hereby required, to keep open and attend their respective Offices, from Ten of the Clock in the forenoon until Four in the afternoon, (Sundays excepted) for the purpose of collecting and receiving Duties of Impost, imposed by this or any other Act of the Legislature of this Island.

XXIX. And be it enacted, That it shall and may be lawful for the Collectors now appointed, or who may hereafter be appointed, for collecting and receiving the Duties of Impost, payable to Her Majesty in this Island, under and by virtue of any Act of the Legislature thereof; and they are hereby respectively directed, to take and receive the amount of Duties payable under and by virtue of this Act, or to secure the same as hereinbefore directed, and thereupon to grant a Permit for the landing of the Goods, the Duties upon which have been so paid or secured, as aforesaid; and if it should so happen on the landing of any Wine, Gin, Brandy, Rum, or other distilled Spirituous Liquors liable to Impost Duty, the amount of which Duty has been included in any such security, that on gauging such Wine, Gin, Brandy, Rum, or other distilled Spirituous Liquors, a difference in quantity should appear, the said Collectors are hereby severally directed and required to endorse on the back of such security, the difference either way, so ascertained after such gauging, as aforesaid, and the endorsement so made shall be signed by the Collector, before whom the Entry has been made, and also by the Importer entering into such security; if he thinks fit, and such endorsement shall be, and is hereby declared, to be part of the De-feazance or Condition to every such Bond or Security which may be so endorsed, as aforesaid.

Collectors to receive payment of all duties, or secure the same as hereinbefore directed.

Mode of proceeding, when on gauging casks, quantity does not agree with invoice or entry.

XXX. And be it enacted, That if Articles liable to Duty under the hereinbefore recited Acts, or any other Act, shall be landed from on board any Ship Vessel, or Boat, after report shall have been made other than such as shall have been specified and contained in any Report or Manifest directed to be made by this Act, then, and in such case, all such Articles or the value thereof, the same to be estimated at the highest price, such commodities shall or may then respectively bear, shall be, and the same are hereby declared to be forfeited, and shall and may be

Articles landed before duty paid or secured, or the value thereof, to be forfeited,

and the articles may be seized.

If concealed or destroyed, the owner or master of vessel to pay the value.

seized by any of the Collectors of such Duties, for the time being, or by any of the Landwaiters or Guagers, and if such Articles shall be concealed or destroyed so that seizure cannot be made of the same, then the Master of the said Ship, Vessel, or Boat, or the Owner or Owners thereof, or the Receiver or Receivers of such Articles so concealed, shall on being duly convicted thereof, pay the value of the same according to the aforesaid estimate.

In case of dispute, proof of payment of duty, &c., to be on owner or claimant.

XXXI. And be it enacted, That if any Goods, Wares, or Merchandize shall be seized for non-payment of Duties or any other cause of forfeiture, and any dispute shall arise, whether the Duties have been paid for the same, or the same shall have been lawfully imported, or lawfully laden or exported the proof shall be on the Owners or Claimants of such Goods, Wares, or Merchandize, and not on the Officer who shall seize and detain the same—any Law or usage to the contrary notwithstanding.

All fines, forfeitures, &c. imposed by this or any other Revenue Act to be sued for and recovered in Court of Vice Admiralty, except in certain cases.

XXXII. And be it enacted, That all Fines, Forfeitures, and Penalties arising by operation of this or any other Act, relating to the Revenue of this Island, raised from Duties of Impost, on Goods, Wares, and Merchandize, except such as relate to the distillation of Spirituous Liquors within this Island, and the duties by this Act imposed on such Spirituous Liquors, shall be sued for and recovered together with costs, in Her Majesty's Court of Vice Admiralty, except as hereinbefore provided, and except in cases where any Fine or Penalty is imposed on the Treasurer of this Island; and the moneys arising from such Penalties, Fines, and Forfeitures shall be applied, one-half to and for the purposes for which the said Duties are granted, and the other half to him or them who shall inform, seize, or sue for the same.

XXXIII. And be it enacted, That for the better and more effectually collecting and securing

the several Duties levied by this or any other Act, it shall and may be lawful for any Collector of Impost having a Writ of Assistance under the Seal of Her Majesty's Supreme Court of Judicature of this Island, which Writ the Chief Justice of the said Court, or in his absence the Puisne Judges are hereby authorised and empowered to grant upon application for that purpose, to take a Constable or other public Officer inhabiting near the place, and in the day time to enter into and search any Shop, House, Cellar, Warehouse, Room, or other place, and in case of resistance, to break open Doors, Chests, Trunks, and other Packages, there to seize and from thence to bring any Goods which have not been duly entered, and the Duties thereon paid or secured, and which may be deemed liable to forfeiture, under this or any other Act of this Island, and to put and secure the same in some secure place at or near the Port where such Goods shall be so taken, as aforesaid.

Writ of assistance how to be obtained by Collector.

Mode of proceeding thereunder by Collector.

XXXIV. And be it enacted, That all Writs of assistance so issued from the Supreme Court, as aforesaid, shall continue and be in force during such time as shall be therein limited and expressed by the said Court.

Time for which writs of assistance shall be in force.

XXXV. And be it enacted, That all the moneys arising from the several Rates and Duties raised and levied by this Act and paid into the Treasury, shall be applied and appropriated to such purposes, and no other as are or may be expressed or contained in any Act of the General Assembly of this Island, to be passed this present Session, and if the Treasurer of this Island shall issue and pay any of the said moneys arising from this Act for any other purpose than is therein mentioned, declared, or expressed, he shall forfeit and pay the sum of One thousand pounds, and be rendered incapable of holding said Office of Treasurer; said forfeitures to be applied to, and for the use which shall be expressed in the said Act, and to be recovered

Appropriation of moneys to be raised by this Act.

Penalty on Treasurer, if he pays any such moneys unless appropriated by this or other Act to be passed.

by Bill, Plaint, or Information, in Her Majesty's Supreme Court of Judicature of this Island.

Masters of all vessels to report to Collector, and within 24 hours after arrival, and before breaking bulk, on oath.

Particulars of such report.

Collector empowered to administer oath.

Form of such oath.

XXXVI. And be it 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, having on board any Wines, Rum, Brandy, Gin, or other distilled Spirituous Liquors, Tea, Tobacco, Goods, Wares or Merchandize, shall, before breaking bulk or landing passenger's baggage, and in Twenty-four hours after their arrival, make report in writing, upon oath, to the Collector of Impost for the Harbour or District wherein such Vessel shall have arrived or be, of all Wines, Gin, Brandy, Rum, or other distilled Spirituous Liquors, Tea, Tobacco, Goods, Wares or Merchandize, on board any such Ship or Vessel, specifying therein the kinds of Casks, Packages, Parcels, Boxes, Trunks, Bales, and all other manner of things, in which they shall or may be contained, together with the marks and numbers thereof, and that they have not landed nor suffered to be landed, sold, bartered or exchanged, any Wine, Gin, Brandy, Rum, or other distilled Spirituous Liquors, Tea, Tobacco, Goods, Wares or Merchandize, at any port or place within this Island, or on the coasts thereof, since their sailing from the port or place where the same were laden on board any Ship or Vessel for exportation, which Oath the said Collector is empowered to administer in the form following:

You *A. B.* do swear that the report which you have made, read, or heard read and subscribed, contains a just and true account of all the Wines, Rum, Brandy, Gin, or other distilled Spirituous Liquors, Tea, Tobacco, Goods, Wares or Merchandize, laden on board the _____ at the Port of _____ or any other Port or Ports or elsewhere, before or since your sailing from _____ and that you have not landed, nor suffered to be landed,

sold or delivered, bartered or exchanged, any Wine, Rum, Brandy, Gin, or other distilled Spirituous Liquors, Tea, Tobacco, Goods, Wares or Merchandize, at any port or place within this Island, or on the coast thereof, since your sailing from

So help you God.

XXXVII. And be it enacted, That all Masters of Ships, Coasting, Fishing and all other Vessels whatsoever coming into any Harbour, Port, River, Creek, or any part of the Coast of this Island, shall within Twenty-four hours after their arrival make and subscribe a Report in writing, on Oath, to the Collector of Impost, appointed for the Harbour or District where any such Vessels shall be, as mentioned in the last foregoing Section of this Act, of the lading or Cargo of such Vessel, or whether in Ballast or otherwise, (as the case may be) and shall also make and subscribe a Report on Oath in the form prescribed by the said last foregoing Section; Provided nevertheless that nothing in this Act contained, shall be construed to require or permit the reporting or entry of any Vessel belonging to any Foreign Power or State which is not legally entitled to make such Report and entry at the Custom House, by any Laws of the Imperial Parliament of Great Britain, now in force in this Colony.

Masters of vessels, &c. in ballast, to report on oath to Collector within 24 hours after arrival.

Not to be construed to permit foreign vessels prohibited by imperial Acts, to enter Ports of this Island.

XXXVIII. And be it enacted, That if any such Master shall neglect or refuse to make such Report as herein directed, or shall make a false Report, such Master shall be liable to, and shall forfeit and pay for every such offence, a Fine not exceeding One hundred Pounds.

Penalty on Master neglecting or refusing to make such report.

XXXIX. And be it enacted, That on any Ship or Vessel arriving at any Port or Place in this Island, having on board any Goods liable to duty in this Colony, and where it is the intention of the Master of such vessel to land in such Port or Place, only a portion of such Goods, then and in

When only part of cargo is to be landed, master to make affidavit before Collector.

every such case, after landing such portion of Goods as aforesaid, he the said Master shall and is hereby required, to make and subscribe at the Office of Excise, for the District or Harbour within which such Port shall be situate, the following Affidavit that is to say :

Form of affidavit of master.

I do swear, that the following Goods to wit: mentioned in the Manifest of the Cargo of the made at this Office on the day of are now actually on board the said Vessel, and that no part of the same shall be landed on this Island, or the Territories thereof, with my knowledge or consent unless the Duties on any such Goods shall previously be paid or secured.

So help me God.

Penalty on master neglecting or refusing to make such affidavit.

And if any such Master shall neglect or refuse to make and subscribe such Affidavit, he shall be liable to forfeit and pay on conviction a Fine not exceeding One hundred Pounds, the same to be recovered in the same way and manner, as is pointed out in the Thirty-second Section of this Act.

When owner or consignee of goods does not pay or secure the duties thereon within a reasonable time, master may deliver same to Collector.

XL. And be it enacted, That it shall and may be lawful for the Master of any Ship or Vessel arriving in any Port or Place in this Island, having on board any Goods, Wares or Merchandize, and where the Owner or Consignee does not pay or secure the Duties upon such Goods within a reasonable time after his arrival in the said Port or Place, or where such Importer or Consignee is absent from such place to deliver such Goods to the said Collector, for the security of such Duties, which said Collector, is hereby empowered and directed to receive, and keep the same at the Owner's or Consignee's risk, until the Duties due thereon, together with the charges have been paid, and if the Duties due and payable on such Goods, shall not be paid or secured by the Owner, Owners or Consignee thereof, within Three Months from the time

of the landing of such Goods, then and in such case, the said Collector is 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, Storage and Expenses incurred by the sale thereof.

Power and duty of Collector in such case.

XLI. And be it enacted, That on any person entering any Goods, Wares or Merchandize, for Duty at any Excise Office within this Island, at a less value than may appear to the Collector of Excise at any such Office, to be the real value thereof, according to the true intent and meaning of this Act, it shall and may be lawful for the said Collector to detain such Goods, Wares or Merchandize within five days after the landing thereof, and the said Collector at the Port at which the same have been entered, shall pay to the Importer or Proprietor on demand, the value declared in such aforesaid entry, together with the costs and charges of Importation and an addition of Ten Pounds per centum thereon, and also any Customs' Duties which shall have been paid thereon in this Colony, which shall be a full satisfaction for such Goods to the Importer or Owner thereof, and it shall be lawful for the said Collector, and he is hereby directed to cause the said Goods to be publicly sold to the best advantage, and out of the proceeds thereof the money so as aforesaid directed to be paid for such Goods, shall be reimbursed to such Collector, and after deducting from the overplus (if any) the expenses incurred for the detaining, securing, and sale of such Goods, one moiety of the balance shall be paid into the Treasury of this Island, and the other moiety shall go to and for the use of such Collector.

Collector may detain goods &c. when importer enters them lower than real value, on paying importer the value at which they are entered, the cost of Importation and £10 per centum on the whole.

Duty of Collector in such case.

Proceeds of such goods, &c.,

how to be appropriated.

XLII. Whereas it is deemed expedient to impose a Duty on Spirits Distilled in this Island: Be it therefore enacted, by the Lieutenant Governor, Council, and Assembly, That from and after the passing of this Act, a Duty of Eight-pence per

Imposes a duty of 8d per gallon on all spirits distilled in this Colony.

Drawback allowed on exportation of such spirits.

Gallon shall be levied and paid on each and every Gallon of Spirituous Liquors manufactured, extracted, or distilled in this Island; Provided always, that there shall be allowed and paid on all such distilled Spirituous Liquors so manufactured within this Island, or exported therefrom, a Drawback equal in amount to Seven-eighths of the whole Duty paid or secured to be paid, on such distilled Spirituous Liquors, subject nevertheless to all the regulations and conditions prescribed by this Act on the Exportation of Gin and Brandy from this Island.

Owners of distilleries or servants managing them to render account to Collector of Impost, &c.

Days on which such account shall be rendered.

Account to be on oath.

Form of oath,

XLIII. And be it enacted, That the Owner or Owners of any Distillery or Distilleries, or other Person or Persons who shall manufacture any distilled Spirituous Liquors in this Island, and in case any such Distillery or Distilleries shall be carried on by any Servant or Servants having the care or management of the same; such Owner, Master, or Servant respectively, shall on the First Monday in January, April, July, and October, in each year, during the continuance of this Act, render a just and true account in writing, to the nearest Collector of Impost and Excise, of the quantity of all distilled Spirituous Liquors manufactured, extracted, or distilled by him or them for the Quarter last past, and shall make and subscribe before the said Collector the following Oath, which Oath he is hereby empowered to administer.

I *A. B.* do swear that the Account which I have now rendered and subscribed, contains a just and true account of all the Rum, Brandy, Gin, and Whiskey and other distilled Spirituous Liquors manufactured, extracted, or distilled by me, or any person or persons under me, since the day of last past.

So help me God.

And the said Owner, Master, or Servant after making and subscribing the before mentioned Oath,

shall forthwith, pay unto the said Collector of Impost and Excise, the amount of Duty herein before imposed on such distilled Spirituous Liquors so manufactured, extracted, or distilled by him, during the Quarter last past; the said Duties to be paid, in way and manner, and under like regulations, as Duties are payable by this and other Acts of the General Assembly now in force, relating to the importation of Spirituous Liquors.

Owner, &c. after such account made, to pay amount of duty to Collector for spirits distilled during last quarter.

XLIV. And be it enacted, That if any person shall neglect to make Affidavit of his intention to distil as hereinafter mentioned, or make such return, or shall make a false return of the quantity of distilled Spirituous Liquors so manufactured, extracted or distilled by him or them, or shall refuse to pay the amount of any such Duty as shall then be due as aforesaid, such person shall, for each and every offence, forfeit and pay the sum of Twenty Pounds.

Penalty on persons neglecting to make affidavit of intention to distil, or making false return to Collector.

XLV. Provided always, and be it enacted, That any Distiller who shall be convicted of having wilfully and fraudulently made a return short of the real quantity made by him, or by those employed by him as aforesaid, or who shall be convicted of having refused to account or pay at the times prescribed by Law, or who shall have delayed his return or payment for more than Twenty days after the expiration of the Quarter, from that day whereon he last accounted, shall on conviction thereof, over and above the aforesaid penalty, be held not entitled to distil for Six Months, from and after the date of such conviction, under the penalty of Five Pounds, for each and every day, he or those employed by him, shall so distil after such conviction.

Prohibits distiller, who shall be convicted of making a false return, or of having refused to account or to pay duty, or who shall have delayed his returns more than 20 days, from distilling for 6 months under a penalty of £5 per day.

XLVI. And be it enacted, That no person shall be entitled to a Drawback on any Spirits distilled in this Island, unless the person claiming the same shall make and subscribe before the Collector of

No drawback allowed on spirits distilled in this Island, unless Oath be made before Collector.

Impost, for the proper District, an Oath in the form following, which Oath the aforesaid Collector is hereby empowered to administer:

Form of such
oath.

I *A. B.* do swear, that the entire quantity of Liquor by me shipped for exportation, on board the Ship or Vessel, called the _____ whereof _____ is Master, bound for the Port of _____ in _____ was distilled at the Distillery, entered by me in the Impost Office, for the District of _____ and is of the same strength as that for which the Duty has been paid or secured, and that the Duties of Impost directed to be levied thereon, by the Laws of this Island, have been actually paid or secured, agreeably to the value in the annexed Return; and that I have shewn and exhibited the Casks or Vessels in which the said Liquor is contained, to the Officer appointed to examine the same, who has attended to the shipment thereof, and that the same hath been regularly entered at this Office, and that neither the whole, nor any portion of said Liquor is intended to be fraudulently relanded, brought back, sold, bartered, exchanged, or consumed in any Port or Place within this Island, or any of the Territories thereunto belonging.

So help me God.

Persons intending to distil, to make affidavit before Collector 6 days before they commence distilling.

Requisites of such affidavit.

XLVII. And be it enacted, That any Person or Persons who shall hereafter manufacture, extract, or distil any Spirituous Liquors, is hereby obliged, Six days before first commencing to distil, to make Affidavit before the Collector of Impost, for the District wherein he resides, (which Affidavit the said Collector is hereby empowered to take,) that he intends so to distil, and in such Affidavit shall describe clearly, the locality of the Premises wherein he intends so to distil.

