

At the **GENERAL ASSEMBLY** of the Province of Nova-Scotia, begun and holden at Halifax, on Thursday, the Twenty-first day of January, 1836, in the Sixth Year of the Reign of Our Sovereign Lord WILLIAM the Fourth, by the Grace of God, of the United Kingdom of Great-Britain and Ireland, KING, Defender of the Faith, &c. &c. being the Sixth Session of the Fifteenth General Assembly convened in the said Province.*

* In the time of Sir COLIN CAMPBELL, Lieutenant-Governor ; Brenton Halliburton, Chief-Justice, and President of the Council ; Samuel George William Archibald, Speaker of the Assembly ; Sir Rupert D. George, Secretary of the Council ; Thomas W. James, Acting Secretary of the Council ; and John Whidden, Clerk of Assembly.



An Act for applying certain Monies therein mentioned for the service of the Year of Our Lord One Thousand Eight Hundred and Thirty-six, and for appropriating such part of the Supplies granted in this Session of the General Assembly as are not already appropriated by the Laws or Acts of the Province.

(PASSED THE 4th DAY OF APRIL, 1836.)

MAY IT PLEASE YOUR EXCELLENCY.

WE, His Majesty's dutiful and loyal Subjects, the House of Assembly of His Majesty's Province of Nova-Scotia, towards appropriating the Supplies granted to His Majesty in this Session of the General Assembly, and for supplying the exigencies of His Majesty's Government, do humbly beseech that it may be enacted, and

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly, That, by or out of such Monies as now are, or from time to time shall be or remain in the Public Treasury of this Province, there shall be paid the sum of 200l to the Speaker of the House of Assembly in full for his Salary, as Speaker, during the present year.*

200l Speaker of Assembly

And a further sum of 225l to the Attorney-General, for his services for the present year.

225l Attorney General

And a further sum of 100l to the Solicitor-General, for his services for the present year.

100l Solicitor General

And a further sum of 600l to the Treasurer of the Province, for his Salary, and as Comptroller and Auditor of Public Accounts, and in lieu of Office Rent, Clerks and all other contingent expenses, for the same year.

500l Treasurer

And a further sum of 100l to the Clerk of the Council in General Assembly, and as Clerk of His Majesty's Council, for his services in the same year.

100l Clerk of Council

And a further sum of 200l to the Clerk of the House of Assembly, for his services for the same year.

200l Clerk of Assembly

And a further sum of 30l for defraying the expenses of Council in General Assembly, for the same year, to be paid on the Certificate of the President of the Council and not otherwise.

30l Expenses of Council

And a further sum of 25l to the Venerable Archdeacon Willis, Doctor in Divinity, for his services as Chaplain to His Majesty's Council, during the present Session.

25l Rev. Dr. Willis

And a further sum of 25l to the Reverend Fitzgerald Uniacke, for his services as Chaplain to the House of Assembly, during the present Session.

25l Rev. F. Uniacke

And a further sum of 100l to the Deputy-Clerk of the Council, for his services for the present Session.

100l Dy. Clerk Council

And a further sum of 100l to the Assistant Clerk of the House of Assembly, for his services for the present Session.

100l Ast. Clerk Assembly

And a further sum of 40l to the Messenger of the Governor, Lieutenant-Governor or Commander in Chief for the time being, and His Majesty's Council, as well in their Legislative capacity or otherwise, for the present year.

40l Messenger of Governor

And a further sum of 50l to Matthew Forrester, for his services as Sergeant at Arms to the House of Assembly, during the present Session.

50l M. Forrester

And a further sum of 30l to Alexander Boyle, for his services as Assistant Sergeant at Arms to the House of Assembly, during the present Session.

30l A. Boyle

And

- 301 J. Gibbs And a further sum of 30*l* to John Gibbs, for his services as Messenger to the House of Assembly, during the present Session.
- 235*l* Guager & Weigher And a further sum of 235*l* to the Guager and Weigher, for the Collector of Impost for the District of Halifax, for his services for the present year.
- Allowance to Waiters And a further sum, to be paid on the Certificate of the Commissioners of the Revenue, at the rate of 7*s*. 6*d*. per day to such Person or Persons as shall be employed during the year aforesaid, by the Collector of Impost for the District of Halifax as extra Waiter or Waiters for the Port of Halifax, and 5*s*. per day to such extra Waiter or Waiters when unemployed, and at the rate of 5*s*. per day to Temporary Waiters.
- 45*l* Clerk of Revenue Board And a further sum of 45*l* to the Clerk of the Commissioners of the Revenue, for his services for the present year.
- 20*l* Secretary of Province And a further sum of 20*l* to the Secretary of the Province, for Stationary on account of the Warrants to be drawn on the Treasury, for the present year.
- 250*l* Contingent Expenses And a further sum of 250*l* to defray such contingent expenses as may arise during the present year, to be drawn by Warrant from the Governor, Lieutenant-Governor or Commander in Chief for the time being.
- 600*l* Transient Poor And a further sum of 600*l* for the support of the Transient Poor for the present year, to be paid to the Commissioners of the Poor at Halifax.
- 20*l* Keeper of Gunpowder And a further sum of 20*l* to the Person who has the care of the Gunpowder at Halifax, for his services for the present year.
- 50*l* Adjutant General And a further sum of 50*l* to the Adjutant-General of Militia, in full for his services, and for the payment of his Clerk, Stationary and Postage, for the present year.
- 350*l* J. Howe And a further sum of 350*l* to John Howe, Esquire, Printer, for printing for Government and the General Assembly, for the present year.
- 60*l*. Keeper of Assembly House And a further sum of 60*l* to the Keeper of the Assembly House and Council Chamber and Law Library, for the present year.
- 40*l* L. Kavanagh And a further sum of 40*l* to Lawrence Kavanagh, Esquire, to be drawn from the Treasury when it shall be certified by a Judge of the Supreme Court that he has conveyed the Judge or Judges to the several Circuit Courts in Cape-Breton, during the present year.
- 100*l* Relief of Indians And a further sum of 100*l* at the disposal of His Excellency the Lieutenant-Governor or Commander in Chief for the time being, to be applied in such way as he may deem most proper, for the relief of the Indians of this Province.
- 25*l* School in Poor House And a further sum of 25*l* to the Commissioners of the Poor in Halifax, to defray the expense of continuing the School in the Poor-House for the present year, for the benefit of Orphans and Poor Children in that Establishment.
- 50*l* Parrsboro' Packet And a further sum of 50*l* to the Owners of the Packet running between Windsor and Partridge Island, to encourage the running of the said Packet between the said places, under such Regulations as may be made and ordered by the Justices in their Sessions for the County of Hants for the present year.
- 20*l*. Ferry at Shubenacadie And a further sum of 20*l* to aid the Inhabitants of Douglas, at the mouth of the Shubenacadie, in supporting a suitable Boat to run between Londonderry and that place, the said Boat to run under the Regulations of the General Sessions for the County of Hants, to be paid by Warrant from His Excellency the Lieutenant-Governor upon Certificate of the said Sessions, that such Boat has been running actually at least twice a week for four months, to the satisfaction of the said Sessions, under their Regulations.
- 20*l* LaHave Ferry And a further sum of 20*l* to John Pernette, Esquire, to aid him in keeping up the Ferry across LaHave River.
- 20*l* Cause Ferry And a further sum of 20*l* to aid the Inhabitants of Cape-Breton in supporting a suitable Boat or Scow, to run between McMillan's Point, in Cape-Breton, and Auld's Cove, in the County of Sydney, the said Boat or Scow to be placed under the Regulation of the General Sessions for the North Western District of the County of Cape-Breton.
- 50*l* Bishop Fraser And a further sum of 50*l* to the Right Reverend Bishop Fraser, to compensate the Clergyman in charge of the Indians of Cape-Breton, for his Religious Instructions bestowed upon them.
- 400*l* Sable Island And a further sum of 400*l* to the Commissioners of Sable Island, for the support of that Establishment for the present year.
- 250*l* repairs of Province Buildings, &c. And a further sum of 250*l* to defray the sum of 49*l* 5*s* and 4*d* due to sundry persons, according to the Report of the Committee of Public Accounts, and for repairs of Province Buildings and the Government House, during the present year.
- 300*l* Bridewell And a further sum of 300*l* to the Commissioners of Bridewell, for the support of the present Establishment for the current year, and for the temporary repair of the buildings.
- Road and Bridge Service—District of Halifax Colchester And a further sum of 957*l* for the several Roads and Bridges in the District of Halifax, to be applied and expended agreeably to a Resolution of the House of Assembly, passed on the eighth day of March in the present year, and agreed to by the Council.
- Pictou And a further sum of 750*l* for the several Roads and Bridges in the District of Colchester, to be applied and expended as aforesaid.
- And a further sum of 813*l* for the several Roads and Bridges in the District of Pictou, to be applied and expended as aforesaid.

- And a further sum of 82*1* for the several Roads and Bridges in the County of Sydney, to be applied and expended as aforesaid. County Sydney
- And a further sum of 696*1* for the several Roads and Bridges in the County of Cumberland, as aforesaid. Cumberland
- And a further sum of 797*1* for the several Roads and Bridges in the County of Hants, to be applied and expended as aforesaid. Hants
- And a further sum of 797*1* for the several Roads and Bridges in the County of King's County, to be applied and expended as aforesaid. King's
- And a further sum of 831*1* for the several Roads and Bridges in the County of Annapolis, to be applied and expended as aforesaid. Annapolis
- And a further sum of 829*1* for the several Roads and Bridges in the County of Shelburne, to be applied and expended as aforesaid. Shelburne
- And a further sum of 695*1* for the several Roads and Bridges in the County of Queen's County, to be applied and expended as aforesaid. Queen's County
- And a further sum of 762*1* for the several Roads and Bridges in the County of Lunenburg, to be applied and expended as aforesaid. Lunenburg
- And a further sum of 1,250*1* at the disposal of His Excellency the Lieutenant-Governor or Commander in Chief for the time being, to be expended on the several Roads and Bridges in the County of Cape-Breton. Cape-Breton
- And a further sum of 100*1* to John F. Muncey, to compensate him for expenses incurred, and for assistance bestowed by him in succouring Shipwrecked Persons, agreeably to the Report of the Committee on his Petition. 100*1* J. F. Muncey
- And a further sum of 19*1* 10*s* to John and Henry Muncey, for Bounty on a Sealing Voyage, agreeably to the Report of the Committee. 19*1* 10*s* J. & H. Muncey
- And a further sum of 6*1* 15*s* to James Farrell, in compliance with the recommendation of the Committee. 6*1* 15*s* J. Farrell
- And a further sum of 15*1* 10*s* to Robert L. Gray, for Medical Attendance upon Shipwrecked Persons, and other services performed by him, in conformity with the recommendation of the Committee on his Petition. 15*1* 10*s* R. L. Gray
- And a further sum of 24*1* 12*s* 3*d* to the Overseers of the Poor for the Township of Egerton, for the support of Transient Paupers, agreeably to the Report of the Committee. 24*1* 12*s* 3*d* Overseers of Poor Egerton
- And a further sum of 75*1* to remunerate the late Overseers of the Poor for the Township of Pictou, for expenses incurred and paid by them for support of Transient Paupers, for which expenses the said Overseers have not been enabled to obtain payment from the Township, agreeably to the Report of the Committee of the House of Assembly. 75*1* Overseers of Poor Pictou
- And a further sum 300*1* to the Managing Committee of the Horton Academy, in aid of that Institution for the present year. 300*1* Horton Academy
- And a further sum of 100*1* to the Reverend R. F. Uniacke, to enable him to defray the expenses incurred to support Schools for Poor Children in the North Suburbs of the Town of Halifax. 100*1* R. F. Uniacke's School
- And a further sum of 100*1* in aid of the Arichat Academy for the present year, to be placed in the hands of Trustees to be appointed by His Excellency the Lieutenant-Governor, agreeably to the prayer of the Petition of the Inhabitants of Arichat. 100*1* Arichat Academy
- And a further sum of 100*1* to the Trustees of the Yarmouth Academy, in aid of that Institution for the present year. 100*1* Yarmouth Academy
- And a further sum of 50*1* to the Commissioners of Schools for the County of Lunenburg, for the support of the National School in the Town of Lunenburg, for the present year. 50*1* Schools Lunenburg
- And a further sum 50*1* to the Ladies' Managers of the Infant School at Halifax, in aid of that Institution for the present year. 50*1* Infant School
- And a further sum of 25*1* to assist the Inhabitants of New Caledonia, in Granville, in building a School House at such Settlement, agreeably to the prayer of their Petition. 25*1* School at New Caledonia
- And further the following sums to the several Persons hereinafter named respectively, the same being for Returns of Duties paid by them as appears by the Report of the Committee on their several Petitions, viz.:
- To George E. Morton the sum of 17*1* 2*s* 5*d*. G. E. Morton
- To William Muir the sum of 16*1* 18*s*. Wm. Muir
- To Joshua Snow the sum of 10*1* 12*s* 6*d*. Joshua Snow
- To Thomas Whittemore the sum of 12*1* 10*s*. Thos. Whittemore
- To James Fletcher, George Cochran and James Cochran, the sum of 5*1* 12*s* 6*d*; and Jas. Fletcher and others
- To Charles Starr the sum of 6*1* 17*s*. Charles Starr
- And a further sum of 20*1* to the Reverend Joseph Dimock, as a compensation for the loss of Land appropriated for the alteration of the Main Post-Road from Windsor to Chester; and also, the sum of 17*1* expended by him in Fencing the same last year, agreeably to the Report of the Select Committee. 20*1* & 17*1* Rev. J. Dimock
- And a further sum of 20*1* to erect a Beacon on Wedge Island; in accordance with the Report of the Committee. 20*1* Beacon on Wedge Island
- And a further sum of 30*1* to Doctors Stirling and Grigor, to enable them to discharge the debt for which they are now liable on account of the Halifax Dispensary. 30*1* Dispensary

- 50l Dispensary . And a further sum of 50l to Doctors Stirling and Grigor, in aid of the Halifax Dispensary for the present year, provided they keep, during the year, a sufficient quantity of Vaccine Matter.
- 50l Mechanics' Institute . And a further sum of 50l to the Mechanics' Institute, for the purchase of Philosophical Apparatus and Ornithological Collections, agreeably to the prayer of their Petition.
- 50l P. Connor . And a further sum of 50l to Patrick Connor, as a compensation for the loss of his Arm while engaged in executing his duty as a Constable, in pursuance of his Petition and the Report of the Committee thereon.
- 200l Liverpool Bridge . And a further sum of 200l to the Commissioners of the Great Liverpool Bridge, to aid them in planking and repairing the same.
- 100l preparing 4th Vol. Laws . And a further sum of 100l at the disposal of His Excellency the Lieutenant-Governor, to compensate the Gentlemen who have prepared for publication the Fourth Volume of the Province Laws.
- 20l Oat Mill LaHave . And a further sum of 20l to William Newcomb, or any other Person who shall hereafter build an Oat Mill at Upper LaHave, in the County of Lunenburg—said sum to be drawn from the Treasury when it shall be certified by the Court of Sessions that said Mill, with the Kiln, has been built and in operation.
- 20l Oat Mill Annapolis . And a further sum of 20l to assist the Inhabitants of the Township of Annapolis to build an Oat Mill, agreeable to the former Regulations.
- 220l Bridge over Ball's Creek . And a further sum of 220l to assist in building a Bridge over Ball's Creek near Sydney, Cape-Breton, to be paid when it shall be certified to His Excellency the Lieutenant-Governor, that 100l raised by private contribution has been expended in the same work.
- 20l Dr. J. C. Hume . And a further sum of 20l to Doctor James C. Hume, for his Salary as Secretary to the Central Board of Health for the last year.
- 8l 15s 9d Overseers of Poor Yarmouth . And a further sum 8l 15s 9d to the Overseers of the Poor for the Township of Yarmouth, being the amount expended by them on Shipwrecked Scamen, the Crew of Ship Kent, wrecked on Seal Islands.
- 200l Western Stage . And a further sum of 200l to the Western Stage Coach Company for one year after the expiration of the present Grant, in addition to the allowances for carrying the Mails—the Coaches to be run under the same Regulations as at present.
- 200l Eastern Stage . And a further sum of 200l to the Eastern Stage Coach Company for one year after the expiration of the present Grant, under the same Regulations and provisions as at present.
- 150l Steam Boat Digby . And a further sum of 150l to James Whitney, for running the Steam Boat between Annapolis and Digby, and Saint John, the present year, under the same Regulations and in the same manner as heretofore.
- 80l 16s 3d expenses at Scatarie . And a further sum of 80l 16s and 3d to His Excellency the Lieutenant-Governor, to defray the expenses at Scattaris, in relation to Shipwrecked Persons, including the charge for Mr. Dodd and Boat's Crew, as stated in His Excellency's Message to the House of Assembly of the thirteenth day of February last.
- 50l burying Shipwrecked persons at Little Loran . And a further sum of 50l to His Excellency the Lieutenant-Governor or Commander in Chief for the time being, to defray the amount expended in burying the remains of Shipwrecked Persons at Little Loran, in Cape-Breton, as stated in His Excellency's Message of the thirteenth day of February last.
- 155l 19s 4d Distressed Settlers, &c. . And a further sum of 155l 19s 4d to His Excellency the Lieutenant-Governor, to defray the expenses of distressed Settlers and Colored People, as stated in His Excellency's Message of the thirteenth day of February last.
- 191l Surveys, &c. . And a further sum of 191l at the disposal of His Excellency the Lieutenant-Governor, to defray the expense of the Surveys, Plans and Estimates, for repair of the Main Post Roads, obtained by His Excellency under the Resolution of the House of Assembly during its last Session, agreeably to the Report of the Committee of this present Session.
- 172l 19s 1/2 Provincial Maps . And a further sum of 172l 19s 1/2 to William McKay, being the balance due him for services performed as Draughtsman, &c, in preparing and fitting the Provincial Maps, under the direction of a Committee of the House of Assembly, and agreeably to the Report of the Committee of the present Session on the same subject.
- 10l M. Maddock . And a further sum of 10l to Matthew Maddock, to aid him in replacing a Horse lost when carrying the Mail.
- 20l Angus McLellan . And a further sum of 20l to Angus McLellan, to reimburse him for the conveyance of the Mail from Mabou to Whycocomagh for four years, as reported by the Post-Office Committee.
- 1,666l 13s 4d Post Communication . And a further sum not exceeding 1,666l 13s 4d for defraying the expenses of the Post Communication for the Year One Thousand Eight Hundred and Thirty-six, agreeably to the Report of the Committee and for the purposes therein stated.
- 972l 1s 3d to Comrs. of Light-Houses . And a further sum of 972l 1s 3d to the Commissioners of Light-Houses for the balance due them, agreeably to the Report of the Committee of Public Accounts.
- 331l J. Howe extra printing . And a further sum 331l 5s to John Howe, Esquire, for extra Printing for the year One Thousand Eight Hundred and Thirty-five, agreeably to the account of Messrs. John Howe & Son, and the Report of the Committee thereon.
- 4l 10s C. H. Belcher . And a further sum of 4l 10s to Clement H Belcher, for stitching, doing up and preparing, three hundred Pamphlets containing the Revenue Laws of the Province, agreeably to his account.

And

And a further sum not exceeding 75*l* to the Clerk of the House of Assembly, to defray the expense of Stationary and binding of Journals and Laws, for the Council and House of Assembly, during the present Session.

75*l*. Clerk of Assembly

And a further sum of 10*l* to John James Sawyer, Esquire, High Sheriff of the County of Halifax, for his expenses as such Sheriff at the opening and closing of the present Session of the General Assembly.

10*l*. J. J. Sawyer

And a further sum not exceeding 165*l* to defray the expenses of extra Messengers to the Council and House of Assembly, and for Fuel and sundry other articles and services for the Council and House of Assembly, according to Estimate, the said sum to be drawn and applied by the Clerk of the House of Assembly, under the sanction of the President of the Council and Speaker of the House of Assembly; and that there be also granted and paid to the said Clerk the additional sum of 12*l* 2*s* 6*d* to defray the expenses of the Funeral of the late John Homer, Esquire, late a Member of the House of Assembly, pursuant to a Resolution of the said House.

160*l*. Expenses of Council and House

And a further sum of 20*l* to the Chairmen of the House of Assembly, for their services as such Chairmen, to be added to their usual pay Tickets.

20*l*. Chairmen

And a further sum of 100*l* each to the Clerk and Assistant-Clerk of the House of Assembly for their extra services, during the present Session.

100*l*. Each Clerks of House

II. *And be it further enacted*, That a sum not exceeding Fifty Pounds shall be granted and placed at the disposal of His Excellency the Lieutenant-Governor or Commander in Chief for the time being, to enable him to defray the expense of purchasing Potatoes for the relief of the distressed Settlers at the head of Saint George's Bay, in the County of Cape-Breton, and that such precautions be adopted as will ensure the re-payment of the same by labor on the Roads, during the present year.

50*l*. Settlers at Cape-Breton

III. *And be it further enacted*, That the sum of Ten Pounds granted last year, and unexpended, for the Main Road from Starrat's, in Wilmot, to Granville, be expended in the alteration of the Main Road in Wilmot, between Phinney's Farm and Oak's Bridge; and also, Seventeen Pounds granted from Wilmot to Francis Smith's, and undrawn, be expended in the same alteration.

10*l*. Road in Wilmot

And whereas, it appears by the Petition of the Halifax Steam-Boat Company, and by the Report of the Select Committee to whom the same was referred, that very extensive and general benefit results to the Public by means of the Steam-Boat now on the Ferry between Halifax and Dartmouth, although the said Company are not as yet reimbursed any portion of the cost thereof:

IV. *Be it therefore enacted*, That the sum of Two Hundred Pounds be granted and paid to the said Company, towards the support of the said Establishment, during the present year.

200*l*. Steam Boat Company

And whereas, the intercourse with the Eastern parts of the Province would be greatly facilitated and increased, if a second Steam-Boat were employed on the said Ferry:

V. *Be it therefore enacted*, That the sum of Five Hundred Pounds be granted and paid to the Halifax Steam-Boat Company, to be drawn from the Treasury when it shall be certified to His Excellency the Lieutenant-Governor, or Commander in Chief for the time being, that another Steam-Boat of not less than Sixteen Horse power has been provided, and is in readiness to ply for the accommodation of the public.

500*l*. Steam Boat Company

VI. *And be it further enacted*, That the sum of Seven Hundred and Fifty Pounds already appropriated for completing a Road round Bedford Basin, be placed at the disposal of His Excellency the Lieutenant-Governor, or Commander in Chief for the time being, to be expended under his direction for that purpose, on the inhabitants of Halifax satisfying His Excellency that they will provide sufficient Funds to complete the same.

750*l*. Road round Bedford Basin

VII. *And be it further enacted*, That the sum of One Hundred Pounds undrawn from the Treasury, granted last year in aid of the Annapolis Academy, be appropriated for the support of that Institution for the present year, and that a further sum of Twenty-five Pounds be granted and paid to the Trustees of that Academy, to remunerate the principal Teacher therein, for the part of the last year in which he taught.

100*l*. and 25*l*. Annapolis Academy

VIII. *And be it further enacted*, That there shall be placed at the disposal of His Excellency the Lieutenant-Governor, or Commander in Chief for the time being, the unexpended balance of the Money voted for Arisaig Pier, that such part of it may be laid out in repairs as are necessary for the preservation of the Works, but not to exceed the amount thereof, being One Hundred and Fifty-three Pounds Three Shillings and Eleven Pence. *Provided*, that, before any part of such balance be applied as aforesaid, an amount equal to the sum so applied shall be contributed by the Inhabitants in labor and materials or otherwise for the same purpose.

153*l*. 3*s*. 11*d*. Arisaig Pier

IX. *And be it further enacted*, That out of the Six Hundred Pounds of Road Money for the County of Sydney, which is placed at the disposal of His Excellency the Lieutenant-Governor, His Excellency shall be authorized to lay out Thirty Pounds of the same in repairing the Bridges on the Great Eastern Line from Guysborough to the Cross Roads at Country Harbor.

30*l*. Roads and Bridges from Guysboro to Country Harbor

X. *And be it further enacted*, That such sum be granted and paid to the Deputy-Secretary of the Province, as will enable him to pay Three Pounds Ten Shillings each, to the several Clerks of the Peace to whom His Excellency directed Road Commissions, with the Bonds to be executed, for the year One Thousand Eight Hundred and Thirty-five.

3*l*. 10*s* each Clerks of the Peace

XI. *And be it further enacted*, That if any accident shall happen to any of the Bridges on the Main Roads in this Province, or any unforeseen obstructions to travelling shall arise from the fall of Trees

500*l*. Road Emergencies

or otherwise, it shall and may be lawful for His Excellency the Lieutenant-Governor or Commander in Chief for the time being, to order a Commissioner or Commissioners to repair or rebuild such Bridges, or to remove such obstructions; and it shall and may be lawful further for the Lieutenant-Governor or Commander in Chief for the time being, to draw Warrants on account and in favor of such Commissioner or Commissioners, provided the same shall not exceed the sum of Five Hundred Pounds.

Drawback on
Wines used by
Army & Navy

XII. *And be it further enacted*, That the Commissioners of the Revenue for the time being be, and they are hereby authorised and empowered, to allow a Drawback upon all Wines imported for, or consumed by, the Commissioned Officers of His Majesty's Army, composing the several Regimental Messes of the Garrison at Halifax, or to relinquish the Duties upon all such Wines, upon proof being made to the satisfaction of the said Commissioners, that the Wines, whereon a Drawback or relinquishment of Duties is claimed, were actually imported for, or consumed by, such Officers of the Army; Provided the whole amount do not exceed the sum of Three Hundred Pounds in any one year.

Pay of Mem-
bers

XIII. *And be it further enacted*, That the sum of One Pound per day be paid to each and every of the Members of the House of Assembly for the present Session, to be paid on the Certificate of the Speaker, also the Travelling Charges as heretofore; Provided, that no Member shall receive pay for more than forty-two days attendance.

Duties on cer-
tain Articles
imported from
United States
applied to the
support of the
Poor

XIV. *And be it further enacted*, That the Collector of Impost at the Port of Halifax, shall, and he is hereby required and directed to, keep a distinct account of all Duties collected by him upon the Importation from the United States of America of Live Stock, Apples, Onions, Fruit, Biscuit and Bread, under the Act of the General Assembly, passed in this present Session, entitled, An Act for granting Colonial Duties of Impost for the support of His Majesty's Government within this Province, and for promoting the Agriculture, Commerce and Fisheries thereof, and that the said Duties upon the above specified Articles, during the present year, shall be paid quarterly to the Commissioners of the Poor, for the use of the Poor of the Town of Halifax; Provided such payment do not exceed the sum of One Thousand Pounds during the present year.

Sections of Act
41, Geo. III,
and of Act 4,
Wm. IV. con-
tinued

XV. *And be it further enacted*, That the ninth, twelfth, sixteenth and eighteenth, Sections or Clauses of the Act, made and passed in the forty-first year of the Reign of His late Majesty King George the Third, entitled, An Act for applying certain Monies therein mentioned for the service of the year of Our Lord One Thousand Eight Hundred and One, and for appropriating such part of the Supplies granted in this Session of the General Assembly as are not already appropriated by the Laws or Acts of the Province; also, the eleventh, twelfth and thirteenth, Sections of the Act, passed in the fourth year of His present Majesty's Reign, entitled, An Act for applying certain Monies therein mentioned for the service of the year of Our Lord One Thousand Eight Hundred and Thirty-four, and for appropriating such part of the Supplies granted in this Session of the General Assembly as are not already appropriated by the Laws or Acts of the Province, shall be, and each of the said Clauses or Sections, are hereby continued in force, in as full and ample a manner as if herein repeated word for word, until the thirty-first day of March, which will be in the year of Our Lord One Thousand Eight Hundred and Thirty-seven, and no longer.

CAP. II.

An Act to Incorporate the Noel Associated Plaister and Mills Company.

(PASSED THE 12th DAY OF MARCH, 1836.)

Preamble

WHEREAS the Township of Douglas, in the County of Hants, offers advantageous situations for Mills and other Machinery for grinding Plaister of Paris or Gypsum, and for other purposes, and, for procuring the requisite Capital, it is desirable to Incorporate into a Body, Politic and Corporate, such persons as may be willing to advance Funds for such undertakings:

Incorporation
of the Noel
Associated
Plaister and
Mills Company

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That William O'Brien, Francis Parker, George William McLellan, Andrew O'Brien, George Hobbs, John MacKenzie and Isaac Hobbs, and all and every such other person or persons as shall from time to time become Proprietors of Shares in the Corporation hereby established, their Successors and Assigns, shall be, and they are hereby erected into a Company, and declared to be a Body Politic and Corporate, by the name of "The Noel Associated Plaister and Mills Company," and by that name shall and may

may have Succession, and a Common Seal, and by that name shall and may sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any Court or Courts of Law or Equity, or place whatsoever, and be able and capable in Law to have, hold, purchase, get, receive, take or lease, erect, set up, possess and enjoy, in any part of the Township of Douglas, in the County of Hants, Houses, Lands, Tenements, Hereditaments, Mills, Rents and Profits, in fee simple, Lease-hold or otherwise, and also, Goods and Chattles, and all other things, real, personal and mixed; and also, to give, grant, sell, let, assign or convey the same, or any part thereof, and to do and execute all other things in and about the same, as shall and may be thought necessary and proper for the benefit and advantage of the said Company; and also, that the said Company or the major part of them shall, from time to time and at all times, have full power, authority and license to constitute, ordain, make and establish, change, vary and alter, such Bye-laws and Ordinances as may be thought necessary for the good rule and government of the said Corporation, provided such Bye-laws and Ordinances be not contradictory or repugnant to the Laws or Statutes of the Province, and those in force within the same; and provided also, that such Bye-laws and Ordinances shall not be of any force or effect until the same have been submitted to, and approved by, the Governor, Lieutenant-Governor, or Commander in Chief for the time being, nor until the same shall have been Registered in the Office of the Registrar of Deeds for the County of Hants.

Powers and
privileges of
Company

II. *Provided always, and be it further enacted,* That the said Company shall not take, have, hold or possess, at any one time, a greater number than Twenty Thousand Acres of Land.

Lands to be
held by Com-
pany limited

III. *And be it further enacted,* That the said Company, and its affairs and business, shall be under the management and direction of a President, and such other Officers as shall or may be named and designated by the Bye-laws of the said Company; and the Capital of the said Company shall be divided into Shares of such amount as by the said Bye-laws may be hereafter provided, and such Shares shall be assignable and transferable in such manner, and upon such terms, as by the said Bye-laws may be also provided and directed.

Officers of
Company

Capital to be
raised

Shares trans-
ferrable

IV. *And be it further enacted,* That for and notwithstanding any Real Estate which the said Company may hold at any time, the Shares and Interest of the several Shareholders of and in the Capital Stock and Funds of the said Company shall be held and deemed to be Personal Property, to all intents and purposes whatsoever.

Shares con-
sidered personal
property

V. *And be it further enacted,* That all such Lands and Real Estate, or so much thereof as may be necessary to satisfy the same, shall and may be taken upon any Writ of *Fieri Facias* or other Execution that may be issued against the said Corporation, upon any Judgment that may be given against them, and sold in the same manner as Goods and Chattles may be taken and sold—and the Sheriff shall, immediately after such Sale, make and execute a Deed to the purchaser, which Deed shall convey and transfer all the Estate and Interest of the said Corporation in the Lands so taken, sold and conveyed.

Real Estate
may be taken
on Executions,
&c.

VI. *Provided always, and be it further enacted,* That nothing herein contained shall be held, or construed to give the said Company the privilege of dealing in the lending of Money, by way of Discount or otherwise, or engaging in any Banking operation whatsoever, or to effect any Insurance upon any Ship or Vessel, or Marine risk, or upon any loss by Fire, or upon any Life or Lives.

Restrictions
imposed on
Company

VII. *And be it further enacted,* That the names of all the Members of the said Corporation, and the number of Shares owned by them respectively, shall be registered in the Office of the Register of Deeds in the County of Hants, and no transfer of any Share in the said Corporation shall be final and effectual, until the Certificate thereof shall have been registered in the said Office, to the end that it may be publicly known who are the persons composing the said Corporation.

Names of
Shareholders
to be registered

VIII. *Provided always, and be it further enacted,* That nothing herein contained shall be construed to alter or abridge the powers to regulate the Fisheries, in the several

Proviso

ral

al Rivers in this Province, conferred upon the Magistrates in Sessions, by any Act or Acts of the General Assembly in this Province, but the Sessions of the County of Hants shall have and retain the same power to regulate the Fisheries in all and any of the Rivers in the Township of Douglas, as they would have had if this Act had never passed, any thing herein contained to the contrary thereof notwithstanding.

CAP. III.

An Act to enable the Proprietors of a certain Meeting-House at West River, in Pictou, to sell the same.

(PASSED THE 12th DAY OF MARCH, 1836.)

Preamble

WHEREAS, the major part of the Proprietors of the Meeting-House at the lower end of the West River of Pictou, wherein the Reverend James Ross now officiates, having agreed to erect a new and more commodious Meeting-House, in consequence of the old Meeting-House having become ruinous and decayed, have commenced to build such new Meeting-House; *And whereas*, some few of the Proprietors in the old Meeting-House have removed to a distance from such Meeting-House, and do not now form any part of the Congregation who attend the same; and some small number of the Proprietors in such old Meeting-House have not contributed to the new Meeting-House, and in order to render the old Meeting-House serviceable to the Congregation, it is expedient to enable those interested to make sale of the same:

Committee may be appointed by Proprietors to sell old Meeting House

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That it shall and may be lawful for the Proprietors of the said old Meeting-House at the lower end of the West River, in the District of Pictou, who may have contributed or assented to the building of the new Meeting-House herein before mentioned, at any Meeting of such Proprietors, to be held after public notice thereof, previously given on two several Sundays in the said Meeting-House, while the Congregation shall be therein assembled for Divine Worship; and at which Meeting at least two thirds of the whole of the said Proprietors shall be present, to nominate and appoint a Committee of five in number, who shall be authorized, and such Committee is hereby authorized, to make sale and dispose of the said old Meeting-House, and the materials whereof it is built, at public sale or Auction, to the best bidder, in order that the same may be taken down or removed from the site whereon the same stands forthwith after such sale. *Provided always*, that before such sale shall be held, due notice thereof shall be publicly given in the Meeting-House on some Sunday when the said Congregation shall be actually therein assembled for Divine Worship, as aforesaid, and by putting up such notice in three or more of the most public and frequented places of the Settlement, where such Meeting-House stands, for at least thirty days before the said sale.

Notice to be given

Proceeds of Sale

II. *And be it further enacted,* That the proceeds of such sale shall, after the payment of any reasonable and necessary expenses attending such sale, and also, after paying and deducting therefrom, to and for the several and respective Proprietors of and in such Meeting-House, who may not assent to the said sale, and may claim payment thereof, their several shares of such proceeds according to their proportionable interests in such Meeting-House, be paid and applied in aid of the building of the said new Meeting-House.

CAP. IV.

An Act to amend and continue the Acts for the Inspection of Flour and Meal.

(PASSED THE 12th DAY OF MARCH, 1836.)

Acts 2d and 4th, Wm. IV. continued with exceptions

BE it enacted, by the Lieutenant-Governor Council and Assembly, That an Act, passed in the third year of His present Majesty's Reign, entitled, An Act for the Inspection of Flour and Meal; also, the Act, passed in the fourth year of His present Majesty's

Majesty's Reign, to amend and continue the said Act, shall be continued, and the said Acts, and every matter, clause and thing, therein contained, except so far as the same are or may be hereinafter altered or amended, are hereby continued for three years, and from thence to the end of the then next Session of the General Assembly.

And whereas, the inspection of Flour and Meal, in order to ascertain its quality, is not so imperatively required as the weighing thereof: Preamble

II. *Be it therefore enacted*, That hereafter it shall not be necessary or requisite for any Inspector and Weigher of Flour and Meal, or his Deputy, to inspect any Flour or Meal, in order to ascertain the quality thereof, unless thereto required by the owner, buyer or seller thereof, or some party interested in the same; and in case such Inspector and Weigher, or his Deputy, shall not inspect the said Flour or Meal weighed by him, but shall merely weigh the same, the said Inspector and Weigher, or his Deputy, shall be entitled to receive two-pence for each and every barrel of Flour so weighed by him; and when he shall be required to inspect, and shall inspect any such Flour or Meal, he shall be entitled to demand and receive, in addition to the said sum of two-pence for weighing the same, an additional penny for each and every barrel so inspected, for the inspection thereof; and for the weighing, or the weighing and inspecting, of half barrels of Flour or Meal, the said Inspector and Weigher, or his Deputy, shall be entitled to demand and receive charges in the like proportion; and all charges for the inspection of any Flour and Meal shall be borne and paid by the party requiring such Flour or Meal to be inspected. Inspection of Flour and Meal may be dispensed with
Flour and Meal to be weighed
Compensation

And whereas, in order to render the said Acts more effective, it is proper that the said Inspector and Weigher should be authorized, in case of any barrel or half barrel of Flour and Meal being found of less than the proper weight, to have the same immediately filled up and made good:

III. *Be it therefore enacted*, That, in case any barrel or half barrel of Flour or Meal, on being weighed by the Inspector and Weigher, or his Deputy, shall be found of less weight than is prescribed by the said Acts, or either of the said Acts respectively, it shall and may be lawful for the said Inspector and Weigher, or his Deputy, immediately thereupon, and before the same shall be branded, to order and direct the said barrel or half barrel of Flour and Meal to be filled up and made good, with Flour or Meal of the same quality, by or at the expense of the owner or owners thereof; and unless such order and direction shall be immediately complied with, the said Inspector and Weigher, or his Deputy, shall cause the same to be filled up and made good, and of sufficient weight, and the actual expense incurred therein shall be repaid to the said Inspector and Weigher, or his Deputy, by the Owner or owners of such Flour or Meal, in addition to the charges for Weighing and Inspection. Deficiencies in weight—how made up

And whereas, by the proviso to the last clause of the Act, passed in the fourth year of His present Majesty's Reign, hereby continued, the Owner or Inspector of Flour or Meal intended for exportation, and which is thereby exempted from Inspection, is required to give notice to the Inspector of the re-shipment of such Flour or Meal; *And whereas*, no penalty is imposed upon such Owner or Importer for neglecting to give the said notice, in consequence whereof the Law may be evaded with impunity:

IV. *Be it therefore enacted*, That if the Owner or Importer of any Flour or Meal, imported for exportation, and stored in any private Warehouse for such purpose, shall re-ship the same without notice to the Inspector as required by the said recited proviso, he shall forfeit and pay for every barrel or half barrel of Flour or Meal, so re-shipped without such notice, the penalty or sum of Two Shillings and Six-pence, to be recovered and applied in manner as any forfeitures, penalties, and sums of money are made recoverable, and are to be applied by and under the sixth clause of the Act herein before first mentioned and hereby continued. Flour and Meal exported without inspection

And whereas, it often happens that barrels when weighed and branded, after being emptied, are re-filled with other Flour or Meal, by persons who may have purchased or procured such barrels, whereby frauds may be produced:

V. *Be it therefore enacted*, That when any barrel or half barrel of Flour or Meal, weighed and branded, shall be emptied before the same shall be re-filled, the brands thereon, Frauds

thereon made by the Inspector and Weigher, or his Deputy, shall be erased; and any person re-filling, or causing or procuring to be refilled, any such barrel or half barrel when emptied, without erasing the brands, shall forfeit and pay for every such barrel or half barrel so re-filled a penalty of Two Shillings and Six-pence, to be recovered and applied as aforesaid.

CAP. V.

An Act to authorize certain Persons therein named to erect Dams, Abutments and Piers, across the mouth of Moose River, and to grant the right of Tideway thereto and therein.

(PASSED THE 12th DAY OF MARCH, 1836.)

Freamble

WHEREAS, James R. Smith and Hugh Hartshorne, by Petition to the Legislature, setting forth that they are interested in a certain tract of Land, situate on both sides of Moose River, in the District of Parrsboro', in this Province, and setting forth their desire to erect Tide Mills at the mouth thereof, for the purpose of sawing Boards, and for other purposes, prayed that power be granted them by the Legislature to run a Dam across the mouth of said River, and for a right to the Tideway and Waters in and out of the said River, so as to enable them to carry on the erection of said Mills, with the exclusive privilege thereof. *And whereas*, it appearing that such project will manifestly tend to the public benefit and advantage, and increase the cultivation and settling of that part of this Province:

Privileges granted to J.R. Smith and H. Hartshorne

1. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That it shall and may be lawful for the said James R. Smith and Hugh Hartshorne, and their Heirs and Assigns, to erect such Dam or Dams, Piers and Abutments, across the entrance or mouth of the said River, called Moose River, in the District of Parrsboro', as they, any, or either of them, shall deem necessary and requisite, and to erect such Mills or other Machinery in the Tideway at the mouth of the said River as they may think fit, and to possess and enjoy the Tide Waters and Lands covered with such Tide Waters, in the entrance or mouth of said River, from high water mark down to low water mark, with all rights, privileges and immunities, belonging thereto, save and except a right of way along the said Land, to all His Majesty's Subjects, between high water mark and low water mark, as the same is now used and enjoyed by them at low water.

CAP. VI.

An Act to continue the Act concerning the Terms of the Supreme Court at Halifax.

(PASSED THE 12th DAY OF MARCH, 1836.)

Act 10, Geo. IV, continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the tenth year of His late Majesty's reign, entitled, An Act concerning the Terms of the Supreme Court at Halifax, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP.

CAP. VII.

An Act to amend the Act to direct and ascertain the mode of assessing County and District Rates, and for other purposes, so far as respects the District of Halifax.

(PASSED THE 12th DAY OF MARCH, 1836.)

WHEREAS by the Act, passed in the last Session of the General Assembly, entitled, An Act to direct and ascertain the mode of assessing County and District Rates, and for other purposes, the objects and purposes for which Monies shall be presented and assessed are particularly defined.—*And whereas*, in the District of Halifax, it frequently occurs that many services are required to be performed for the said District, which are not particularly mentioned in the said Act, and for which the Grand Jury are willing and desirous to make presentment; and it is expedient to enable the Sessions and Grand Jury to make provision for the payment of such services:

Preamble

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That*, in addition to the several particularly defined objects and purposes in the said Act mentioned, it shall and may be lawful for the Grand Jury for the said District of Halifax, on the recommendation of the Court, or on their own knowledge, to make presentment of any sum or sums of Money now due, or hereafter to be or become due, at the General Sessions of the Peace held in and for such District, for any services, objects, expenditures or purposes, made, done or performed, for the said District, as to the said Grand Jury may seem requisite and necessary to be provided for and paid, although such services, objects, expenditures or purposes, may not be particularly mentioned in the said Act hereby amended; and if such sum or sums of Money, so presented, shall be approved by the Court, then, and in such case, the same shall be added to, and assessed, levied, collected, recovered and paid, to and with, and by the same means, and in the same manner, as other Monies, for services specified in the said Act, are thereby directed to be assessed, levied, collected, recovered and paid. *Provided always*, that if the Grand Jury shall not present any such sum or sums for services, objects, expenditures or purposes, not in the said Act particularly defined or mentioned, it shall not be lawful for the said Court of Sessions to make any amercement for the same, but when any amercement shall be made, upon the refusal or neglect of the Grand Jury to present Monies, such amercement shall be made only for the objects and purposes, or some of them, which are in the said Act particularly defined and mentioned.

Additional powers vested in Sessions and Grand Jury

And whereas, the said Act hereby amended was passed on the Nineteenth day of February, in the year of Our Lord One Thousand Eight Hundred and Thirty-five, to continue and be in force for three years from the passing thereof, and from thence to the end of the then next Session of the General Assembly:

Act hereby amended continued

II. *Be it therefore further enacted*, That this Act shall continue and be in force for two years, to be computed from the Nineteenth day of February, in the year of Our Lord One Thousand Eight Hundred and Thirty-six, and from thence to the end of the then next Session of the General Assembly.

Continuation of Act

CAP. VIII.

An Act relating to the Fisheries, and for the prevention of Illicit Trade in the Province of Nova-Scotia, and the Coasts and Harbors thereof.

(PASSED THE 12th DAY OF MARCH, 1836.)

WHEREAS, by the Convention made between His late Majesty King George the Third and the United States of America, signed at London, on the Twentieth

Preamble

tieth day of October, in the Year of Our Lord One Thousand Eight Hundred and Eighteen, and the Statute made and passed in the Parliament of Great Britain, in the Fifty-ninth Year of the Reign of His late Majesty King George the Third, all Foreign Ships, Vessels or Boats, or any Ship, Vessel or Boat, other than such as shall be navigated according to the Laws of the United Kingdom of Great-Britain and Ireland, found fishing, or to have been fishing, or preparing to fish, within certain distances of any Coasts, Bays, Creeks or Harbours whatever, in any part of His Majesty's Dominions in America, not included within the limits specified in the first article of the said Convention, are liable to seizure; *And whereas*, the United States did, by the said Convention, renounce forever any liberty enjoyed or claimed by the Inhabitants thereof, to take, dry or cure Fish on or within three Marine Miles of any of the Coasts, Bays, Creeks or Harbours of His Britannic Majesty's Dominions in America, not included within the above mentioned limits; *Provided however*, that the American Fishermen should be admitted to enter such Bays or Harbours for the purpose of shelter, and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever, but under such restrictions as might be necessary to prevent their taking, drying or curing Fish therein, or in any other manner whatever abusing the privileges thereby reserved to them; *And whereas*, no rules or regulations have been made for such purpose, and the interests of the Inhabitants of this Province are materially impaired; *And whereas*, the said Act does not designate the persons who are to make such seizure as aforesaid—and it frequently happens that persons found within the distances of the Coasts aforesaid, infringing the articles of the Convention aforesaid, and the enactments of the Statute aforesaid, on being taken possession of, profess to have come within said limits for the purpose of shelter, and repairing damages therein, or to purchase wood and obtain water, by which the Law is evaded, and the Vessels and Cargoes escape confiscation, although the Cargoes may be evidently intended to be smuggled into this Province, and the Fishery carried on contrary to said Convention and Statute:

Power given
to Revenue
Officers, &c.
to board and
seize Vessels
hovering on
Coast. &c.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That*, from and after the passing of this Act, it shall be lawful for the Officers of His Majesty's Customs, the Officers of Impost and Excise, the Sheriffs and Magistrates throughout this Province, and any person holding a Commission for that purpose from His Excellency the Lieutenant-Governor for the time being, to go on board any Ship, Vessel or Boat, within any Port, Bay, Creek or Harbor, in this Province; and also, to go on board of any Ship, Vessel or Boat, hovering within three Marine Miles of any of the Coasts, Bays, Creeks or Harbors thereof, and in either case freely to stay on board such Ship, Vessel or Boat, as long as she shall remain within such Port or distance, and if any such Ship, Vessel or Boat, be bound elsewhere, and shall continue so hovering for the space of twenty-four hours, after the Master shall have been required to depart, it shall be lawful for any of the above enumerated Officers or persons to bring such Ship, Vessel or Boat, into Port, and to search and examine her Cargo, and to examine the Master upon oath, touching the Cargo and Voyage, and if there be any Goods on board prohibited to be imported into this Province, such Ship, Vessel or Boat, and the Cargo laden on board thereof, shall be forfeited, and if the said Ship, Vessel or Boat, shall be Foreign, and not navigated according to the Laws of Great-Britain and Ireland, and shall have been found Fishing, or preparing to Fish, or to have been Fishing, within such distance of such Coasts, Bays, Creeks or Harbors of this Province, such Ship, Vessel or Boat, and their respective Cargoes, shall be forfeited; and if the Master or person in command thereof shall not truly answer the questions which shall be demanded of him in such examination, he shall forfeit the sum of One Hundred Pounds.

Penalty for op-
posing Officers

II. *And be it further enacted, That* all Goods, Ships, Vessels and Boats, liable to forfeiture under this Act, shall and may be seized and secured by any such Officer of His Majesty's Customs, Officer of Impost and Excise, Sheriffs, Magistrates or other person holding such Commission, as aforesaid, and every person who shall in any way oppose, molest or obstruct, any Officer of the Customs, Officer of Impost and Excise, Sheriff, Magistrate or other person so commissioned and employed as aforesaid, in the exercise of his office, or shall in any way oppose, molest or obstruct any person acting
in

in aid or assistance of such Officer of the Customs, Officer of Impost and Excise, Sheriff, Magistrate, or other person so commissioned and employed as aforesaid, shall, for every such offence, forfeit the sum of Two Hundred Pounds.

III. *And be it further enacted,* That all Goods, Ships, Vessels and Boats, which shall be seized, as being liable to forfeiture under this Act, shall be taken forthwith and delivered into the custody of the Collector and Comptroller of the Customs, at the Custom-House next to the place where the same were seized, who shall secure and keep the same in such manner as other Vessels and Goods seized are directed to be secured by the Commissioners of His Majesty's Customs.

Officers of Customs to take charge of Goods and Vessels seized

IV. *And be it further enacted,* That all Goods, Ships, Vessels, Boats or other thing, which shall have been condemned as forfeited under this Act, shall, under the direction of the principal Officer of the Customs or Excise, where such seizures shall have been secured, be sold by Public Auction to the best bidder, and the produce of such sale shall be applied as follows, that is to say:—the amount chargeable for the custody of said Goods, Ship, Vessel, Boat or any other thing so seized as aforesaid, shall be first deducted and paid, and the residue divided into two equal Moieties, one of which shall be paid to the Officer or other person or persons legally seizing the same, without deduction, and the other Moiety to the Government, and paid into the Treasury of this Province, all costs incurred having been first deducted therefrom. *Provided always,* that it shall be lawful for the Commissioners of the Revenue to direct that any of such things shall be destroyed or reserved for the public service.

Sale of forfeited Property and disposal of proceeds

V. *And be it further enacted,* That all penalties and forfeitures which may be hereafter incurred under this Act, shall and may be prosecuted, sued for and recovered, in the Court of Vice-Admiralty, having Jurisdiction in this Province.

Prosecutions

VI. *And be it further enacted,* That if any Goods, or any Ship, Vessel or Boat, shall be seized as forfeited under this Act, it shall be lawful for the Judge or Judges of any Court, having Jurisdiction to try and determine such seizures, with the consent of the person seizing the same, to order the delivery thereof, on Security by Bond, with two sufficient Sureties, to be first approved by such seizing Officer or person, to answer double the value of the same in case of condemnation, and such Bond shall be taken to the use of His Majesty, in the name of the Collector of the Customs in whose custody the Goods or Ship, Vessel or Boat, may be lodged, and such Bond shall be delivered and kept in the custody of such Collector, and in case the Goods or the Ship, Vessel or Boat, shall be condemned, the value thereof shall be paid into the hands of such Collector, who shall cancel such Bond, and distribute the Money paid in such manner as above directed.

Bonds may be taken for property seized

VII. *And be it further enacted,* That no Suit shall be commenced for the recovery of any penalty or forfeiture under this Act, except in the name of His Majesty, and shall be prosecuted by His Majesty's Advocate or Attorney-General, or in his absence by the Solicitor-General for this Province, and if any question shall arise whether any person is an Officer of the Customs, Excise, Sheriff, Magistrate, or other person authorized to seize as aforesaid, *viva voce* evidence may be given of such fact, and shall be deemed legal and sufficient evidence.

Suits—by whom prosecuted, &c.

VIII. *And be it further enacted,* That if any Goods, Ship, Vessel or Boat, shall be seized for any cause or forfeiture under this Act, and any dispute shall arise, whether the same have been lawfully seized, the proof touching the illegality thereof shall lie on the owner or claimant of such Goods, Ship, Vessel or Boat, and not on the Officer or person who shall seize and stop the same.

Proof of illegality of Seizures

IX. *And be it further enacted,* That no claim to any thing seized under this Act, and returned into His Majesty's Court of Vice-Admiralty for adjudication, shall be admitted, unless such claim be entered in the name of the Owner, with his residence and occupation, nor unless oath to the property in such thing be made by the Owner or by his Attorney or Agent by whom such claim shall be entered, to the best of his knowledge and belief, and every person making a false oath thereto shall be deemed guilty of a misdemeanor, and shall be liable to the pains and penalties to which persons are liable for a misdemeanor.

Claim to property seized

X. *And be it further enacted,* That no person shall be admitted to enter a claim to any thing

Claimants to give Security

thing seized in pursuance of this Act, and prosecuted in this Province, until sufficient security shall have been given, in the Court where such seizure is prosecuted, in a penalty not exceeding Sixty Pounds, to answer and pay the costs occasioned by such claim, and in default of giving such security such things shall be adjudged to be forfeited, and shall be condemned.

Notice of Action against Officers of Customs, &c.—issue of Writs

XI. *And be it further enacted,* That no Writ shall be sued out against, nor a copy of any Process served upon, any Officer of the Customs, Excise, Sheriff, Magistrate, or other person authorized to seize as aforesaid, for any thing done in the exercise of his office, until one calendar month after notice in writing shall have been delivered to him or left at his usual place of abode, by the Attorney or Agent of the party who intends to sue out such Writ or Process, in which notice shall be clearly and explicitly contained the cause of action, the name and place of abode of the person who is to bring such action, and the name and place of abode of the Attorney or Agent, and no evidence of the cause of such action shall be produced, except of such as shall be contained in such notice, and no verdict shall be given for the Plaintiff unless he shall prove on the trial that such notice was given, and in default of such proof, the Defendant shall receive in such action a verdict and costs, or judgment of nonsuit shall be awarded against the Plaintiff, as the Court shall direct.

Time limited within which Actions shall be brought

XII. *And be it further enacted,* That every such action shall be brought within three calendar months after the cause thereof, and shall be laid and tried in any of His Majesty's Courts of Record in this Province, and the Defendant may plead the general issue, and give the special matter in evidence; and, if the Plaintiff shall become non-suited, or shall discontinue the Action, or if, upon a verdict or demurrer, judgment shall be given against the Plaintiff, the Defendant shall receive treble costs, and have such remedy for the same as any Defendant can have in other cases where costs are given by Law.