Collector to deliver copy of affidavit with certi-

XLVIII. And be it enacted, That such Collector of Impost, shall on receipt of such Affidavit, deliver to the person producing the same, a Copy

of said Affidavit with his Certificate, that the same had been taken, at such a certain date, before him the said Collector.

ificate to party making same.

XLIX. And be it enacted, That there shall be allowed and paid to the Collectors of Impost and Excise (with the exception of the Collector of Impost for Charlottetown,) the sum of Five Pounds per centum on all moneys collected or received by the provisions of this Act.

Allowance to Collectors of Impost under this Act, except Collector for Charlottetown.

L. And be it enacted, That all Fines and Penalties mentioned in this Act, relating to the distillation of Spirituous Liquors within this Island, and the Duties imposed on such Spirituous Liquors by this Act, may be sued for and recovered with Costs; by Bill, Plaint, or Information, in Her Majesty's Supreme Court of this Island, and paid one half to the person who shall inform and sue for the same; and the other half to the Treasurer of this Island, to and for the use of Her Majesty's Government.

Mode of recovery of penalties relating to spirits distilled in this Island.

Appropriation of such penalties.

LI. And be it enacted, That this Act shall commence and take effect immediately from and after the second day of May next ensuing, and shall continue and be in force until the second day of May, which will be in the year of our Lord One thousand eight hundred and forty-six.

Commencement and continuance of this Act.

C A P. II.

An ACT for the better prevention of Smuggling.

[*Passed, April 17, 1845.*]

WHEREAS the practice of clandestinely importing articles into this Colony, without paying the Duties by Law imposed thereon, has lately increased; whereby it has become necessary to give additional powers to the Government

Lt. Governor with advice of Council to appoint Landwaiters, &c, for Harbours and Ports in this Colony.

Powers of Landwaiters, &c. so appointed.

Defines amount of seizures and penalties payable to such Landwaiters, &c.

Collectors of Impost authorised to place an Officer on board any Vessel, &c.

Compensation to such Officer.

Duty of such Officer.

to suppress the same: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, that it shall and may be lawful for the Lieutenant Governor, by and with the advice and consent of Her Majesty's Council, to commission and appoint so many Persons, to be Landwaiters and Preventive Officers as may be deemed necessary, in and near to the different Harbours, Ports, and Places, where Goods may be landed throughout this Island; who shall have, and be entitled to exercise the same power and authority in making seizures of all prohibited and unlawfully imported Goods, brought, or attempted to be brought, imported or landed within this Island; and of all Boats, Vessels, Vehicles, Horses and Cattle, fraudulently employed or used in such importation, or attempted importation, and also, in bringing the same to condemnation and sale, as any Collector of the Duties of Impost within this Island, can or may now lawfully use or exercise.

II. And be it enacted, That each of such Officers shall be entitled to receive and take, to his own use and benefit, the whole seizures made by him; and his fair proportion of the whole of any seizures made jointly with another, or others together, with a moiety of all Fines relating to such seizures, which shall be sued for, and recovered in the joint names of the said Officers making such seizures.

III. And be it enacted, That it shall and may be lawful for the Collector of Impost, at Charlottetown, and the respective Collectors of Impost throughout the Colony, to place an Officer on board of any Vessel he may deem it necessary so to do, whilst discharging her Cargo, which Officer shall be paid by the Collector of Impost who employed him, a reasonable sum *per diem*, not exceeding Five shillings, for such his attendance on board, and who shall also remain on board during the night, if required by the said Collector

and it shall be the duty of such Officer to keep a true account of all articles landed, and to compare the same with the Cocket or Manifest of the Cargo, and no part of the Cargo shall be discharged in his absence, under a Penalty of Fifty Pounds, and the Goods so landed being also liable to seizure, and a sufficient time shall be allowed by the said Impost Collector for discharging each Cargo, not exceeding six working-days after so placing an Officer on board; each day to be computed between the hours of sunrise and sunset, and if the Cargo shall not be discharged within such time, then the daily charge afterwards for the Officer's attendance on board, shall be paid and borne by the Master or owner of the Vessel so discharging.

Penalty on Persons landing Goods, &c. in absence of such Officer.

Goods so landed forfeited and liable to seizure.

6 days allowed for landing cargo.

Computation of said 6 days.

Compensation to Officer payable by Master or Owner of cargo, if cargo is not discharged within 6 days.

IV. And be it enacted, That in case the daily pay of any Officer who may have attended on board of a Vessel while discharging her Cargo as aforesaid, shall not be duly paid after his services have been performed, then it shall be lawful for the Officer to sue for and recover the same by Summons, or Capias in manner provided for the recovery of small Debts.

Mode of recovery of Compensation to Officer.

V. And be it enacted, That before any such Landwaiter and Preventive Officer, shall enter upon the duties of his Office, he shall take the following Oath, which the Collector of Impost for the district wherein the Landwaiter may reside, is hereby empowered to administer.

Landwaiters &c. to be sworn by Collector of Impost.

I *A. B.* do swear, that I will diligently, impartially, and faithfully execute and perform the duties of a Landwaiter and Preventive Officer, for Prince Edward Island, as prescribed by Law and according to the best of my knowledge and ability.

Form of oath of Landwaiter.

So help me God.

VI. And be it enacted, That there be placed at the disposal of his Excellency the Lieutenant Governor, a sum not exceeding Twenty pounds to

Appropriates £20 for Preventive Officer at the Port of Charlottetown.

be applied towards reimbursing the Landwaiter, and Preventive Officer appointed as aforesaid for the Port of Charlottetown, for any unavoidable and necessary expenses, he may incur at that Port in the discharge of his duty in preventing Smuggling, and that he be allowed to receive and take to his own benefit, the whole of the seizures made by him, together with a moiety of all fines sued for and recovered by him.

Powers and Duties of Collectors of Import and other Preventive Officers.

Collectors &c. not liable to action in certain Cases.

Penalty on Persons driving carts &c. and refusing to stop, when required by Collector, &c.

VII. And be it enacted, That it shall and may be lawful for any Collector, or other Officer duly employed for the prevention of Smuggling within this Island upon reasonable suspicion to stop and examine any Cart, Waggon, Sleigh or other means of conveyance for the purpose of ascertaining whether any smuggled Goods are contained therein, and if no such Goods be found, the Officer or other person stopping and examining any such Vehicles, shall not, on account of such stoppage and search, be liable to any action at Law on account thereof, and all persons driving, or conducting such Cart or other Vehicle refusing to stop, when required so to do in the Queen's name, shall forfeit a sum not exceeding Ten pounds.

Penalty on persons procuring others to assemble to land Goods &c.

Amount of Penalty.

Penalty on persons destroying &c. such Goods.

Amount of such Penalty.

VIII. And be it enacted, That any persons who shall by any means procure or hire any person or persons, or who shall depute or authorize any person or persons, to procure or hire any person or persons, to assemble for the purpose of being concerned in the landing or unshipping, or carrying or conveying any Goods prohibited to be imported, or the duties for which have not been paid or secured, shall for every such offence, forfeit and pay a sum not exceeding Fifty pounds; And any person who shall, before or at or after any Seizure, stave, break or otherwise destroy any Goods, to prevent the seizure thereof, or the securing the same, then and in such case, the party or parties offending shall forfeit for every such offence a sum not exceeding Fifty pounds.

IX. And be it enacted, That all fines and penalties by this Act imposed, except the aforesaid Penalty of Ten pounds, shall be sued for and recovered together with costs, in Her Majesty's Supreme Court of Judicature of this Island, by Bill, Plaint or Information, and if recovered, then one moiety of such Penalties shall be paid into the public Treasury of the Island for the use of Her Majesty's Government, and in case such fine and costs be not paid on conviction, the offender or offenders shall be imprisoned for such time not exceeding Twelve Calendar Months as the Court shall direct. And the said Penalty of Ten pounds shall be recovered with costs, on the Oath of one credible Witness, before any two of Her Majesty's Justices of the Peace, for the County wherein the offence was committed, and if not paid on Conviction, the offender shall be imprisoned for a period not exceeding Six Months.

Mode of recovery of Penalties imposed by this Act.

X. And be it enacted, That the same protection is hereby given and extended to the Landwaiters and Preventive Officers authorized to be appointed by this Act (and those who may act under them) as now is or may be extended or given by Law under any Act or Acts for the increase of the Revenue of this Island, in Actions brought against Officers of the Provincial Revenue or those employed by them.

Same protection extended to Officers appointed under this Act as is enjoyed by Revenue Officers under any other Act.

XI. And be it enacted, That this Act shall continue and be in force for one year, 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. III.

An ACT to make new Provisions for the support of Light Houses, Buoys and Beacons.

[*Passed, April 17, 1845.*]

WHEREAS in pursuance of an Act of the General Assembly of this Island, made and passed in the Sixth year of the Reign of His late Majesty, intituled *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.*—His Honor the President, then administering the Government of this Island, by his Commission, under his Hand and the Seal of the said Island, bearing date the Twentieth day of May, *Anno Domini*, One thousand eight hundred and thirty-six, did constitute and appoint Thomas Owen, of Three Rivers, Esquire, a Commissioner for the purpose of determining and deciding jointly with the Commissioners, who should be appointed for the same purpose, by the Provinces of Lower Canada, Nova Scotia, and New Brunswick, with respect to the fittest Sites for certain Light Houses proposed to be built on the Islands of Saint Paul and Scatari, off the coast of Cape Breton, together with necessary humane Establishments; and the sums of money required for the erection of the same, as well as for their future support after they should 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 to be estimated in manner in the said recited Act mentioned: And whereas the said Thomas Owen having taken upon himself the said office, did, in conjunction with certain other Commissioners, authorised and appointed for like purposes, by the respective Provinces of Lower Canada,

New Brunswick, and Nova Scotia, make a final award pursuant to the Duties of their office respectively assigned to them, which said Award bears date the Sixteenth day of August, *Anno Domini* One thousand eight hundred and thirty-six, and one part thereof hath been duly laid before the Legislature of this Island, agreeably to the directions of the said recited Act, whereby and wherein it is awarded and determined, amongst other particulars, that the superintendence of building the said Light House shall be vested in the Board of Commissioners appointed by the Government of Nova Scotia, that two good and sufficient Light Houses, with bells and guns, shall be erected on Saint Paul's Island, at the extreme point, so as to be conspicuous on entering and leaving the Gulph of Saint Lawrence, that the Light House on the Island of Scatari, shall be erected on the East Point of the said Island, and so forth; and as to the maintenance of the said Lights and humane Establishments, the said Commissioners did award and determine that New Brunswick shall pay to the Government of Nova Scotia, into the Treasury thereof, Two hundred and fifty pounds, Halifax currency, on the first day of July, in each and every year after the said Light Houses and humane Establishments shall be in operation, and as long as they continue to be so in conformity with the provisions of the said Award, that Lower Canada shall annually pay Five hundred pounds, Prince Edward Island Thirty pounds, and Nova Scotia Two hundred and fifty pounds, making the whole annual amount One thousand and thirty pounds; and that with the amount so contributed, the Government of Nova Scotia shall support, uphold, and maintain the said Light Houses and humane Establishments; it being well understood that in case the said amount should prove insufficient in any one year, the deficiency ought to be provided by the respective Legislatures of Lower Canada, Nova Scotia, and Prince Edward Island, in such manner as shall appear to them most eligible, and

in the same ratio as settled in the said award; but as to New Brunswick, the sum of Two hundred and fifty pounds aforesaid shall be a settled and permanent contribution, the overplus (if any) going to Nova Scotia, and the proportionate deficiency being borne altogether by the said last mentioned Province; provided however, that should Her Majesty's Government contribute at a future period to the support of the said Establishments by an annual grant, a ratable deduction shall be made from the amount of each Provincial contribution; and it was also by the said Award expressed that if the said Light Houses and Establishments are destroyed by fire, tempest, or other causes, the expense of rebuilding the same shall not devolve upon Nova Scotia; and also that the Board of Commissioners of Nova Scotia shall render accounts in each and every year to the House of Assembly of Nova Scotia, duplicates of which shall be transmitted annually to the Legislatures of Lower Canada, New Brunswick and Prince Edward Island respectively; and whereas the said Light Houses and humane Establishments have been duly erected and completed, and the said Light Houses are now in operation, and the contribution thereto from this Colony hath been hitherto paid as fixed by the said recited award, and in order to raise and provide a fund out of which to continue such payment, and for the other purposes hereinafter mentioned: Be it enacted, That from the passing of this Act until the period at which the Light House to be erected on Point Prim as hereinafter mentioned, shall be complete and in operation, and the same announced by order of the Government of this Island in some public Newspaper or Newspapers published therein, the Light duty to be paid and collected on all Vessels clearing out at any of the Custom Houses of this Island, for any other Port or Colony whatsoever, shall be only one penny per ton, for each and every ton, which each and every such Vessel shall admeasure agreeably to their Registers, which said duty shall

Until a Light-house is erected on Point Prim, 1d. per Ton to be paid for all vessels clearing for other Colonies or Ports.

Payable on Register Tonnage.

be paid at the time and recoverable in the manner hereinafter mentioned; and the Collector of the duties in this Section mentioned, shall receive for his services *Fifteen per centum* on the amount he shall collect and pay over thereunder, and from and immediately after the time when the said intended Light House to be erected at Point Prim, shall be completed and in operation, and announced as in this Section is mentioned and provided for, the Light Duty to be paid and collected, on all Vessels clearing out from any of the following Ports or Places in this Island, *videlicet*: Charlottetown, Pownal Bay, Orwell Bay and Pinette; for any other Port, Place, or Colony whatsoever, shall be Three-pence per Ton for each and every Ton which each and every such Vessel shall admeasure, agreeably to their Registers; and from all other Ports and Places in this Island, such Light Duty shall be Two-pence per like Register Ton; and when any of the last mentioned Vessels shall on any voyage, have paid Two-pence per Ton for Light Duty as aforesaid, and shall afterwards on the same voyage, enter any of the aforesaid Ports of Charlottetown, Pownal Bay, Orwell Bay, and Pinette; then such Vessels shall pay One penny per Ton more, and in addition to the said sum of Two-pence, so paid by them as aforesaid; which said respective Duties shall be paid in all cases by the Masters of such Vessels as aforesaid, before the clearing of any such Vessels at the Custom House, to such person or persons as are now, or may hereafter be appointed, by the Administrator of the Government of this Island for the time being, to receive the same, and upon refusal of payment, the person so appointed as aforesaid, is hereby authorized and directed to sue for and recover such Duty before any one of Her Majesty's Justices of the Peace, which Justice is hereby directed and required, on Oath being made by such Collector, 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:

Compensation to Collector of Light Duty, so long as the same remains at 1d. per Ton.

After erection of Light-house on Point Prim, 3d. per Ton to be paid for all vessels clearing from certain Ports.

Enumerated Ports.

2d. per ton to be paid for all vessels clearing from other ports in this Colony not enumerated herein.

And 1d. additional on such vessels entering other ports in this Colony on same voyage.

By whom, and when payable, and to whom.

Mode of recovery of Light Duty imposed by this Act.

Vessels engaged in the fishery and vessels carrying the Mails exempted from Light Duty.

Provided always, and be it enacted, That all Vessels belonging to this Island, while actually and exclusively engaged in the Fishery, and also the Steamer Saint George, or any other Vessel carrying the Mails, shall be exempted from paying any Light Duty, any thing in this Act to the contrary notwithstanding.

£30 to be paid to Lt. Governor of Nova Scotia annually, as the contribution agreed to be paid by the Government of this Colony, towards support of Light-house, &c. in Nova Scotia.

II. And be it enacted, That from and out of the Duties to be raised and levied by this Act, there be, and is hereby granted, to the Lieutenant Governor, or the Administrator of the Government for the time being, of the Province of Nova Scotia, to be paid into the Treasury of the said Province, the sum of Thirty pounds of the currency of Nova Scotia; and on the First day of July in every year, as long as the said Light Houses and humane Establishments are in operation, in conformity with the provisions of the said Award, there shall be paid in like manner a proportionate part of a sum, which added to the unexpended balance of the aforesaid One thousand and thirty pounds, if any remaining from the preceding year, would amount to the said sum of One Thousand and Thirty pounds, the said proportionate part bearing such proportion to the sum so required to be added, as Thirty pounds doth bear to the said sum of One thousand and thirty pounds, such annual amount to be drawn out of the Treasury of this Island, by Warrant of the Administrator of the Government with the advice and consent of Her Majesty's Executive Council: Provided always, and be it enacted, That no second or subsequent payment of the said yearly sum of Thirty pounds shall be made, nor shall any Warrant be issued for the same, until full Accounts duly certified, of the expenses incurred in the maintenance of the said Light Houses and Establishments during the preceding year, shall have been transmitted to, and received by the Administrator of the Government of this Island for the time being, nor shall any such payment be made or Warrant issued, until

And to be drawn for by Warrant on Treasurer of this Island.

No second payment to be made, until accounts are furnished shewing expense of said Light-Houses, &c.

and unless it shall be made to appear by certificates from the respective Commissioners and Superintendents of the said Light Houses and Establishments, that the same have been in continued and uninterrupted operation, provided and furnished with men, provisions, and other necessaries according to the terms of the said Award.

III. And be it enacted, That if Her Majesty's Government shall at any time hereafter contribute to the support of the said Light Houses and Establishments, by an annual grant or other pecuniary assistance, a ratable deduction from the amount of the grant hereinbefore given shall be made, and the balance only, after making such deduction, shall be drawn out of the Treasury of this Island, and paid to the Province of Nova Scotia.

If Imperial Government contributes to support of said Light-houses, &c. a ratable deduction to be made from said sum of £30.