Verdicts in favor of Claimants

XIII. *And be it further enacted,* That in case any Information or Suit shall be brought to Trial, on account of any seizure made under this Act, and a verdict shall be found for the Claimant thereof, and the Judge or Court before whom the Cause shall have been tried, shall certify on the Record that there was probable cause of seizure, the Claimant shall not be entitled to any costs of Suit, nor shall the person who made such seizure be liable to any Action, Indictment or other Suit or Prosecution, on account of 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, besides the thing seized, or the value thereof, shall be entitled to no more than Two Pence damages, nor to any costs of Suit, nor shall the Defendant in such Prosecution be fined more than One Shilling.

Amends may be tendered to parties complaining

XIV. *And be it further enacted,* That it shall be lawful for any such Officer of the Customs, Excise or Sheriff, or Magistrate, or other Person authorized to seize as aforesaid, within one calendar month after such notice, to tender amends to the party complaining or his Agent, and to plead such tender in bar to any Action, together with other Pleas, and if the Jury shall find the amends sufficient they shall give a verdict for the Defendant, and in such case, or in case the Plaintiff shall become non-suit, or shall discontinue his Action, or Judgment shall be given for the Defendant upon demurrer, then such Defendant shall be entitled to the like costs as he would have been entitled to in case he had pleaded the general issue only: *Provided always,* that it shall be lawful for such Defendant, by leave of the Court where such Action shall be brought, at any time before or after issue joined, to pay money into Court as in other Actions.

Justification of Seizing Officers

XV. *And be it further enacted,* That in any such action, if the Judge or Court before whom such Action shall be tried, shall certify upon the Record that the Defendant or Defendants in such Action acted upon probable cause, then the Plaintiff in such Action shall not be entitled to more than Two Pence damages, nor to any costs of Suit.

Recovery of Penalties

XVI. *And be it further enacted,* That all Actions or Suits for the recovery of any of the penalties or forfeitures imposed by this Act, may be commenced or prosecuted at any time within three years after the offence committed, by reason whereof such penalty or forfeiture shall be incurred, any law, usage or custom, to the contrary notwithstanding.

Appeals

XVII. *And be it further enacted,* That no appeal shall be prosecuted from any decree or sentence of any of His Majesty's Courts in this Province, touching any penalty

or

or forfeiture imposed by this Act, unless the Inhibition shall be applied for and decreed within twelve months from the time when such decree or sentence was pronounced.

XVIII. *And be it further enacted,* That this Act shall not go into force or be of any effect until His Majesty's assent shall be signified thereto, and an order made by His Majesty, in Council, that the clauses and provisions of this Act shall be the rules, regulations and restrictions, respecting the Fisheries on the Coasts, Bays, Creeks or Harbours, of the Province of Nova-Scotia.

Act reserved
for His Majesty's
pleasure

CAP. IX.

An Act to amend the Act to Incorporate a Marine Insurance Company in Halifax.

(PASSED THE 12th DAY OF MARCH, 1836.)

WHEREAS, in and by the twenty-fourth Clause of the Act, passed in the last Session of the General Assembly, entitled, An Act to Incorporate a Marine Insurance Company in Halifax, it is enacted, that the Surplus Funds remaining from Dividends and the Capital Stock of the said Company, from time to time as the same shall be paid in and collected, and all Surplus of Monies received, shall be kept constantly invested on good Real or Personal Securities, or in the Public Funds at interest, in the name of the Company, but no part thereof shall, beyond the sum absolutely necessary for procuring the necessary Buildings, Offices and Accommodations of the Company's business, be invested in fixed Property, or lent or advanced on Bottomry or Respondentia, or on Mortgages of Ships or Vessels, or Real Estate; *Provided always,* that for and as an additional Security for Debts previously contracted with the Company, Mortgages of Real or Personal Property may be made to, and held by, the Company. *And whereas,* difficulties have arisen in the investment of the Capital Stock and Surplus Monies of the said Company, under the above recited Clause, on Real Securities, though the same may be only intended to accompany, and as collateral and auxiliary to, good personal Security, from the operation of the Proviso to the said recited clause being limited to Debts antecedently contracted, and not extending to cotemporaneous Securities, whereby the said Capital Stock and Surplus Monies will be rendered unprofitable and remain uninvested:

Preamble

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That hereafter it shall and may be lawful for the President and Directors of the said Company, to receive and take as and for a collateral Security, and as accompanying and auxiliary to, the Bond or Note or other Personal Security of the borrower of any part of the Capital Stock or Surplus Monies of the said Company, a Mortgage upon Real Estate; *Provided always,* that such Mortgage, together with such Bond or Note or other Personal Security, shall be taken in the name of the said Company, and shall be, in all cases, such as the said Directors shall consider an ample Security for the sum of Money so borrowed from the Capital Stock or Funds of the said Company.

Company may
take Mortgages
on Real
Estate

And whereas, the number of Shares held by the Proprietors present at any annual or Special Meeting of the Company, requisite to constitute such Meeting, under the fourteenth Clause of the said Act, has been found to be too numerous and to be inconvenient:

II. *Be it therefore enacted,* That hereafter it shall and may be lawful for any Annual or Special Meeting of the said Company, to be held when twenty Members shall be present, holding at least one hundred and twenty Shares in the said Company, instead of two hundred Shares, as in and by the said fourteenth Clause of the said Act is required.

Members necessary
to compose
Annual or
Special Meetings

And whereas, the said Company having been in operation since the month of May, in the Year of Our Lord One Thousand Eight Hundred and Thirty-five, and at the Annual Meeting of the said Company, held in January, in this present year, no Dividend was

was

was declared or made of the Surplus Funds and Profits received from premiums or otherwise, and in consequence thereof no Dividend can be declared under the said Act until the Annual Meeting of the said Company, which will take place in the month of January, in the Year of Our Lord One Thousand Eight Hundred and Thirty-seven, and it is therefore expedient to permit a larger Dividend to be made of the profits of said Company than five per Cent :

Dividends

III. *Be it therefore enacted*, That at the Annual Meeting of the said Company, which shall take place in January, in the Year of Our Lord One Thousand Eight Hundred and Thirty-seven, or at any Annual Meeting of the said Company thereafter, it shall and may be lawful to make out of the clear residue of the Profits and Advantages, Rents, Premiums and Interest, to the said Company accrued, or by the same previously made, after deducting therefrom an allowance sufficient to discharge the outstanding and probable claims against the Company, such Dividend or Dividends as the Proprietors at such Meeting shall order and direct, notwithstanding the same may be over five per Cent. per annum; *Provided always*, that, save and except as to the amount of such Dividend, all the requisites of the twenty-seventh and twenty-eighth Clauses of the said Act hereby amended shall be observed and followed.

And whereas, it is expedient that the said Company should be authorized to effect Insurances to a larger amount than Three Thousand Pounds :

Amount of Insurances extended

IV. *Be it therefore enacted*, That, during the remainder of the two years next following, and after the constitution of the said Company, the said Company shall and may take and insure upon any one Ship or Vessel, or upon any Goods, Wares and Merchandize, on board thereof, or upon any Freight by such Vessel to be earned, or Commission or Profits expected to arise during the Voyage insured, or from the Cargo on board thereof, or upon any Security of the nature of a Mortgage, or Bottomry, or Respondentia, given for or upon such Vessel, her Cargo or Freight, any sum not exceeding in the whole upon the several Insurances made upon the several risks in or depending upon any one Vessel taken collectively, the sum of Four Thousand Pounds.

CAP. X.

An Act to continue the Act to provide for the Accommodation and Billetting of His Majesty's Troops, or of the Militia, when on their March from one part of the Province to another, and also, the Acts in amendment thereof.

(PASSED THE 12th DAY OF MARCH, 1836.)

Acts 48, 51 & 53, Geo. III. continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the Forty-eighth Year of the Reign of His late Majesty King George the Third, entitled, An Act to provide for the Accommodation and Billetting of His Majesty's Troops, or of the Militia, when on their march from one part of the Province to another; and also, the Acts, passed in the Fifty-first and Fifty-third Years of His said late Majesty's Reign, in amendment thereof, and every matter, clause and thing, in the said Acts contained, shall be continued, and the same are hereby continued for One Year, and from thence to the end of the then next Session of the General Assembly.

CAP. XI.

An Act to authorize the Congregation of the Meeting-House at Chester to raise Money from the Pews of the said Meeting-House, for the repairing and ornamenting thereof.

(PASSED THE 12th DAY OF MARCH, 1836.)

WHEREAS, the Baptist Meeting-House in the Town of Chester, in the County of Lunenburg, wherein the Reverend Joseph Dimock at present officiates, was originally built by a number of persons who were mutually interested therein, and were the owners of the Pews in such Meeting-House, many of which persons are since dead, and others have removed from the Province, whereby some of the said Pews are unoccupied and unclaimed, and others have become vested in the Heirs or other Representatives of such deceased original Proprietors; *And whereas*, the interest of the several present Owners of the said Pews last mentioned has now become so inconsiderable, that great difficulties are experienced in procuring Funds to keep the said Meeting-House in repair, owing to the neglect of many of the Owners of the said Pews to pay their proportion of the necessary and unavoidable expense of repairing and ornamenting the said Meeting-House, in consequence of which the said Meeting-House is in danger of going to decay:

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That*, from time to time, and at any time after the publication of this Act, whenever it shall be necessary to procure or raise any sum of Money for the repairing or ornamenting the said Meeting-House, it shall and may be lawful for the Congregation attending at such Meeting-House, at any public meeting of such Congregation, whereof due notice shall be given to such Congregation at such Meeting-House, during the time such Meeting-House shall be open for Divine Service, on the Sunday previous to such Meeting, to nominate and appoint, by vote of the majority of the Members present at the said meeting of the Congregation, three or more fit or proper persons to assess and apportion the sum of Money necessary and required to be raised for the purpose aforesaid, on the said Pews respectively, according to the relative size and value of such Pews, at a just and equitable rate, of which assessment and apportionment due notice shall be publicly given, by reading the same in the said Meeting-House on the Sunday after the same shall be made by the said Committee, and also, by putting up a true and correct copy of such assessment and apportionment on the door of the said Meeting-House for three successive weeks after the same shall have been made by the said Committee.

II. *And be it further enacted, That* if, after due notice of such assessment and apportionment shall have been so publicly given as aforesaid, some such person or persons so interested in any of the said Pews shall not come forward to pay the sum which may have been assessed by the said Committee on such Pew, within three weeks after such notice so given as aforesaid, then, and in such case, it shall and may be lawful for the said Committee, after having given on the previous Sunday due and public notice of the time of letting the same, to proceed to let at Public Sale or Auction, for such period of time (not exceeding Ten Years) as may be sufficient to pay the rate or sum assessed thereon respectively, any Pew or Pews whereon the sum assessed shall remain unpaid as aforesaid.

III. *And be it further enacted, That* the person or persons who shall or may become the Lessee or Lessees of the said Pew or Pews respectively, at the said sale, shall be put into possession thereof by the said Committee, and shall be taken and held to be the sole and exclusive owner or owners of the said Pew or Pews, for such period of time as the same may be leased or let to the said person or persons at such sale, and such Lessee or Lessees shall be liable to pay such rent or rents as he or they shall or may have agreed to pay for the same at the said sale; and if the rent or rents aforesaid, or any part thereof, shall be behind and unpaid after the time or times which shall or may have been agreed on for payment thereof, it shall and may be lawful for the said Committee so

Preamble

Appointment of Assessors

Notice of Assessment

Pews may be let to pay Assessments

Rights of Lessees of Pews

Arrears of
Rents

to be appointed as aforesaid, to sue for and recover such rent or rents or such part thereof as may so remain behind and unpaid, in the same manner as debts of the like amount may or can be ordinarily sued for and recovered.

CAP. XII.

An Act to continue an Act relating to the Court of Commissioners at Halifax.

(PASSED THE 12th DAY OF MARCH, 1836.)

Act 4, Geo.
IV. continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the fourth year of His late Majesty's reign, entitled, An Act relating to the Court of Commissioners at Halifax, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. XIII.

An Act to continue the Act for the better preservation of the Property of the Inhabitants of the Town of Halifax, by providing for a sufficient Watch at Night.

(PASSED THE 12th DAY OF MARCH, 1836.)

Act 58, Geo.
III. continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the Fifty-eighth year of the reign of His late Majesty King George the Third, entitled, An Act for the better preservation of the Property of the Inhabitants of the Town of Halifax, by providing for a sufficient Watch at Night, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. XIV.

An Act to authorize the Congregation of a certain Meeting-House at Shubenacadie to raise Money from the Pews of the said Meeting-House, for the repairing and ornamenting thereof.

(PASSED THE 12th DAY OF MARCH, 1836.)

Preamble:

WHEREAS, the Meeting-House near Fort Ellis, at Shubenacadie, wherein the Reverend Robert Blackwood at present officiates, was built several years ago by a variety of persons, whose Shares or Interest in such Meeting-House have, by death and absence, been in many cases either rendered of little value or become vested in the Representatives of the original Proprietors, in consequence whereof it is impracticable to raise sufficient Funds to repair the said Meeting-House, and the same is in danger of being totally destroyed:

Appointment
of Assessors

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That, from time to time, and at any time after the publication of this Act, whenever it shall be necessary*

necessary to procure or raise any sum of Money for the repairing or ornamenting the said Meeting-House, it shall and may be lawful for the Congregation attending at such Meeting-House, at any public Meeting of such Congregation, whereof due notice shall be given to such Congregation in said Meeting-House, during the time that the said Meeting-House shall be open for Divine Service, on the Sunday previous to such Meeting, to nominate and appoint, by vote of the majority of the Members of the said Congregation present at such Meeting, three or more fit and proper persons to assess and apportion the sum of Money necessary and required to be raised for the purpose aforesaid, on the said Pews respectively, according to the relative size and value of such Pews, at a just and equitable rate, of which assessment and apportionment due notice shall be publicly given by reading the same in the said Meeting-House on the Sunday after the same shall be made by the said Committee; and also, by putting up a true and correct copy of such assessment and apportionment on the door of the said Meeting-House, for three successive weeks after the same shall have been made by the said Committee.

Notice of Assessment

II. *And be it further enacted*, That if, after due notice of such assessment and apportionment shall have been so publicly given as aforesaid, some such person or persons so interested in any of the said Pews shall not come forward to pay the sum which may have been assessed by the said Committee on such Pew, within three weeks after such notice so given as aforesaid, then, and in such case, it shall and may be lawful for the said Committee, after having given on the previous Sunday due and public notice of the time of letting the same, to proceed to let at public Sale or Auction for such period of time (not exceeding ten years,) as may be sufficient to pay the rate or sum assessed thereon respectively, any Pew or Pews whereon the sum assessed shall remain unpaid as aforesaid.

Pews may be let to pay Assessments

III. *And be it further enacted*, That the person or persons who shall or may become the Lessee or Lessees of the said Pew or Pews respectively, at the said Sale, shall be put into possession thereof by the said Committee, and shall be taken and held to be the sole and exclusive Owner or Owners of the said Pew or Pews, for such period of time as the same may be leased or let to the said person or persons at such Sale, and such Lessee or Lessees shall be liable to pay such rent or rents as he or they shall or may have agreed to pay for the same at the said Sale, and if the rent or rents aforesaid, or any part thereof, shall be behind and unpaid after the time or times which shall or may have been agreed on for payment thereof, it shall and may be lawful for the said Committee, so to be appointed, to sue for and recover such rent or rents or such part thereof as may so remain behind and unpaid, in the same manner as debts of the like amount may or can be ordinarily sued for and recovered.

Rights of Lessees of Pews

Arrears of Rents

CAP. XV.

An Act to enable the Congregation of the Meeting-House at Masstown, in Londonderry, to raise Money from the Pews of the said Meeting-House, for the repairing and ornamenting thereof.

(PASSED THE 12th DAY OF MARCH, 1836.)

WHEREAS, the Meeting-House at Masstown, in Londonderry, in the District of Colchester, was originally built by a number of Proprietors, whose Shares or Interests in many instances, by death or otherwise, have either become vested in a number of persons, or rendered of little value; *And whereas*, the said Meeting-House has become out of repair and very much dilapidated, but, in consequence of the change of circumstances as above mentioned, the requisite funds cannot be obtained from the Proprietors of the said Meeting-House for putting the same in repair, in consequence whereof the said Meeting-House is in great danger of going to decay:

Preamble:

I.

Appointment
of Assessors

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That,* from time to time, and at any time after the publication of this Act, whenever it shall be necessary to procure or raise any sum for the repairing or ornamenting the said Meeting-House, it shall and may be lawful for the Congregation attending at such Meeting-House, at any public meeting of such Congregation, whereof due notice shall be given to such Congregation in said Meeting-House, during the time that the said Meeting-House shall be open for Divine Service, on the Sunday previous to such meeting, to nominate and appoint by vote of the majority of the Members of the said Congregation present at such meeting, three or more fit and proper persons to assess and apportion the sum of Money necessary and required to be raised for the purpose aforesaid, on the said Pews respectively, according to the relative size and value of such Pews, at a just and equitable rate, of which assessment and apportionment due notice shall be publicly given by reading the same in the said Meeting-House on the Sunday after the same shall be made by the said Committee; and also, by putting up a true and correct copy of such assessment and apportionment on the door of the said Meeting-House, for three successive weeks after the same shall have been made by the said Committee.

Notice of Assessment

Pews may be
let to pay Assessments

II. *And be it further enacted, That* if, after due notice of such assessment and apportionment shall have been so publicly given as aforesaid, some such person or persons so interested in any of the said Pews shall not come forward to pay the sum which may have been assessed by the said Committee on such Pew, within three weeks after such notice so given as aforesaid, then, and in such case, it shall and may be lawful for the said Committee, after having given on the previous Sunday due and public notice of the time of letting the same, to proceed to let at Public Sale or Auction, for such period of time (not exceeding ten years,) as may be sufficient to pay the rate or sum assessed thereon respectively, any Pew or Pews whereon the sum assessed shall remain unpaid as aforesaid.

Rights of Lessees of Pews

III. *And be it further enacted, That* the person or persons who shall or may become the Lessee or Lessees of the said Pew or Pews respectively, at the said Sale, shall be put into possession thereof by the said Committee, and shall be taken and held to be the sole and exclusive owner or owners of the said Pew or Pews, for such period of time as the same may be leased or let to the said person or persons at such Sale; and such Lessee or Lessees shall be liable to pay such rent or rents as he or they shall or may have agreed to pay for the same at the said Sale, and if the rent or rents aforesaid, or any part thereof, shall be behind and unpaid after the time or times which shall or may have been agreed on for payment thereof, it shall and may be lawful for the said Committee so to be appointed as aforesaid, to sue for and recover such rent or rents or such part thereof as may so remain behind and unpaid, in the same manner as debts of the like amount may or can be ordinarily sued for and recovered.

Arrears of Rents

CAP. XVI.

An Act to continue the Act in amendment of an Act, made and passed in the first and second Years of His late Majesty's Reign, entitled, An Act to extend the Laws and Ordinances of the Province of Nova-Scotia to the Island of Cape-Breton.

(PASSED THE 12th DAY OF MARCH, 1836.)

Act 1, Wm.
IV. continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, made and passed in the first year of His present Majesty's Reign, entitled, An Act in amendment of an Act, made and passed in the first and second Years of His late Majesty's Reign, entitled, An Act to extend the Laws and Ordinances of the Province

of

of Nova-Scotia to the Island of Cape-Breton, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. XVII.

An Act to continue the Act in addition to the Act for regulating the Rates and Prices of Carriages.

(PASSED THE 12th DAY OF MARCH, 1836.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the Fiftieth year of the reign of His late Majesty King George the Third, entitled, An Act in addition to an Act, passed in the Thirty-third year of the reign of His late Majesty King George the Second, entitled, An Act for regulating the rates and prices of Carriages, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 50, Geo.
III, continued

CAP. XVIII.

An Act to continue the Act to amend an Act for establishing a Public School in the Town of Halifax.

(PASSED THE 12th DAY OF MARCH, 1836.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the Fifty-first year of the reign of His late Majesty King George the Third, entitled, An Act to amend an Act, passed in the Twentieth year of His Majesty's reign, entitled, An Act for establishing a Public School in the Town of Halifax, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 51, Geo.
III, continued

CAP. XIX.

An Act to continue the Act in addition to, and in amendment of, the Act to prevent Nuisances, by Hedges, Wears and other Incumbrances, obstructing the passage of Fish in the Rivers of this Province.

(PASSED THE 12th DAY OF MARCH, 1836.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the Tenth year of His late Majesty's reign, entitled, An Act in addition to, and in amendment of, an Act, passed in the Third year of the reign of His late Majesty King George the Third, entitled, An Act to prevent Nuisances, by Hedges, Wears and other Incumbrances, obstructing the passage of Fish in the Rivers of this Province, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 10, Geo.
IV, continued

CAP. XX.

An Act to establish Courts of Commissioners in the Island of Cape-Breton.

(PASSED THE 12th DAY OF MARCH, 1836.)

Act—when in operation

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That this Act shall come into operation upon, from and after, the first day of June next ensuing, and after the passing hereof:

Appointment of Commissioners for Summary Trial of Actions in Cape-Breton

II. And be it further enacted, That, when and so soon as this Act shall come into operation, it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being, to appoint and commission five fit and proper persons residing in the present North Eastern District of the County of Cape-Breton, to be Commissioners of the Court for the Summary Trial of Actions, in and for the said North Eastern District of the said County; and also, five fit and proper persons residing in the Southern District of the said County, to be Commissioners of the Court for the Summary Trial of Actions in and for that District; and also, five fit and proper persons residing in the North Western District of the said County, to be Commissioners of the Court for the Summary Trial of Actions in that District, and the said Courts shall be respectively denominated as follows, that is to say—the Court of Commissioners for the North Eastern District, the Court of Commissioners for the Southern District, and the Court of Commissioners for the North Western District of Cape-Breton.

Designations of Courts

III. Provided always, and be it further enacted, That, when and so soon as and after the Act, passed in the last Session of the General Assembly, entitled, An Act to divide the County of Cape-Breton, and to regulate the Representation thereof, shall come into operation, the said Courts shall be respectively described and known as follows, that is to say—the Court of Commissioners for the said North Eastern District, as the Court of Commissioners for the County of Cape-Breton—the Court of Commissioners for the Southern District, as the Court of Commissioners for the County of Richmond—and the Court of Commissioners for the North Western District, as the Court of Commissioners for the County of Juste au Corps: and the jurisdiction, powers and authorities, of the said Courts respectively, and of the Commissioners and Officers thereof, shall, after the said Act shall come into operation, be the same, and of the like force and effect, as if the said several Counties thereby created had been respectively named in this Act, instead of the said three Districts of the present County of Cape-Breton.

Vacancies occurring in the Commissions

IV. And be it further enacted, That upon the death, resignation or removal from office of any Commissioner, it shall be lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being, as often as the case shall occur, to appoint such fit person as he shall think proper to supply the vacancy occasioned by such death, resignation or removal from office, and to grant a Commission, with all necessary powers accordingly.

Commissioners to be sworn

V. And be it further enacted, That every Commissioner of either of the said Courts hereby created, on his appointment, shall, before he enter upon the performance of the duties of such office, be sworn into office, and to the faithful discharge of his duty, before one of the Judges of His Majesty's Supreme Court of this Province, or of the Inferior Court of Common Pleas for the District or County for which such Commissioner shall be appointed.

Appointment of Clerk

VI. And be it further enacted, That each of the said Courts respectively shall appoint during pleasure a Clerk, who shall be sworn to the due execution of his office, and shall faithfully record all the proceedings thereof.

Terms of Sittings

VII. And be it further enacted, That the said Courts shall be respectively and severally held on the first Monday of each and every of the Months following, that is to say—July, September, November, January, March and May, in each and every year, and may continue to sit on each Term for and during two days, and be held before the five Commissioners to be appointed to and for each Court respectively, or any three of them, at the places following; that is to say—the said Court for the North Eastern District

trict at Sydney, in said District,—the said Court for the Southern District at Arichat, in said District,—and the said Court for the North Western District at Port Hood, in said District.

VIII. *And be it further enacted,* That the Jurisdiction of each of the said Courts respectively shall extend over all Suits in which the Debts, Contracts or Cause of Action, shall not exceed in the whole dealing between the parties the sum of Ten Pounds, and which said Debts, Contracts or Cause of Action, may have arisen or been made or incurred in any part of the County of Cape-Bréton.

Jurisdiction of Courts

IX. *Provided always, and be it further enacted,* That no Action or Suit, wherein is involved any question touching the right, interest or title to Lands, or any other valuable right or duty, notwithstanding the whole amount or cause of Action may not exceed Ten Pounds, shall be brought, commenced or prosecuted, tried, heard or determined, in and by either of the said Courts of Commissioners respectively.

Proviso

X. *And be it further enacted,* That the process of the said Courts respectively shall be Writs of Capias, Summons and Execution, to be in such form as shall be prescribed and appointed in and by the Schedule to this Act annexed, and such Writs shall be signed by the Clerks of the said Courts respectively, and be tested in the name of the Commissioner, whose name shall be first in the Commission whereby the said Commissioners are appointed, or whose appointment shall be of the oldest date, and shall be directed to some Constable or Officer to be appointed and designated by the said Courts respectively, and may be served or executed within any part of the District for which the Court of Commissioners, whence such Writ or Process shall issue, may be established.

Process of Commissioners Court

XI. *Provided always, and be it further enacted,* That no person shall be arrested upon any Writ of Capias, where the amount of debt sworn to by the party shall not be Three Pounds or upwards, unless the party taking out such Writ of Capias, or his Agent, shall make and file an Affidavit in writing, that he has reason to believe that the party against whom such Process is sought is about absconding or leaving the Province, nor for any sum over Three Pounds, unless such party taking out the Writ, or his Agent, shall make and file an Affidavit of the debt, and in either case the sum shall be indorsed on such Capias, in words at length, under the signature of one of the Commissioners of the said Courts respectively.

Proviso

XII. *And be it further enacted,* That the said Courts respectively shall hear and determine all Causes in which they have Jurisdiction, in a summary way, by examining witnesses on oath, and shall decide the same with the least possible delay, and give judgment thereon.

Proceedings of Court

XIII. *And be it further enacted,* That the said Courts may respectively enter Judgment for any sum not exceeding Ten Pounds, on the verbal confession of any Defendant or Defendants, made in open Court and recorded by the Clerk, or upon the written confession of such Defendant or Defendants, signed by him, her or them, and duly attested.

Judgments

XIV. *And be it further enacted,* That, when the amount of the Judgment recovered shall exceed Twenty Shillings, the party aggrieved by the Judgment may appeal to the Supreme Court, or to the Inferior Court of Common Pleas, at the next Term or Sitting of either of such Courts respectively, so that such appeal be made and allowed to either of the said Courts respectively, which is to sit or to be held in the same District, next after the Court of Commissioners' from which such appeal shall be so made and allowed; *Provided always,* that before such appeal be allowed, sufficient Security shall be given, to the satisfaction of the said Court of Commissioners, by the party appealing, in a Bond with two sufficient Sureties, in a penalty of double the amount of the Judgment given in such Court of Commissioners, when such Judgment shall exceed Five Pounds, or if such Judgment shall be less than Five Pounds, then in a penalty of Ten Pounds, that the party so appealing will abide by and perform the Judgment of the Court to which such appeal shall be made and allowed, which Bond shall be in the form in the Schedule hereunto annexed; *And provided also,* that before such appeal shall be allowed, the party appealing shall make and file an Affidavit in writing, that he is really dissatisfied and feels aggrieved by and with the Judgment of the said Court of Commissioners, and does not prosecute such appeal solely for the purpose of delay.