IV. And whereas, it is intended to grant and appropriate, by an Act of the present Session, a sum to defray the expense of constructing a Light House at Point Prim, in this Island; and it is necessary to provide for the keeping up of that Establishment, by having proper Lights, payment of Attendants, and other necessary contingencies: Be it therefore enacted, That from and out of the Duties to be raised and levied as aforesaid, after paying the annual sum as fixed by the Award hereinbefore recited, there shall be paid a sum, sufficient to defray the necessary cost of keeping Lights in the said Light House at Point Prim, and paying the Salaries of Attendants, and for all other requisite purposes and services connected with the due maintenance of that Establishment.

After deducting said sum of £30, appropriates from the moneys to be raised under this Act, a sufficient sum to keep and maintain Light-house to be erected upon Point Prim.

V. And whereas it hath been deemed necessary, for the encouragement of Navigation, and the safety and preservation of Shipping, that Buoys should be laid down, and Beacons erected in and at the principal Ports and Harbours of this Island, and the same hath been already done in and at the

following Ports or Harbours, (that is to say): Charlottetown and New London, in Queen's County; Three Rivers, Murray Harbour, St. Peter's and Grand River, in King's County; and at Bedeque, Richmond Bay, and Cascumpec, in Prince County; and it is not only necessary to provide for the future maintenance of such Buoys and Beacons as are already established, but also to authorize others to be placed where it may be deemed necessary: Therefore, be it enacted, That after payment of the annual sum appointed to be paid, under and by the before recited Award; and the necessary annual amount hereinbefore appropriated for the maintenance of the Light House at Point Prim; the surplus money to be raised by this Act, shall be applied by the Administrator of the Government and Her Majesty's Council, in maintaining the Buoys and Beacons already placed as aforesaid, and in defraying the expenses and cost of constructing, laying down, and erecting Buoys and Beacons, in and at any of the other Harbours of this Island, not hereinbefore named, and in maintaining them afterwards.

After payment of the said sum of £30 to Government of Nova Scotia, and deduction of sufficient sum to keep &c. Point Prim Light-house, any balance of moneys raised under this Act appropriated to maintain Buoys and Beacons.

Collector of Light Duty to pay and account for the same.

All payments under this Act to be drawn for by Warrant, &c.

Compensation to Collector for his services.

VII. And be it enacted, That the Collector to be appointed as aforesaid, shall pay all moneys received by him, under and by virtue of this Act, into the hands of the public Treasurer of this Island, to and for the purposes specified in this Act; and all payments to be made as by this Act directed, shall be drawn for by Warrant under the hand of the Administrator of the Government of this Island, in Council, and such Collector, shall, for his services, be paid Seven and one-half *per centum*, on all moneys so received, and paid over by him as aforesaid.

Repeals Act of the 1st Victoria, cap. 6.

VIII. And be it enacted, That an Act made and passed in the First year of the Reign of Her present Majesty, intituled *An Act to make provision for the payment of a portion of the expense of maintaining Light Houses, and for the erection*

and maintenance of Buoys and Beacons; and an Act made and passed in the second year of Her said Majesty's Reign, intituled an Act for providing Buoys and Beacons for the Harbours therein mentioned; and for a Nautical Survey of the Harbours of Charlottetown and Three Rivers, be, and the same are hereby respectively repealed.

Also Act of the
2d Victoria,
cap. 5.

C A P. IV.

An ACT to authorize the Commissioners of Small Debts, in their respective Courts, to appoint Bailiffs to execute the Processes of the said Courts, and to take security from such Bailiffs for the due execution of the same.

[Passed, April 17, 1845.]

BE it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, it shall and may be lawful for each and every of the Courts of Commissioners of Small Debts in this Island, appointed under and by virtue of an Act made and passed in the Seventh year of the Reign of Her present Majesty, intituled *An Act relating to the recovery of Small Debts, and to repeal certain Acts therein mentioned*, to require and take a Bond with two sufficient Sureties from any Constable appointed by Law for the County wherein such Court is situate, before any such Constable shall be authorized to serve any Process from such Court, to Her Majesty, Her Heirs and Successors, for the due performance of his office, and for the due return of all Writs to him entrusted, into the said Court, and for the due payment of all moneys coming into his hands, by virtue of his said office, to the respective parties entitled thereto, or into the said Court at the respective returns of the said Writs; which Bond shall be in the form in the Schedule to this Act annexed, and

Commissioners of
Small Debt
Courts authorized to take Bond from Constables serving process and levying Executions, issuing from their Courts.

Bond to be taken to Her Majesty.

Requisites of such Bond.

Form of Bond.

Penalty in Bond.

Bond where to be lodged.

On Constable neglecting or refusing to give such bond, Court authorized to appoint a Bailiff, &c.

shall be in a penalty not exceeding One hundred pounds, and not less than Twenty pounds at the discretion of the said Court; and which Bond shall be forthwith lodged in the office of the Colonial Secretary by the Clerk of the said Court; and in the event of any such Constable neglecting or refusing to give such Bond as aforesaid, then it shall and may be lawful for the said Court of Commissioners to appoint, at the discretion of the said Court, a Bailiff or Bailiffs in place of such Constable or Constables so refusing or neglecting to give such Bond as aforesaid.

Form of Summons and Execution to be served and levied by Bailiff.

Penalties on Bailiffs so appointed for neglect, &c. of duty.

II. And be it enacted, That in all forms of Summons and Executions, authorized by the said hereinbefore mentioned Act, instead of the words "Constables of County," and "Constable," the words "Constables" or "Bailiffs of said Court" as the case may be, be used and inserted, and that every such Bailiff so appointed and sworn into office, shall be liable to all the penalties, fines and forfeitures for neglect of or refusal to perform his duty as Constables are liable to under any of the provisions of the said Act, and be entitled to the same fees, for serving Summons and levying Executions, travelling and Poundage, as are by the said Act allowed to Constables.

Mode of proceeding against Constables or Bailiffs and their sureties in Bond.

III. And be it enacted, If any Constable or Bailiff so appointed, sworn and acting under this Act, and the hereinbefore recited Act, making default in his duty, and being thereof convicted under the Thirty-second or Thirty-third Clauses of the said last mentioned Act, and upon Execution against him for the penalty and costs wherein he shall stand convicted, (return being made that no sufficient distress can be found whereon to levy the same), then upon Certificate of the said return, under the hand of the Clerk of the said Court, and upon affidavit of demand having been made upon the Sureties named in the said Bond, and filed with the Clerk of the said Court, it shall and may be

lawful, Twenty days thereafter, for the said Clerk to issue Execution against the said Sureties for the amount of the penalty and costs, in the said original Execution against the Constable or Bailiff, (as the case) may be mentioned, together with mileage for making such demand, and the fees of the said Clerk, for taking such affidavit, and issuing such second Execution.

IV. And be it enacted, That the said Court shall have at all times, the power of dismissing and discharging from further service in said Court, any Constable serving in said Court, or any Bailiff by them appointed, and of appointing another person in his place; and any Constable or Bailiff so superseded or discharged, shall have power, and he is hereby authorized, to perfect and complete any business in his hands, which has been commenced, and is not completed at the time of such discharge; for the due and faithful exercise of his duty wherein, the said Bond shall and it is hereby declared to be good and valid against such Constable or Bailiff and his Sureties until satisfied.

Court authorized to dismiss Constables or Bailiffs.

And to appoint others.

Constable, &c. so dismissed empowered to perfect all business in his hands.

Bond of dismissed Constable, &c. to stand good until all such business is perfected.

V. And be it further enacted, That each and every of the said Courts shall, at the Monthly sitting thereof, have the power to call for the return of all Executions returnable since the last sitting day of the said Court, and to proceed against the said Constable or Bailiff, to whom the same have been respectively entrusted, for the neglect or refusal to return them, as by the hereinbefore recited Act is directed, and that no Execution returned into the said Court shall be renewed, but that in all cases where the same has not been satisfied, an Alias Execution may be issued, at the Plaintiff's or Defendant's (as the case may be,) request, for the amount due on the said Judgment.

Court authorized to call for return of Executions from Constable or Bailiff.

And to proceed against him for neglect or refusal, &c.

No Execution to be renewed.

Alias Execution to issue.

VI. And be it further enacted, That when and so often as the authority of the said Constables, and the appointment of the said Bailiffs, shall be com-

Court authorized to call for return from Constables who have not

given bond, and who have heretofore acted as Constables in Court under Small Debt Act;

and to proceed against them for neglect or refusal herein, as directed by Small Debt Act.

Nothing in this Act to limit liability of such Constables under Small Debt Act.

plete, by giving the aforesaid security, the said Courts respectively shall have power, and are hereby authorized, to call for the returns of all Executions in the hands of any of the Constables, previously authorized to levy the same, under and by virtue of the hereinbefore mentioned Act, and to proceed against all such Constables to whom the same have respectively been entrusted, upon their neglect or refusal to return the same, as by the said hereinbefore mentioned Act is directed, in cases where Constables shall have neglected or refused to make due return of Executions—and nothing in this Act contained shall extend, or be construed to extend, to limit the liability of any of the said Constables to any penalty imposed by the said hereinbefore mentioned Act.

SCHEDULE.

Form of Bond to be given by Constable or Bailiff.

Know all Men by these Presents, That we A. B., C. D., and E. F. are jointly and severally held and firmly bound, unto Our Sovereign Lady Queen Victoria, Her Heirs and Successors, in the penal sum of pounds, of good and lawful money of this Island, to be paid to Our said Lady the Queen, Her Heirs and Successors, for which payment well and truly to be made, we bind ourselves, our and each of our Heirs, Executors and Administrators, firmly by these Presents, sealed with our Seals, and dated the day of 18

Whereas the above bounden A. B. hath been by the Court of Commissioners for the recovery of Small Debts at in the County of County, appointed a Bailiff of the said Court, [*or if a Constable, say chosen*] to serve and levy Writs of Execution, issuing out of the said Court:

Now the condition of the above obligation is such, That if the said above bounden A. B. as such Bailiff [*or Constable, as the case may be*], shall and do act in accordance with the Acts of the General Assembly of this Island, for the recovery of Small Debts, and shall make due service, and levy of all Writs and Executions to him entrusted

CAP. VI.

An ACT to explain and amend Two Acts therein mentioned, relating to Distress for Rent and Replevins.

[Passed April 17, 1845.]

WHEREAS, by an Act of Assembly passed in the Fifth year of the Reign of His late Majesty King William the Fourth, intituled *An Act relating to Distress for Rent, and to regulate the practice of the Supreme Court in cases of Replevin*, it is enacted, that no Goods or Chattels to be hereafter distrained for Rent in arrear, should be sold towards satisfaction of such Rent within a less time than Twenty days from the day of distraining, including the day of Distress and the day of Sale; Provided that the Owner or Owners of such Goods and Chattels, or some Person on his or their behalf, shall, within Two days after such Distress made, enter into a Warrant of Attorney, with Two responsible Sureties, payable to the Lessor or Landlord, in double the appraised value of the Goods with a Defeasance for the due return and forthcoming of the Goods so distrained, or the appraised value thereof, on the day of Sale; But no directions are given in the said Act, how the Distrainer shall proceed in cases where such Warrant of Attorney is not granted, and doubts having arisen concerning the same; Therefore be it enacted and declared, by the Lieutenant Governor, Council, and Assembly, That in all cases where any Distress as aforesaid, shall be made after the passing of this Act, except as hereinafter mentioned, and where no Warrant of Attorney shall be given and executed, as in and by the said recited Act is permitted, the person distraining shall duly advertize the Goods and Chattels distrained on, upon the third day after Distress made, to be sold on the fifth day after such advertising, unless in the meantime the same shall be re-

Goods &c. distrained for rent may be advertised on 3d day after distress made, and sold on the 5th day thereafter unless Warrant of Attorney be given for return. &c. except as hereinafter is provided.

plevied in due course of Law, or further time for sale shall be agreed on between the parties interested.

II. And whereas, by an Act of Assembly passed in the Sixth year of the Reign of Her present Majesty, intituled *An Act to amend the Act relating to Distress for Rent, and to regulate the practice of the Supreme Court in cases of Replevin*, it is enacted, That in all cases of Distress that may be thereafter 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 the First day of June ensuing the time of Distraint; but no provision appears to be made in or by this and the last mentioned Act, for the forthcoming of such Live Stock, at the day of Sale, or otherwise, except in cases of the same being replevied: For remedy whereof, Be it enacted, That where any such Live Stock, as last aforesaid, shall be taken as a Distress for Rent, between the times aforesaid, then if a Warrant of Attorney, as mentioned in the said first herein recited Act, with a Defeasance for the due return and forthcoming of the Stock so distrained, or the appraised value thereof, on the day of Sale, be not granted within Two days from the time of taking such last mentioned Distress, the same may be advertised and sold within Five days after advertising, as directed under the said first recited Act, and the person making the Distress may take the Warrants of Attorney mentioned in this Act, and shall be entitled to Five Shillings for the same, and no more; but shall not in any case be authorized to receive the amount thereby secured, unless he shall be in possession of the Warrant of Attorney at the time of such Receipt, and produce the same to the party paying; And it is hereby declared, that in all cases of Live Stock being taken as a Distress for Rent within the period of Twenty Days before the First day of June or afterwards, and before the First day of

Live stock distrained for rent, may be advertised 2 days after distress made, and sold within Five days after, unless a Warrant of Attorney be given, &c. under provisions of Act of 6th Victoria, cap. 19.

Who may take Warrant of Attorney.
Fee for taking same.

Live stock distrained between 20 days before month of June, and afterwards before month of December not to

be sold within 20
days if Warrant
of Attorney for
return be given.

December in any year, if such Warrant of Attorney as aforesaid shall be duly given, then such Stock shall not be sold within twenty days from the time of distraining, as is hereinbefore mentioned.

CAP. VII.

An ACT to render valid certain proceedings heretofore had before the Court of Commissioners for the recovery of Small Debts, for the District of De Sable, in Queen's County.

[Passed April 17, 1845.]

WHEREAS, in and by an Act of the General Assembly of this Island, made and passed in the Seventh year of the Reign of Her present Majesty, intituled *An Act relating to the recovery of Small Debts, and to repeal certain Acts therein mentioned*, it is enacted, that the Lieutenant Governor, with the advice and consent of Her Majesty's Council, should constitute within each County, as many Courts as might be necessary, for the Recovery of Small Debts, and to appoint to each Court, three Commissioners to adjudicate therein, and providing 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, it should be lawful for the two Commissioners present to adjudicate upon all Causes to be heard, wherein the parties thereto should so consent; and providing also, that no Commissioner, other than those who usually sit in any such Court, should take upon themselves to hear or determine any Cause pending therein, unless requested by some of the Commissioners usually sitting therein so to do: And whereas, in consequence of the unavoidable absence of one of the Commissioners for the Court for the Recovery of Small Debts, for

the District of De Sable, in Queen's County, another Commissioner for the recovery of Small Debts for Prince County, was requested by the two Commissioners for the said District then present on the Second day of October, the Sixth day of November, and the Fourth day of December, all last past, to sit, hear, and adjudicate with them in certain Causes then pending before them in their said Court, and such Commissioner in conjunction with them did, on the said respective days and times, sit, hear, and adjudicate in such Causes without any objection being made by any of the Suitors or Parties in the said Causes; And whereas doubts have arisen, whether the proceedings of the said Court in the said causes are legal, in consequence of the said Commissioner for the Recovery of Small Debts for Prince County, sitting, hearing, and adjudicating, as aforesaid, in the said Court in the said County of Queen's County: And whereas, to avoid Litigation and Costs and expenses to the Suitors and parties in the said Causes, so as aforesaid heard in the said Court, it is deemed proper to render such proceedings of the said Court in the said Causes valid and binding, where no objections were made and offered by any of the Suitors or Parties in any of the said Causes at the time of the hearing thereof, as aforesaid: Be it therefore enacted, by the Lieutenant Governor, Council, and Assembly, That all the proceedings of the said Court of Commissioners for the Recovery of Small Debts, for the District of De Sable, in the County of Queen's County, in all Causes or Matters wherein such Court of Commissioners legally constituted, would have had jurisdiction on the Second day of October, the Sixth day of November, and the Fourth day of December, all last past, shall be, and the same are hereby declared to be as legal, effectual, and valid, to all intents and purposes whatsoever, as if the said Commissioner for the Recovery of Small Debts for Prince County, who sat, heard, and adjudicated in the said Court for the District of De

Renders valid proceedings in Court for the recovery of Small Debts for District of De Sable in Queen's County, on 2d October, 6th November, and 4th December, 1844.

Not to be construed to render valid such proceedings as party at the time of hearing objected to &c.

Nor to render valid proceedings in cases wherein appeals have been entered or when stayed by any order of Supreme Court.

Sable aforesaid, on the days aforesaid, had been a duly and properly appointed Commissioner for the Recovery of Small Debts for Queen's County, any Law, usage, or custom to the contrary notwithstanding. Provided always, that nothing herein contained shall be construed to render valid any such proceeding, wherein any of the Suitors or Parties at the time of hearing, objected to the Jurisdiction of the said Court, on the ground of the said Commissioner for the Recovery of Small Debts for the County of Prince County adjudicating therein : And provided also, that nothing herein contained, shall be construed to affect or render valid any proceeding or matter so as aforesaid heard in the said Court of Commissioners wherein the same has been appealed from or removed by Certiorari, or stayed by any proceeding had in Her Majesty's Supreme Court of Judicature of this Island, before the passing of this Act.

CAP. VIII.

An ACT to continue an Act to prevent Hawkers and Pedlars travelling and selling in this Island without License.

[*Passed April 17, 1845.*]

WHEREAS the hereinafter mentioned Act is about to expire, and it is deemed expedient to continue the same : 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 William the Fourth, intituled *An Act to prevent Hawkers and Pedlars travelling and selling within this Colony without License*, and continued by an Act passed in the Third year of the Reign of Her present Majesty, be, and the same is hereby further continued for Three years from the passing hereof, and from thence to the end of the then next Session of the General Assembly.

Continues Hawkers' and Pedlars' Act, of the 5th Will. 4th cap. 12, for 3 years and to the end of the then next Session of the General Assembly.

CAP. IX.

An ACT to continue and amend an Act relating to sick and indigent Emigrants.

[Passed April 17, 1845.]

BE it enacted, by the Lieutenant Governor Council and Assembly, That an Act passed in the Fifth year of Her present Majesty's Reign, intituled *An Act to create a fund for defraying the expense of providing Medical assistance for sick Emigrants, and of enabling indigent Persons of that description to proceed to the place of their destination*, be, and the same is hereby continued for Three years, from and after the expiration of the said recited Act.

Continues Emigrant Act of the 5th Vic. Cap. 5. for 3 years from 1st May, 1845.

II. Provided always, and be it enacted, that for and notwithstanding any thing in the said recited Act contained, whenever any Vessel shall arrive at any Port in this Island, having such Passengers on board, as in the said Act are mentioned, and who are not intended to be landed in this Island, then no rate or Duty whatever, per head or otherwise, shall be exacted or paid for any such passengers; but the Master of every Vessel, shall, upon entering his Ship with the Collector of Impost, for the Port or District in which he shall have arrived, give and execute to such Collector, a Bond, with one good and sufficient surety, in double the amount of the Rate or Duty which by the said Act would be imposed, in case such passengers were landed, with a condition, that the same shall be forfeited, if such Passengers or any of them, shall be landed by him on this Island, before such Rate or Duty shall be paid, and contrary to the said Act; and the sum of Ten Shillings shall be paid by the Master for such Bond, and the same shall be cancelled or delivered up, on filing with the Collector holding the same, a Certificate, of any duly authorised Col-

No head money to be paid for Emigrants not intended to be landed in this Colony.

But Master of Vessel to give Bond to Collector of Impost, &c.

Condition in such Bond.

Fee for bond.

How to be cancelled.

lector of Customs or Impost, for any place out of this Island, that such Passengers have been landed and left there, by the Master who gave the Bond.

C A P. X.

An ACT to dispense with Convictions in form as now required, in certain cases, heard before Justices of the Peace.

[*Passed April 17, 1845.*]

WHEREAS by divers Acts of the General Assembly of this Island, jurisdiction is allowed to Justices of the Peace and Commissioners for the recovery of Small Debts, to hear and determine in a summary way, cases of Assault, Trespass, and also Suits for the recovery of Fines and Penalties: And whereas, such causes are frequently carried into the Supreme Court of Judicature, by Appeal or Certiorari, to be heard upon errors of fact, as well as in law, but the Judgments rendered therein by such Justices of the Peace or Commissioners, are oftentimes reversed or set aside by the said Supreme Court, by reason of some defect or informality in the Convictions, as drawn up by such Justices or Commissioners, and without the said Causes being heard at large upon the matters of fact therein, although the party appelland, may have removed such cause, intending to have the same heard wholly upon the merits thereof; for remedy whereof, Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing hereof, in all cases tried before any Justice of the Peace or Commissioner for the recovery of Small Debts, and which shall be removed by Appeal or Certiorari into the Supreme Court of Judicature, whether the right of action shall be given, by any Act of Assembly now or hereafter to be passed, it shall be lawful for the said Supreme Court of Judicature, upon motion of

Dispenses with production of Convictions before Justices of the Peace, &c. and with form in such convictions when removed to Supreme Court, and such Court authorized on motion of either party to hear the same on the merits.

either party, to proceed to hear and determine such cause, by due course of Law, upon the full merits thereof, in matters of fact as well as in matters of Law, although the Convictions on the said cause, as adjudged by the said Justices of the Peace, or Commissioners for recovery of Small Debts, be not produced to the said Supreme Court of Judicature or be not drawn up in form, any Law or practice heretofore to the contrary notwithstanding.

II. Provided always, and be it enacted, That nothing in this Act contained, shall be deemed to dispense with any Law or established rule, by which Justices of the Peace or Commissioners for the recovery of Small Debts or their Clerks are now required, to send up to the said Supreme Court of Judicature, or to the Clerk thereof, Recognizances, Affidavits, Appeal Papers, or any other Paper or Document, other than the before mentioned Convictions, pertaining to any cause or suit heard or determined before them.

Not to dispense with the duty imposed on Justices of the Peace, &c. to send up recognizances, &c. to Supreme Court.

CAP. XI.

An ACT to suspend a certain Clause in the Land Assessment Act, relating to the cancelling of Treasury Notes.

[Passed April 17, 1845.]

WHEREAS by an Act passed in the Seventh year of the Reign of His late Majesty King William the Fourth, intituled *An Act for levying an Assessment on all Lands in this Island*, provision is made for the erection of a Fire proof Building at a cost of Five Thousand Pounds, and also provides for the cancelling of Three Thousand Pounds of Treasury Notes afloat, after the completion of the said Building, and whereas the said sum of Five Thousand Pounds being found insufficient to complete the said Building to the extent

which the same was deemed necessary; a further sum of Seven Thousand Pounds will be required for such purpose, and will cause the issue of that amount in Treasury Warrants to meet the same: And whereas, notwithstanding the circulating moneys in Specie and Treasury Notes in this Island, from causes beyond the control of the local Legislature, are very limited, and the cancelling of Three Thousand Pounds of Treasury Notes as contemplated by the Land Assessment Act, will be injurious to the Colony, by further reducing the Moneys in circulation, and this Act having been passed in the confident hope that Her Majesty will be graciously pleased to take into consideration the urgent reasons for the passing of this Act: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the Sixteenth Clause of the herein recited Act, be, and the same is hereby suspended for and during the period of Ten years, from and after the time the provisions contained in the said Clause, would come into operation, any thing contained, in the said recited Act, to the contrary notwithstanding: Provided always, That nothing in this Act contained, shall have any force or effect until Her Majesty's pleasure therein shall be known.

Suspends 16th section of the act of the 7th Will. 4th, cap. 31, which provides for redemption of a certain amount annually of Treasury Notes for 10 years.

Suspending clause.

CAP. XII.

An ACT to Authorize the Sale of the Government Shares in the Steam Boat Saint George.

[*Passed April 17, 1845.*]

WHEREAS it appears from the Report and from the statement of accounts laid before the last annual Meeting of the Shareholders of the Steam Boat called the Saint George, of this Island, that the present traffic between the Ports of Miramichi, Pictou and Charlottetown, is scarcely sufficient to bear the expense of maintaining the said Vessel on that Station, and that she is altoge-

ther unproductive of profit to the Shareholders, and it is therefore deemed advisable that the said Vessel should be sold, and that the Commissioners appointed on behalf of Government to manage such Shares as belong to it, should be empowered to concur in the sale of those shares in the said Vessel which belong to this Government, although the same should sell for less than the original cost or paid up amount on each Share: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the Lieutenant Governor in Council is hereby authorized and directed to instruct and empower the said Commissioners appointed on behalf of this Government to make sale of all the Shares and Interest of the Government of this Island in the said Steam Vessel and appurtenances, at such reasonable price as upon due consideration of the present state of the said Vessel and all the circumstances, they in conjunction with the other Directors of the Prince Edward Island Steam Navigation Company may deem it advisable to accept, and upon receipt of the price, it shall be lawful for the said Commissioners and Directors with the consent of the said Company, to purchase any other Steam Boat for the use and disposal of the said Company and Her Majesty's Government, in such way and manner as to them shall be deemed expedient, any thing contained in any Act of the General Assembly of this Island to the contrary thereof notwithstanding.

Lt. Governor and Council authorized to direct Commissioners for the management of the shares belonging to the local Government in the Steamer *Saint George*, to sell such shares.

And to expend the price of such shares in the purchase of another Steam Vessel in conjunction with the Steam Navigation company.

CAP. XIII.

An ACT further to alter a certain part of the Laws now in force, regulating the performance of Statute Labour on the Highways, as relates to Charlottetown, its Common and Royalty.

[*Passed April 17, 1845.*]

WHEREAS it is deemed expedient further to alter the Act passed in the Sixth year of the Reign of Her present Majesty, intituled *An*

Justices of the Peace under Statute Labor Act of the 6th Vic. Cap. 1. authorised to permit persons liable to the performance of Statute Labor in Charlottetown and Royalty, to Labor on Roads and Streets instead of compelling them to commute for money.

Act to consolidate and amend the Laws relating to Statute Labor and the expenditure of Public Moneys on the Highways, by permitting Labour to be performed by certain persons, in lieu of the the Rate or Duty by the said Act imposed, within Charlottetown and Royalty: Be it therefore enacted, by the Lieutenant Governor, Council and Asssmbly, That it shall be lawful for the Justices of the Peace, acting by virtue of the said recited Act, to make order as often as to them shall seem necessary; permitting any Overseer appointed, or to be appointed for the said Town and Royalty, to allow Labour to be performed by any person or persons liable to the Rates or Duties imposed by the said recited Act, but who, from their circumstances, shall be unable to pay such Rates in money.

Duration of such Labor.

II. And be it enacted, That the duration of such Labour shall be apportioned in manner prescribed by the said recited Act, for the several Districts throughout the Island, and every person permitted to perform such Labour, shall be obliged to perform the same, at such particular time or times, in such particular part or parts of the said Town, Royalty, or Common, and under such particular Overseer or Overseers, as to such Justices shall seem meet and requisite.

Where to be performed, and how to be performed.

CAP. XIV.

An ACT to repeal the several Acts now in force regarding Apprentices, and to substitute other provisions in lieu thereof.

[Passed April 17, 1845.]

WHEREAS the Acts now in force regarding Apprentices, contain no sufficient Enactments for their security, and are in other respects defective: Be it enacted, by the Lieutenant Go-

vernor, Council and Assembly, that the Act of the Eighth year of the Reign of His late Majesty King George the Fourth, intituled *An Act for regulating Apprentices, and the Act of the Fifth year of the Reign of Her present Majesty Queen Victoria, intituled An Act to amend the Act now in force relating to Apprentices, and to repeal a certain Act therein mentioned, and also the Act of the Third year of the Reign of Her present Majesty, intituled An Act to amend the Act now in force, regulating Apprentices, repealed by the last herebefore mentioned Act, be, and they are hereby repealed.*

Repeals Act of the 8th Geo. 4th, Cap. 1.

And Act of the 5th Vic. Cap. 19.

And also Act of the 3d Vic. Cap. 9.

II. And be it further enacted, That it shall be lawful for any Parent or Parents, Guardian or Guardians, to bind out as an Apprentice, any Child of any age, as an Indented Servant to any Tradesman, Artisan, or Farmer, for a period not exceeding the time when such Child shall attain the age of Twenty-one years.

Parent or guardian may bind children as apprentices until until they are 21 years of age.

III. And be it further enacted, That any Infant of the age of Twelve years, may be lawfully indented to any Tradesman, Farmer, or other, by his or her own consent, if such Infant have no Parent or Guardian within the Island, until such Infant attain the age of Twenty-one years, provided that every such Indenture shall be entered into by the respective Parties, in the presence of and with the consent of two Justices of the Peace, each of whom shall sign the said Indentures, which shall be equally binding as if they had been signed by the Parent or Guardian of the said Infant: Provided that any two Justices acting in this behalf, may if they think fit, and in like manner, indent such Infant for a shorter period than his or her attaining the age of Twenty-one years.

Infants of the age of 12 years, may be indented with their own consent if they have no parent or guardian until 21 years of age.

Indenture in such case how to be made.

Justices in such case may indent child for a less period than 21 years.

IV. And be it enacted, That all Infants of the age of Sixteen and upwards, having no Parents or Guardians within the Island, may lawfully indent

Minors of the age of 16 years and upwards having no parents or guardians may

indent themselves
until the age of 21
years.

themselves to service to any Tradesman, Farmer or other, until he or she shall attain the age of Twenty-one years, by Indenture under Seal, and shall be fully bound thereby.

Every Indenture
to contain a sti-
pulation, that
child shall be
taught reading,
writing, &c.

V. And be it further enacted, That every Indenture entered into as aforesaid, shall contain a stipulation on the part of the Master or Mistress, his or her Executors, Administrators or Assigns, to cause the indented Child to be taught Reading, Writing and the common rules of Arithmetic.

In certain cases
mendicant chil-
dren between the
age of 2 and 12
years may be
bound as appren-
tices by two Jus-
tices of the Peace
until they arrive
at the age of 21
years, or for a
less Term in the
discretion of such
Justices.

VI. And be it further enacted, That whenever it shall be made to appear to any two of Her Majesty's Justices of the Peace either upon the oath of any one or more credible Witness or Witnesses, or from a Certificate under the hands of any Eight or more respectable Housekeepers residing in any Town, or Royalty, or Township, within this Island, that any Mendicant Child between the ages of two and twelve years, being an orphan, or whose Parent or Parents shall have abandoned the care of such Child, and shall have left this Island under such circumstances as to such Justices shall be deemed a final departure therefrom, and that such Child hath been in the habit of soliciting alms, or receiving charitable contributions or allowances regulated by any charitable association, or being supported by any sums voted by the Legislature of this Island, and hath not otherwise means for his or her necessary permanent support, that then and in every such case, it shall be lawful for such Justices to indent any such Child as aforesaid, until the age of Twenty-one years, or for any less term in the discretion of such Justices, and upon such terms as may be agreed upon between the Master or Mistress and the said Justices, to any Tradesman, Farmer or any other person in manner hereinbefore described. Provided that every Indenture so to be made, shall contain a Covenant or Stipulation on the part of the Master or Mistress, his or her Executors,

Upon such terms
as may be agreed
upon between
Justices and
persons taking
them as appren-
tices.

Every such In-
denture to con-
tain a stipulation
on the part of
Master, &c. that

Administrators or Assigns, to cause the Indented Child to be taught Reading, Writing, and the common rules of Arithmetic.

Apprentice shall be instructed in reading, writing &c.

VII. And be it further enacted, That in all Actions at Law or Suits in Equity arising out of any breach of the Conditions of any Indenture entered into in manner aforesaid in behalf of any Pauper, Orphan, or abandoned Child, such Actions or Suits shall be brought in the name of the two Justices, their Executors or Administrators, who have been Parties to the Indenture as aforesaid, and such Apprentice, with the permission of the Court in which such Suit or Action shall be brought, shall be allowed to sue *in forma pauperis*.

Suits for breach of Master's covenant in such Indenture how to be brought.

Action to be in *forma pauperi*

VIII. And be it further enacted, That if any Apprentice indented by virtue of this Act, shall desert or without leave absent himself or herself from the service of his or her said Master or Mistress, or otherwise misconduct himself or herself, then it shall and may be lawful for any Justice of the Peace to issue his Warrant on the application, on Oath, of the Master or Mistress of such Apprentice, for his or her apprehension, which Warrant so issued, it shall be lawful for any Constable or Constables to whom it may be addressed to execute in any County of this Island, notwithstanding it may have been issued by one of Her Majesty's Justices of the Peace not qualified in the County where its Execution may be required; and on such Apprentice being brought before such Justice, he shall upon the evidence on oath of the said Master or Mistress, or of any other Person, either order him, or her, to return to the service of such Master or Mistress immediately, or commit the said Apprentice to the common Jail of the County wherein such Master or Mistress resides, there to remain for any term not exceeding two Calendar Months, with or without hard labour, (if a male) for any part of such time, and to require such Apprentice thereafter to return to the service of

Mode of proceeding against Apprentice deserting or absenting himself, or herself from service, or otherwise misconducting himself or herself.

Justice may order Apprentice to return to service, or commit him or her to Jail.

Term of commitment.

And may be required to return to service after expiration of term of Commitment.

Expense of proceeding by whom to be paid and how recoverable.

Imposes a penalty on persons harbouring Apprentices, or suffering him to play at Cards, &c. in their houses, or to drink spirituous liquors there.

Amount of such penalty.

How recoverable.

Penalty on parent or guardian representing any Apprentice to be younger than he or she really is.

Amount of penalty.

How recoverable.

such Master or Mistress, as he may in his discretion adjudge, and to continue to fulfil the conditions of the Indenture, and the Justice's and Officer's fees of proceeding in every such case against any Apprentice, shall be paid by the Parent or Guardian of such Apprentice, and shall and may be recovered by Warrant of distress, or such other usual process as the case may require.

IX. And be it further enacted, That any Person or Persons wilfully harbouring an Apprentice deserting or being absent without leave from his or her Master's or Mistress's service, or shall in his or their house, suffer or permit any Apprentice to play at Cards, Dice, or any other unlawful game, or therein to be engaged in any unlawful employment, or who not being licensed to retail Spirituous Liquors, shall suffer any such Apprentice to sit drinking in his or her house, or give him or her, or suffer to be given, to him or her, any intoxicating Liquors, each and every person so offending, shall forfeit and pay for every such offence, any sum not exceeding Five Pounds, to be recovered with costs before any one of Her Majesty's Justices of the Peace for the County wherein the offence may have been committed, on the oath of any one or more credible Witness or Witnesses.

X. And be it further enacted, That if any Parent or Guardian becoming bound for any Apprentice, shall wilfully represent, that such Apprentice is younger than his real or true age, every such Parent or Guardian shall forfeit and pay for every such offence, any sum not exceeding Twenty Pounds, the said sum of Twenty Pounds to be recovered in Her Majesty's Supreme Court of Judicature, by Bill, Complaint, or Information; and if not more than Eight Pounds, before any Court of Commissioners for the recovery of Small Debts, for the County where such Parent or Guardian shall reside, or before any two of Her Majesty's Justices of the Peace, for the same County, in the

like manner as Small Debts are now recovered, on the oath of one or more credible Witness or Witnesses.