Appeals

Executions
stayed after
Appeals en-
tered

XV. *And be it further enacted*, That, when and so soon as such appeal shall be entered and allowed, execution in the said Court of Commissioners shall be thereafter entirely stayed, and on the first day of the said next Sitting or Term of the said Supreme or Inferior Court, to which any such appeal shall be allowed, unless he shall receive notice in writing, signed by both parties to the contrary, the Clerk of the said Court of Commissioners shall return and file to and with the Prothonotary, Deputy-Prothonotary or Clerk of the said Supreme or Inferior Court, all the papers and proceedings in the Cause or Causes in which appeals have been made and allowed, with a transcript of the Judgment and the appeal Bond and Affidavit herein before mentioned, and the party appellant shall enter such appeal upon the docket of Summary Causes in the said Supreme or Inferior Court, and thereupon the said Court, wherein such appeal is entered, shall proceed to hear the cause *de novo* in a summary way, or shall order a Jury therein as to such Court may seem just and proper, and final Judgment shall be given on such appeal with the like costs as are now allowed in Summary Causes, between Ten Pounds and Twenty Pounds; *Provided always*, that if the party appellant shall not enter the said appeal as herein before directed, it shall and may be lawful for the party against whom such appeal has been allowed, on the last day of the Term or Sitting of the said Supreme or Inferior Court, to which such appeal has been allowed, to move the said Court to affirm the Judgment of the said Court of Commissioners, and thereupon such Judgment shall be affirmed with costs, to be adjudged and taxed for and on behalf of the party against whom such appeal has been allowed, to the like amount as are now taxed in Summary Causes, as herein before mentioned, and execution may be issued thereupon.

Proviso

Jurisdiction of
Justices over
cases of debt
to cease

XVI. *And be it further enacted*, That the jurisdiction of Justices of the Peace within all the said three Districts of the County of Cape-Breton, over cases of debt as now existing, shall, from and after the commencement of this Act, and when and so soon as the same goes into operation, absolutely and entirely cease and determine, and thereafter it shall not be lawful for any Justice or Justices of the Peace to hear or determine any Action of debt in either of the said three Districts of the said County.

Suits confined
to Commis-
sioners Court

XVII. *And be it further enacted*, That no Suit, subject to the jurisdiction of the said Courts of Commissioners respectively, as herein before limited and established, shall be brought in the Supreme Court or in the Inferior Court of Common Pleas, except by appeal.

Insolvent
Debtors

XVIII. *And be it further enacted*, That all persons being Insolvent Debtors, imprisoned under Process from the said Courts respectively, shall be entitled to their discharge from Prison, on application to the said Courts respectively, or to two of the Commissioners thereof, and such application and the proceedings thereon shall be had and made agreeably to the provisions of the several Laws of this Province, relating to Insolvent Debtors.

Fees

XIX. *And be it further enacted*, That the Commissioners, Clerk and other Officers of the said Court, shall be allowed to take and receive of and from the suitors therein, the several fees which are respectively specified in the following Schedule or Table of Fees, under the limitations herein expressed, and such fees shall be adjudged against, and levied from, the party failing in the Suit; but if the debt recovered be under Twenty Shillings, no more costs shall be allowed than Five Shillings, and if under Ten Shillings, no more costs than Three Shillings, and if under Five Shillings, the allowance of any costs shall be wholly at the discretion of the Court, but not to exceed Three Shillings.

SCHEDULE OR TABLE OF FEES.

By the Commissioners—for taking Affidavit and endorsing a Capias, One Shilling.
For every Trial and Judgment, the whole Court, Two Shillings,
By the Clerk—for every Summons, One Shilling.
For every Affidavit and Capias, One Shilling and Six Pence.
For all subsequent proceedings, including Final Judgment, One Shilling.
For every Execution, One Shilling.
For every Appeal Bond, One Shilling.
For every Subpœna, Six Pence.

By

By the Constable or Officer to whom Process is directed—for service of Summons or Capias, One Shilling.

For every Bail Bond, One Shilling.

Poundage on Execution, where Money is paid without Sale, Three Pence in the Pound. If Property is taken and sold, Six Pence in the Pound.

Travel from residence of Constable to place of service of any Writ or Process, per mile, Three Pence.

By Witness—attendance for each day in Court to be taxed and allowed at the discretion of the Court, not to exceed for each day Two Shillings and Six Pence.

Travel to and from Court-House, from and to residence of Witnesses, per mile, Three pence.

XX. *And be it further enacted*, That if any Commissioner, Clerk or Officer of the said Courts respectively, shall demand, take or receive, any other or greater fees than are by this Act allowed, he shall forfeit and pay a fine of Ten Pounds, to be recovered with costs, in any Action or Suit by him or them that will sue for the same, either in the said Court of Commissioners or in the Supreme Court or Inferior of Common Pleas, when the same shall be tried and determined in a Summary manner.

Penalty for demanding greater Fees

XXI. *And be it further enacted*, That this Act shall continue and be in force for one year, from the time the same shall come into operation, and from thence to the end of the then next Session of the General Assembly.

Continuation of Act

XXII. *Provided always, and be it further enacted*, That the said Courts respectively shall have no jurisdiction or authority over any Action or Prosecution for any penalty or forfeiture by any Act or Acts heretofore passed, enacted, or for any Poor or County Rates or penalty for non-performance of Statute Labour, but the same shall and may be sued for and recovered as heretofore, by Law provided and directed.

Jurisdiction of Courts limited

SCHEDULE REFERRED TO IN THE FOREGOING ACT.

FORM OF CAPIAS.

CAPE-BRETON, to-wit:

By the Court of Commissioners for the District of the County of Cape-

Breton.

To the Constable or Officer of said Court

Form of Capias

You are hereby required to take A. B. of (residence) in the District aforesaid (addition) and safely keep him, so that you have him before the said Court at on the first Monday of next, to answer to C. D. in the sum of

Witness, E. F. Esquire, at this day of A. D. 183

By the Court, (Signed) G. H. Clerk.

FORM OF SUMMONS.

CAPE-BRETON, to-wit:

By the Court of Commissioners for the District of the County of Cape-

Breton.

To the Constable or Officer of said Court.

Form of Summons

You are hereby required to Summon A. B. of (residence) in the said District (addition) to be and appear in the said Court, at on the first Monday of next, to answer to C. D. in the sum of

Witness, E. F. Esquire, at this day of A. D. 183

By the Court, G. H. Clerk.

FORM OF EXECUTION.

CAPE-BRETON, to-wit:

By the Court of Commissioners for the District of the County of Cape-

Breton.

To the Constable or Officer of the said Court.

Form of Execution

Whereas, in the said Court, on the first Monday of A. B. recovered Judgment against C. D. for the sum of debt and costs, which remains unsatisfied,

G

tified. You are therefore required of the Goods and Chattles of the said A. B. within your precinct, to cause to be made the said sums respectively, being together the sum of together with one shilling each for this and every former Execution, and your own fees thereon, and if no Goods and Chattles of the said A. B. can be found in your precinct to satisfy such sums to the satisfaction of the said C. D. you are hereby required to take the said A. B. and commit him to Jail, in there to remain until he pay the said Monies, or be discharged by the said C. D. his Creditor, or otherwise by due course of Law.

Witness E. F. Esquire, at
By the Court,

the day of
(Signed)

A. D. 183
G. H. Clerk.

FORM OF APPEAL BOND.

Form of Appeal Bond

Know all Men by these Presents, that We, A. B. C. D. and E. F. (*names of Appellant and Sureties, with places of residence, and additions,*) are held and firmly bound to G. H. (*name and description of party against whom the Appeal is allowed,*) in the penal sum of of lawful Money of Nova-Scotia, to be paid to the said G. H. (*name of person against whom Appeal is allowed,*) his certain Attorney, Executors, Administrators or Assigns, for which payment well and truly to be made, we bind ourselves, and each of us by himself, our and every of our Heirs, Executors and Administrators, firmly by these Presents, sealed with our Seals, and dated the day of in the year of Our Lord One Thousand Eight Hundred and

Whereas, in a certain cause, between the said A. B. as Plaintiff, and the said G. H. as Defendant, in the Court of Commissioners, for the District of Cape-Breton, held at on the first Monday of Judgment was given for (*here state the Judgment, and for whom given, and if for any amount, state the sum,*) and the said A. B. (*name of party appealing*) has desired to appeal against such Judgment. The condition of the above Obligation is such, that if the said A. B. at the next term of (*here state the Term and Court to which the Appeal is allowed,*) shall duly enter and prosecute with effect his said Appeal, and shall proceed therein, and shall abide by, and fulfil the Judgment of, said Court, to be given on such Appeal, then the above Obligation to be void, otherwise to remain in force.

Signed, Sealed and Delivered,

in the Presence of

A. B. L. S.
C. D. L. S.
E. F. L. S.

CAP. XXI.

An Act to Incorporate the Petit Plaister and Mills Company.

(PASSED THE 12th DAY OF MARCH, 1836.)

Preamble

WHEREAS, the River Petit, in the County of Hants, offers an advantageous site for Mills and other Machinery for grinding Plaister of Paris or Gypsum, and for other purposes, and, for procuring the requisite Capital, it is desirable to Incorporate into a Body, Politic and Corporate, such persons as may be willing to advance Funds for such undertaking :

Incorporation of "The Petit Plaister and Mills Company"

I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That Francis Parker, Isaac O'Brien, Rural Williams, William Parker, Thomas W. Smith, John N. Grant, Elias Craig, Junior, Charles Peavy and John J. Peavy, and all and every such other person or persons as shall from time to time become Proprietors of Shares in the Corporation hereby established, their Successors and Assigns, shall be, and they are hereby erected into a Company, and declared to be a Body, Politic and Corporate, by the name of "The Petit Plaister and Mills Company," and by that name shall and may have succession and a Common Seal, and by that name shall and may sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any Court or Courts of Law or Equity, or place whatsoever, and be able and capable

capable in Law to have, hold, purchase, get, receive, take or lease, erect, set up, possess and enjoy, in any part of the Township of Kempt, in the County of Hants, Houses, Lands, Tenements, Hereditaments, Mills, Rents and Profits, in fee simple, leasehold or otherwise, and also, Goods and Chattles, and all other things, real, personal and mixed; and also, to give, grant, sell, let, assign or convey the same, or any part thereof, and to do and execute all other things in and about the same, as shall and may be thought necessary and proper for the benefit and advantage of the said Company; and also, that the said Company, or the major part of them, shall, from time to time and at all times, have full power, authority and license to constitute, ordain, make and establish, change, vary and alter, such Bye-laws and Ordinances as may be thought necessary for the good Rule and Government of the said Corporation; *Provided* such Bye-laws and Ordinances be not contradictory or repugnant to the Laws or Statutes of the Province, and those in force within the same.

Privileges and Powers

II. *Provided always, and be it further enacted*, That the said Company shall not take, have, hold or possess, at any one time, a greater number than Twenty Thousand Acres of Land.

May hold limited quantity of Land

III. *And be it further enacted*, That the said Company, and its affairs and business, shall be under the management and direction of a President, and such other Officers as shall or may be named and designated by the Bye-laws of the said Company, and the Capital of the said Company shall be divided into Shares, of such amount as by the said Bye-laws may be hereafter provided; and such Shares shall be assignable and transferrable in such manner, and upon such terms, as by the said Bye-laws may be also provided and directed. *Provided always*, that such Bye-laws shall not be of any force or effect until they have been submitted to, and approved by, the Governor, Lieutenant-Governor, or Commander in Chief for the time being.

Officers

Capital

Proviso

IV. *And be it further enacted*, That for and notwithstanding any Real Estate which the said Company may hold at any time, the shares and interest of the several Shareholders of and in the Capital Stock and Funds of the said Company shall be held and deemed to be personal property, to all intents and purposes whatsoever, and such Lands and Real Estate, or so much thereof, as may be necessary to satisfy the same, shall and may be taken upon any Writ of *Fieri Facias* or other Execution, and sold in the same manner as Goods and Chattles may be taken and sold, and the Sheriff shall, immediately after such sale, make and execute a Deed to the purchaser, which Deed shall convey and transfer all the Estate and Interest of the said Corporation, in the lands so taken, sold and conveyed.

Interest of Shareholders in Company deemed personal property, and may be taken on certain Writs

V. *Provided always, and be it further enacted*, That nothing herein contained shall be held or construed to give the said Company the privilege of dealing in the lending of Money by way of Discount or otherwise, or engaging in any Banking operation whatsoever, or to effect any Insurance upon any Ship or Vessel or Marine risk, or upon any loss by Fire, or upon any Life or Lives.

Restrictions

VI. *And be it further enacted*, That this Act shall be accepted, and taken and reputed to be, a public Act, of which all and every the Judges or Justices of and in all Courts in this Province, and all other persons, shall take notice on all occasions whatsoever, as if it were a public Act relating to the whole Province, any law, usage or custom, to the contrary notwithstanding.

Act to be considered a Public Act

CAP. XXII.

An Act to amend the Act to direct and ascertain the mode of Assessing County and District Rates, and for other purposes.

(PASSED THE 12th DAY OF MARCH, 1836.)

WHEREAS, by the Act, passed in the last Session of the General Assembly, entitled, An Act to direct and ascertain the mode of Assessing County and District Rates,

Preamble.

Rates, an allowance is made to each Assessor under such Act of Five Shillings for each day, not exceeding four days, he shall be employed; *And whereas*, in some Counties and Districts there may be a large number of Assessors, and the duty to be performed being a public duty, which in the ordinary course will fall equally upon all the Inhabitants of the different Counties and Districts, and it is therefore inexpedient to make to such Assessors any pecuniary allowance:

Assessors not allowed pecuniary emoluments

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That the Assessors to be hereafter appointed under the said Act, shall not be entitled to demand or receive any pecuniary emoluments or allowance whatsoever, any law, usage or custom, to the contrary notwithstanding, but such Assessors shall, and they are hereby required to, assess themselves as in the said Act is directed, under the penalty therein mentioned.*

CAP. XXIII.

An Act to continue the Act to suspend the operation of the Acts to prevent Forestalling, Regrating and Monopolizing of Cordwood, in the Town of Halifax.

(PASSED THE 12th DAY OF MARCH, 1836.)

Act 7, Geo. IV, continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the seventh year of the Reign of His late Majesty King George the Fourth, entitled, An Act to suspend the operation of the Acts to prevent Forestalling, Regrating and Monopolizing of Cordwood, in the Town of Halifax, and every matter, clause and thing, in the said Act contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. XXIV.

An Act to render perpetual the Act to enable those interested in LaHave Common to make Regulations for the Management thereof.

(PASSED THE 12th DAY OF MARCH, 1836.)

Act 1, Wm. IV, continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, made and passed in the first year of His present Majesty's Reign, entitled, An Act to enable those interested in LaHave Common to make Regulations for the Management thereof, and every matter, clause and thing, therein contained, shall be, and the same are hereby made perpetual, any thing in the said Act to the contrary notwithstanding.

CAP. XXV.

An Act to continue and amend the Act relating to Passengers from Great-Britain and Ireland.

(PASSED THE 12th DAY OF MARCH, 1836.)

Act 2, Wm. IV, continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the second year of His present Majesty's reign, entitled, An Act relating to Passengers from Great-Britain and Ireland, arriving in this Province, and every matter, clause

clause and thing therein contained, shall be continued, and the same are hereby continued for three years, and from thence to the end of the then next Session of the General Assembly.

II. *Provided always, and be it further enacted and declared,* That, for the purpose, and within the meaning of this Act and the Act hereby continued and amended, two children, each being under the age of fourteen years, but above the age of seven years, or three children, each being under the age of seven years, shall in all cases be computed as one person only; and that children under the age of one year shall not be included in the computation of the number of persons.

Number of children considered equal to one person

CAP. XXVI.

An Act to continue the Acts to provide for the Regulation and Management of the Grammar School or Academy at Annapolis.

(PASSED THE 12th DAY OF MARCH, 1836.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the ninth year of His late Majesty's Reign, entitled, An Act to provide for the Regulation and Management of the Grammar School or Academy at Annapolis; and also, the Act, passed in the fourth year of His present Majesty's Reign, to continue and amend the said Act, shall be continued, and the said Acts, and every matter, clause and thing, therein contained, are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Acts 9, Geo. IV, & 4, Wm. IV. continued

CAP. XXVII.

An Act to continue an Act in amendment of certain Acts relating to Wills, Legacies and Executors, and for the Settlement and Distribution of the Estates of Intestates.

(PASSED THE 12th DAY OF MARCH, 1836.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the tenth year of His late Majesty's reign, entitled, An Act in amendment of an Act, made and passed in the thirty-second year of the reign of His late Majesty King George the second, entitled, An Act relating to Wills, Legacies and Executors, and for the Settlement and Distribution of the Estates of Intestates; and the Act, passed in the thirty-fourth year of His said late Majesty's reign, in amendment of the said Act, and every matter, clause and thing, in the said Acts contained shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Acts 10 & 34, Geo. IV, continued

CAP. XXVIII.

An Act to continue the Act to prevent disorderly Riding, and to regulate the driving of Carriages on the Streets of Halifax or other Towns, or on the Public Roads of this Province, and for repealing certain Acts therein mentioned.

(PASSED THE 12th DAY OF MARCH, 1836.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the fourth year of the Reign of His late Majesty King George the Fourth, H
entitled,

Act 4, Geo. IV, continued

entitled, An Act to prevent disorderly Riding, and to regulate the driving of Carriages on the Streets of Halifax or other Towns, or on the Public Roads of this Province, and for repealing certain Acts therein mentioned, and every matter, clause and thing, in the said Act contained shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. XXIX.

An Act to continue the Act to preserve and regulate the Navigation of the Harbour of Pugwash.

(PASSED THE 12th DAY OF MARCH, 1836.)

Act 3, Wm.
IV, continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the third year of His present Majesty's Reign, entitled, An Act to preserve and regulate the Navigation of the Harbour of Pugwash, and every matter, clause and thing, therein contained shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly

CAP. XXX.

An Act concerning Private Acts.

(PASSED THE 12th DAY OF MARCH, 1836.)

Preamble

WHEREAS, the pleading specially of Private Acts of the General Assembly is cumbersome, and occasions unnecessary expense to Suitors; and moreover such Private Acts, being in this Province printed and published in the Royal Gazette, and also, uniformly with the Public Acts in the Statute Books, it would be convenient that the printed Copies should be judicially noticed as in regard to other Acts or Statutes of the Provincial Parliament:

Private Acts
noticed as
Public Acts

I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That hereafter it shall not be requisite or necessary, in any Action or Suit at Law or in Equity, to set forth and plead or make profert of any Private Act or Statute of this Province, in order to its being given in evidence or judicially noticed, otherwise than is requisite or necessary with regard to Public Acts, and all such Private Acts shall and may be judicially noticed and given, and received in evidence in all His Majesty's Courts of Law or Equity in this Province, from and by the printed copies thereof, appearing to be published by due authority, and being so printed shall in all respects and to all intents and purposes whatsoever, be held and deemed and construed to be Public Acts, and of the same force and effect, and to be had, held and used in the same manner as Public Acts or Statutes, any law, usage or custom to the contrary notwithstanding.

CAP. XXXI.

An Act to continue the Act to lessen the Expenses of the proof of Written Documents, in Actions depending in any of the Courts within this Province.

(PASSED THE 12th DAY OF MARCH, 1836.)

Act 3, Wm.
IV, continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the third year of His present Majesty's Reign, entitled, An Act to lessen

sen the expense of the proof of Written Documents, in Actions depending in any of the Courts within this Province, and every matter, clause and thing, therein contained shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. XXXII.

An Act for granting Colonial Duties of Impost for the support of His Majesty's Government within this Province, and for promoting the Agriculture, Commerce and Fisheries thereof.

(PASSED THE 29th DAY OF MARCH, 1836.)

WHEREAS, the Act now in force for granting Colonial Duties of Impost, combining the Duties imposed by the General Assembly of this Province with the Duties imposed by and under the Act of the Imperial Parliament, passed in the third and fourth year of the Reign of His present Majesty King William the Fourth, entitled, An Act to regulate the Trade of the British Possessions Abroad, has been found in its operation to be attended with inconvenience, and in order to avoid such inconvenience, it is therefore expedient to modify and alter the provisions of the said Act first mentioned:

Preamble

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That upon, from and after, the first day of April, in the Year of Our Lord One Thousand Eight Hundred and Thirty-six, this Act shall come into and be in operation, and shall remain and continue in operation until the Thirty-first day of March, which will be in the Year of Our Lord One Thousand Eight Hundred and Thirty-seven, and no longer.*

Act comes into operation

II. *And be it further enacted, That upon, from and after, the day appointed for this Act to come into and be into operation, and during the continuance thereof, and instead and in lieu of all other Colonial Duties whatsoever and however denominated, there shall be raised, levied, collected and paid, unto His Majesty, His Heirs and Successors, for the use of the Province and the support of the Government thereof, and other public purposes within the same, for and upon Goods, Wares and Merchandize, imported or brought into this Province by Sea or Inland Carriage or Navigation, on or after the said first day of April One Thousand Eight Hundred and Thirty-six, and during the continuance of this Act, the several and respective Impost Duties, Rates and Impositions, inserted, described and set forth in figures in the Table of Duties hereinafter contained, denominated Table of Colonial Impost Duties, opposite to and against the respective articles in the said Table mentioned, described and enumerated, and according to the value, number or quantity, of such articles therein specified, that is to say :*

Refers to Table of Duties—

For and upon Goods, Wares and Merchandize, of the growth, production or manufacture of the United Kingdom, or of any of the British Possessions, imported or brought as aforesaid, the several Colonial Impost Duties respectively set forth in figures in the first column of the said Table of Duties, and

On Goods, &c. from Great-Britain or British Possessions

For and upon Goods, Wares and Merchandize, not being of the growth, production or manufacture, of the United Kingdom or of any of the British Possessions, imported or brought as aforesaid, the several Colonial Duties respectively set forth in figures in the second column of the said Table of Duties.

On Goods, &c. imported from Foreign Countries

III. *And be it further enacted, That, save and except as may be hereinafter provided, all the said several Duties herein before imposed, and in the said several columns of the said Table mentioned, shall be, and shall be held and taken to be, in addition to and over and above any Duties, in, by or under, the said Act of the Imperial Parliament, passed in the third and fourth year of His present Majesty's reign, entitled as aforesaid, or any other Act or Acts of the said Imperial Parliament, in amendment of, or in addition to, or alteration of the same, now or hereafter to be passed, imposed, levied, collected, charged or payable upon the several articles in such Table respectively mentioned, contained or referred to.*

Duties additional to those laid by Act of Imperial Parliament

IV.

Duties on Rum, &c. distilled in Province

IV. *And be it further enacted,* That there shall be raised, levied, collected and paid unto His Majesty, His Heirs and Successors, for the purposes aforesaid, for and upon all Rum or other Spirituous Liquors which shall be by any way or method whatsoever manufactured, compounded, extracted, distilled or made, in this Province, and which in the said Table are specially enumerated and described, the several Duties therein stated.

Articles declared Free of Duty in Table

V. *And be it further enacted,* That the several and respective Goods, Wares and Merchandize, mentioned in the said Table and against or opposite to which the words "duty free" are inserted, in the first column of Duties of the said Table, shall respectively be held free of any Colonial Duties by this Act imposed on Goods of British growth, production or manufacture as aforesaid, and the several and respective Goods, Wares and Merchandize, mentioned in the said Table, and against or opposite to which the words "duty free" are inserted, in the second column of Duties in the said Table, shall respectively be held free of any Duties by this Act imposed on Goods not being of British growth, production or manufacture as aforesaid.

Goods derelict, flotsam, jetsam, &c.

VI. *And be it further enacted,* That all Goods, derelict, flotsam, jetsam and wrecked, brought or coming into this Province, shall at all times be subject to the same Duty as Goods of the like kind imported into this Province are respectively subject unto; *Provided always,* that if, for ascertaining the proper amount of Duty so payable, any question shall arise as to the origin of any such Goods, the same shall be deemed to be of the growth, produce or manufacture of such Country or place as the Board of Revenue shall upon investigation by them determine; *and provided also,* that if any such Goods be of such sorts as are entitled to allowance for damage, such allowance shall be made under such regulations and conditions as the Board of Revenue shall from time to time direct; *and provided further,* that all such Goods as cannot be sold for the amount of duty due thereon, shall be delivered over to the person entitled to receive the same, and shall be deemed to be unenumerated Goods, and shall be liable to, and shall be charged with, duty accordingly.

Flour, &c. of Foreign Production imported from Canada

VII. *And be it further enacted,* That all Wheat Flour, Salted Beef and Salted Pork, being of Foreign production, imported or brought by Land or Inland Navigation into the Province of Upper or Lower Canada, and thence imported into this Province direct, shall be deemed to be of the production of a British Possession, and be charged with Colonial Duty accordingly, unless exempt from such Duty.

Duties imposed according to British weights and measures now in use

VIII. *And be it further enacted,* That all the said Colonial Duties hereby imposed shall be collected, paid and received, according to the British weights and measures now in use in this Province, and that in all cases where the said Colonial Impost Duties are in the said Table of Duties imposed according to any specific quantity or any specific value or number, the same shall be deemed to apply in the same proportion to any greater or less quantity, value or number.

Collection of Duties

IX. *And be it further enacted,* That the said Colonial Duties by this Act imposed shall be ascertained, secured, paid, levied, collected, recovered and applied, under and according to the directions, provisions, regulations and penalties, and by the ways and means respectively prescribed and contained in the several Acts of the General Assembly, passed or to be passed, and from time to time in force, concerning the securing, paying, levying, collecting, recovering and applying, the said Duties.

Dutiable Goods may be Warehoused

X. *And be it further enacted,* That it shall be lawful for the Importer of any Goods, subject to the Duties hereby imposed, to Warehouse such Goods upon the first entry thereof, under and according to the rules, regulations and conditions, from time to time in force, or to be enacted, concerning the Warehousing of Goods, and without payment of Duty upon such first entry thereof.

Goods in Warehouse subjected to Duties by this Act imposed

XI. *And be it further enacted,* That all Goods which shall have been Warehoused in this Province before this Act goes into operation, and which shall remain so Warehoused after the operation thereof commences, and on which the Colonial Duties heretofore imposed have not been paid or secured by a subsisting and continuing security, shall, in lieu of all former Duties, become liable to, and be charged with, the Colonial Duties hereby imposed on the like Goods and Merchandize.

XII.

XII. *And be it further enacted,* That, upon the Exportation from this Province of any Goods, by this Act charged with Colonial Duty, there shall be allowed and granted a Drawback of the whole amount of the Colonial Duty paid or secured thereon; *Provided,* such Exportation shall be made, in all respects, conformably to the rules and regulations from time to time in force, or to be enacted, touching the allowance of Drawbacks on Exportation; *And provided also,* that all the requisites for obtaining such Drawbacks be observed in respect of the Goods exported.