XI. And be it further enacted, That it shall be lawful in all cases of complaint against a Master or Mistress, by an Apprentice, or his or her Parent or Guardian, on the ground of ill usage, neglect, or inability to instruct, or lawfully to maintain, lodge or clothe any such Apprentice, for any one of Her Majesty's Justices of the Peace, having Jurisdiction, to summon the Master or Mistress of such Apprentice, to appear before any three of Her Majesty's Justices of the Peace, in order that such complaint may be investigated, who shall (if the Master or Mistress being lawfully summoned, do not appear,) proceed to adjudicate thereon in his or her absence, and it shall and may be lawful for the said three Justices to cancel any Indentures between any such Apprentice and their Master or Mistress, proof being made on oath of continued ill usage on the part of such Master or Mistress, or of his or her neglect or inability to instruct or duly and lawfully to maintain, lodge or clothe any such Apprentice as the case may be.

Mode of proceeding against Master, &c. on Complaint of ill usage, neglect or inability to instruct, lodge or maintain Apprentice.

Power of Justices of the Peace herein.

Justices may cancel Indenture in certain cases.

XII. And be it further enacted, That if it shall be made to appear to such three Justices, that any premium has been paid with any such Apprentice, or any wages be due, or clothing unprovided, according to Covenants contained in any Indenture entered into and produced before such Justices, together with sufficient evidence, on oath, respecting any matters of account, or provision which may be in dispute, it shall and may be lawful for such Justices to include, in any Order for the cancelling any such Indentures, an order for the equitable restitution of the whole or part of any such premium or payment of any sum that shall appear a just equivalent for any clothing, provision, or any other necessary, to which the said Apprentice shall appear, by the Covenants of the said Indenture, to be entitled, and not to have received.

Power of Justices of the Peace when premium has been paid to Master, &c.

Or any wages or clothing, be due to Apprentice.

Power of Justices in allowing a maintenance to Apprentice when Master or Mistress may not receive Apprentice when ordered by them.

XIII. And whereas it may seem just to the three Justices acting under the authority of this Act, to order, in certain cases, the person to whom any complainant may be indented, to receive such indented person back into their houses, if such Person has been compelled by any Master or Mistress to leave the same: Be it enacted, that it shall be lawful for such Justices to insert in such Order, a Clause directing such amount *per diem*, to be paid to such Apprentice, his or her Parent or Guardian, as shall seem reasonable for the maintenance, as well during the time such Apprentice shall have been compelled to be absent from the house of such Master or Mistress, previous to the hearing of any complaint before such Justices, as subsequent to the making such Order; and such Order shall set forth the amount *per diem* which shall accrue in case of a continued refusal to admit such Apprentice.

Orders of Justices how to be made and were to be returned.

Not to be quashed for want of form, &c.

Power of Supreme Court to hear, &c.

XIV. And be it further enacted, That all Orders so made, shall be returned under the hands and seals of the two Justices so adjudicating as aforesaid, into the Prothonotary's Office of the Supreme Court of this Island, for the County where such Justices reside, there to be filed, and such orders so made, shall not be quashed for want of form; but only, if they contain any thing repugnant to the plain meaning of this Act, or the Indentures on which they are founded, and the said Supreme Court, is hereby authorized and empowered to hear the said Appeal, and to quash or vary the said Order of the said Justices, with or without Costs, as it shall seem just and equitable, and to award Judgment, and grant Execution, in the usual and customary manner, to the party or parties in whose favour the same shall be determined by the said Court.

Master &c. may appeal against order made by Justices.

XV. And be it further enacted, That if any Master or Mistress, against whom any such Order as aforesaid shall be made, shall be dissatisfied there-

with it shall be lawful for such Master or Mistress to give notice of his or her intention to Appeal against such Order to the next sitting of Her Majesty's Supreme Court of Judicature ; and Provided that such notice be given in writing to either of the two Justices, whose hands and seals are set to such order, within four days after the delivery thereof ; and Provided also, that security be entered into within such period, to the satisfaction of such Justices by the Appellant, and one other sufficient surety, by Recognizance, in such amount as they may deem necessary for the due prosecution of the said Appeal; then and in such case, the operation of such Order shall be suspended.

Notice to be given in writing of such Appeal to Justices.

Time for giving such notice.

Security to be first given before Appeal allowed to satisfaction of Justices.

How to be given and amount.

Order to be suspended on Appeal made &c.

XVI. And be it further enacted, That either one of such Justices aforesaid, shall return the Recognizances so entered into the Prothonotary's Office of the Supreme Court for the County, who shall file the same, together with the Order of the said Justices as aforesaid, and in case the conditions thereof be not complied with, then the said Recognizances shall be forfeited by the order of the Court, without further proof or application, and the said Court shall, and it is hereby authorized, to grant execution against the said parties so bound in the said Recognizance for the amount of such sum as shall have been ordered to be paid by the said Justices, together with reasonable costs to be taxed in the usual and customary manner.

Justices to return Recognizances on Appeal to Supreme Court.

And also order appealed from.

Forfeited Recognizances how recoverable.

XVII. And be it further enacted, That in case the Order remain uncomplied with, it shall be lawful for the Justices aforesaid, to issue a Warrant of Distress for the amount so ordered to be paid as aforesaid, from time to time, against the Goods and Chattels of the Party against whom such Order shall have been made ; and if no Goods and Chattels can be found wherein to levy, then it shall be lawful for the said Justices to commit the Party or Parties to the Jail of the County, for a period (if the sum ordered to be paid shall not exceed Forty shillings) of One

Mode of proceeding to enforce Justice's order, when not appealed from.

Period for which parties may be imprisoned when

no goods, &c.
can be found to
levy upon.

month; and if above Forty Shillings, and not exceeding Three Pounds, for the space of Three months; and if for any sum above Three Pounds, and not exceeding Five Pounds, for the space of Five months, and if for any sum above Five Pounds, and not exceeding Eight Pounds, for the space of Six months.

CAP. XV.

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 Duties of Surveyors, and to repeal a certain Act therein mentioned.*

[Passed April 17, 1845.]

WHEREAS owing to the inaccuracy of the original Plan and description of the Island, and to the length of time during which many Townships remained in a wilderness state, great difficulties have lately arisen in fixing the points of commencement of the Boundary Lines of certain Townships in Prince County under the Provisions of the hereinafter recited Act: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, that the operation of so much of the said Act, intituled *An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the duties of Surveyors, and to repeal a certain Act therein mentioned*, as relates in any way to the fixing and establishing of any Boundary Lines under the provisions of the said recited Act, or of any Act or Acts in amendment thereof, be, and the same are hereby suspended, so far as regards

Suspends operation of Boundary Act of the 4th Will, 4th Cap. 15, so far as regards certain enumerated Townships until the end of next Session of the General Assembly.

Lots Ten (10), Nine (9), Eight (8), Seven (7), Six (6), Five (5), Four (4), Three (3), Two (2), and One (1) in Prince County, until the end of the next Session of the General Assembly.

II. And be it enacted, That in case any similar difficulty shall arise in regard to King's or Queen's Counties or in regard to any part of Prince County not mentioned in the first Section of this Act, that then on the same being certified to the Lieutenant Governor by the Commissioners appointed under the said recited Acts, it shall and may be lawful for His Excellency, by and with the advice of the Executive Council, to suspend for the like period the operation of the said Act, so far as respects the Township or Townships in regard to which such difficulty may occur.

Authorises the Lt. Governor in Council to suspend said Act as regards King's and Queen's Counties upon certificate of Commissioners.

CAP. XVI.

An ACT relating to the appointment of Harbour Masters, and for the better regulation of the Public Wharfs of the Port of Charlottetown.

[Passed April 17, 1845.]

WHEREAS it is deemed expedient to provide more efficiently for the regulation of the Harbour of Charlottetown, as regards the navigation thereof, and to consolidate the Laws now in force, regulating the Public Wharf therein; also, to make additional provisions relative thereto, and to extend the same to the new Wharf at the end of Pownal Street, and to such other Public Wharfs, as may hereafter be erected at Charlottetown: Be it therefore enacted, by the Lieutenant Governor, Council, and Assembly, that an Act made and passed in the Third year of the Reign of His late Majesty King William the Fourth, intituled *An Act for the regulation of the Public Wharf of Charlottetown*, and An Act made and

Repeals Act of the 3d Will. 4th Cap. 22d.

Also Act of 2d Vic. Cap. 4.

And also Act of the 5th Vic. Cap. 7th.

passed in the Second year of the Reign of Her present Majesty, intituled *An Act to continue and amend the Act regulating the Public Wharf of Charlottetown*, also, an Act made and passed in the Fifth year of the Reign of her present Majesty, intituled *An Act to amend and continue for a limited period the Act intituled An Act for the regulation of the Public Wharf of Charlottetown*, be, and the same respectively, and every clause, matter, and thing in them, and each of them, are hereby repealed.

Administrator of Government to appoint Harbour Master and Wharfinger for Charlottetown.

II. And be it enacted, That it shall and may be lawful for the Administrator of the Government, 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 Harbour Master for the Harbour of Charlottetown, and Wharfinger for the Public Wharfs, now, or hereafter to be erected therein, at the said Town; which Harbour Master, so to be appointed, shall receive and be paid out of the Moneys in the Public Treasury of this Island, the sum of Sixty Pounds *per annum*, for his services, during the time he may hold the said appointment.

Allowance to Harbour Master and Wharfinger.

Duty of Harbour Master and Wharfinger as to Buoys and Beacons,

and also as to Wharfs.

For neglect, &c. Harbour Master and Wharfinger's salary liable to deduction.

How to be reduced in such case, &c.

Not to be liable to deduction if he has no funds in his hands, &c.

III. And be it enacted, That it shall be the duty of such Harbour Master, to cause the Buoys of the said Harbour to be properly laid down, maintained and preserved, and the Beacons thereof to be sufficiently affixed and upheld, and the said Wharfs to be kept in due preservation and repair; and for any omission, neglect, or default in such duty, the said Harbour Master shall be responsible, and be subject therefor, to any deduction in his Salary, upon order made by the Lieutenant Governor and Her Majesty's Council: Provided always, that the said Harbour Master shall not be deemed liable for any matter complained of, when the cause of complaint shall appear to be owing only to a want of funds at his immediate disposal.

IV. And be it enacted, That it shall and may be lawful for the said Harbour Master, to ask, demand, take and receive, for all Vessels (except Her Majesty's Ships and the Government Packet Boats), whilst careening, loading, unloading, or lying fast to the said Wharfs, the following rates *per diem* (Sundays excepted), that is to say :

Rates of Wharfage payable under this Act.

Vessels of Ten tons, and under Twenty tons, One shilling.

Vessels of Twenty tons, and under Forty tons, One shilling and Six-pence.

Vessels of Forty tons, and under Seventy tons, Two shillings and Three-pence.

Vessels of Seventy tons, and under One hundred tons, Three shillings.

Vessels of One hundred tons, and under One hundred and fifty tons, Three shillings and Nine-pence.

Vessels of One hundred and fifty tons, and under two hundred tons, Four shilling and Six-pence.

Vessels of Two hundred tons, and under Two hundred and fifty tons, Five shillings and Three-pence.

Vessels of Two hundred and fifty tons, and under Three hundred tons, Six shillings.

Vessels of Three hundred tons, and under Three hundred and fifty tons, Six shillings and Nine-pence.

Vessels of Three hundred and fifty tons, and under Four hundred tons, Seven shillings and Six-pence.

Vessels of Four hundred tons, and under Five hundred tons, Eight shillings and three-pence.

Vessels of Five hundred tons, and upwards, Nine shillings.

For Lighters, per load, Nine-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.

No Wharfage payable when the navigation is closed.

Rates of Wharfage payable for deals, boards &c. under this Act.

V. And be it enacted, That all Deals, Boards, Scantling, Lumber, Bricks, Stone, Limestone, and all and every species of Merchandize deposited upon the said Wharfs, and discharged from any Vessel, or placed thereon, to be shipped in any Vessel, after the same shall continue thereon for the space of Twenty-four hours, shall be subject and liable to the following rates of Wharfage, that is to say:—

Deals, for every Twenty-four hours, at the rate of One shilling and Six-pence, per thousand.

Boards, for every Twenty-four hours, at the rate of Eight-pence per thousand.

Bricks, for every Twenty-four hours, at the rate of One shilling per thousand.

Limestone, for every Twenty-four hours, at the rate of Three pence per ton.

Scantling, per hundred running feet, Two-pence.

Shingles, per thousand, Two-pence.

All other Articles, Materials, or Matter, at the rate of Three-pence per ton, either by weight or cubical measurement, at the option of the Wharfinger.

Power and duty of Harbour Master & Wharfinger as to removal of Deals, Boards, &c.

Provided always, That the said Harbour Master shall have power to remove, or cause to be removed, from off the said Wharfs, as directed in the Tenth Clause of this Act, any of the foregoing Articles or Matter, after the same shall have continued on the said Wharf, a time sufficient in the judgment of the said Harbour Master, for all reasonable purposes.

Vessels fast to Wharf liable to be removed to make room for others.

Penalty on Masters, &c. refusing to remove.

VI. And be it enacted, That every Ship or Vessel, which shall at any time only be fast to either of the Wharfs, and shall be in a condition capable of being removed, shall be obliged to move off from thence, in order to make room for, and suffer any other Ship or Vessel to load, unload, or careen thereat; and on refusal or failure so to do, after due notice and request thereof to the Master or Commander, or to any one of the Owners of such Ship or other Vessel, he or they shall forfeit and

pay to the said Harbour Master, 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 Harbour Master, before any one of Her Majesty's Justices of the Peace.

Mode of recovery of penalty.

VII. And be it further enacted, That any Ship or other Vessel, that shall make fast to any other Ship or Vessel, that shall be fastened to either of the Wharfs 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 Wharfs, and there loaded, unloaded or careened.

Vessel made fast to another, or undergoing repairs while navigation is closed only liable to half Wharfage.

VIII. And be it further enacted, That if either of the said Wharfs shall, at any time, be so encumbered with Lumber, Coals, Bricks, Ballast, or any other species of Goods, Merchandize or Materials, so as to incommode or obstruct the passing or repassing of any Carts or Carriages employed for the purpose of loading or unloading any Ship or other Vessel; then, and in that case, the said Harbour Master shall personally warn, or by notice in writing left at the place of residence of the Owner or Owners of such Lumber, Coals, Bricks or other Goods, their Agent or Agents, requiring him or them to remove the same from thence, within a reasonable time; and if the same shall not be removed accordingly, the said Harbour Master, 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 Harbour Master may and shall, at his discretion, remove the said Goods, as is hereinbefore directed.

Harbour Master and Wharfinger to cause encumbrances to be removed from Wharfs.

Penalty on persons causing encumbrances on Wharfs.

Amount of penalty.

Mode of recovery of penalty.

IX. And be it enacted, That if any Lumber or other Goods shall be laid or left upon the Wharfs, contrary to the directions of the said Harbour Master for the time being, the party so offending shall be liable to pay a fine not exceeding Forty Shillings, with costs, to be recovered as hereinafter mentioned, over and above all the charges of removing the same therefrom, in case the Harbour Master shall cause the same to be removed, as he is hereinbefore authorized to do.

Further power and duty of Harbour Master and Wharfinger.

May cause vessels, &c. to be removed from one part of wharf to another part.

X. And be it enacted, That when and so often as it shall appear necessary to the said Harbour Master, for any Vessel to come alongside the said Wharfs, for the purpose of loading or discharging Passengers, Goods, Merchandize, Chattels, or her Majesty's Mails, or of shipping or receiving on board, any such Goods, Merchandize or Chattels, and no suitable berth for such Vessel at the said Wharf shall appear unoccupied, it shall and may be lawful for the said Harbour Master, and he is hereby required, to cause to be removed, to any other equally safe and suitable berth at the said Wharf, any other Vessel being afloat, and requiring a less draught of water, and in a condition capable of being removed, and whether loading or unloading, in order to give place to any such first mentioned Vessel.

Harbour Master and Wharfinger may cause vessels to be hauled off from wharf in certain cases.

XI. And be it enacted, That when and as often as it shall appear to the said Harbour Master that any Vessel is hindered from either loading or discharging her cargo, or any material part thereof at the said Wharf, by reason of the want of a suitable situation to lie thereat, it shall be lawful for the said Harbour Master, and he is hereby required, upon request to him made, to cause to be shifted or hauled off from the said Wharf, in order to cause place and room to be given to such Vessel for the purposes aforesaid, any other Vessel being in a condition capable of being removed, and which

shall not be loading from the said Wharfs, or discharging thereat.

XII. And be it enacted, That it shall and may be lawful for the said Harbour Master, and he is hereby required, to cause to be removed in manner prescribed in the aforesaid Sections of this Act, as often as to him shall seem necessary, any Vessel, or the Moorings, Furniture or Materials of any Vessel, and any Lighter, Barge, Boat, Flat, Raft, Spar, Timber, or any article or material whatsoever, which may obstruct the free passage of the Public Ferry Boats, in approaching to, or departing from the steps belonging to the said Wharfs, or any article or impediment which may obstruct persons in ascending or descending the said steps.

Harbour Master and Wharfinger to remove vessels, boats, goods &c., obstructing the passage to Ferry Boats.

XIII. And be it enacted, That in case of neglect or refusal to remove any such Vessel, Moorings, Boat, or any such article, material or obstruction, being within the meaning of either of the preceding Sections of this Act, after due notice and request thereof to the Master or Commander, or to any of the Owners of any such Vessel, Barge, Boat or Flat, or to the owner or owners of any such article material or obstruction as aforesaid, he or they shall be subject to the like penalty as is imposed in and by the Ninth Section of this Act.

Masters of vessels and Owners of Goods, &c. refusing or neglecting to remove them, liable to Penalty imposed by the 9th section of this Act.

XIV. And be it enacted, That in case of any dispute between the Masters or Owners of Vessels, as to the right of one Vessel lying outside of any other Vessel, for the purpose of loading or discharging at the said Wharf, while such last mentioned Vessel shall be lying at said Wharf, the same shall be decided and determined by the said Harbour Master; and the Master or Owner of any Vessel, refusing to comply with the order of the said Harbour Master in this respect, or who, after request made, shall refuse to allow any Goods, Merchandize or Passengers to be conveyed across

Harbour Master and Wharfinger to decide disputes between Masters of Vessels, touching the right to lay at Wharves.

Masters of vessels refusing to comply with orders of Harbour Master and Wharfinger liable to Penalty

imposed by the
9th section of
this Act.

his Vessel, from any such outside Vessel, or shall refuse to allow any Stage to be erected for that purpose, so far and in such manner as the said Harbour Master shall deem necessary, shall be liable to the like forfeitures as are imposed by the Ninth Section of this Act, besides being liable to have his or their Vessel removed from the said Wharf, at the discretion of the said Harbour Master.

Harbour Master
and Wharfinger
may direct the
booms, &c. of
vessels to be
taken in.

Penalty for re-
fusal.

XV. And be it enacted, That the person in charge of any Vessel lying at the said Wharf, when directed by the Harbour Master so to do, shall cause the Jib-boom, Spritsail-yard, and Main-boom of said Vessel, or either of them, to be struck, or taken on board of the said Vessel, or any of the Yards thereof to be braced, under a penalty not exceeding Twenty Shillings.

Harbour Master
and Wharfinger
to cause obstruc-
tions to the
Wharves to be
removed and to
prevent stones,
rubbish, &c.
being thrown in-
to water.

Penalty or per-
sons offending
herein, and mode
of recovery there-
of.

XVI. And be it enacted, That the said Harbour Master is hereby empowered to cause to be removed all obstructions which may be placed on either side of the said Wharves, in a line with Queen Street and Pownal Street respectively, at the expense of the person or persons 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 Harbour Master is hereby authorized and required, to prosecute any person or persons 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 Cargo may sustain thereby.

XVII. And be it enacted, That if the Owner Master or person in charge of any Vessel shall

allow such Vessel through neglect or otherwise, to injure either of the said Wharfs, such person shall be liable for every such offence, to a Fine not exceeding Twenty shillings, over and above the damage thereby done to the said Wharf; and the damage so done to the Wharf, if exceeding Eight Pounds, shall be recovered at the suit of the Harbour Master, by Action in Her Majesty's Supreme Court of Judicature of this Island; and if of the sum of Eight Pounds or under, then to be recovered before any one of Her Majesty's Justices of the Peace.

Penalty on Master, owner, &c. of vessels injuring wharf.

Amount of such Penalty, &c.

Mode of recovery of Penalty, &c.

XVIII. And be it enacted, That the Harbour Master is hereby required to furnish an Account on oath, and pay over to the Treasurer of this Island, quarterly, (that is to say,) on the First Monday in January, the First Monday in April, the First Monday in July, and the First Monday in October, in each and every year, all Moneys that may come into his hands either for Wharfage or Fines imposed by this Act, under a penalty of Twenty pounds, to be imposed upon him 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 to be applied to and for the use of Her Majesty's Government, and the said Harbour Master shall also be liable to be displaced from his situation; which said Wharfage, Fines, and Penalties (except the aforesaid Fine of Twenty pounds,) shall be applied towards the payment of the Salary of the said Harbour Master, and the necessary repairs of the Wharfs, and to and for such other uses and purposes as shall or may hereafter be authorized and directed in and by any Act or Acts of the Legislature of this Island: Provided always, that the said Harbour Master and Wharfinger shall not be allowed to expend on the necessary repairs of the said Wharfs, beyond the sum of Thirty pounds annually, unless authorized by Law so to do: And for each and every neglect of the other duties imposed on said Harbour Mas-

Quarterly periods at which Harbour Master and Wharfinger shall account to Treasurer for all money's received by him.

Penalty for neglecting to account.

Mode of recovery of Penalty.

Appropriation of Penalty.

Appropriation of Wharfage fines, &c.

Harbour Master and Wharfinger not to expend more than £30 annually in repairs of Wharves.

Penalty on Harbour Master and Wharfinger for neglect of other duties under this Act.

ter by this Act, he shall forfeit and pay a sum not exceeding Eight pounds, to be recovered before any Two of Her Majesty's Justices of the Peace, to be applied as hereinbefore directed.

Harbour Master and Wharfinger to assign berth for Steamboat or other vessels carrying the mails.

XIX. And be it enacted, That the said Harbour Master shall have authority, and he is hereby required, to assign any particular Berth at either of the said Wharfs for the use of any Steam Boat or other Vessel carrying the Government Mails of this Island, and to change such Berth as often as to such Harbour Master shall seem necessary; and every Master of any Vessel coming into the said Harbour, or the Pilot in charge thereof, shall from time to time, conform himself strictly to all directions which shall be given to him by the said Harbour Master, touching the mooring, unmooring, placing or removing of any Ship or Vessel under his charge, as long as such Ship or Vessel shall be lying and situate within the limits of the authority of the said Harbour Master, under a penalty for each and every offence, of any sum not exceeding Five pounds.

Masters of vessels to conform to directions of Harbour Master and Wharfinger.

Penalty on Masters of vessels offending herein.

Harbour Master to have all the powers, &c. given to Harbour and Ballast Masters for Harbour of Charlottetown, by Act of the 7th Will. 4th, cap. 10 and by an Act of the 7th Victoria, Cap. 10.

XX. And be it enacted, That the said Harbour Master shall have, and he is hereby required to use and exercise all the powers and authority prescribed and given to the Harbour and Ballast Master for the said Harbour of Charlottetown, in and by the Act of the General Assembly of this Island, 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*, and also in and by the Act of the said Assembly, passed in the Seventh year of Her present Majesty's Reign, intituled *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 ef-*

fectually preventing the throwing of Ballast into Harbours and Navigable Rivers, and the said Harbour Master shall strictly collect and account for upon oath, as aforesaid, all Rates and Fees payable by the said last recited Acts, or either of them, and pay the same into the Treasury of this Island, to be appropriated for the like purposes as the aforesaid Wharfage rates and dues, anything to the contrary thereof in the said Acts, or either of them, notwithstanding.

And to account upon oath for all rates, fees, &c. under said Acts.

Payment and appropriation of such rates, fines &c.

XXI. 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 said Harbour Master, shall be recovered, together with Costs, upon the oath of the said Harbour Master, or any other credible Witness, before any one of Her Majesty's Justices of the Peace, and be levied by Warrant of Distress and sale of the Offender's Goods and Chattels; and if no Goods and Chattels can be found whereon to levy the same, it shall and may be lawful for the said Justice to commit the party so offending, to the Common Jail for a period not exceeding Two Calendar Months.

Mode of recovery of Penalties not hereinbefore provided for.

XXII. And be it enacted, That it shall and may be lawful for the said Harbour Master and Wharfinger, from time to time, to depute so many Deputies or Assistants as he shall deem requisite, under him, to perform all or any of the duties imposed upon him by this Act; and each of such Deputies or Assistants, while acting under any such appointment, shall be vested with all the powers, authority and discretion, conferred and allowed by this Act, on, and that may be exercised by the said Harbour Master and Wharfinger, for performing the services he may require of them; and the said Harbour Master and Wharfinger shall be responsible in all respects whatsoever for the acts and conduct of such his Deputies and Assistants, so far as they may be employed by him, and he alone shall be liable to compensate and pay them for their services.

Harbour Master and Wharfinger may appoint assistants.

Powers, &c. of such assistants.

Principal to be responsible for such assistants.

Assistants how compensated.

Continuance of
Act.

XXIII. And be it 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 then next Session of the General Assembly, and no longer.

CAP. XVII.

An ACT to confirm the Titles to Lands purchased under the several Acts for levying an Assessment on Lands in this Island.

[Passed April 17, 1845.]

WHEREAS divers Tracts of Land have been sold by the Sheriffs, and also by the Coroner of this Island, for non-payment of Assessment, in pursuance of An Act passed in the Eleventh year of the Reign of His late Majesty King George the Fourth, intituled *An Act for raising a fund by an Assessment on Land, for erecting a Government House and other Public Buildings within this Island*, and of An Act passed in the Seventh year of the Reign of His late Majesty King William the Fourth, intituled *An Act for levying an Assessment on all Lands in this Island*, and also as well in pursuance of the said Acts, together with the Acts of the Assembly passed in amendment of the said Two recited Acts respectively; And whereas in many instances, it is uncertain whether an actual levy of the Writ of *Fieri Facias* hath been made by the Sheriff or Coroner, on the identical Lands so sold before the sale thereof, and in most instances, it has happened that the locality of such Tracts of Land was uncertain at the time of sale, and the metes and bounds thereof certain only by, and made subject to, the election of the purchaser after such sale, whence doubts have arisen as to the validity of the Titles of the purchasers and their Heirs and Assigns, in and to such Lands; For remedy whereof: Be it

declared and enacted, by the Lieutenant Governor, Council, and Assembly, That from and after the passing of this Act, all Deeds of Conveyance, executed by the Sheriff or Coroner, or which shall within Six Calendar Months after the passing of this Act, be so executed for sales already made, under and by virtue of the said recited Acts, or of any, or of either of them, to the purchaser or purchasers of any Lands whatsoever sold by him, for non-payment of the Assessment charged thereon by the said recited Acts, or either, or any of them, shall, and they are hereby declared to pass effectually and completely to the purchaser or purchasers, his, her, or their Heirs and Assigns, a good and valid Title of and in the Lands therein, or to be therein mentioned and described, and intended to be thereby conveyed, notwithstanding such Sheriff or Coroner may not have actually levied the Execution on the identical Lands described in such Deed or Deeds of Conveyance, and notwithstanding the locality of such Lands may not have been certain, or described, or known, by metes and bounds previous to the time of the sale thereof. Provided always, that this Act shall not be deemed to give validity or effect to any Deed or Conveyance of Land, purporting to have been sold for non-payment of the Land Assessment, and which, before the passing hereof, might have been shewn to be invalid, by reason of the Assessment on the Land purporting to be therein conveyed, having been actually paid in conformity with the said Acts, and that the person so claiming, on the ground of having paid the Assessment, had actually paid for all the Land on such Township then claimed by him.

Renders valid all Deeds heretofore made of Lands sold under Land Assessment Acts, or made within 6 months after passing of this Act, notwithstanding Sheriff or Coroner may not have actually levied upon such Land, and notwithstanding the same may not have been sold by metes or bounds.

Not to render valid Deeds of Land so sold if Assessment had really been paid.

II. And be it enacted, That no omission of any direction contained in the Act hereinbefore first recited, or in any Act in amendment thereof, relative to the notices or forms of proceeding previous to, or at any sale made under such mentioned Acts, shall extend to render such sale invalid, but the

No omission of form of notices or forms of proceeding under Land Assessment Acts previous to sale to render such sale invalid.

Person guilty of omission or neglect to be nevertheless liable for damages.

person guilty of any such omission or neglect shall be liable to punishment therefor, and shall answer the party for any damage occasioned thereby in any legal proceeding that may be properly instituted for that purpose.

Reserves an equity of redemption to former owner, &c. of 2 years from the period when actual possession shall be taken of any Land by virtue of any Deed under this Act.

III. Provided also, and be it further enacted, in case of any Deeds confirmed by the authority of this Act, that an equity of redemption shall nevertheless be open to the former owner or owners, proprietor or proprietors, his, her or their heirs or assigns, for the space of two years, next after the period at which the purchaser or his assigns shall have taken actual possession in terms of his, her or their Deed of the Land, under and by virtue of his Deed, whether such Deed shall be executed before or after the passing of this Act, the former owner or owners, proprietor or proprietors, his, her or their Agents, heirs or assigns repaying the purchase money with the lawful interest thereon, and also all expenses attending the same, and a fair allowance for such improvements as shall or may be made thereon, the same in case of a dispute to be ascertained by the Supreme Court.

Former Owner to repay purchase money, &c.

No Deed of any sale heretofore made, to be valid unless executed within 6 months, nor unless duly registered.

IV. And provided also, That no Deed of any sale heretofore made, shall be deemed valid, unless such Deed be executed within Six Months after the passing of this Act, nor shall any such Deed as aforesaid be valid, before the same be duly registered: Provided further, that nothing herein contained, shall extend, or be construed to extend, to any lands with respect to which any action or actions are now pending any thing herein contained to the contrary thereof notwithstanding.

This Act not to extend to Lands for which actions are now pending.

CAP. XVIII.

An ACT to incorporate the Trustees of the Baptist Church in Charlottetown.

[*Passed April 17, 1845.*]

WHEREAS a certain body of Christians in this Island, called Baptists, now hold Land and are desirous of purchasing other Land in Charlottetown, to serve as a site for a Meeting-house, Mission-house and such other Buildings as may be necessary thereto, and there being no provision made in the Laws of the Island by which a number of persons holding trust for such purpose can have perpetual succession, or a sole legal existence or representation in any Court of Law or Equity; Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, that from and after the passing of this Act, the following persons, that is to say: *Thomas Desbrisay, Donald Nicholson, Lawrence Tremain, Jacob Dockendorff, and Thomas Brodwell*, and each and every one of them, so long as they respectively continue Members of the Baptist Church 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 and personal of the said Baptist Church, or for the use and benefit thereof, now obtained or possessed by or belonging to the said Baptist Church, or any in trust therefor, or hereafter to be obtained by or conveyed to the said Trustees or their Successors, for the benefit and purposes of the said Baptist Church, and the said persons and their Successors shall constitute and form one continuing trust or board of Five Members to be called the Trustees of the Baptist Church at Charlottetown, and shall be a Body Politic and Corporate in name and in

Incorporates certain persons members of Baptist Church in Charlottetown.

And others chosen upon vacancy.

Trustees to hold Real and personal Estate.

for Baptist Church.

Style of Corporation.

Powers of Corporation.

deed by the style aforesaid, and shall have perpetual succession, and a common seal with power to break, change and alter the same at pleasure.

Vacancy in such Corporation by death, &c. how to be filled up.

II. And be it enacted, That when any vacancy in the said trust shall arise by death, resignation or otherwise, that the Pastor of the said Baptist Church shall give notice that a Meeting of the said Baptist Church shall be held on a given day for the election of one or more Trustees to fill up the said vacancy or vacancies, who in all cases shall be Members of the said Church, and that the said notice shall be given in the Baptist Meeting-house in Charlottetown immediately after Divine Service on the morning of the Four Sabbaths next preceding the said Meeting and the choice of the said Trustee or Trustees, shall be determined by the vote of the majority of the male Members then present, being of the age of Twenty-one years or upwards.

Who may vote for Trustees on vacancy, &c.

Trustees may sue or be sued, &c. by style of Corporation.

III. And be it 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, as such, or of the said Baptist Church at Charlottetown; and the said Trustees by their said name of Office, shall and may in all cases concerning the said Lands or other Real or Personal Estate, vested in them, Debts, Claims, Rights and property of the said Board of Trustees, or of the said Baptist Church whatsoever, sue and be sued, implead and be impleaded, and no such Suit, Action or Prosecution shall be discontinued or abate by the death of any such Trustee, or on his ceasing to be such Trustee, but shall and may be proceeded in by the remaining Trustee or Trustees, for the time being, any Law, Usage or Custom.

No suit to be discontinued, or to abate by reason of death of any Trustee.

tom to the contrary notwithstanding, and the Trustees for the time being shall pay or receive the like moneys, costs, and expenses 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 said Baptist Church.

Corporation entitled to same costs in suits as individuals/suitors

IV. And be it enacted, That it shall and may be lawful for the Trustees for the time being, to be 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 Baptist Church at Charlottetown," to contract for and purchase, or in any lawful mode, whether by devise, bequest or otherwise, to 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 Baptist Church, any Messuages, Lands, Tenements, Buildings or Hereditaments, real or personal Estate whatsoever in this Island, and to take and receive the necessary and legal Conveyances, Leases, Deeds, Assignments, devises or other transfers thereof, respectively to hold, for upon, under, and subject to the uses and purposes in this Act mentioned, and that the said Messuages, Lands, and Tenements, with the Appurtenances shall be and remain vested in the said Trustees, subject nevertheless, in all cases, to be used and disposed of according to the decision of the majority of the male Members of the said Baptist Church, for the time being, of the age aforesaid.

Trustees by style of Corporation may purchase Lands, &c. or take same by devise or gift, &c.

For the benefit of Baptist Church.

And take legal conveyances, &c.

How such property is to be used and disposed of.

V. And be it enacted, That it shall and may be lawful for the said Trustees for the time being, and they are hereby authorized and empowered to grant, sell, exchange, mortgage, lease, convey or dispose of, to such person or persons as the majority of the said male Members of the said Baptist Church, shall 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, Heredita-

Trustees may sell, mortgage or exchange Lands as directed by majority of members of Baptist Church.

Deeds, Mortgages, &c. in style of Corporation and under Common seal to be valid.

ments, and Premises now held or hereafter to be conveyed to or held by the said Trustees for the time being, as all or any of the personal Estate and property of the said Trustees or Baptist Church 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, under the common Seal of the said Corporation, 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 Lease for years, or otherwise, as the case may be, all such Estate, Title and Interest therein, as the said Trustees and Corporation, or the said Baptist Church now have, or are entitled to, or they shall 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, and Corporation on behalf of the said Baptist Church, can lawfully by such Deed, Mortgage, Lease or Conveyance respectively vest in the Grantee, Mortgagee, or Lessee named therein.