Drawbacks allowed

XIII. *And be it further enacted,* That the amount of all Drawbacks granted, allowed or made payable, under or by virtue of any Act of the General Assembly in force, on or immediately before the day when this Act is limited to take effect, for and upon any Goods charged with Duty under any prior Act or Acts, shall remain and continue, and be allowed, with respect to such Goods, in the same manner as if the Act or Acts, whereby such Drawbacks were allowed, had continued in force after the commencement hereof.

Former Drawbacks allowed

XIV. *And be it further enacted,* That all Duties imposed by this Act, and all Drawbacks allowed by this or any former Act or Acts, shall be under the management of the Board of Revenue, who shall, in respect of such Duties and Drawbacks, manage and allow the same, as hath been, or is or shall be, by Law prescribed.

Duties and Drawbacks under management of Board of Revenue

XV. *And be it further enacted,* That all the Monies arising from the Duties by this Act imposed, after deduction made of the legal allowances in respect to the collection thereof, shall be remitted and paid into the public Treasury of the Province, in Halifax, by quarterly payments, on or as near as may be practicable to the first day of every quarter, and shall be carried to the account of the Provincial Revenue, and be and be deemed part of the public funds of this Province, and shall be paid, applied and appropriated, to such purposes, and no others, as are or may be expressed or contained in the several Acts of the General Assembly of this Province, from time to time in force.

Revenue raised under this Act to be paid into Treasury

XVI. *And be it further enacted,* That all Monies arising from the said Colonial Duties and paid into the public Treasury, shall from time to time be drawn for by the Governor, Lieutenant-Governor or Commander in Chief for the time being, by Warrant under his Hand and Seal, pursuant to the Instructions and directions of His Majesty, and in payment and discharge of any Monies appropriated, or to be appropriated, by any Act or Acts of the General Assembly.

Appropriation of Revenue

XVII. *And be it further enacted,* That all Duties on Goods imported, or to be imported, before the coming of this Act into operation, and imposed by any Act or Acts of the General Assembly of this Province, passed for raising a Revenue, and which have expired or shall expire, at or after the coming of this Act into operation, and all penalties and forfeitures inflicted or incurred under the provisions of such former Act or Acts, shall be collected, raised, paid, levied, recovered and enforced, according to the several and respective provisions of such former Act or Acts, whereby such Duties, Penalties, and Forfeitures, were imposed, the expiration or repeal of such former Act or Acts, or any thing therein contained to the contrary notwithstanding.

Duties imposed under former Acts

XVIII. *And be it further enacted,* That all the said several Duties hereby imposed, and in the said first and second Columns of the said Table of Duties respectively mentioned and contained, shall be estimated, calculated and reduced, into the Currency of this Province as follows, that is to say: all the several specific Duties imposed by the said Table of Duties in the first and second Columns thereof respectively, upon any article or articles therein mentioned, according to the weight, measure or tale thereof, shall be considered and deemed to be imposed and charged in Sterling Money of Great-Britain, and the same shall be reduced and converted into the Currency of this Province, by adding to the aggregate amount of the Duty or Duties imposed and payable on any such article or articles according to the rate of Duty charged and imposed thereon in the said first and second Columns respectively mentioned one fourth of the said aggregate amount, and in calculating all Duties by the said Table imposed upon any article or articles, according to the value thereof, One Hundred Pounds Sterling shall, in all cases, be deemed and taken to represent, and be equivalent to, One Hundred and Twenty-five Pounds Currency of this Province.

Estimation of Duties

XIX. *And be it further enacted,* That all such Duties, when so reduced and converted

Duties may be paid in Treasury Notes, Doubloons or British Silver

Proviso

Preamble

verted into Currency, shall and may be paid and received at the Provincial Treasury, or by or to any Collector of the Colonial Revenue, in Treasury Notes of this Province, at and after the rate of Twenty Shillings for each and every One Pound Currency, in Doubloons of full weight and fineness at and after the rate of Four Pounds Currency, and in British Sovereigns and British Silver Coins at and after the rate of Twenty-five Shillings Currency for each Sovereign, and in the like proportion for such British Silver Coins; *Provided*, that no greater sum than Two Pounds Currency shall be tendered or received, or paid in such British Silver Coins at any one time, in discharge of such Duties as aforesaid.

And whereas, in and by the said Act of the Imperial Parliament, for regulating the Trade of the British Possessions Abroad, in addition to the Rates and Duties thereby imposed on the same articles respectively, it is directed that there shall be charged, levied and collected, upon Brandy, Gin, Cordials, Rum and Spirits, Sugars and Coffee, not being of the Growth, Produce or Manufacture, of the United Kingdom or of any of the British Possessions, but being of Foreign Growth, Produce or Manufacture, the amount of any Duty charged, imposed or payable, upon the said several Articles respectively, being of the Growth, Produce or Manufacture, of the United Kingdom, or of some of the British Possessions, by or under any Colonial Act.

Brandy, Gin, &c. of Foreign production

XX. *Be it therefore enacted*, That the several Colonial Impost Duties, in and by the second column of the said Table of Duties hereunto annexed, imposed or charged, upon or against any Brandy, Gin, Cordials, Rum, Spirits, Sugars or Coffee, not being the growth, produce or manufacture, of the United Kingdom or of some of the British Possessions, shall not apply or be charged or chargeable against the said several articles respectively, save and except only in such cases when, under the said Act of the Imperial Parliament, the said articles shall be exempt or free from the payment of the said Imperial Duties by the said Act imposed, or from the payment of the Colonial Impost Duties by this Act imposed upon the same articles, being of the growth, produce or manufacture, of the United Kingdom or of any of the British Possessions.

Salted Beef and Pork of Foreign Production subject to Imperial Duties

XXI. *And be it further enacted*, That so long as the said Imperial Duties by the said Act of the Imperial Parliament imposed upon Salted Beef and Pork, not being of the growth, produce or manufacture, of the United Kingdom or of some of the British Possessions, shall continue and remain in force, then, and in such case, whenever it shall be shewn to the Collector or other proper Officer of the Colonial Revenue, that such Imperial Duties have been duly paid, either by the production of a Certificate from the Collector of His Majesty's Customs or otherwise, to the satisfaction of the said Collector or Officer of the Colonial Revenue, the payment of such Imperial Duties shall be taken, held and received, to be a full payment and discharge of all Colonial Impost Duties hereby imposed on such Salted Beef and Pork, in and by the second Column of the said Table of Duties hereunto annexed, and the Security given for such Colonial Impost Duties shall be cancelled, or credit given and allowed thereon, for the Duties, paid in the same manner as if such Colonial Impost Duties on the same quantity or quantities of Salted Beef or Pork had actually been paid to the said Collector or Officer of the Colonial Revenue.

Act may be altered or amended

XXII. *And be it further enacted*, That this present Act may be altered or amended by any Act or Acts of the present Session of the General Assembly.

TABLE OF COLONIAL IMPOST DUTIES, AND EXEMPTIONS FROM DUTY.

Table of Duties

ARTICLES.	COLONIAL IMPOST DUTIES.	
	On British Produce.	On Foreign Produce.
	1st Column.	2d Column.
Ale, in bottles	for every 100l of the value	STERLING. £7 10 0
anchors and Grapnels.	for every 100l of the value	duty free 2 10 0
Apples, fresh or dried	per barrel.	0 4 0
Ashes, to-wit, Pot Ashes and Pearl Ashes		duty free
Bacon	per cwt.	0 6 0
Baggage and Apparel, worn and in use, and not made up and intended for sale		duty free
Barley, unground		duty free
Hulled or Pearl Barley.	for every 100l of the value	7 10 0
Beans		duty free

TABLE OF COLONIAL IMPOST DUTIES, AND EXEMPTIONS FROM DUTY.

ARTICLES.	COLONIAL IMPOST DUTIES.	
	On British Pro- duce.	On Foreign Produce.
	1st Column 2d Column.	Column.
Beef, salted of all sorts	per cwt.	STERLING.
Fresh, brought by Land or Inland Navigation	per cwt.	0 0 9
Fresh, otherwise brought		duty free
Biscuit or Bread	per cwt.	0 0 9
Fine, called Crackers or Cakes	per cwt.	0 0 9
Books, prohibited to be imported into the United Kingdom not so prohibited		duty free
Bullion, Gold or Silver		duty free
Burr Stones		duty free
Cables, of Hemp, or other vegetable substances	for every 100l of the value	duty free
and when exempt from Imperial Duty	for every 100l of the value	duty free
of Iron	for every 100l of the value	duty free
Candles, of Wax or Spermacetti	for every 100l of the value	7 10 0
Carriages, of Travellers, not for Merchandize, or intended to be sold		duty free
Cattle, viz : Asses and Mules		duty free
Horse, Mare or Gelding	each	duty free
Neat Cattle, viz : Ox or other Neat Cattle, three years old or upwards	each	duty free
Cow and Cattle, under three years old	each	duty free
Sheep	each	duty free
Hog	each	duty free
Chocolate or Cocoa Paste	for every 100l of the value	5 0 0
Coal		duty free
Cocoa, used in the Manufacture of Chocolate		duty free
Coffee	per cwt.	0 9 4
Clocks, of all kinds	for every 10l of the value	5 0 0
All Wheels, Machinery and Materials for Manufacturing Clocks	for every 100l of the value	5 0 0
Corkwood		duty free
Coin, Base or Counterfeit		prohibited
Gold and Silver Coins, and British Copper Coins		duty free
Copper, viz : Copper Ore, or in Pigs or Bricks		duty free
In plates, sheets, bars or bolts, for ship building, every 100l value		duty free
Wrought or cast for Machinery, pure, or with other metal	for every 100l of the value	2 10 0
Old or worn, or fit only to be re-manufactured		duty free
Corn, viz : Wheat, Rye, Indian Corn and Buck Wheat unground		duty free
Wheat Flour		duty free
Corn, viz : Barley Meal, Rye Meal, Oat Meal, Indian Meal, Buck-wheat-Meal, Peas, Beans and Calavances		duty free
Cordage, tarred or untarred	for every 100l of the value	duty free
and when exempted from Imperial Duty	for every 100l of the value	duty free
Dog Stones		duty free
Fish, viz : Fresh		duty free
Salted, dried or pickled	for every 100l of the value	duty free
Fish Hooks		duty free
Fish Oil, viz : Train Oil, Spermacetti Oil, Head Matter, Blubber, Fins and Skins, the produce of Fish or Creatures living in the Sea, taken or caught by the crews of British Ships.		duty free
Not taken or caught by British Subjects or the crews of British Ships, or imported otherwise than from the United Kingdom, or a British Possession	for every 100l of the value	duty free
Flax		duty free
Fruit, fresh, not otherwise charged with duty		duty free
Hay and Straw	for every 100l of the value	5 0 0
Hemp		duty free
Hides or pieces of hides, raw, not tanned, curried or dressed		duty free
Horns		duty free
Iron, viz : in bars or pigs, unwrought or pig Iron		duty free
Ores of Iron of all kinds		duty free
Castings for Machinery for Mills, for Steam Engines, and for other purposes, and cast or wrought pipes and tubes	for every 100l of the value	duty free
Lentils		duty free
Lime and Limestone		duty free
Lines for the Fisheries, of all kinds		duty free
Maps and Charts		duty free
Machinery or parts of Machinery for Steam Engines or Carding Machines, or Agricultural purposes	for every 100l of the value	2 10 0
Meat, fresh	for every 100l of the value	duty free
Molasses		duty free
Nets, Fishing Nets and Seines of all kinds		duty free
Oats, unground	for every 100l of the value	duty free

Table of Duties

TABLE OF COLONIAL IMPOST DUTIES, AND EXEMPTIONS FROM DUTY.

Table of Duties

ARTICLES.	COLONIAL IMPOST DUTIES.	
	On British Pro- duce.	On Foreign Produce.
	1st Column.	2d Column.
Oakum	for every 100l of the value	STERLING. 2 10 0
Onions	per cwt.	duty free 0 2 6
Ores, of all kinds		duty free
Paintings		duty free
Pears, fresh or dried	per barrel	0 4 0
Pitch		duty free
Plate, of Gold and Silver, old and fit only to be re-manufactured		duty free
Plants, Shrubs and Trees		duty free
Pork, salted, of all kinds	per cwt.	0 1 3
Fresh, brought by Land or Inland Navigation, or otherwise	per cwt.	duty free 0 9 0
Porter, in bottles	for every 100l of the value	7 10 0
Poultry, of all sorts, dead	for every 100l of the value	duty free 10 0 0
Rags, viz : old rags, old rope, junk and old fishing nets		duty free
Rice, unground		duty free
Rosin		duty free
Sails or Rigging, saved from Vessels wrecked on the Coasts of the Province		duty free
Sail Cloth of all kinds, Canvas included	for every 100l of the value.	duty free 2 10 0
Salt		duty free
Seeds of all kinds		duty free
Skins, Furs, Pelts or Tails, undressed		duty free
Spirits, viz:—Brandy, Gin, Rum, or other Spirituous Liquors, (save and except Rum or Spirits distilled from Molasses, Grain or Fruit,) which, by any way or method whatsoever shall be manufactured, compounded or extracted, distilled or made, within this Province, the gallon:		0 1 4
Rum or Spirits distilled in this Province from Molasses, Grain or Fruit the gallon		0 0 9
Spirits and Whiskey, the manufacture of the United Kingdom, the gal.		0 1 4
Brandy, Whiskey, Geneva, Cordials, and other Spirits, except Rum, the gallon		0 1 4
Rum the gallon		0 1 3
Shrub or Santee the gallon		0 0 10
Stone, unmanufactured, not otherwise charged with duty		duty free
Sugar, viz:—of the Maple		duty free
Do. Refined	per cwt.	0 8 0
Do. Brown or Muscovado, not refined	the cwt.	0 2 0
Tallow	for every 100l of the value	2 10 0
Tar		duty free
Tea of all kinds	for every 100l of the value	10 0 0
Twines and Lines, used in the Fisheries		duty free
Tobacco, manufactured, (except Snuff and Segars)	for every lb.	0 0 ½
Segars and Snuff	for every 100l of the value	7 10 0
Unmanufactured		2 10 0
Tongues of Cattle, dried or pickled		0 0 9
Tow		duty free
Turpentine		duty free
Vegetables, fresh		duty free
Whale, Fin or Bone, taken or caught by Crews of British Ships		duty free 15 0 0
Wines, viz:—Hock, Constantia, Malmsey or Tokay, the gallon		0 2 6
Champagne, Burgundy or Hermitage, the gallon		0 2 3
Claret, called Lafitte, Latour, Margeaux or Hautbrian, the gallon		0 2 1
Madeira and Port the gallon		0 1 11
Sherry Wine, of which the first cost is £20 per pipe, or upwards, the gallon		0 1 8
Other Claret Wines, Barsac, Sauterne, Vin de Grave, Moselle, and other French Wines, and Lisbon and German Wines, the gal.		0 1 6
All other Sherry Wines, Teneriffe, Marsala, Sicilian, Malaga, Fayal, and all other Wines, the gallon		0 1 3
All Wines, the produce of the Cape of Good Hope, (except Constantia,) the gallon		0 1 0
Wood, viz:—Masts, Spars, Boards, Plank, Deals, Staves, Heading, Shingles, Clapboards, Timber, Laths, Hoops, and Wood of all sorts, Lumber, the produce of, and imported from, any British Possession, the West Coast of Africa, Wood and Lumber otherwise imported, Cabinet-Maker's Wood, Hard Wood		duty free
Manufactures of, viz:—Chairs, Tables, and other Household Furniture and Utensils, Carriages of all sorts, Carts, Waggon, Cabinet-Maker's Work, Carpenter's Work, and Wheelwright's Work of all kinds, not being for Agricultural purposes	for every 100l of the val.	5 0 0
Agricultural Implements and Machinery		2 10 0
All other Goods, Wares and Merchandize, not otherwise charged with duty, and not herein declared to be free of duty	for every 100l of the value	5 0 0

CAP. XXXIII.

An Act to continue the Act for the Warehousing of Goods and in amendment thereof.

(PASSED THE 29th DAY OF MARCH, 1836.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the fourth year of His present Majesty's Reign, entitled, An Act for the Warehousing of Goods, which Act will continue in operation until the thirty-first day of March, in the Year of Our Lord One Thousand Eight Hundred and Thirty-six; and also, every matter, clause and thing, in the said Act contained, except so far as the same is altered or amended by this present Act, shall remain thenceforth in operation, and be further continued until the thirty-first day of March, which will be in the year of Our Lord One Thousand Eight Hundred and Thirty-seven, and no longer.

Act 4, Wm. IV, continued (with exceptions)

II. *And be it further enacted*, That, in every case, during the continuance of the said Act, where Goods charged with Colonial Duties, and also, with Imperial Duties, being of Foreign growth, produce or manufacture, shall be warehoused in a King's Warehouse, under or in pursuance of the regulations prescribed by any Act of the Imperial Parliament; and also, in every case where Goods, charged with Colonial Duties, being of British growth, produce or manufacture, shall be warehoused in a King's Warehouse, and the Owner or Importer of such Goods shall have given Bond at the Custom-House for the due warehousing the said Goods respectively, as prescribed by the said regulations, then, and in every such case, the Bond for the Colonial Duties thereon, by the twenty-first section of the Act hereby continued, required to be entered into, shall be wholly dispensed with, and the Bond entered into at the Custom-House shall be deemed the security for the due warehousing the said Goods; but it shall not be lawful for any Collector or other Officer of His Majesty's Customs to permit any Goods so warehoused to be taken out of Warehouse for Home Consumption or for the Fisheries, until a Permit therefor, under the hand of the Collector of Impost, shall be produced at the Custom-House and there filed, setting forth that the Colonial Duties to which such Goods are or may be subject, have been fully paid or secured; and if any such Goods shall be removed or taken from such King's Warehouse, before such Permit shall be granted and filed at the Custom-House, the same Goods shall be forfeited, and the Owner thereof, and the person or persons by whom the same shall be removed from the Warehouse, shall be liable to a penalty of One Hundred Pounds, or five times the amount of the Colonial Duties thereon, at the election of the Board of Revenue.

Bond for Colonial Duties dispensed with

Permit required from Collector of Impost for removal of Goods liable to Colonial Duties

Penalty for removing Goods without Permit

CAP. XXXIV.

An Act to continue the Act for the General Regulation of the Colonial Duties.

(PASSED THE 29th DAY OF MARCH, 1836.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the fourth year of His present Majesty's Reign, entitled, An Act for the General Regulation of the Colonial Duties, which Act will continue in operation until the thirty-first day of March, in the year of Our Lord One Thousand Eight Hundred and Thirty-six, and every matter, clause and thing, in the said Act contained, save and except the third clause or section thereof, shall thenceforth remain in operation, and be further continued until the thirty-first day of March, which will be in the year of Our Lord One Thousand Eight Hundred and Thirty-seven, and no longer.

Act 4, Wm. IV, continued except third Section

CAP. XX XV.

An Act for granting Duties on Licences for the Sale of Spirituous Liquors, in Taverns, Public Houses or Shops, and for other purposes.

(PASSED THE 29th DAY OF MARCH, 1836.)

Licence Duties **B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the passing of this Act, and in every year during the continuance thereof, there shall be raised, levied and collected from, and paid by, every person now licenced or hereafter to be licenced, by any Tavern Licence or Shop Licence, granted or to be granted for the sale of Rum or other strong or distilled Spirituous Liquors, and Wine, Ale, Beer, Cider or Perry, at any Town or Place within this Province, (save and except only the Town and Peninsula of Halifax,) pursuant to the rules, regulations and provisions of the Act, passed in the Second Year of His present Majesty's Reign, entitled, An Act concerning persons licenced to keep Public Houses and Shops, and the Duties thereon, the several and respective Licence Duties and Taxes following, that is to say :

For and upon every Tavern Licence, the sum of Seven Pounds and Ten Shillings, Currency.

For and upon every Shop Licence, the sum of Five Pounds.

Collection and appropriation Which said several Licence Duties or Taxes shall be paid and payable, at such times, and in such proportions, and under and subject to such reductions, for any time less than one year, and shall be raised, levied, collected and secured, in and by such Bonds or Obligations, Ways and Means, and under such penalties and forfeitures, and shall be applied and disposed of in such manner, and to such persons, and for such purposes, as in and by the said Act of the Second Year of His present Majesty's Reign, or any other Act in addition, alteration or amendment thereof, to be passed, are or shall be provided, declared, directed or enacted, of and concerning the said Licence Duties or Licences aforesaid, or any of them respectively.

General Licences confined to Halifax

II. *And be it further enacted*, That no General Licence whatever shall be granted, made or issued, to any person or persons whomsoever, residing in any part of this Province, save and except only to persons residing in the Town or Peninsula of Halifax.

Quantity of Rum, &c. to be sold under Shop Licence (except in Halifax)

III. *And be it further enacted*, That no person holding a Shop Licence, (save and except in the Town or Peninsula of Halifax,) shall sell any Rum or other strong or distilled Spirituous Liquors, in any quantity less than one gallon, to be delivered at one and the same time, and not to be drunk in the House or Shop of the party holding such Shop Licence ; and any person or persons holding such Shop Licence, (save and except in the Town and Peninsula of Halifax,) who shall sell or cause to be sold any quantity of Rum or other strong or distilled Spirituous Liquors, less than one gallon, contrary to the provisions herein before contained, being thereof convicted, shall be subject and liable to the same pains, penalties and forfeitures, as persons convicted of selling Spirituous Liquors without Licence, and the same shall and may be prosecuted for, paid, levied and disposed of, in like manner as is directed and prescribed by Law, with respect to penalties, pains and forfeitures, in cases of persons selling Liquors without Licence.

Wine and Beer Licence

IV. *And be it further enacted*, That there shall be hereafter granted, (save and except in the Town and Peninsula of Halifax,) a Tavern Licence or Shop Licence, for the sale of Wine, Beer, Cider, Ale, Perry, or other Liquors, not being Rum, or other strong or distilled Spirituous Liquors, to be called a Wine and Beer Licence, to be in force for one year, or such shorter time, not less than six Calendar Months, as may be therein mentioned and specified, and to be granted in like manner and under the same regulations, as other Licences are directed to be granted either by this Act or the said Act of the Second Year of His present Majesty's Reign, and any person or persons holding such Wine and Beer Licence, who shall sell or cause or procure to be sold any Rum or other strong or distilled Spirituous Liquors, mixed or unmixed, by whatever name or names the same may be called, shall, being thereof convicted, be subject and liable

liable to the same pains, penalties and forfeitures, as persons convicted of selling Liquors without Licence, to be prosecuted for, paid, levied and disposed of, in like manner as is directed, with respect to pains, penalties and forfeitures, in cases of selling Spirituous Liquors without Licence.

V. *And be it further enacted,* That for every such Wine and Beer Tavern Licence there shall be paid by the person or persons obtaining the same, at the time the said Licence shall be granted and taken out, a Duty or Tax of Two Pounds and Ten Shillings for one year, or any less sum in proportion to any shorter time for which such Licence shall be granted, and for every such Shop, Wine and Beer Licence, a Duty or Tax of Two Pounds for one year, and any less sum in proportion to any shorter time, for which such Shop, Wine and Beer Licence shall be granted.

Wine and Beer
Tavern Li-
cence Tax

VI. *And be it further enacted,* That the Grand Juries for the several Counties and Districts in this Province shall, and they are hereby required, at the first General Sessions in every year, held in and for any such County or District, to nominate and recommend to the Justices in Sessions as many fit and proper persons, of good fame and of sober life and conversation, as shall be necessary to be licenced to sell such Liquors as aforesaid, or to keep Taverns or Houses of Public Entertainment within the County or District, and no Tavern Licence or Shop Licence to persons within such County or District shall be granted or made at such first Sessions of the year, to any person or persons other than those whose names shall be contained in the list of such recommendations.

Grand Juries
to recommend
Persons for Li-
cences

VII. *And be it further enacted,* That every person to whom any such Tavern, Wine and Beer Licence shall or may be granted, shall hang out and have publicly exhibited, a Sign or Inscription with the name of such person, and the words "Wine and Beer Licence" thereon, in legible characters, and any person holding such Wine and Beer Licence, and not hanging out or exhibiting publicly such Sign or Inscription, shall be subject and liable to the like penalty as is imposed on persons holding Licences, and not hanging out any Signs, by the sixteenth Clause or Section of the said Act herein before referred to, passed in the second year of His present Majesty's reign, to be prosecuted for, recovered, paid and applied in like manner as is directed with respect to the said penalty in the said sixteenth Clause of the said Act mentioned.

Signs required

VIII. *And be it further enacted,* That it shall be lawful for the Justices of the Peace of the several Counties or Districts in this Province, upon the recommendation of the Grand Jury, but not otherwise, to grant a Licence gratis, or upon payment of such less Duty or Tax than is hereby imposed, as may seem to them proper, to any person or persons living on Roads which are little frequented, for the encouragement of such persons keeping Houses of Entertainment on such Public Roads for the accommodation of Travellers.

Licences may
be granted
gratis

IX. *And be it further enacted,* That no Magistrate or person holding His Majesty's Commission as Justice of the Peace, in and throughout the different Counties in this Province, (the Town of Halifax excepted,) shall be allowed or considered eligible to hold or take out any Tavern Licence for the retail of Ardent Spirits.

Justices of
Peace restrict-
ed from hold-
ing Licences

X. *Provided always, and be it further enacted,* That nothing in this Act or in any other Act contained, shall extend or be construed to extend to prevent any person holding a Tavern Licence, (except in the Town of Halifax, from selling any quantity of Spirits, Wine or other Liquor, not exceeding at any one time one quart, to any person whomsoever, (excepting Indians,) whether the same is to be consumed in his House or elsewhere.

Exception in
favor of In-
dians

XI. *And be it further enacted,* That this Act shall continue and be in force until the Thirty-first day of March, which will be in the year of Our Lord One Thousand Eight Hundred and Thirty-seven, and no longer.

Continuation
of Act

CAP. XXXVI.

An Act to continue and amend the Act concerning Goods Exported, and for granting Drawbacks.

(PASSED THE 29th DAY OF MARCH, 1836.)

Act 4, Wm. IV, continued (with exceptions)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the fourth year of His present Majesty's reign, entitled, An Act concerning Goods exported, and for granting Drawbacks, which Act will continue in operation until the thirty-first day of March, in the year of Our Lord One Thousand Eight Hundred and thirty-six, and every matter, clause and thing, in the said Act contained, save and except the second and thirty-first Clauses or Sections of the said Act, and save and except the same is hereinafter altered or amended, shall thenceforth remain in operation, and be further continued until the thirty-first day of March, which will be in the year of Our Lord One Thousand Eight Hundred and Thirty-seven, and no longer.

Preamble

And whereas, it is expedient, for the encouragement of the Fisheries and Trade of this Province, to provide for the relinquishment of certain Colonial Duties, imposed by the Act of this present Session, for granting Colonial Impost Duties upon certain Foreign Goods, over and above, and in addition to, the Imperial Duties thereon charged under the Act of the Imperial Parliament:

Goods purchased with proceeds of produce of Fisheries exempted from Colonial Duties

II. *Be it therefore enacted*, That the Board of Revenue shall be, and the said Board is hereby authorized, by any order of the Board, to free and exempt from all Colonial Impost Duties thereon imposed, in addition to, and over and above the Imperial Duty thereon, all such Foreign Goods liable to Colonial Impost Duty, as, by satisfactory proof on Oath, shall to the said Board appear to have been actually and *bona fide* purchased or procured with the proceeds of Fish and Fish Oil, caught, cured and made, by the Inhabitants of this Province, and others employed in the Fisheries thereof, and which shall have been exported in Vessels owned and registered in this Province, or belonging to British Merchants engaged in, and carrying on, the Fisheries of the same, all which proof shall be taken in writing in such way as that the same may be submitted to the inspection of the General Assembly.

CAP. XXXVII.

An Act to continue the Acts for granting a Drawback of the Duties on Brown or Raw Sugar, used in the Manufacture of Refined Sugars within the Province, and for regulating the mode of obtaining the same.

(PASSED THE 29th DAY OF MARCH, 1836.)

Acts 57, Geo. III, and 7, Geo. IV, continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the Fifty-seventh Year of the Reign of His late Majesty King George the Third, entitled, An Act for granting a Drawback of the Duties on Brown or Raw Sugar, used in the Manufacture of Refined Sugars within the Province, and for regulating the mode of obtaining the same; and also, the Act, passed in the Seventh Year of the Reign of His late Majesty King George the Fourth, to revise, amend, and continue the said Act, and every matter, clause and thing, in the said Acts contained, shall be continued, and the same are hereby severally continued from the Thirty-first day of March, in the Year of Our Lord One Thousand Eight Hundred and Thirty-six, until the Thirty-first day of March, which will be in the Year of our Lord One Thousand Eight Hundred and Thirty-seven, and no longer.

CAP.

CAP. XXXVIII.

An Act to repeal the Act to amend the Acts respecting Firewards and Fires in Halifax, and to substitute other provisions in lieu thereof.

(PASSED THE 4th DAY OF APRIL, 1836.)

- W**HEREAS the Act, passed in the last Session of the General Assembly, entitled, An Act to amend the Acts respecting Firewards and Fires in Halifax, has been found inefficient, and, for the preservation of the Town of Halifax, it is essentially requisite to establish provisions which may prove more effective :
- I.** *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That* the said Act, passed in the last Session of the General Assembly, entitled as aforesaid, and every matter, clause and thing, therein contained, shall be, and the same are hereby, repealed,
- II.** *And be it further enacted, That, from and after the passing of this Act, the number of Engine Men of the Town of Halifax shall be limited and restricted to Sixty, who shall be under the charge and command of one Captain, and Lieutenants, to be appointed for each Engine, and to be elected and chosen from the said Engine Men, by the vote of the majority of such Engine Men.*
- III.** *And be it further enacted, That all vacancies now existing or hereafter occurring among the said Engine Men, by the death, resignation or removal, as hereinafter mentioned, shall be supplied by the appointment of some fit and proper person or persons to supply such vacancies, to be made by the Justices of the Peace for the District of Halifax, at any General or Special Sessions of the Peace held in the Town of Halifax ; Provided always, that the person or persons so appointed shall be first nominated by the Engine Men, at any Meeting to be held by them.*
- IV.** *And be it further enacted, That all the Engine Men now in office, and so long as they shall continue in office, and all persons hereafter appointed as Engine Men, shall, during their continuance in office, be entitled to all the privileges and exemptions and subject to the duties by the several Acts now in force, imposed and conferred upon Engine Men.*
- And whereas, in addition to the said Engine Men it is necessary to provide a sufficient number of persons whose duty it shall be to attend on the several Engines of the Town of Halifax, to assist in the working and pumping of said Engines at Fires :*
- V.** *Be it therefore enacted, That it shall and may be lawful for the Firewards of the Town of Halifax to establish a Company, not exceeding Three Hundred Men, able of body, between the ages of eighteen and forty, who shall be willing to associate themselves into such Company, who shall be denominated the Engine Volunteer Company.*
- VI.** *And be it further enacted, That such Engine Volunteer Company shall be formed and established by voluntary pledge, made in writing, and signed by each person becoming a member of such Engine Volunteer Company, engaging that he will faithfully perform his duties as one of the said Company, which duties shall be set forth in such written pledge, and be such as hereinafter mentioned, and when and so soon as so many persons, not exceeding Three Hundred, as the Firewards shall deem necessary, shall have been so formed into such Company—the said Company shall be sub-divided, and apportioned into such and so many divisions of such numbers, as the Firewards may direct, and as may be equal to the number of Engines, and; when so sub-divided and apportioned, the names of such division of the said Engine Volunteer Company shall be published in the Public Newspapers at Halifax, and thereafter, all such persons composing the said Engine Volunteer Company shall be and be deemed to be exempt from liability to perform Statute Labour, and to serve in the office of Constable.*
- VII.** *And be it further enacted, That it shall be the duty of every Member of the said Engine Volunteer Company, on any alarm of Fire, to repair with the utmost speed to the Engine House, where the Engine to which his division of such Company shall be apportioned and belong is or may be stationed, and if such Engine shall not have proceeded*

Preamble

Act of last Session repealed

Number of Engine Men limited to sixty

Election of Officers

Vacancies how filled up

Privileges of Engine Men

Preamble

Establishment of an Engine Volunteer Company

Obligations and exemptions of Members of Engine Volunteer Company

Duties of Volunteer Company

ceeded to the Fire to render his assistance to take such Engine to the place where the Fire may be, and if such Engine shall have proceeded to the Fire before the said Member shall have repaired to the Engine House, he shall immediately go to the Fire and seek his Engine, and as soon as practicable go to such Engine, and remain with the same so long as may be required, and assist in working and pumping said Engine, under the order and direction of the Fireward attached thereto.

Badges to be worn by Members of Engine Volunteer Company

VIII. *And be it further enacted*, That the Members of the Engine Volunteer Company shall be furnished with suitable Badges by the Firewards, and shall always wear the same at any Fire, in order distinctly to show what particular duties such Engine Volunteer Company are to perform.

Fireward to be appointed to the charge of each Engine

IX. *And be it further enacted*, That a Fireward shall be nominated by the Firewards for each Town Engine, who shall attend with such Engine at the Fire, and shall have the charge and direction of the working and pumping thereof.

Neglect of Members of Engine Volunteer Company

X. *And be it further enacted*, That every Member of such Engine Volunteer Company, who shall neglect to attend at any Fire with his Engine, or shall neglect to bring his Badge to any Fire, shall, within three days after such Fire, furnish to the Fireward attached to such Engine a good and sufficient excuse for such neglect, or shall otherwise be liable to be dismissed from such Engine Volunteer Company, as hereinafter mentioned.

Complaints against Engine Men, &c. how determined

XI. *And be it further enacted*, That whenever any complaint shall be made against any Captain, Officer or Engine Man, or any Member of the Engine Volunteer Company, to be formed in pursuance of this Act, for any neglect or dereliction of duty whatsoever, such complaint shall be made to some General or Special Sessions of the Peace at Halifax, by or through the Firewards or some one of them, and shall be publicly investigated, on the oath of witnesses, by such Sessions, who, if they are satisfied that such complaint is well founded, shall, and they are hereby authorized and directed to, dismiss such Engine Man or Member of the Engine Volunteer Company, and thereafter every such Engine Man or Member of such Company shall cease to be an Engine Man or Member of such Volunteer Company, or to have any privileges or exemptions as such.

Engine Men in future to be selected from Volunteer Engine Company

XII. *And be it further enacted*, That, when and so soon as such Engine Volunteer Company shall be formed, thereafter all Engine Men shall be selected and taken from among the Members of such Company.

Preamble

And whereas it may be of advantage, that on some occasions the whole of the Engines of the Town of Halifax should be taken out for practice, and their efficiency and comparative force should be ascertained and determined, and in order to do so:

Engine Practice

XIII. *Be it therefore enacted*, That there shall be two Meetings in the year, between the months of June and September inclusive, on days to be appointed by the Firewards, of which notice shall be given to every Fireward, Engine Man, and to each Member of the said Engine Volunteer Company, at least three days previous to the respective days appointed for such Meetings, and at each such Meeting every Engine Man with his Cap, and every Member of the Engine Volunteer Company with his Badge, and every Fireward attached to an Engine with his Staff, shall attend at the Engine House at the hour appointed in such notice, and every Engine shall be taken out and removed to some certain place of rendezvous, to be designated in such notice, where all the other Firewards shall also attend with their Staves, and where such Engine shall be worked and tried, and the efficiency of such Engines, and the Hose and Machinery attached thereto, and the respective powers of such Engines be ascertained.

Proviso

XIV. *Provided always, and be it further enacted*, That nothing herein contained shall extend, or be construed to extend, to oblige or compel any Member of such Engine Volunteer Company to be responsible for, or to assist in, the cleaning, repairing or keeping in order, any Engine to which he may be attached, or to attend therewith on any occasion except only at Fires, or at the said two meetings, to assist in pumping and working the same upon such occasions; *And provided also*, that nothing herein contained shall extend, or be construed to extend, to affect or interfere with the rules or regulations of such Engine Men, made for governing and directing any Meeting or Meetings of such Engine Men, to be held by them, for the practice of their Engines or otherwise, excepting only so far as respects the said two Meetings to be appointed as aforesaid. *And*

And whereas it is desirable to provide for the Election of Firewards and Engine Men by the House-holders of the Town of Halifax, by dividing the said Town into Wards, and authorizing the Elections to be held for each Ward, and therefore, that this Act should be a temporary Act: Preamble

XV. *Be it therefore enacted*, That this Act shall continue in force for one year, and from thence to the end of the then next Session of the General Assembly. Continuation of Act

CAP. XXXIX.

An Act respecting the Collection of Poors' Rates of Pictou.

(PASSED THE 4th DAY OF APRIL, 1836.)

WHEREAS, the provisions made for collecting and managing Rates and Taxes levied and collected for the use of the Poor, have been found to be insufficient in their operation for the Township of Pictou: Preamble

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That hereafter the Overseers of the Poor for the Township of Pictou, shall be nominated and appointed at the July Term of the Court of General Sessions, instead of in January, as heretofore, and such Overseers, when so appointed, shall go into office and commence their duties on the first day of the next ensuing January Term or Sitting of the said General Sessions of the Peace, after their appointment, and not before, and shall continue and be in office from thence until the Monday before the then next January Term of the said General Sessions of the Peace thereafter to be held. Appointment of Overseers of Poor
Period of Service

II. *And be it further enacted*, That the Meetings of the Freeholders in the said Township, to vote Money for the Poor of such Township, shall be hereafter held on the second Monday after the Terms of the General Sessions of the Peace held in January and July, instead of the times now by Law prescribed. Meetings of Freeholders to vote money for support of Poor

III. *And be it further enacted*, That the Court of General Sessions of the Peace and Grand Jury, at the Term or Sitting of July, to be held in the District of Pictou, shall annually nominate and appoint some fit and proper person as Treasurer to the Overseers of the Poor of the said Township, which Treasurer shall give Bond, with sufficient Sureties, to the satisfaction of the said Court of Sessions, to and in the name of the Clerk of the Peace, in such sum as the Court shall direct, for the due and faithful discharge of his duties, and the proper application of the Monies to be received by him, and shall be allowed and paid a Salary of Fifteen Pounds, to be included in every Assessment or Vote for the relief of the Poor of such Township. Appointment of Treasurer
Treasurer to give Bond

IV. *And be it further enacted*, That it shall be the duty of such Treasurer to summon and call, in manner as the Overseers are now required to do, the meetings of Freeholders and Inhabitants of such Township, to Vote and Assess Money for the support of the Poor, to furnish the several Collectors with their Assess Bills, and to receive all Monies from the Collectors, and to pay the same when and so soon as received over to the respective Overseers, to be by such Overseers applied according to Law, and as shall have been directed by the Vote of the majority of the Inhabitants and Freeholders at the Meeting held for voting such Monies. Duties of Treasurer

V. *And be it further enacted*, That it shall also be the duty of the said Treasurer to prosecute for all fines and forfeitures and penalties arising or to be incurred under any Act or Acts now in force for the regulation of the Poor, and the name of such Treasurer shall be used in every prosecution, in the same manner, to all intents and purposes, as if he had been originally directed and appointed by the Act or Acts inflicting such fines, forfeitures and penalties, to prosecute for the same instead of the person or persons, or officer or officers, in such Act or Acts mentioned and named for that purpose. Prosecution of Fines, &c.

VI. *And be it further enacted*, That such Treasurer shall go into office and be sworn before some Justice of the Peace in and for the said District, within two days after the appointment of the said Treasurer. Treasurer to be sworn

VII.

Overseers, Assessors and Collectors, to be sworn

VII. *And be it further enacted,* That every Overseer, Assessor and Collector, shall respectively, within ten days after going into Office, produce a Certificate from some Justice of the Peace of his having been duly sworn to the faithful discharge of his duty, and leave the same with the said Treasurer, who shall record the same in a book to be kept by him for that purpose, and every Overseer, Assessor or Collector, neglecting so to produce such Certificate as hereinbefore prescribed, shall forfeit and pay a penalty of Three Pounds.

Accounts to be rendered by Overseers

VIII. *And be it further enacted,* That the several Overseers of the Poor in the said Township shall deliver to the Treasurer, seven days before the first day of the January General Sessions of the Peace, a correct statement of all receipts and disbursements by them respectively made, and of any debt or debts incurred and remaining due by such Overseers respectively, under the penalty, for every neglect, of Ten Pounds, to be paid by each Overseer guilty of such neglect.

Accounts to be rendered by Treasurer

IX. *And be it further enacted,* That the said Treasurer shall annually, on the first day of each January Term or Sitting of the General Sessions of the Peace for the said District of Pictou, submit the said Accounts, as also his own Accounts, to be audited and published as the said Court shall direct.

Collection and payment of Assessments

Proviso

X. *And be it further enacted,* That the several Collectors appointed for collecting the Monies voted and assessed for the support of the Poor of the said Township shall, and they are hereby directed and required to, pay over to the Treasurer the respective amounts by such Collectors to be severally collected and received in manner following, that is to say—one third part within six weeks, one third part in three months, and the remaining third part in six months from the time of the receipt of their Bills of Assessment, under a penalty for every neglect of Forty Shillings, and of Five Shillings additional for each and every week in which payment shall be delayed; *Provided always,* That if any Collector shall be enabled to satisfy the Justice or Justices before whom any such Collector shall be sued and prosecuted for such penalty, that the delay in payment arose from unavoidable obstacles and difficulties in collecting the Monies to be collected by him, then, and in such case, it shall and may be lawful for such Justice or Justices wholly or in part to remit such penalty.

Warrants of Distrain

Proviso

XI. *And be it further enacted,* That, together with the Bills of Assessment to be made and delivered to the Collectors, of the Monies voted and assessed as aforesaid, there shall be also delivered to each Collector a Warrant signed by two Justices of the Peace for the said District of Pictou, residing within the Township of Pictou, directing and authorizing such Collector, in case of the sum assessed upon any person or persons named in such Bill of Assessment, which shall be annexed to the said Warrant remaining unpaid, fourteen days after notice to such person or persons of the amount or amounts upon him, her or them, assessed, to distrain upon the Goods and Chattles of such person or persons neglecting or refusing to pay the sum or sums so assessed upon him, her or them, without any further or other proceeding; *Provided always,* that before such Warrant shall be executed, or attempted to be executed, notice shall be given in writing, signed by the Collector, to, or left at the usual place of residence of, every person, whose Goods and Chattles shall be distrained by virtue thereof, at least fourteen days as aforesaid, that such Warrant will be executed, unless the amount assessed upon such person be paid to the Collector; *And provided also,* that every such person shall be entitled to, and shall have the same right to be relieved on, any appeal from such Assessment, as now by law provided.

Deficiencies

XII. *And be it further enacted,* That if, upon investigation of the Accounts of the Overseers of the Poor, and of the Treasurer, as submitted by the Treasurer as hereinbefore directed, it shall appear that the expenses paid or actually incurred, in and for the previous year, shall exceed the sum voted, assessed and actually collected, for the support of the poor in the same year, and thereby a deficiency shall be left to be provided for, then at their next meeting, after auditing such accounts, it shall and may be lawful for the Freeholders and Inhabitants of said Township, to vote and assess, in addition to the monies required for support of the Poor, the amount of any such deficiency, which deficiency shall be assessed, levied and collected, together with, in the same manner and by the

the same means, as the monies voted and assessed for the support of the Poor, and, when paid over to the Treasurer aforesaid, shall be by him applied to the liquidation of the said deficiency, and be paid to the person or persons to whom such deficiency may or shall be due and owing, as shall appear by the said accounts, to be submitted as aforesaid.

XIII. *And be it further enacted,* That any vacancy occurring in any or either of the said Offices of Collector, Assessor, Overseer or Treasurer, in the said Township, by any ways or means howsoever the same shall happen during the Currency of the year, for which such Officers shall be appointed, shall be supplied and filled up for the said year, by the General Sessions of the Peace for the District of Pictou, at any of its Terms or Sittings, or by any Special Sessions of the Peace to be called for that purpose.

Vacancies

And whereas it is expedient to provide for the relief of the said Township, in cases where it shall appear that any person shall have absconded or left the same, leaving a wife or family chargeable on such Township:

Preamble

XIV. *Be it therefore enacted,* That in any case where any person shall abscond or depart from the said Township, who shall be the owner of, or entitled to, any Estate or Interest in any Lands or Real Estate within the said Township, and shall have a wife, child, children or family, who shall become chargeable upon the said Township, it shall and may be lawful for the Treasurer of the Overseers of the Poor of said Township, herein before directed to be appointed, or for the said Overseers, to represent the facts to the next Court of General Sessions, and if it shall be proved and made to appear by sufficient evidence to the said Court, that such person hath actually absconded or departed from such Township, and that thereby his wife, child, children or family, have become chargeable on such Township, and that such person hath an Estate or Interest in any Lands or Real Estate within the said Township, it shall and may be lawful for the said Court, by any order or orders of such Court, to adjudge and direct the sale of the Estate and Interest of such person of and in any such Lands or Real Estate by the said Treasurer or Overseers, or any of such Overseers in the said order or orders to be named, who shall thereupon, after due and proper notice of such sale, to be given as such order or orders shall direct, proceed to sell at Public Sale or Auction, such Estate and Interest of the said person subject to all prior legal lien, claims or incumbrances thereon, of and in any such Lands or Real Estate, and shall make a Deed to the purchaser or purchasers thereof, which Deed shall be sufficient to convey and assure to such purchaser or purchasers such Estate and Interest, subject as aforesaid; and the proceeds of such sale shall be paid to the said Treasurer, and shall form part of the Funds for the support of the Poor of the said Township, and be duly applied and accounted for by such Treasurer.

Persons absconding leaving Families to be provided for

XV. *And be it further enacted,* That the said Treasurer shall, and he is hereby empowered and directed to, prosecute and sue for any and every fine or penalty imposed by this or any other Act for the regulation of the Poor, or any deficiency of monies received by any Collector or Collectors, and not duly paid over in his own name, and before any Justice, Justices or Court, before whom, or before which, debts of the same amount may or shall be by Law recoverable, in the same manner as if such fine or penalty or deficiency were a private debt due to such Treasurer; *Provided always,* that any such fine, penalty or deficiency, as aforesaid, when recovered, shall be paid and applied by such Treasurer, as other monies voted and assessed for the support of the Poor are directed to be applied.

Fines and Penalties—how recovered

Proviso

XVI. *And be it further enacted,* That this Act shall continue and be in force for two years, and from thence to the end of the then next Session of the General Assembly.

Continuation of Act

CAP. XL.

An Act further to amend the Act relating to Trespasses.

(PASSED THE 4th DAY OF APRIL, 1836.)

WHEREAS, in and by the Fifteenth Clause of the Act, passed in the Third Year of the Reign of His late Majesty King George the Fourth, entitled, An Act

Preamble

M

for

for consolidating and reducing into one Act, all the Acts heretofore made relating to Trespasses; it is enacted, that such Rivers, Creeks, Bays, Harbours and Inlets, of the Sea only, shall be deemed sufficient and lawful Fences as in the judgment of the Fence Viewers of the Township or Place where such Lands lie shall be sufficiently deep and inaccessible to prevent the passing of Cattle; *And whereas*, the operation of such clause has been found in many cases to be attended with inconvenience:

Judgments of
Fence Viewers
may be refer-
red to General
Session of the
Peace

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That if any person or persons shall feel aggrieved with the judgment given by the Fence Viewers, under the said Fifteenth Clause of the said Act hereby amended, or shall desire to obtain the judgment and decision of the Court of General Session, instead of the Fence Viewers, then, and in either of such cases, it shall and may be lawful for such person or persons to make application to the General Sessions of the Peace, in and for the County or District wherein such Fence Viewers may have authority; and thereupon it shall and may be lawful for the said General Sessions to enquire into the subject matter of such application, and upon hearing the parties interested, and examination of witnesses, to make such order and judgment in respect to such application as may be deemed by the said Court to be just and reasonable, and the order and judgment of the said Court shall be binding and conclusive upon all Fence Viewers and other parties interested or concerned.

Preamble

And whereas, it may happen that where Horses or Cattle have made a breach into a field, surrounded by a Fence, the Owner or Owners of such Horses or Cattle may escape from being charged for a Trespass under the said Act hereby amended, in consequence of some part of the Fences round the Field, other than where such breach may have been committed, is not a lawful Fence, or that such Fence, where the breach is committed, is unlawful, although the Owner or Owners of the Horses or Cattle so trespassing may or ought to be obliged to repair the said Fence:

Damage done
to enclosed
Lands

II. *Be it therefore enacted*, That in every case where any damage shall be done to the enclosed Lands of any person or persons, by any Horse, Cattle, Sheep or Swine, breaking through the Fences enclosing such Lands, the Owner or Owners of the Horse, Cattle, Sheep or Swine, shall be liable for the damage so done, under the said Act hereby amended, in case that part of the Fence wherein the said Horse, Cattle, Sheep or Swine, have made a breach, shall be a lawful Fence, notwithstanding some other part of the Fences surrounding said enclosed Lands may not be a lawful Fence.

Liability of
persons bound
to keep up di-
vision Fences

III. *And be it further enacted*, That the Owner or Owners of any Horse, Cattle, Sheep or Swine, breaking through any division Fence which the said Owner or Owners shall be bound to repair and keep up, shall be liable for the damage done by such Horse, Cattle, Sheep or Swine, upon the Land of any other person or persons enclosed or partly enclosed by such division Fence, notwithstanding the same may not be a lawful Fence,

Continuation of
Act

IV. *And be it further enacted*, That this Act shall continue and be in force for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. XLI.

An Act to regulate and ascertain the Rates at which Monies shall be paid out of the Treasury.

(PASSED THE 4th DAY OF APRIL, 1836.)

Preamble

WHEREAS it is just that the Monies granted the present Session should be paid out of the Treasury at the same rate at which they are received into the Treasury, for duties, under the Act, passed in the present Session of the General Assembly, entitled, An Act for granting Colonial Duties of Impost for the support of His Majesty's Government within this Province, and for promoting the Agriculture, Commerce and Fisheries thereof—and if some Legislative provision is not made therefor, a very considerable

erable loss will be sustained by the Province, in consequence of the present disordered state of the Currency :

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That the Treasurer shall, and he is hereby authorized to, pay all sums of Money granted the present Session, and included in the Appropriation Act thereof, in Province Notes or in the Gold and Silver Coins from time to time paid into the Treasury, at the rates at which the said Gold and Silver Coins are by the said Act, passed in the present Session, entitled, An Act for granting Colonial Duties of Impost for the support of His Majesty's Government within this Province, and for promoting the Agriculture, Commerce and Fisheries thereof, directed to be received in payment of Duties, namely—the Doublon, of full weight and fineness, at the rate of Four Pounds Currency each, the Sovereign at the rate of Twenty-five Shillings Currency each, and British Silver in the same proportion; Provided always, that no person shall be compelled to receive more than Forty Shillings Currency in British Silver Coins in any one payment at the Treasury, under the operation of the present Act.*

Description of
Monies to be
paid from
Treasury

CAP. XLII.

An Act to authorize the Lieutenant-Governor to appoint a Commissioner or Commissioners to act in concert with Commissioners on behalf of Lower Canada and New-Brunswick, in relation to the proposed Light-Houses on the Islands of St. Paul and Scattarie.

(PASSED THE 4th DAY OF APRIL, 1836.)

BE it enacted by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being, to appoint one or more Commissioner or Commissioners, to be joined with Commissioners appointed or to be appointed by the Governors of the Provinces of Lower Canada and New-Brunswick, or their respective Legislatures, to ascertain and define the most fit sites for Light-Houses on said Islands, the most efficient structure of the same; and to ascertain and report the sums of Money required for the erection of the same, as well as for their future support, and to apportion the sum of Money which each Province should contribute annually towards the maintenance of such Light-Houses.

Appointment
of Commissi-
oner or Com-
missioners

II. *And be it further enacted, That all Reports and Statements, with respect to any of the matters herein before mentioned, shall be made and returned by the said Commissioners, under their Hands and Seals, to the Secretary of the Province, for the information of the Governor, Lieutenant-Governor or Commander in Chief for the time being, and the Legislature of the Province.*

Reports and
Statements of
Commissioners
to be made to
Secretary of
Province

CAP. XLIII.

An Act to authorize the Grand Jury and the Court of Sessions in the County of Cumberland, to present and assess Money for the erection of a Lock-up House in Pugwash, in the said County.

(PASSED THE 4th DAY OF APRIL, 1836.)

BE it enacted by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the Grand Jury of the County of Cumberland to present, and

Presentment
and Assess-
ment of Money

necessary to
defray expence
of Lock-up
House

and for the Court of Sessions for the said County to confirm the same—any sum of Money which they may deem expedient and necessary for the erection, and safe and proper keeping and regulation, of a Lock-up House, to be erected in Pugwash, in the said County; and it shall be lawful to assess, and levy and collect, the said sum in the same manner as now by Law provided for other sums presented and assessed for County purposes; the said Lock-up House shall be placed under the charge of such person as the said Grand Jury may recommend for this purpose, and it shall and may be lawful for the said Court of Sessions to make, from time to time, all necessary regulations for the proper keeping of the said Lock-up House, and for the custody and safe keeping of such persons as may be confined therein.

CAP. XLIV.

An Act to provide for the sale of part of a certain Line of Road in Truro.

(PASSED THE 12th DAY OF MARCH, 1836.)