Corporation to retain reasonable charges, &c. out of trust funds.

Corporation not to hold Real Estate of greater annual value than £500 sterling.

VI. And be it enacted, That the said Corporation shall retain or be paid and allowed out of the Trust Funds all reasonable costs, charges and expenses incurred in and about the Trust aforesaid. Provided always, that it shall not be lawful for the said Corporation to hold Real Estate for the use of the said Church, which shall exceed in value and yield at any time, more than a clear net yearly income of Five Hundred Pounds sterling.

Saves the rights of Her Majesty and others.

VII. And be it enacted, That nothing herein contained shall affect or be construed to affect, in

any manner or way, the rights of Her Majesty, Her Heirs or Successors, or of any person or persons, or of any Body Politic or Corporate, such only excepted as are herein mentioned.

VIII. And be it 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.

Act to be deemed a public Act.

C A P. XIX.

An ACT to continue an Act intituled *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.*

[Passed April 17, 1845.]

BE it enacted, by the Lieutenant Governor, Council and Assembly, That an Act passed in the Fifth year of Her present Majesty's Reign, intituled *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*, be, and the same is hereby continued for Three Years from the passing hereof, and from thence to the end of the then next Session of the General Assembly.

Continues Act of the 5th Vic. Cap. 6, relating to qualifications of Jurors, &c. for 3 years, and to the end of the then next Session of the General Assembly.

C A P. XX.

An ACT for the regulation of the Mackerel Fishery.

[Passed, April 17th, 1845.]

WHEREAS it is expedient to make provisions for the regulation of the Mackerel Fishery:

Nets not to be set in the day time for the purpose of catching Mackerel, nor to be left in any Bay, Harbour, &c. between sunrise and sun-set.

Mode of proceeding to obtain removal of nets in such cases.

Penalty on party not removing nets on notice, &c.

Unless prevented by stress of weather.

Penalty on persons wilfully destroying or injuring nets.

Regulates the setting of Mackerel nets and the distances at which they may be set.

Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, no person or persons shall set any Net or Nets in the day time, for the purpose of catching Mackerel, or shall leave any such Net or Nets set in or on any part of the Bays, Shores, Harbours or Rivers of 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 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 no person or persons shall hereafter set or place either one or more Nets, the length of which shall exceed Forty-five fathoms, affixed or joined together on any part of the Bays, Shores, Harbours or Rivers of this Island; and every person who may set or place one or more Nets therein, of the length aforesaid, shall leave a

space of at least Sixty fathoms between each and every Net or length of Nets, when connected as aforesaid, that the course or passage of Mackerel or other Fish may not be hindered or obstructed thereby.

IV. And be it enacted, That no person or persons shall hereafter set or place any Net-moorings nearer than Sixty fathoms to any other Net-moorings that may be set or placed on any part of the Shores, Harbours, Bays or Rivers of this Island, nor shall any person or persons suffer or permit, his, her or their Net-mooring or Net-moorings to remain so set and placed, unless such person or persons shall set and affix a Net or Nets, or cause a Net or Nets to be affixed or set thereto at least Twelve hours in every Forty-eight hours during the Fishing season; provided such person or persons be not necessarily prevented from setting and affixing any Net or Nets to his, her or their Net-moorings by sickness, stress of weather, or other unavoidable cause. And any person or persons offending against the provisions of this, or the last preceding Clause, shall be liable to a penalty, not exceeding Twenty Shillings, for each offence.

Distances at which such nets are to be set from each other, &c.

Penalty on persons offending herein or against last preceding section.

V. And be it enacted, That no person or persons shall, hereafter, set or place any Net or Nets, Net-mooring or Net-moorings, within One hundred and Fifty Fathoms from low water mark, on any or either of the Hauling Grounds, on the Shores, and in the Bays, Harbours or Rivers of this Island during the hauling season, and while there shall be stationed at any such hauling ground or grounds at least one Seine, manned and prepared for hauling Mackerel thereat, under a penalty not exceeding Fifty Shillings for the first offence, nor more than Five Pounds for every subsequent offence.

Distance at which nets are to be set from low water mark, when a seine shall be in use at the same place.

No person to lay hold of Seine, fasten boat thereto, or dip fish therefrom, without consent of Owner

Penalty for offending herein.

VI. And be it enacted, That no person or persons, other than the Seine men, shall presume to lay hold of, tie or fasten, his or their Boat or Boats to any Seine or Seines, enclosing, encircling or containing any Mackerel or other Fish on the Hauling Grounds of this Island, or presume to dip any Fish from and out of any Seine or Seines that may be there hauled, until the owner or owners of such Seine, or other person having the charge and management thereof, shall publicly declare his assent thereto, or give his permission to such person or persons to dip and take Fish thereout, under a penalty not exceeding Twenty Shillings for the first offence, nor exceeding Fifty Shillings for every subsequent offence.

Mode of recovery of Penalties imposed by this Act.

To whom payable.

Offender to be imprisoned if no Goods or Chattels can be found to levy upon for Penalty.

VII. And be it enacted, That all Fines and Penalties arising under or by virtue of this Act, shall be recovered, with Costs, on the oath of (at least) one credible Witness, before any one of Her Majesty's Justices of the Peace or Commissioner for the Recovery of Small Debts, being a Justice or Commissioner for the County or District wherein (or of the shores of which) 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, as before stated, was committed, for a period not exceeding Sixty days, there to remain, without being entitled to the benefit of any Act made for the relief of Insolvent Debtors, or for granting the Limits of Jails in this Island.

Continuance of Act.

VIII. 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.

CAP. XXI.

An ACT for the appointment of Clerks to Justices of the Peace, and to regulate proceedings had before them.

[*Passed April 17th, 1845.*]

BE it enacted, by the Lieutenant Governor, Council, and Assembly, That from and after the passing of this Act, it shall and may be lawful for any Justice or Justices of the Peace, in any District of this Island, if he or they shall deem it necessary, to appoint a Clerk, for whose act or acts, he or they, nevertheless, shall be responsible, and who shall assist in the discharge of his or their duties, which Clerk shall be sworn to execute his duties faithfully, and being so sworn, shall be authorized to issue, in his own name and style of office, Summonses, being for Civil injuries only, and in all cases Subpœnas, also to enter and complete all Recognizances taken before such Justices, and to execute all Papers of Appeal, and administer the Oath on such Affidavits as the Law requires, for the obtaining an Appeal; to draw up and sign Convictions, and to prepare any other necessary instrument previous to its execution by such Justices, according to Law; and the said Clerk shall be remunerated by such Justice or Justices, in such manner, and on such terms as shall be agreed upon between such Clerk, and the Justice or Justices who shall have so employed him: Provided always, that no Fees in any matter, Suit, or Process, shall be taken in addition to, or other than such as are regulated and established by any Act of the General Assembly of this Island.

Authorises Justices of the Peace to appoint Clerks,

for whose acts they are to be responsible.

Duties of clerks so appointed.

Clerks to be sworn;

and may issue in their own name and style of Office, Summonses, &c.

Further powers and duties of Clerks.

Clerks how to be remunerated.

No fees to be taken by such Clerks beyond those allowed by previous Act or Acts.

II. And be it enacted, That it shall be lawful for any Justice or Justices of the Peace, in all cases on which they shall adjudicate; to order and direct that the Costs and Charges of Witnesses shall be paid by either party, or apportioned as in their discretion they shall deem just and equitable,

Justices of the Peace may apportion costs of Witnesses between Suitors as they may see fit.

any Law, usage, or custom, to the contrary thereof notwithstanding.

No fee recoverable by any Justice or Clerk at law for any summons or warrant issued before fee paid.

III. And be it enacted, That any Clerk to be appointed under this Act, or any Justice of the Peace, now, or hereafter to be appointed, issuing any Summons or Warrant, without the Fee thereon being first paid, shall not be entitled to recover the same by any process of Law.

Clerks of Justices to make return to Supreme Court of all matters and Convictions, &c.

To be delivered to Prothonotary of Court the first day of Term.

Requisites of such return.

Form of such return.

IV. And be it enacted, That any such Clerk so appointed, shall, at the recurrence of every Assize to be holden for the County wherein such Clerk may hold his Office, make a due Return to Her Majesty's Judge of Assize, to be delivered to the Prothonotary of such Court, on the First day of its Session, of all matters which have come under his office, which Return shall contain a Record of all Convictions before any Justice or Justices, from whom he may hold his appointment, and set forth the amount of any Fines which have been legally ordered, and a statement of how they have been paid and levied and distributed, according to the Schedule to this Act annexed, and such Clerk shall likewise at such Term, make a Return of all Recognizances entered into for the appearance of all parties bound to appear at such Court, and likewise Copies of all Notices of Appeal, and such other Papers as may be ordered by Her Majesty's Judge of Assize.

Where no Clerk shall be appointed, Justice or Justices to make such return.

V. And be it further enacted, That in all cases where no appointment of a Clerk in manner aforesaid has been made, Her Majesty's Justices of the Peace, conjointly or respectively acting in the execution of their legal duties, shall, themselves, return such Papers, Records, and Instruments herein described or required, to the said Court of Assize, and transmit the same to the Prothonotary thereof, on or before the First day of its sitting.

VI. And be it enacted, That if any Justice or Justices of the Peace shall see fit to revoke such

appointment of a Clerk, he or they shall be hereby authorized so to do, and all Books, Papers, Records or other Instruments in the hands of such Clerk, shall, in such case, be handed over by him to such Justice, or Justices, at his or their demand, and if such Clerk shall neglect or refuse to deliver over such Papers and Records, when so 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.

Justice or Justices may revoke appointment of Clerk.

Duty of Clerk on revocation of appointment.

Penalty on Clerk neglecting or refusing to deliver over papers, books, &c.

Mode of recovery of Penalty.

VII. And be it enacted, That this Act shall continue and be in force for the space of Three Years, and from thence to the end of the then next Session of the General Assembly.

Continuance of Act.

SCHEDULE.

Name of Offender.	Offence.	Fine.	If paid.	How distributed.

CAP. XXII.

An ACT for appropriating certain Moneys therein mentioned, for the service of the year of Our Lord One thousand Eight hundred and forty-five.

[*Passed April 17th, 1845.*]

May it please your Excellency ;

WE Her Majesty's dutiful and loyal subjects, the House of Assembly of Prince Edward Island, towards appropriating the several Supplies raised for the exigencies of Her Majesty's Government, do humbly beseech that it may be enacted:

And, be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That by or out

of such Moneys as from time to time shall be, and remain in the Public Treasury of this Island, there shall be allowed and paid for the services herein mentioned, the several sums following, that is to say :

£2550 for Roads and Bridges, &c. for the 3 Counties.

A sum not exceeding Two thousand eight hundred and fifty Pounds, for the general service of Roads, Bridges and Wharfs, to be expended agreeably to the Report of the Committee of the House of Assembly, appointed for the consideration of all matters relating to Roads, Bridges and Wharfs; and that such sum be divided between each of the three Counties, according to the following proportions :

Proportion for Queen's County.

Proportion for Prince County.

Proportion for King's County.

Queen's County, One thousand one hundred and fifty Pounds; Prince County, Eight hundred and fifty Pounds; King's County, Eight hundred and fifty Pounds; except as respects the following appropriations in Queen's County, which shall be as follows, that is to say :

Additional appropriations for Queen's County.

Additional Blocks to the Wharf at Port Selkirk, Sixty-six Pounds; additional Blocks to the Wharf at Alexander Macrae's, Lot Forty-nine, Twenty Pounds; from the Fort Augustus Road, to the Tarentum Settlement, commencing at Mark Webster's, Twelve Pounds; Tryon Road, from Poplar Island Bridge to the division line of Lots Twenty-eight and Twenty-nine, where most required, Thirty Pounds; Saint Peter's Road, from Frenchfort Bridge towards Saint Andrew's, where most required, Fifteen Pounds, and the several sums deducted from the said appropriations, amounting in all to the sum of Fifty Pounds, to be applied in repairs to the Queen's Wharf, Charlottetown, agreeably to the Estimate thereof laid before the House this Session.

£200 for new Roads under Road Compensation Act.

And a further sum of Two hundred Pounds, to be placed at the disposal of the Lieutenant Governor, to be expended in laying out and opening new Roads, under the Road Compensation Act, for the present year, should the same be required.

And a further sum of One hundred and Fifty Pounds, to defray the contingent-expenses of Roads and Bridges for the present year, should the same be required, to be equally divided between each of the three Counties. £150 for contingent expenses of Roads and Bridges.

And a further sum of Five hundred Pounds, to defray the salary of the Treasurer of this Island, for the present year. £500 to Treasurer for his salary.

And a further sum of Four hundred Pounds, to defray the salary of the Colonial Secretary and Clerk of the Executive Council, for the present year. £400 to Colonial Secretary and Clerk of Executive Council for his salary.

And a further sum of One hundred Pounds, to defray the travelling charges of the Chief Justice, for the present year. £100 to the Chief Justice for travelling charges.

And a further sum of Two hundred and sixty Pounds, to defray the salary of the Collector of Impost, at Charlottetown, for the present year. £260 to Collector of Excise for Charlottetown for his salary.

And a further sum of One hundred and sixty Pounds, to defray the salaries of Four Sub-Collectors of Customs, for the present year. £160 for salaries of 4. Sub-Collectors of Customs.

And a further sum of Twenty Pounds, to defray the salary of one Sub-Collector of Customs, for the port of Cascumpeque, for the present year. £20 for salary of Sub-Collector of Customs at Cascumpeque.

And a further sum of Three hundred Pounds, to defray the salaries of the Masters of the Central Academy, for the present year. £300 for salaries of Masters of Central Academy.

And a further sum of One thousand Pounds, for the encouragement of general Education, as established by Law. £1000 for general Education.

And a further sum of Seventy-five Pounds, to defray the salary of the Inspector of Militia, for the present year. £75 for salary of Adjutant General of Militia.

And a further sum of One hundred and sixty Pounds, to defray the salaries of Sixteen Road Commissioners, at Ten Pounds each, for the present year. £160 for Salaries of 16 Road Commissioners.

And a further sum of Forty Pounds, to defray the salary of the Market Clerk, Charlottetown, for the present year. £40 for salary of Market Clerk for Charlottetown.

£5 for salary of Market Clerk for Georgetown.

And a further sum of Five Pounds, to defray the salary of the Market Clerk at Georgetown, for the present year.

£60 for salaries of Sheriffs of the 3 Counties.

And a further sum of Sixty Pounds, to defray the salaries of the Three Sheriffs, for King's, Queen's, and Prince Counties, for the present year.

£25 for salary of Master of National School.

And a further sum of Twenty-five Pounds, to defray the salary of the Master of the National School, for the present year.

£40 for Messenger of Council, Tipstaff in Chancery & Crier of Supreme Court.

And a further sum of Forty Pounds, to defray the salary of the Messenger of the Executive Council, Crier of the Supreme Court and Tipstaff in Chancery, for the present year.

£40 for salary of Jailer of Charlottetown Jail.

And a further sum of Forty Pounds, to defray the salary of the Jailer of Charlottetown Jail, for the present year.

£10 to Medical attendant of Charlottetown Jail.

And a further sum of Ten Pounds to the Medical Attendant of the Charlottetown Jail, for his services, and for Medicine for the present year.

£15 to Matron of Charlottetown Jail.

And a further sum of Fifteen Pounds, to defray the allowance to the Matron of the Charlottetown Jail, for the present year.

£60 for salaries of Jailors of King's & Prince Counties.

And a further sum of Sixty Pounds, to defray the salaries of the Jailors of King's and Prince County Jails, at Thirty Pounds each, for the present year.

£10 to Assayer of weights and measures for Charlottetown.

And a further sum of Ten Pounds, to defray the salary of the Assayer of Weights and Measures, for Charlottetown, for the present year.

£30 to Postmaster for conducting Inland Mails.

And a further sum of Thirty Pounds to the Postmaster, for conducting the business of the Inland Mails, for the present year.

£40 for salary of Road Correspondent.

And a further sum of Forty Pounds, to defray the salary of the Road Correspondent, for the present year.

£600 to Steam Navigation Company.

And a further sum of Six hundred Pounds, to be placed at the disposal of His Excellency the Lieutenant Governor, to defray the grant to the Prince Edward Island Steam Boat Company, for the conveyance of the Mails between this Island, Pictou and Miramichi, for the present year.

And a further sum of Thirty Pounds, for the encouragement of a Packet between Bedeque and Shediac; and a further sum of Seventy Pounds, for the encouragement of a Packet between Georgetown and Pictou, for the present year.

£30 for a packet between Bedeque and Shediac, and £70 for a packet between Georgetown and Pictou.

And a further sum of Three hundred Pounds, to defray the expense of conducting the Inland Mails, for the present year.

£300 for expense of conducting Inland Mails.

And a further sum of One hundred and fifty Pounds, to defray the expense of conveying the Winter Mails to and from the Provinces of Nova Scotia and New Brunswick, for the present year.

£150 for expense of conveying the Winter Mails by Cape Tormentine.

And a further sum of Two hundred and fifty Pounds, to defray the expense of public Printing and Stationery, for the present year, should the same be required.

£250 for public printing and stationery.

And a further sum of Three hundred Pounds, to defray the expense of Fuel and Bread for the three County Jails, with any other contingent expenses, for the present year, should the same be required.

£300 for fuel & bread for Jails of 3 Counties, and for contingent expenses.