Preamble

WHEREAS, a certain Line of Road in the Township of Truro, leading from the Gaol in the upper Village, to Samuel Dunlap's Brook, in the Lower Village, has been laid off, and the damages assessed and paid according to Law, whereby the right of the Public in the same has become absolute, but only part of the said Road has been actually made passable, and, in consequence of an alteration in the Main Public Road between Halifax and Truro, a new Line of Road from the Lower Village, at Samuel Dunlap's Brook aforesaid, to the said new Main Road, has been laid out and is about to be opened, whereby the said first mentioned Road will be rendered unnecessary; *And whereas*, that part of the first mentioned Line of Road which remains unopened, passes through a Marsh, and has cost a considerable sum to the District of Colchester, and might be advantageously sold, and the proceeds applied for the benefit of the said District, in making the new Line of Road:

Justices of the
Peace empow-
ered to sell
certain line of
Road in Truro

Application of
Proceeds of
Sale

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That it shall and may be lawful for John Dickson, Nathaniel Marsters and Edward S. Blanchard, Esquires, three of the Justices of the Peace for the said District of Colchester, to sell at Public Auction to the highest bidder, and greatest advantage, after due and Public Notice, all that part of the said Road herein before first mentioned, which remains unopened, and runs through the Marsh aforesaid, and to give a good and sufficient Deed and Conveyance to the purchaser thereof, in fee simple, and to receive the purchase Money, and, after deducting therefrom all reasonable charges attending such sale, to pay the same over to the Treasurer of the said District, to be applied to the making of the said new Line of Road herein before mentioned, under the direction of the General Sessions of the Peace for the said District.

CAP. XLV.

An Act to regulate the Fees of the Constable of the Court of Commissioners at Halifax.

(PASSED THE 29th DAY OF MARCH, 1836.)

Preamble

WHEREAS, the Fees provided by the Act, passed in the Fourth and Fifth Year of His late Majesty's Reign, entitled, An Act relating to the Court of Commissioners at Halifax, for the Constable of the said Court, have been found insufficient, and, in order to secure the efficient performance of the duties of such Office, it is expedient to increase the Fees of the said Constable:

I.

I. *Be it therefore enacted by the Lieutenant-Governor, Council and Assembly, That* instead of the Fees provided and established by the said Act, for the following services, the Constable of the said Court of Commissioners shall be entitled to take, demand and receive, the following Fees, that is to say:—

Fees allowed
Constable

For the service of every Writ or Process, One Shilling and Six-pence.
For every Bail Bond, Two Shillings.
Poundage on all Monies received under Executions, One Shilling in the Pound.
Travel, per mile, Three-pence.

II. *And be it further enacted, That this Act shall continue and be in operation for One Year from the passing hereof, and from thence to the end of the then next Session of the General Assembly.*

Continuation
of Act

CAP. XLVI.

An Act to continue the Acts now in force relating to Trespasses.

(PASSED THE 12th DAY OF MARCH, 1836.)

BE it enacted by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the Third Year of His late Majesty's reign, entitled, An Act for consolidating and reducing into one Act all the Acts heretofore made relating to Trespasses, except so far as the same is or may be altered or amended by the several Acts hereinafter mentioned; and also, the Act, made and passed in the fourth and fifth years of His said late Majesty's reign, to alter, amend and continue the said Act; also, the Act, made and passed in the ninth year of His said late Majesty's reign, to alter and continue the said Acts; also, the Act, passed in the second year of His present Majesty's reign, to amend and continue the said Acts; and also, the Act, made and passed in the third year of His present Majesty's reign, entitled, An Act in further amendment of the Acts relating to Trespasses, and every matter, clause and thing, in the said several Acts contained, except as aforesaid, shall be continued, and the same are hereby severally and respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

Acts 3, 4, 5 &
9, George IV.
and 2 & 3 Wm
IV. continued

CAP. XLVII.

An Act in amendment of the Act to regulate the holding of Polls at Elections in the Island of Cape-Breton.

(PASSED THE 4th DAY OF APRIL, 1836.)

WHEREAS, the Island of Cape-Breton has been sub-divided into three Counties; and it is expedient to regulate the opening and removal of the Polls in and throughout the said several Counties:

Preamble

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the passing of this Act, it shall be imperative on the Sheriffs, or other Officers holding Polls for the election of Persons to represent any of the said Counties of Cape-Breton, Richmond and Juste au Corps, first to open the same for the County of Cape-Breton, at the Court-House in Sydney, and continue the said Poll for six days, unless sooner closed according to Law; and thence to remove and open the same at some central and convenient place at Baddeck, and there to continue the same for four days, or until sooner closed according to Law,—For the County of Richmond, first to open the same at Arichat, in the Isle Madame, and there to continue the same for four days, unless sooner closed according to Law; and thence to remove the same to some central*

Poll to be held

In Sydney

In Baddeck

In Arichat

N

and

In St. Peter's and convenient place at Saint Peter's, and there to continue the same for four days, or until sooner closed according to Law;— For the County of Juste au Corps, first to open and hold the same at the Court-House in Port Hood, and there to continue the same for four days, unless sooner closed according to Law; thence to remove the same to some central and convenient place between Margaree and Cheticamp, and there to continue the same for four days, or until sooner closed according to Law.

Between Margaree and Cheticamp

First clause of Act 1, Wm. IV repealed

II. *And be it further enacted*, That the first clause of the Act, passed in the first year of His present Majesty's reign, entitled, An Act to regulate the opening and holding a Poll for the election of Representatives to serve in General Assembly for the County of Cape-Breton, and for the removal and adjournment thereof, and every matter and thing therein contained be, and the same is hereby, repealed.

Regulation of Elections

III. *And be it further enacted*, That before the said Sheriffs or other Officers respectively, shall remove or adjourn any Poll for either of the said several Counties, such Sheriff or other Officer shall be required so to do, in manner as is already by Law provided and prescribed; and, upon being so required, shall give the notice, and shall proceed in the same manner, and the Election, except as is hereby otherwise enacted, shall, in all respects, be governed and directed, as by and under the several Acts now in force for regulating the Elections of Members to serve in General Assembly, is now required and provided.

Times of opening Poll at Baddeck, &c.

IV. *And be it further enacted*, That the Poll for the County of Cape-Breton, when removed from Sydney, shall open at Baddeck, on the twelfth day after the opening of the Poll at Sydney; and for the County of Richmond, the Poll, when adjourned, shall open at Saint Peter's on the day next but one after the day hereby limited for closing the Poll at Arichat; and for the County of Juste au Corps, the Poll, when adjourned, shall open at the second place herein before appointed, on the third day after the day hereby limited for the closing of the Poll at Port Hood, unless, in any of the said cases, the said day, so appointed for the opening of the adjourned Poll, shall be Sunday, Christmas Day, or Good Friday, in which case the Poll shall be opened on the day next after the said Sunday, Christmas Day, or Good Friday.

CAP. XLVIII.

An Act relating to the Merchant Seamen of this Province.

(PASSED THE 29th DAY OF MARCH, 1836.)

Preamble

WHEREAS, the Act of the Imperial Parliament of Great Britain, passed in the fifth and sixth year of His present Majesty's Reign, entitled, "An Act to amend and consolidate the Laws relating to the Merchant Seamen of the United Kingdom," and for forming and maintaining a Register of all the men engaged in that service, has repealed all former Acts of Parliament for the regulating of Merchant Seamen, and, by the fifty-fourth clause of the said Act, it is provided, and enacted, that the said Act should not extend or apply to any ship registered in, or belonging to, any British Colony having a Legislative Assembly, or to the crew of any such ship, while such ship should be within the precincts of such Colony, any thing therein before contained to the contrary in any wise notwithstanding.

And whereas, it is consequently expedient to introduce certain necessary regulations for the government of Merchant Seamen in this Province:

Articles of Agreement to be entered into between Ship Masters and Seamen

I. *Be it therefore enacted*, by the Lieutenant-Governor, Council and Assembly, That it shall not be lawful for any Master of any ship or vessel registered in, and belonging to, this Province, trading to parts beyond the Seas, or out of this Province, to carry to sea on any voyage either from this Province or from any other place, any Seaman or other person, as one of his crew or complement, (apprentices excepted) without first entering into an agreement in writing, with every such Seaman, specifying what monthly or other wages each such Seaman is to be paid—the capacity in which he is to act—and the nature of the voyage in which the ship is intended to be employed, so that the Seaman may have some means of judging of the probable period for which he is likely to be engaged, and the said agreement shall contain the day of the Month and Year in which the same shall be made, and shall be signed by the Master, in the first instance, and by the Seamen respectively, at the Port or Place where such Seamen shall be respectively shipped; and the Master shall cause the same to be, by or in the presence of the party who is to attest their respective signatures thereto, truly

truly and distinctly read to every such Seaman, before he shall be required to sign the same, in order that he may be enabled to understand the purport and meaning of the engagement he enters into, and the terms to which he is bound.

II. *And be it further enacted,* That every such Agreement shall be in the Form, and shall contain true Entries under their respective heads of the several particulars set forth in the Schedule to this Act annexed, so far as the same can be ascertained, and that the Owner and the Master of every such ship; or one of them, shall, on reporting his ship's arrival at her Port of destination in this Province, deposit or cause to be deposited with the Collector of the Customs at such Port, a true Copy of such Agreement, attested by the Signature of the Master, to the intent that every Person, who may be interested in any such Agreement may at all times have the means of knowing the Terms and Conditions thereof.

Articles of Agreement to be deposited with Collector of Customs at Port of arrival

And whereas, it frequently happens that ships sailing from this Province, though departing on a particularly designated voyage, may, in the course of such voyage, be sent to a Port or Ports where such ships may be advantageously sold and disposed of; and in such cases, it is an ordinary practice to sell such ships or proceed on the voyage, as the Owner or his Agent may deem it expedient, and it is expedient to provide for such Contingencies:

Preamble

III. *Be it therefore enacted,* That it shall and may be lawful for the Master or Owner of any such ship so proceeding to a Port where it may be deemed advisable to sell the same, to insert or cause to be inserted in the said Agreement a clause or stipulation, providing for such sale at any designated Port or Ports, during the voyage described in such Agreement, and for the discharge of the Crew at such Port or Ports, or either of them, upon such sale taking place or being effected, which said clause or stipulation shall however distinctly and clearly express what amount of wages shall be paid to the Seamen on board of such ship upon the sale thereof, at any and each of the said Port or Ports whereat it is proposed or designed to sell the same, and whether any and what increased rate of wages is to be paid upon the sale of such ship and the discharge of the Crew.

In cases of Sale of Vessels abroad

IV. *And be it further enacted,* That if any Master of any such ship as aforesaid shall carry out to sea any Seaman, (Apprentices excepted,) without having first entered into such Agreement as is hereby required, he shall, for every such offence, forfeit and pay the sum of Five Pounds, for or in respect of each and every such Seaman he shall so carry out contrary to this Act; and if any Master shall neglect to cause the Agreement to be distinctly read over to each such Seaman, as by this Act he is enjoined, he shall, for every such neglect, forfeit and pay the sum of Five Pounds, and if any Master shall neglect to deposit with the Collector of the Customs a copy of the Agreement hereby required to be made and deposited as aforesaid, or shall wilfully deposit a false copy of any such Agreement, he shall, for every such neglect or offence, forfeit and pay the sum of Five Pounds.

Taking Seamen to sea without previous agreement

V. *And be it further enacted,* That no Seaman, by entering into or signing such Agreement as aforesaid, shall forfeit his lien upon the ship, nor be deprived of any remedy for the recovery of his wages, which Seamen are now lawfully entitled to, against either the ship, the Master or Owners thereof, nor shall any Agreement made contrary to, or inconsistent with, the provisions of this Act, or any clause whereby a Seaman shall consent to forego the right which the Maritime Law gives him to wages, in the case of freight earned by ships subsequently lost, or containing any words to that effect, be valid or binding on any Seaman signing the same, and that, in cases in which it may be necessary that the Agreement should be produced, to sustain a claim on the part of a Seaman, no obligation shall lie upon the Seaman to produce the same, nor shall any Seaman fail in any Suit or Proceeding, for the recovery of his wages, for want of the production of any such Agreement, or of any deposited copy thereof as aforesaid, or for the want of any notice to produce the same, any Law or usage to the contrary notwithstanding.

Wages of Seamen in cases of ships being lost

VI. *And be it further enacted,* That, in case a Seaman shall at any time after having signed an Agreement as hereinbefore mentioned, neglect or refuse to join the ship on board of which he shall have engaged to serve, or shall refuse to proceed to sea in her, or shall absent himself therefrom without leave, it shall be lawful for any Justice of the Peace in any part of this Province near to the place where such ship shall happen to be, upon complaint of the fact made upon Oath by the Master, Mate or Owner thereof, and such Justice is hereby required, by his Warrant, to cause such Seaman to be apprehended and brought before him, and in case such Seaman shall not give a reason to the satisfaction of such Justice for his neglect, refusal or absence, as the case may be, upon due proof of such neglect, refusal or absence, it shall be lawful for any such Justice to commit such Seaman to the County or District Jail, or to the House of Correction, there to be kept at hard labor for a period not exceeding thirty days. *Provided always,* that in case such Seaman, on being apprehended and brought before the said Justice, shall consent to join the ship and proceed on the voyage for which he shall have agreed, it shall be lawful for the said Justice, at the request of the Master, instead of committing such Seaman, to cause him to be conveyed on board the said ship, or to be delivered to the Master for the purpose of proceeding on the Voyage, and also, to award to the Master such costs incurred in the apprehension of the Seaman, as to such Justice shall seem reasonable, not exceeding in any case the sum of Two Pounds, exclusive of Jail Fees, which shall be chargeable against, and may be abated from, the wages to grow due to such Seaman.

Neglect of Seaman to join, desertion from, ships

And whereas, it is customary, in this Province, to pay a certain advance to the Seaman on his being shipped, and subscribing the usual Agreement for the voyage, and in such case it is also

Preamble

customary

customary for some person to sign the said Agreement as surety for such Seaman, and it is expedient to define the liabilities of such surety :

Neglect or refusal of Seaman to join ships

VII. *Be it therefore enacted*, That hereafter, whenever any Seaman, who shall have received an advance in Money on his being shipped and signing the usual Agreement, and for whom any person shall have become surety, and as such subscribed the Agreement by this Act prescribed and required, shall neglect or refuse to proceed on his voyage, such surety shall re-pay any advance made to such Seaman ; and if the Master or Owner of the Ship shall be compelled to procure another Seaman; and thereby be put to any increased and additional expense, beyond the wages agreed to be paid to the Seaman so neglecting or refusing to proceed on his voyage, the surety, in addition to repaying the advance of Money made to the Seaman, shall also be obliged and required to pay, and shall pay, any such additional expense incurred as aforesaid ; *provided*, the said additional expense do not exceed in the whole one half the sum of Money so advanced to such Seaman, and which the surety is to return.

Liability of Sureties

VIII. *And be it further enacted*, That the signature of any party becoming such surety as aforesaid, subscribed to the Agreement hereinbefore prescribed, opposite to the name of the Seaman for whom he shall become surety as aforesaid, in the proper column of such Agreement, shall be sufficient, without any other Agreement or Contract, to render the said surety liable to the responsibilities, and for the payments hereinbefore mentioned and prescribed, and if any surety shall neglect or refuse to fulfil such responsibility, or to make such payments as aforesaid, when thereto liable; it shall be lawful to sue such surety in like manner, and before the same Justice, Justices or Court, as debts of the like amount are or may be by Law recoverable, and on production of such Agreement, and on proof, the same being properly executed by the Seaman as herein before required, and on proof of the Signature and Execution thereof by the surety, and also, on proof of the neglect or refusal of the Seaman to proceed to sea, on the voyage in such Agreement mentioned, Judgment shall be given against such surety, as well for the advance paid to such Seaman, as for any such additional expense as may have been incurred to the extent hereinbefore mentioned, together with costs as allowed by Law in cases of debts of the like amount.

Seamen absconding themselves from their duty

IX. *And be it further enacted*, That if any Seaman, after having signed such Agreement as aforesaid, or after the Ship, on board which he shall have agreed to serve, shall have left her first Port of Clearance, and before the period for which he shall have agreed to serve shall be completed, shall wilfully and without leave absent himself from the Ship, or otherwise from his duty, he shall (in all cases not of absolute desertion, or not treated as such by the Master,) forfeit out of his Wages, to the Master or Owner of such Ship, the amount of two days pay, for every twenty-four hours of absence, and in a like proportion for any less period of time, or at the option of the said Master, the amount of such expenses as shall have been incurred in hiring a substitute to perform his work ; and in case any Seaman, while he shall belong to the ship, shall, without sufficient cause, neglect to perform such his duty, as shall be reasonably required of him by the Master or other Person in command of the ship, he shall be subject to a like forfeiture for every such offence, and of every twenty-four hours continuance thereof ; and in case any such Seaman, after having signed such Agreement, or after the ship's arrival at her Port of delivery, and before her Cargo shall be discharged, shall quit the ship, without a previous discharge or leave from the Master thereof, he shall forfeit to the Master or Owner one Month's pay out of his wages ; *Provided always*, that no such forfeitures shall be incurred unless the fact of the Seaman's temporary absence, neglect of duty, or quitting the ship, shall be duly entered or recorded in the ship's Log Book, which Entry shall specify truly the hour of the day at which the same shall have occurred, and the period during which the Seaman was absent or neglected his duty, the truth of which Entry it shall be incumbent on the Owner or Master, in all cases of dispute, to substantiate by the Evidence of the Mate or some other credible Witnesses.

Seamen contracting by voyage or run

X. *And be it further enacted*, That in all cases where the Seaman shall have contracted for wages, by the voyage or by the run, and not by the Month or other stated period of time, the amount of forfeitures to be incurred by Seamen under this Act shall be ascertained in manner following, that is to say : if the whole time spent in the voyage agreed upon shall exceed one calendar month, the forfeiture of one month's pay, expressed in this Act, shall be accounted and taken to be a forfeiture of a sum of Money bearing the same proportion to the whole wages, as a calendar month shall bear to the whole time spent in the voyage, and in like manner a forfeiture of two days pay or less, shall be accounted and taken to be a forfeiture of the sum bearing the same proportion to the whole wages, as the same period of time shall bear to the whole time spent in the voyage, and if the whole time spent in the voyage shall not exceed one calendar month, the forfeiture of one month's pay shall be accounted and taken to be a forfeiture of the whole wages contracted for, and if such time shall not exceed two days, the forfeiture of two days pay shall be accounted and taken to be a forfeiture of the whole wages contracted for, and the Master is hereby authorized to abate the amount of all forfeitures hereinbefore enacted, out of the wages of any Seaman incurring the same.

Forfeiture by Seamen deserting ship

XI. *And be it further enacted*, That every Seaman who shall absolutely desert the ship to which he shall belong, shall forfeit to the Owner or Master thereof all his Clothes and Effects which he may leave on board, and all Wages and Emoluments to which he might otherwise be entitled—*provided*, the circumstances attending such desertion be entered in the Log Book at the time, and certified by

by the signature of the Master and Mate, or other credible Witness; and that an absence of a Seaman from the ship for any time within the space of twenty-four hours immediately preceding the sailing of the Ship, without permission from the Master thereof, or for any period however short, under circumstances plainly showing that it was his intention not to return thereto, shall be deemed an absolute desertion; and, in case any such desertion shall take place in parts beyond the seas, or out of this Province, and the Master of the ship shall be under the necessity of engaging any Seaman as a substitute for the deserter, at a higher rate of wages than that stipulated in the Agreement to be paid to the Seaman deserting, the Owner or Master of the ship shall be entitled to recover from the deserter, by summary proceeding, in the same manner as wages are by this Act made recoverable, any excess of wages which such Owner or Master shall pay to such substitute, beyond the amount which would have been payable to the deserter, in case he had duly performed his service pursuant to his Agreement.

XII. *And be it further enacted*, That if any person shall, either on shipboard or on shore, harbour or secrete a Seaman, who shall have signed an Agreement to proceed on a voyage to parts beyond the seas, and shall have deserted or absented himself without leave from his ship, knowing or having reason to believe him to be a deserter, or to be absent without leave, every person so offending shall, for every such Seaman so harboured or secreted, forfeit and pay the sum of Twenty Shillings; and that no debt, exceeding in amount five shillings, incurred by any Seaman, after he shall have signed any such Agreement as aforesaid, shall be recoverable until the voyage agreed for shall have been concluded, nor shall it be lawful for any Keeper of a Public House, or of a Lodging-House for Seamen, to withhold or detain any Chest, Bed or Bedding, Clothes, Tools or other Effects, of any Seaman, for any pretended debt alleged to have been contracted by any such Seaman, and in case any such Chest, Bed, Bedding, Clothes, Tools or Effects, as aforesaid, shall be withheld or detained contrary to this Act, it shall be lawful for any Justice of the Peace, in any part of this Province, upon complaint upon Oath, to be made by any such Seaman, or on his behalf, to enquire into the matter, and, if he shall see right, by Warrant under his Hand and Seal, to cause any such Property or Effects, so withheld or detained contrary to this Act, to be seized and delivered over to the Seaman.

XIII. *And be it further enacted*, That the Master or Owner of every ship shall, and he is hereby required to, pay to every Seaman, entering into such Contract as aforesaid, his wages, if the same shall be demanded within the respective periods following, that is to say: within three days after the Cargo shall have been delivered, or within ten days after the Seaman's discharge, whichever shall first happen, in either of which last mentioned cases of payment being delayed, the Seaman shall, at the time of his discharge, be entitled to be paid on account a sum equal to one fourth part of the estimated balance due to him; and in case any Master or Owner shall neglect or refuse to make payment in manner aforesaid, he shall, for every neglect or refusal, forfeit and pay to the Seaman the amount of two days pay, for each day not exceeding ten days, during which payment shall, without sufficient cause, be delayed beyond the period at which such wages or part wages are hereby required to be paid as aforesaid, for the recovery of which forfeiture the Seaman shall have the same remedies as he is by Law entitled to for the recovery of his wages; *Provided always*, that nothing in this Clause contained shall extend to the cases of ships employed on voyages, for which Seamen, by the terms of their agreement, are compensated by shares in the profits of the adventure.

XIV. *And be it enacted and declared*, That every such payment of wages to a Seaman shall be valid and effectual in Law, notwithstanding any Bill of Sale or Assignment which may have been made by any such Seaman of such wages, or of any attachment or incumbrance thereon, and that no Assignment or Sale of wages, made prior to the earning thereof, nor any Power of Attorney, expressed to be irrevocable for the receipt of any such wages, shall be valid or binding upon the party making the same.

XV. *And be it further enacted*; That, upon the discharge of a Seaman from the ship in which he shall have served, he shall be entitled to receive from the Master a Certificate of his service and discharge, specifying the period of service, and the time and place of the discharge of such Seaman, which Certificate shall be signed by the Master; and if any Master shall refuse to give such Certificate to any such Seaman, without having reasonable cause for his refusal, he shall for every such offence forfeit and pay to him the sum of Five Pounds.

XVI. *And be it further enacted*, That if, after a Seaman shall have been discharged from any ship or Vessel three days, he shall be desirous of proceeding to sea on another voyage, and, in order thereto, shall require immediate payment of the wages due to him, it shall be lawful for any Justice of the Peace, in any part of this Province, on application from such Seaman, and on satisfactory proof that he would be prevented from employment by delay, to summon the Master or Owner of such ship or vessel before him, and to require cause to be shewn why immediate payment of such wages should not be made, and if it shall appear to the satisfaction of such Justice that there is no reasonable cause for delay, he shall order payment to be made forthwith, and in default of compliance with such order such Master or Owner shall forfeit and pay the sum of Five Pounds.

And whereas, Seamen, in cases of dispute, may be exposed to great inconvenience, expense and delay, in obtaining payment of their wages—for remedy thereof:

**Wages claim-
ed by Seamen
disputed**

XVII. *Be it enacted*, That, in all cases of wages not exceeding Twenty Pounds, which shall be due and payable to a Seaman for his service in any ship, as aforesaid, it shall be lawful for any Justice of the Peace in any part of this Province, near to the place where the ship shall have ended her voyage, cleared at the Custom-House, or discharged her Cargo, or near to the place where the Master or Owner upon whom respectively the claim is made shall be or reside, upon complaint on Oath to be made to such Justice by any such Seaman, or on his behalf, to summon such Master or Owner to appear before him to answer such Complaint, and, upon the appearance of such Master or Owner, or in default thereof, on due proof of his having been so summoned, such Justice is hereby empowered to examine upon the Oath of the parties and their respective witnesses, (if there be any) touching the Complaint and the amount of wages due, and to make such order for payment thereof as shall to such Justice appear reasonable and just, and in case such order shall not be obeyed within two days next after the making thereof, it shall be lawful for such Justice to issue his Warrant, to levy the amount of the wages awarded to be due, by distress and sale of the Goods and Chattles of the party on whom such order for payment shall be made, rendering to such party the overplus, (if any shall remain of the produce of the sale) after deducting thereout all the charges and expenses incurred by the Seaman in the making and hearing of the Complaint, as well as those incurred by the distress and levy, and in the enforcement of the Justice's order; and in case sufficient distress cannot be found, it shall be lawful for the said Justice to cause the amount of the said wages and expenses to be levied on the ship, in respect of the service on board which the wages are claimed, or tackle and apparel thereof, and if such ship shall not be within the jurisdiction of such Justice, then he is hereby empowered to cause the party upon whom the order for payment shall be made, to be apprehended and committed to the Common Gaol of the County, there to remain without bail, until payment shall be made of the amount of the wages so awarded, and of all costs and expenses attending the recovery thereof, and the award and decision of such Justice as aforesaid shall be final and conclusive, as well on every such Seaman as on the Owner and Master of the ship.

**Costs of Pro-
secutions**

XVIII. *And be it further enacted*, That if any suit for the recovery of a Seaman's wages shall be instituted against the ship or the Master or Owner thereof, in the Court of Vice-Admiralty, or against the Master or Owner, in any Court of Record in this Province, and it shall appear to the Judge in the course of such suit that the Plaintiff might have had as effectual a remedy for the recovery of his wages by complaint to a Justice of the Peace, as hereinbefore provided, then, and in every such case, it shall be lawful for such Judge, and he is hereby required, to certify to that effect, and thereupon no costs of suit shall be awarded to the Plaintiff.

Preamble

And whereas, it is necessary that due provision should be made for the preservation of the health and lives of the Seamen employed in the Merchant service :

**Vessels to be
provided with
Medicines**

XIX. *Be it further enacted*, That every ship belonging to, and sailing from, this Province, to any place out of the same, shall have and keep constantly on board the same a sufficient supply of Medicines, suitable to accidents and diseases arising on sea voyages, which shall be renewed from time to time as shall be requisite, and in case any default shall be made in providing or keeping supplied such Medicines as aforesaid, or in case any of the Seamen shall receive any hurt or injury in the service of the ship, the expense of providing the necessary Surgical and Medical advice and attendance, and Medicines, which the Seaman shall stand in need of until he shall have been cured or shall have been brought back to some part of this Province, shall be borne and defrayed by the Owner and Master of the ship or one of them, without any deduction whatever on that account from the Seaman's wages.

**Expense of
Surgical and
Medical ad-
vice by whom
defrayed**

**Discharging
Seamen abroad**

XX. *And be it further enacted*, That no Master of any ship belonging to, or owned in, this Province, shall discharge any person of his Crew, whether British Subject or Foreigner, at any port or place in any of His Majesty's Dominions out of this Province, without the previous sanction in writing of the Governor, Lieutenant-Governor, Secretary, or other officer appointed in that behalf by the Government there, or of the Principal Officer of the Customs, or of two respectable Merchants resident at, or nearest to, the port or place where such ship shall be, nor shall he discharge any such person at any other place out of this Province, without the like previous sanction in writing of His Majesty's Minister, Consul or Vice-Consul there, or of two respectable Merchants there, all which said several Functionaries and Merchants are hereby authorized, in a summary way, to inquire into the grounds of any such proposed discharge, by examination on Oath, and thereupon to grant or refuse such sanction according to their discretion, having regard to the objects of this Act.