And a further sum of Four hundred and fifty Pounds, or as much thereof as may be necessary, to defray the cost of Crown Prosecutions, including Crown Officers' Fees, for other services, for the present year.

£450 for Crown prosecutions if required, and for other fees of Crown Officers.

And a further sum of Twenty Pounds, to defray the amount of premiums for the destruction of Bears and Loupcerviers, for the present year, should the same be required.

£20 for premiums for killing Bears and Loupcerviers.

And a further sum of Twenty Pounds, to defray the expenses of Plans and Estimates for Public Works, for the present year, should the same be required.

£20 for Plans & Estimates for public works.

And a further sum of One thousand Pounds, or as much thereof as may be necessary, to defray the Interest on Treasury Warrants, for the present year.

£1000 for Interest upon Treasury Warrants.

And a further sum of Two hundred and fifty Pounds, to defray the contingent expenses of Government, for the present year.

£250 for contingent expenses of Government.

A sum sufficient to defray the contingent expenses of Legislative Council, &c.

£10 in aid of Charlottetown Infant School.

£5 to Walter Phelan for teaching poor children.

£65 for deepening the entrance of French River at New London, and for erecting a Breakwater or Embankment.

£390 to defray expense of Building for Coach House & Harness room at Government House.

£2500 for additions to Colonial Building already contracted for.

And a sum sufficient to defray the contingent expenses of the Legislative Council and House of Assembly, for the present year.

And a further sum of Ten Pounds, in aid of the Charlottetown Infant School, for the present year.

And a further sum of Five Pounds, to Walter Phelan, Schoolmaster, for his services in teaching a number of poor Children in Charlottetown.

And a further sum of Sixty-five Pounds, at the disposal of the Hon. P. S. Macnutt, Commissioner of Roads, to be expended in deepening the entrance of French River, New London, and erecting a Breakwater or embankment, agreeably to a plan furnished by Mr. Macnutt, and in removing so much of the wrecks as to the Commissioner may appear necessary; Provided an equal sum be subscribed, and the Contractor for the same give security to make and keep the Channel open Ten feet deep to the breadth of the natural banks of the Channel, and to make the same rectilinear, for the term of Three years, after the First day of July next, all to be done to the satisfaction of the Commissioner, otherwise the money not to be expended.

And a further sum of Three hundred and Ninety Pounds, to the joint Committee of the Legislative Council and House of Assembly, or as much thereof as may be necessary, to defray the expense of the erection of a sufficient Building, for a Coach House and Harness Room, to be built of Brick, the area of the same not to exceed Twelve hundred feet, and also for such other necessary expenditure in and about Government House, as the said Committee may direct.

And a further sum of Two thousand Five hundred Pounds, or as much thereof as may be required, to the Commissioners for the erection of the Colonial Building, to defray the amount of the Contract entered into for the additions and alterations now in progress at the said Building.

And a further sum of One hundred Pounds, to His Excellency the Lieutenant Governor in

Council, or much thereof as may be necessary, to be expended (in addition to the sum of Two hundred Pounds granted by Her Majesty) towards defraying the cost of a Geological Survey of this Island, to be conducted by some competent person, appointed for that purpose by His Excellency and Her Majesty's Council.

£100 for Geological Survey in addition to £200 granted by Her Majesty from Crown Land fund.

And a further sum of Ten Pounds, to defray the salary of the Librarian, for the past year.

£10 for salary of Librarian to Legislature.

And a further sum of Forty Pounds, to E. R. Humphreys, Esq., Head Master of the Central Academy, as a remuneration for his services in editing a new Edition of the English Reader, for the use of the District Schools of this Island.

£40 to E. R. Humphreys, Esq. for a new edition of the English Reader.

And a further sum of One thousand five hundred Pounds, to the joint Committee of the Legislative Council and House of Assembly, together with the Commissioners for the erection of the Colonial Building, or as much thereof as may be deemed necessary to be laid out, in furnishing the different apartments in the said Building, intended for the use of the Legislature, Courts of Law and Equity, and the Public Library, and also in providing the most approved means of heating the same.

£1500 for finishing public apartments in Colonial Building.

And a further sum of One hundred Pounds, or as much thereof as may be required, to His Excellency the Lieutenant Governor and Council, for the purpose of paying Bounties, to encourage the Cod Fishery of this Island, for the present year, under the regulations and provisions of an Act passed in the Seventh year of the reign of Her present Majesty, intituled "An Act for the encouragement of the Seal and Cod Fisheries."

£100 for Bounties for cod fishery.

And a further sum of Sixty Pounds to the Speaker, and the sum of Thirty Pounds to each of such of the Members of the House of Assembly as have attended in their places during the present Session, together with the usual travelling charges coming to and returning from the present Session, to reimburse them for their expenses.

£60 to Speaker of Assembly and £30 each to members of Assembly, together with travelling charges.

£75 for purchase of Books for Legislative Library.

And a further sum of Seventy-five Pounds, to be placed at the disposal of the joint Committee of the Legislative Council and House of Assembly, to purchase Books for the use of the Library.

£35 to Ladies Benevolent Society.

And a further sum of Thirty-five Pounds, to the Ladies' Benevolent Society, in aid of the funds of that Society.

£30 to William Cundall for Index to Laws.

And a further sum of Thirty Pounds to William Cundall, Esq. for preparing an Analytical Index of the Statutes of this Island, and correcting the same while in progress through the Press.

£550 for the erection of a Light House at Point Prim.

And a further sum of Five hundred and fifty Pounds, to be placed at the disposal of His Excellency the Lieutenant Governor in Council, to defray the expense of a Light House, to be erected on Point Prim, of stone and brick, agreeably to a plan and specification submitted to the House of Assembly by Mr. Isaac Smith.

£5 for clearing site for such Light House.

And a further sum of Five Pounds, for clearing the Land at Point Prim for the site of the intended Light House.

£14 for assessment on Govt. Pews in St. Paul's Church.

And a further sum of Fourteen Pounds, to defray the Assessment on Government Pews in Saint Paul's Church, Charlottetown.

£6 to Trustees of St. James' Church, for a Pew for Legislature and £6 to Trustees of Wesleyan Chapel for a Pew for Legislature.

And a further sum of Six Pounds, to the Trustees of Saint James's Church, for the use of a Pew for the Legislature; and a further sum of Six Pounds, to the Trustees of the Wesleyan Methodist Chapel, for the use of a Pew for the same purpose.

£10 to Charlottetown Mechanics' Institute.

And a further sum of Ten Pounds, to the Office-bearers of the Charlottetown Mechanics' Institute, in aid of the Funds of that Institution.

£150 to Central Agricultural Society for the purchase of a Blood Horse.

And a further sum of One hundred and Fifty Pounds, to the Central Agricultural Society, for the purchase and importation of an Entire Blood Horse, to be sold, on arrival, at Public Auction, under the following conditions; that the said Horse shall stand for the First and Second years, Three days in every Month, in each of the Counties of Queen's, Prince, and King's Counties, during the Months of May, June, and July, and not to be

exported from this Island; the proceeds of such sale, (after any sum the above Society may have advanced in addition to this grant for the above object,) being repaid to the Society, then the remaining balance to be paid into the Treasury of this Island.

And a further sum of One hundred and Fifty Pounds, for the encouragement of Agriculture, to be equally divided among the Three Counties, for the purchase of Seeds and Implements of Husbandry, according to the following scale: Thirty Pounds to the Central Agricultural Society; Ten pounds to the New London Agricultural Society; Ten pounds to the Independent Agricultural Society, established at Lot Forty-nine; Ten pounds to the Bedeque Society; Ten pounds to the Princetown Society; Ten pounds to the Saint Eleanor's Society; Ten pounds to the Cascumpeque Society; Ten pounds to the Tignish Society; Twenty-seven pounds to the Eastern Agricultural Society; Twenty-three pounds to the Souris Farming Club. The several sums to be paid to the Presidents of the respective Societies.

£150 to different
Agricultural
Societies.

And a further sum of Eleven Pounds eleven shillings and two-pence, to James Millner, together with the sum of Forty-four Pounds six shillings and one-penny half-penny, the unappropriated money, voted for the repairs of Government House for the past year, making in all, the sum of Fifty-five Pounds seventeen shillings and three-pence half-penny, being the said James Millner's account against Government House, for the last two years ending the Twelfth day of December, One thousand eight hundred and forty-four.

£55 17s 3½d to
James Millner for
work at Govt.
House.

And a further sum to John Dunn of Belfast, Ireland, Owner of the ship "Independence" or to his agent, sufficient to reimburse him for an amount of head money paid by him on a number of Emigrants, who were on board the said ship when she put into the port of Charlottetown, on her way to Quebec, in the year One thousand Eight hundred and forty-four, the said money to

A sum to John
Dunn as returned
Head money
paid by him on
Emigrants not
landed in this
Colony.

be refunded on his producing the necessary vouchers, to the satisfaction of the Lieutenant Governor and Council, for the number of said Emigrants landed and paid head money for at Quebec, from the said ship.

£17 to Messrs. M^r Kenzie and M^r Kieastonnage bounty on a vessel employed by them in Seal fishing.

And a further sum of Seventeen Pounds, to Messrs. Mackenzie and Mackie, late Owners of the Schooner Caledonia, being for tonnage bounty on the said vessel employed in the Seal Fishery, in the year One thousand eight hundred and forty-four.

£2 10s to James Walsh for sundry disbursements, &c.

And a further sum of Two pounds ten shillings, to James Walsh, Lot Forty-eight, to repay him for sundry disbursements made by him, in keeping the public Pump, at the Ferry opposite Charlottetown in repair, for some years past, the said amount to be paid on producing a certificate, from the Commissioner of Roads for the Tenth District, that the pump is in efficient repair, and a sufficient Water Trough placed thereat for the use of the public.

£4 to complete Well at North Cape.

And a further sum of Four Pounds to the Road Commissioner of District Number One, to complete a Well at the North Cape.

£2 10 to Mrs. M^r Innis balance of contract of her late husband.

And a further sum of Two Pounds ten shillings to Mrs. Duncan M^r Innis of Gallows Point, being the balance due by the Government on a Contract to widen a Wharf, contracted for by her husband.

£9 15s to James Warburton, Sheriff of Prince County.

And a further sum of Nine Pounds fifteen shillings to James Warburton, Esq., to reimburse him for money paid for extra Constables at the trial of William Hiscox in December last.

£4 to each of the Jails in King's and Prince Counties to defray expense of Medical attendant.

And a further sum of Four Pounds to each of the Jails in King's and Prince Counties, for Medical attendance for the present year.

£20 to widow of George Tanton.

And a further sum of Twenty Pounds for the present year, to Mary Tanton, widow of the late George Tanton, who was killed in the execution of his duty, assisting in the apprehension of William Hiscox.

And a further sum of Twenty Pounds, to Isaac Scales, Lot Seventeen, who was wounded in the execution of his duty as Constable.

£20 to Isaac Scales.

And a further sum of Twenty Pounds for the present year, to Catherine Brown, of Charlottetown, Widow of the late Alexander Brown, Master in the Central Academy, in consideration of the services of her late husband, as a Teacher, for the period of Twenty-four years in this Colony.

£20 to Catherine Brown, widow of Alexander Brown.

And a further sum of Four Pounds, to John Coughlan, jun., of Township Eighteen, to defray an amount paid by him for medical attendance and Medicine, in consequence of bodily injury sustained by him in the execution of his duty as Constable.

£4 to John Coughlan, jun.

And a further sum of Fifteen Pounds Ten Shillings to John Macintosh, Esq., towards the relief of the following persons: Angus Wilson, One pound ten shillings; Thomas Devereux, Four Pounds; Victoire De Coste, Two Pounds; Michael O'Neil, Two Pounds; Nancy Maceachern, Two Pounds; Nancy Macdonald, Two Pounds; John Macmillan, Two Pounds.

£15 10s to John Macintosh, Esq. for relief of several persons.

And a further sum of Thirty-six Pounds to the Hon. John Small Macdonald, towards the relief of the following persons:—John Ready, Two Pounds; John Macdonald, Lot Fifty-seven, Three Pounds; James Conway, Two Pounds; Mary Britton, Three Pounds; Jane Kier, Two Pounds; Adelaide Murphy, Two Pounds ten shillings; John Hynes, Three Pounds; Flora Macphee, Two Pounds; Patrick M'Carron, Three Pounds; Pierce Walsh, St. Peter's, Two Pounds; Ann Maclean, Two Pounds ten shillings; Widow Macleod, late of Fort Augustus, Three Pounds; Catherine Macdonald, Three Pounds; three orphan children named M'Sween, New Glasgow Road, Three Pounds.

£36 to Hon. J. S. Macdonald for relief of several persons.

And a further sum of Twenty-nine Pounds ten Shillings to W. B. Aitken, Esq., towards the relief of the following persons: Louisa Watling, Five Pounds; Catherine Walsh, Three pounds; Nancy Macphee, Two Pounds ten Shillings; Henry East, Three Pounds ten Shillings; Edward Dooley,

£29 10s to W. B. Aitken, Esq. for relief of several persons.

Two Pounds; John Macleod; One Pound ten Shillings; Henry Prouse, Six Pounds; Richard Cochran; Two Pounds; John Rowan, to pay his passage to his friends, Three Pounds; Donald Ferguson, for money advanced, One Pound.

£8 10s to Allan Fraser, Esq. for relief of several persons.

And a further sum of Eight Pounds ten shillings to Allan Fraser, Esq. towards the relief of the following persons:—Michael Lang, Two pounds; Mary Gallant, Three pounds ten shillings; Thomas Condon, Three pounds.

£6 to Rev. Robert Douglas for relief of several persons.

And a further sum of Six pounds, to the Rev. Robert Douglas, towards the relief of the following persons: Catherine Partridge, Two pounds; Mrs. Brown, Two pounds; Mary Kenefie, Lot Thirty-seven, Two pounds.

£6 to William Bearisto, Esq. for relief of several persons.

And a further sum of Six pounds, to William Bearisto, Esq., towards the relief of the following persons: Benjamin Parry, Three pounds; Maurice Curran, Three pounds.

£12 10s to John Dalziel, Esq. for relief of several persons.

And a further sum of Twelve pounds ten shillings, to John Dalziel, Esq., towards the relief of the following persons:—John Griffin and sisters, Five pounds; James Cody, Lot Sixty-three, Five pounds; Patrick Kieffe, Two pounds ten shillings.

£25 to James Yeo, Esq. for relief of several persons.

And a further sum of Twenty-five pounds, to James Yeo, Esq., towards the relief of the following persons: Anastatia Carrigan, Two pounds; John Ruth and Wife, Three pounds; James Adams, Three pounds; Ellen Moran, Eight pounds; George Murray, Four pounds; Jane Cotton, Three pounds; Sally Francis, One pound; Widow Nocot, One pound.

£30 to the Speaker for the relief of several persons.

And a further sum of Thirty pounds, to the Hon. the Speaker, towards the relief of the following persons: Mary Macinnis, Two pounds; Widow Ann Young, Three pounds; Elizabeth Macdonald, One pound Ten Shillings; Peter Rusher, One pound; Widow Mackenna, Two pounds ten shillings; Matthew Flinn, Fourteen pounds; Mrs. Crew, Three pounds; Flora Nicholson, One pound ten shillings; William Macneil, One pound ten shillings.

And a further sum of Four pounds ten shillings, to Alexander Rae, Esq., towards the relief of the

following persons: Daniel Quigley, One pound; James Gillis, Two pounds; Benjamin Warren, One pound ten shillings.

£4 10s to Alexander Rae, Esq. for relief of several persons.

And a further of Thirty pounds ten shillings, to the Rev. John MacLennan, towards the relief of the following persons: James Maddox, Six pounds; Margaret Finlayson, towards the support of her son, Five pounds; Mary Macaulay, towards the support of her son John, Eight pounds; Ann Macdonald, Two pounds ten shillings; Donald Munn, One pound ten shillings; John Macleod, One pound ten shillings; Flora Macleod, Three pounds; Christie Currie, Three pounds.

£30 10s to Rev. John MacLennan for relief of several persons.

And a further sum of Twelve pounds, to James Arthur, New Glasgow, towards the relief of Robert Winter.

£12 to James Arthur for relief of Robert Winter.

And a further sum of Three pounds, to James Maccallum, Brackley Point, towards the relief of Pierre Doucette, Rustico.

£3 to James M'Callum for relief of Pierre Doucette.

And a further sum of Twenty-one pounds, to Mr. James Simpson, towards the relief of the following persons: Three blind persons named Mackay, Mill River, New London, Fifteen pounds; Alexander Maclean, Four pounds; Henry Windsor, Two pounds.

£21 to James Simpson for relief of several persons.

And a further sum of Eight pounds ten shillings, to Alexander Maclean, Esq., towards the relief of the following persons: Thomas Prendergast, Five pounds; Angus Gordon, Two pounds; Alexander Macleod, One pound ten shillings.

£8 10s to Alexander Maclean, Esq. for relief of several persons.

And a further sum of Thirty-four pounds, to the Benevolent Irish Society, towards the relief of the following persons: Jeremiah Kehoe, Three pounds; Nathaniel Gibbs, Three pounds; Eliza Stapleton, Two pounds ten shillings; Mary Shore, Two pounds ten shillings; Richard Whelan, Two pounds; Margaret Maccarthy, Eight pounds; Elizabeth Lallow, Three pounds; William Purcell, Ten pounds; and that the sum of Ten pounds ten shillings, now in the hands of the said Society, be expended towards the relief of the following persons: William Maher, Five pounds; Patrick Corrigan, Three pounds; Mrs. Luke Murphy, Two pounds ten shillings.

£34 to Benevolent Irish Society for relief of several persons.

Ed. J. H.
3/1/07