**Leaving Sea-
men abroad**

XXI. *And be it further enacted*, That no such Master shall be at liberty to leave behind at any place abroad, either on shore or at sea, any person of his Crew as aforesaid, on the plea of such person not being in a condition to proceed on the voyage, or having deserted from the ship, or otherwise disappeared, unless upon a previous certificate in writing of one such Functionaries or Merchants as aforesaid, if there be any such at, or within a reasonable distance from, the place where the ship shall then be, if there be time to procure the same, certifying that such person is not in such condition, or has deserted or disappeared, and cannot be brought, and all such Functionaries and Merchants as aforesaid are hereby authorized, on the application of any such Master, to enquire, by examination on Oath, into the circumstance, and to give or refuse such certificate, according to the result of such examination.

XXII. *And be it further enacted*, That if any such Master shall leave behind any one of his Crew as aforesaid, contrary to this Act, in any Suit, Action, Indictment or Proceeding, the proof of his having obtained such sanction or certificate as aforesaid shall be upon him, it being the intention hereof that, except in the case of entering into His Majesty's Naval Service, no person of the Crew shall be discharged either with or without his consent in any place abroad where such Functionaries or Merchants can be found, unless he shall have given such sanction thereto.

Justification of
Masters

XXIII. *Provided always, and be it further enacted*, That nothing in this Act or in any Agreement contained shall be deemed to extend to prevent any Seaman or Person belonging to any Merchant ship whatever, from entering, or being received into, the Naval Service of His Majesty, nor shall any such Entry be deemed a desertion from the Merchant ship, nor incur any penalty or forfeiture whatever, either of Wages, Clothes or Effects, or other matter or thing, notwithstanding any Agreement made to the contrary hereof; and all Masters and Owners of ships are strictly prohibited from introducing into any Ship's Articles or Agreement with the Crew, any clause or matter, by which any penalty or forfeiture of any kind is agreed to be incurred by a Seaman upon his entry into His Majesty's Service.

Seamen allowed to leave
Ships and enter into H. M.
Naval Service

XXIV. *And be it further enacted*, That when any Seaman shall quit a Merchant ship, in order to enter His Majesty's Naval Service, and shall thereupon be actually received into such Service, not having previously committed any act amounting to, and treated by, the Master as a total desertion, he shall be entitled, immediately upon such entry, to the delivery up of all his Clothes and Effects on board such Merchant ship, and (in case the ship shall have earned freight) to receive from the Master the proportionate amount of his wages up to the period of such entry, either in Money, or by a Bill on the Owner thereof, all which Clothes, Effects, Money and Bill, such Master is hereby required to deliver up to him accordingly, under a penalty of Twenty-five Pounds for every refusal or neglect, *Provided always*, that if no freight shall have been earned at the time of such entry, then the Master shall, and he is hereby required to, give the Seaman so entering a Bill upon the Owner for his wages, to the period of such entry, payable on the ship's safe arrival at her destined Port; but, in case the Master shall have no means of ascertaining the balance justly due, he shall make out and deliver to such Seaman a certificate of the period of his services, and the rate of wages he is entitled to, producing at the same time to the Commanding or other Officer of His Majesty's Ship the Agreement entered into with the Seaman for the voyage, and every such Master, upon the delivery up of such Clothes and Effects, and the settlement of such wages, in manner herein mentioned, shall be entitled to receive from the Officer in command of the ship of His Majesty, into which such Seaman shall have entered, a certificate, signed by the said Officer, which such Officer is hereby required to give, upon the request of the Master, testifying that such Seaman has entered into such ship of His Majesty, to serve as proof that the Master had not parted with the Seaman contrary to the provisions of this Act.

Wages, Clothes, &c. of
Seamen entering Naval Service

Proviso

And to avoid doubts in the construction of this Act;—

Preamble

XXV. *Be it further enacted*, That every person having the charge or command of any ship belonging to, or registered in, this Province, shall, within the meaning and for the purposes of this Act, be deemed and taken to be the Master of such ship; and that every person (apprentices excepted) who shall be employed or engaged to serve in any capacity on board the same, shall, in like manner, be deemed and taken to be a Seaman, within the meaning and for the purposes of this Act; and that the term "Ship," as used in this Act, shall be taken and understood to comprehend every description of Vessel navigating on the sea; and that the term "Owner," as applied to a Ship, shall be understood to comprehend all the several persons, if more than one, to whom the ship belongs; and that all Steam and other Vessels, employed in carrying Passengers or Goods, shall be deemed trading ships, within the meaning and for the purposes of this Act.

Definitions of
Terms

XXVI. *And be it further enacted*, That all penalties and forfeitures imposed by this Act, and for the recovery whereof no specific mode is hereinbefore provided, shall and may be recovered, with costs of suit, in manner following, that is to say—all penalties and forfeitures not exceeding Ten Pounds shall be recoverable at the suit of any person, by Information and Summary Proceeding before any three Justices of the Peace, in any part of this Province, for the County where the offence shall be committed, or where the Offender shall be, which Justices shall have full power to levy the amount of any such penalty or forfeiture, and costs, by Distress and Sale of the Offender's Goods, or by commitment of the Offender for the non-payment of the amount; and all penalties and forfeitures exceeding Ten Pounds shall and may be recovered with Costs of Suit, in any of His Majesty's Courts of Record in this Province, at the Suit of His Majesty's Attorney-General; and that all penalties and forfeitures mentioned in this Act, for which no specific application is hereinbefore provided, shall, when recovered, be paid and applied in manner following, that is to say—one moiety of every such penalty shall be paid to the Informer or Person upon whose discovery or Information the same shall be recovered; and the residue shall be paid over to the Commissioners or Overseers of the Poor for the Town or place wherein the offence shall have been committed, or the Offender shall be sued.

Recovery of
Penalties and
Forfeitures

Provided always, That it shall be lawful for the Court before which, or the Justice or Justices before whom, any Proceedings shall be instituted, for the recovery of any pecuniary penalty imposed by this Act, to mitigate or reduce such penalty, as to such Court or Justices respectively shall appear

Penalties may
be mitigated

Actions to be instituted, with- in certain pe- riods

Act not to ex- tend to Coast- ing Vessels

pear just and reasonable, in such manner however that no such penalty shall be reduced below one half of its original amount ; And provided also, that all Proceedings so to be instituted shall be com- menced within two Years next after the commission of the offence, or within six calendar Months after the return of the Offender to this Province, if such offence shall have been committed without the limits thereof.

XXVII. Provided always, and be it further enacted, That this Act, and nothing therein contained, shall extend, or be deemed or construed to extend, to any ship trading Coastwise between any Port of this Province, and any other Port or Ports therein, or to any ship, which, by the Act, passed in the Fourth Year of His present Majesty's Reign, entitled, An Act for the Support and Regulation of Light-Houses, is directed to pay duty under such Act, as a Coasting Vessel.

SCHEDULE IN THIS ACT REFERRED TO.

AN AGREEMENT made pursuant to the directions of an Act of the General Assembly of Nova- Scotia, passed in the Sixth Year of the Reign of His Majesty King William the Fourth, between the Master of the Ship of the Port of of the burthen of Tons, and the several Persons whose names are subscribed hereto.

Form of Ar- ticles of Agreement

IT is agreed by, and on the part of, the said Persons, and they severally hereby engage to serve on board the said Ship in the several capacities against their respective names expressed, on a Voyage from the Port of to [here the intended Voyage is to be described as nearly as can be done, and the places at which it is intended the Ship shall touch, or if that cannot be done, the nature of the Voyage in which she is to be employed,] and back to the Port of and the said Crew further engage to conduct themselves in an orderly, faithful, honest, careful and sober manner, and to be at all times diligent in their respective duties and stations, and to be obedient to the lawful com- mands of the Master in every thing relating to the said Ship, and the Materials, Stores and Cargo thereof, whether on board such Ship, in Boats, or on Shore, (here may be inserted any other Clause which the parties may think proper to be introduced into the Agreement, provided that the same be not contrary to, and inconsistent with, this Act.) In consideration of which Services to be duly, honestly, carefully and faithfully performed, the said Master doth hereby promise and agree to pay to the said Crew, by way of Compensation or Wages, the amount against their names respectively expressed. In wit- ness whereof, the said parties have hereto subscribed their names on the days against their respec- tive signatures mentioned.

Place and time of Entry. Day. Month. Year.	Men's Names.	Age.	Place of Birth.	Quality.	Amount of wages per Calendar Month, Share or Voyage.	Sureties for Seamen.	Witness to Execution.	Name of Ship in which Seaman last served.

CAP. XLIX.

An Act for the better regulation of Sable Island and Seal Islands in this Province.

(PASSED THE 4th DAY OF APRIL, 1836.)

Preamble

WHEREAS an Establishment on the Isle of Sable, for the relief of Persons who may have been there unfortunately Shipwrecked, and also, for preserving Ship- wrecked Property, cast on shore at that place, has been for many years sustained at the expense of this Province, and by and under the directions of certain Commissioners and Superintendants, appointed by the Lieutenant-Governor of this Province, and paid from the General Funds and Revenue of Nova-Scotia ; And whereas, His Majesty's Go- vernment, in consideration of the vast benefits afforded already, not only to the Trade of all His Majesty's Dominions, but also, to the cause of humanity generally, by the said Establishment, have agreed to appropriate an equal amount towards the support thereof to that granted by this Province ; And whereas, another Establishment of a similar de- scription has been erected on the Seal Islands, which has also been productive of bene- ficial results ; And whereas, no sufficient provisions are made by Law, as to the powers and authority of the Commissioners and Superintendants of Sable and Seal Islands, and it is therefore expedient to define and declare the powers, authorities and rights, of the said Commissioners and Superintendants, to regulate the mode of appointment of such Commissioners and Superintendants, and otherwise to provide for the due ordering and governing

governing of the said Establishments, and the preservation and disposition of Shipwrecked Property:

I. *Be it therefore enacted by the Lieutenant-Governor, Council and Assembly, That* it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being, to nominate, appoint and commission, from time to time, two or more persons to be Commissioners for taking charge of and managing Sable Island, and one or more persons to be Commissioner or Commissioners for taking charge of and managing Seal Islands and Mud Islands, and one or more person or persons to be resident Superintendants on the said Islands, and from time to time, as occasion may require, to add to the numbers of the said Commissioners or Superintendants, or to remove any one or more of them or any of them, and any vacancies to supply and fill up; *Provided always*, that the number of Commissioners, either for Sable Island or the Seal Islands and Mud Islands, shall not at any one time exceed three.

Appointment
of Commis-
sioners

II. *And be it further enacted*, That it shall be the duty of the said Commissioners to visit and inspect the said Islands respectively, as often as may be necessary, and whenever in particular they or any of them shall be directed so to do by the Governor, Lieutenant-Governor or Commander in Chief for the time being, and that they, every and each of them, shall have and exercise all the power and authority on the said Island of Sable, and Seal Islands and Mud Islands, and in relation to persons found thereon, or on either of them, which by the eighth section of an Act, passed in the Forty-first Year of the Reign of His late Majesty King George the Third, entitled, An Act for the security of Navigation, and for preserving all Ships, Vessels and Goods, which may be found on shore, wrecked or stranded upon the Coasts of this Province, and for punishing persons who shall steal Shipwrecked Goods, and for the relief of persons suffering loss thereby, is given to the visitor and inspector of Sable Island therein mentioned, in relation to Sable Island and to persons and goods found thereon.

Duties and
powers of
Commissioners

III. *And be it further enacted*, That the said Commissioners, and a majority of them, shall have authority from time to time to make rules and regulations for the government of the said Islands respectively, and the regulation of the resident Superintendants thereon, and for the preservation of the lives, and the shelter, sustenance and removal, of Shipwrecked Persons, and for the preservation and removal of Shipwrecked Goods and Property found thereon, and for preventing any persons not duly authorized by the Governor, Lieutenant-Governor or Commander in Chief of this Province, or His Majesty's Government, from taking up either a permanent or temporary residence thereon, and generally for the good and efficient management of the said Islands; *Provided always*, that no such rules shall have any force or efficacy until the same shall have been approved of by the Governor, Lieutenant-Governor, or Commander in Chief for the time being; *And provided further*, that nothing herein contained shall extend, or be construed to extend, to interfere with, control or abridge, the authority or powers of the Commissioners of Light-Houses, in respect to any Light-House erected or to be erected on the said Islands respectively.

Rules and
Regulations for
government of
Sable Island,
&c.

IV. *And be it further enacted*, That the said Commissioners and the said Superintendants respectively, who shall or may at any time or times hereafter, be appointed as herein provided, and each of them, shall have and exercise, either on the said Islands or elsewhere, all the power and authority in relation to wrecked or stranded Ships, Vessels or Goods, which a Justice of the Peace in any part of this Province has or may have, in relation to shipwrecked Goods, under and by virtue of the said herein before mentioned Act, or any other Law now in force, or which may be hereafter in force; and also, upon the said Islands respectively, over which they or any of them shall be appointed Commissioners or Superintendants as aforesaid, or the banks, bars and coasts thereof, shall have and exercise all the powers and authority in every respect which a Justice of the Peace has or can exercise or claim within the limits of his jurisdiction.

Power given
to Commis-
sioners respect-
ing Shipwreck-
ed Property

And to remove doubts as to the duty and authorities of the said Commissioners of Sable Island:

Preamble

V. *Be it enacted*, That in all cases in which Vessels or Goods shall be stranded on Sable Island, or its bars or coasts, and the assistance of the Commissioners or of the Superintendants

Duty of Commissioners in cases of Vessels, &c. being stranded on Isle of Sable

perintendants of the said Island; or either of them or their servants, or any others under their authority, shall be afforded, towards aiding in the saving thereof, and any such Goods shall be saved, the said Goods shall be taken in charge by the Superintendent on the said Island, for the time being, and securely kept by him; and shall be removed and sent to Halifax, there to be received, kept and disposed of, by the Commissioners of Sable Island for the time being, for the benefit of the owner of the said Goods, after payment of salvage to the said Establishment at Sable Island, and of the expenses incurred in their safe keeping, removal or disposal, agreeably to the provisions of the said in part recited Act, unless the said Commissioners shall give orders to the said Superintendent to the contrary; and all Goods saved, as in this clause is mentioned, shall be held to be in the possession of the Commissioners of Sable Island for the time being, and no part thereof shall on any pretence be taken out of such possession, or out of the charge or keeping of the Superintendent or other Officer or Servants employed by him or by the said Commissioners, except by the order of the said Commissioners, and until the payment of salvage and expenses; *Provided always*, that such Goods shall be liable to all duties by any Act or Acts from time to time in force in this Province imposed thereon.

Isle of Sable declared part of County of Halifax

VI. *And be it further enacted*, That in all Indictments, Informations, Action, Suits or other proceedings whatsoever, whether civil or criminal, in any Court of Law or Equity or other place wheresoever, the said Island of Sable shall be taken, deemed and adjudged to be, within, and to form part of, the County of Halifax, in this Province; and any person who shall be charged with any Murder, Piracy, Felony or other criminal offence whatsoever, done or committed on said Island, or on the shores, bars, banks or coasts thereof, shall and may be prosecuted, proceeded against and tried, in the same manner as if the said Island were actually within the body of the said County of Halifax.

Expenditures in support of Establishments

VII. *And be it further enacted*, That all sums of Money granted for the support of the Establishment upon the said Island of Sable, or the said Seal Islands and Mud Islands, either by the Government of Great-Britain, or by any Act or Acts of the General Assembly of this Province, shall be applied and expended from time to time by the said Commissioners thereof respectively, who shall render an annual account of the same to the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to be submitted to the Legislature when required.

Continuation of Act

VIII. *And be it further enacted*, That this Act shall 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.

CAP. L.

An Act to continue the Act to encourage the Importation of improved Breeds of Cattle into this Province.

(PASSED THE 12th DAY OF MARCH, 1836.)

Act 2, Wm. IV, continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the second year of His present Majesty's reign, entitled, An Act to encourage the Importation of improved Breeds of Cattle into this Province, and the Bounty therein mentioned, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for three years, and from thence to the end of the then next Session of the General Assembly.

CAP. LI.

An Act to continue the Act to regulate the Pilotage of Vessels at the Port of Sydney, in the Island of Cape-Breton.

(PASSED THE 12th DAY OF MARCH, 1836.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the first year of His present Majesty's reign, entitled, An Act to regulate the Pilotage of Vessels at the Port of Sydney, in the Island of Cape-Breton, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly. Act I. Wm. IV, continued

CAP. LII.

An Act to continue the Act to prevent the spreading of Contagious Diseases, and for the performance of Quarantine, and the Act in amendment thereof.

(PASSED THE 12th DAY OF MARCH, 1836.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the second year of His present Majesty's reign, entitled, An Act to prevent the spreading of Contagious Diseases, and for the performance of Quarantine; and also, the Act, passed in the third year of His present Majesty's reign, to continue and amend the said Act, and every matter, clause and thing, in the said Acts contained, shall be continued, and the said Acts are hereby respectively continued for one year, and from thence to the end of the then next Session of the General Assembly. Acts 2 and 3, Wm. IV, continued

CAP. LIII.

An Act to Incorporate the King's County Woollen Cloth and Mills Company.

(PASSED THE 29th DAY OF MARCH, 1836.)

WHEREAS, a number of Persons are desirous of establishing a Manufactory for Woollen and Cotton Cloth at Kentville, in the County of King's, and to build Mills for that and for other purposes, and for providing sufficient funds, and in order to carry into effect the design and intention of the said parties, which will prove of great advantage to this Province—it is expedient to unite into one Body, Politic and Corporate, such persons who will advance Monies for the purposes aforesaid:

I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That Caleb H. Rand, James E. DeWolfe, James Dennison, Levi Rice, Isaac Webster, Geo. M. Terry, William B. Webster, Winckworth Chipman, Silas W. Masters, Henry B. Webster, and all and every other person or persons whomsoever, who shall from time to time become Proprietors of Shares in the Corporation hereby established, their Successors and Assigns, shall be, and they are hereby erected into, a Company, and declared to be a Body, Politic and Corporate, in deed and in name, by the name of "The King's County Woollen Cloth and Mills Company," and by that name shall have succession and a Common Seal, and by that name shall and may sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in, any Court or Courts of Law Preamble
Incorporation of Company

Powers and privileges

Law or Equity or place whatsoever, and be able and capable in Law, to have, hold, purchase, get, receive, take on Lease, erect, set up, possess and enjoy, in Kentville, or any other part of the County of King's, Houses, Lands, Tenements, Hereditaments, Mills, Manufactories, Rents and Profits, in fee simple, Leasehold or otherwise; and also, Goods and Chattles, and all other things, real, personal and mixed; and also, to give, grant, sell, let, assign or convey, the same or any part thereof, and to do and execute all other things in and about the same as shall and may be deemed necessary and proper for the benefit and advantage of the said Company; and also, that the said Company or the major part of them shall, from time to time and at all times, have full powers, authority and license, to constitute, ordain, make and establish, change, vary and alter, such Bye-laws and Ordinances as may be thought necessary for the good rule and government of the said Corporation; *Provided always*, that such Bye-laws and Ordinances be not contradictory or repugnant to the Laws or Statutes of the Province, and those in force within the same; *And provided also*, that such Bye-laws and Ordinances shall not be of any force or effect until they have been submitted to, and approved by, the Governor, Lieutenant-Governor or Commander in Chief for the time being, nor until the same shall be registered in the Public Registry of Deeds in the County of King's.

Bye-laws, &c. of Company to be submitted to Governor

Company restricted to Two Thousand Acres of Land

Officers of Company

II. *And provided further, and be it further enacted*, That the said Company shall not take, have, hold or possess, at any one time, a greater number than Two Thousand Acres of Land.

III. *And be it further enacted*, That the said Company and its affairs and business shall be under the management and direction of a President, and such other Officers as shall or may be named and designated by the Bye-laws of the said Company, and the Capital of the said Company shall be divided into Shares of such amount as by the said Bye-laws may be hereafter provided, and such Shares shall be assignable and transferrable in such manner, and upon such terms, as by the said Bye-laws may be also provided and directed.

Shares considered Personal Property

IV. *And be it further enacted*, That for and notwithstanding any Real Estate which the said Company may hold at any time, the shares and interests of the several Shareholders of and in the Capital Stock and Funds of the said Company shall be held and deemed to be personal property, to all intents and purposes whatsoever.

Lands, &c. may be taken upon certain Writs

V. *And be it further enacted*, That all such Lands and Real Estate, or so much thereof as may be necessary to satisfy the same, shall and may be taken upon any Writ of *Fieri Facias* or other Execution, against the said Corporation, and sold in the same manner as Goods and Chattles may be taken and sold, and the Sheriff shall, immediately after such sale, make and execute a Deed to the purchaser, which Deed shall convey and transfer all the Estate and Interest of the said Corporation in the Lands so taken, sold and conveyed.

Names of Proprietors to be registered

VI. *And be it further enacted*, That the names of all and every the Proprietors of and in the said Corporation shall be, together with the said Bye-Laws and Ordinances, duly registered in the Public Registry of Deeds in the said County of King's, and no transfer of any Share or Interest of and in the Capital Stock of the said Corporation shall be of any force or effect until a Certificate of such transfer, with the name of the party transferring, and the party to whom such transfer is made, shall also be registered in the said Registry, so that at all times it may be known who are or may be the several Proprietors of the said Capital Stock, and Members of the said Corporation.

Restrictions imposed on Company

VII. *Provided always, and be it further enacted*, That nothing herein contained shall be held or construed to give the said Corporation the privilege of dealing in the lending of Money by way of discount or otherwise, or engaging in any Banking operation whatsoever, or to underwrite, or make as underwriters, any Insurance upon any Ship or Vessel or Marine risk, or upon any loss by Fire, or upon any life or lives.

CAP. LIV.

An Act to authorize the Lieutenant-Governor to appoint Commissioners to run out the Boundary Line between Nova-Scotia and New-Brunswick.

(PASSED THE 29th DAY OF MARCH, 1836.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to appoint two or more Commissioners, to be joined with the like number of Commissioners to be appointed by the Lieutenant-Governor of the Province of New-Brunswick, to ascertain, survey, define and run out, the Divisional or Boundary Line, between the said Province of New-Brunswick and this Province. *Pro-vided* that the sum to be drawn from the Treasury of this Province, for the expense of remunerating the Commissioners to be appointed under this Act, shall not exceed the sum of One Hundred Pounds.

Appointment of Commissioners

Expense of Commission limited

II. *And be it further enacted*, That this Act shall not be of any force or effect until His Majesty's Assent shall be signified thereto.

His Majesty's Assent required

CAP. LV.

An Act to give effect and validity to a certain devise or settlement of Real Estate, made and contained in the last Will and Testament of John Mackay, late of Windsor, in Hants County, Esquire, deceased.

(PASSED THE 4th DAY OF APRIL, 1836.)

WHEREAS, it has been satisfactorily proved and established that Benjamin Dewolf, late of Windsor, in the County of Hants, deceased, was, in his lifetime, seized and possessed of certain real and personal Estate, in the Province of Nova-Scotia, and did, in and by his last Will and Testament, among other things, devise and bequeath to his daughter Amelia Isabella Dewolf, and her heirs, a certain Dwelling House, Wharf and Stores, and Premises, then in his use and occupation, and also ten acres of Dyke Land, situate in Windsor aforesaid, together with a large portion of his Personal Estate; which said Real and Personal Estate the said Amelia Isabella Dewolf held, possessed and enjoyed, in her own right, until her Marriage with the said John Mackay, by virtue of which Marriage, the Personal Property of the said Amelia Isabella became and was vested in her Husband the said John Mackay; but the Legal Estate in the said Real Estate continued vested in the said Amelia Isabella and her heirs; and further, that after the said John and Amelia Isabella had been married for some years without issue, the said Amelia Isabella became desirous that her said Real Estate should, after the decease of herself and her Husband, be settled upon, and secured to, her Niece, Sarah Rachel Thomas, now Sarah Rachel Wilkins, and the heirs of her body; and in case of the death of her said Niece, Sarah Rachel Thomas, without heirs of her body, then upon her Niece Rachel Gore, the wife of Charles Gore, and her heirs forever, which said Sarah Rachel Thomas and Rachel Gore, were the Grand Daughters of the said Benjamin Dewolf, from whom the said Amelia Isabella had derived her said Real Estate; and that her said Husband was willing and desirous that such her reasonable desire should be gratified and fulfilled; but the said Amelia Isabella was precluded by the Laws of this Province from making any Will or Devise of the said Real Estate, during her coverture, and the said John Mackay was not vested with any Estate in the same which he could devise; and further, that it was therefore agreed by and between the said John Mackay and Amelia Isabella, his wife, that, for the purpose of enabling the said John Mackay to devise the said Real

Preamble

Estate

Estate, in conformity to the wishes of his said wife, to her said Nieces, in manner aforesaid, the said John Mackay and Amelia Isabella Mackay should, in pursuance of an Act of the General Assembly of this Province, made and passed in the thirty-fourth year of the reign of His late Majesty King George the Third, entitled, "An Act to render valid Conveyances of Real Estates of Married Women, by them made or to be made during their coverture," make and execute a Deed to a third person, conveying the Title to the said Real Estate to such third person, to the intent that such third person should re-convey the said Real Estate to the said John Mackay for the purposes aforesaid; and that, in fulfilment of this intention, the said John Mackay and Amelia Isabella Mackay did, in pursuance of the Act of Assembly aforesaid, join in conveying the Title to the said Real Estate to the late William Fraser, of Windsor aforesaid, Esquire; and the said William Fraser did re-convey the same to the said John Mackay; and that the said John Mackay, when so invested and possessed of the legal Title to the said Real Estate, did, in honest and faithful fulfilment of the purposes for which the said Title had been conveyed to him, make and execute a Will, devising the said Dwelling House, Wharf Lot and Stores, together with the said ten acres of Marsh Land, to his said wife, during the term of her natural life; and from and immediately after the decease of his said wife did devise and bequeath the said Dwelling House, Wharf Lot and Store, together with the ten acres of Marsh Land, unto his Niece, Sarah Thomas, and the heirs of her body, to be begotten; but, if she should die before his said wife, and without such issue to be begotten as aforesaid, then to his Niece, Rachel Gore, wife of Charles Gore, and her heirs forever: which Devise was in perfect accordance with the wishes and desire of his said wife, to whom the Property really and of right belonged, and who had thus caused it to be conveyed to him for that express purpose, which said Will remained unaltered and uncanceled at the decease of the said John Mackay, who is since dead, without leaving issue of his marriage with the said Amelia Isabella; but it appears that the said John Mackay, through ignorance or inadvertence, allowed the Devisee, Sarah Rachel Thomas, to be one of the subscribing Witnesses to the said Will, in conjunction with one John McKenzie and William Mill, both persons of credit, who are now living. *And whereas*, the said Amelia Isabella Mackay, who is now sole and unmarried, and in whom the Title of the said Real Estate was, and would have continued to be had she not divested herself of it for the express purpose of settling it upon her Nieces in manner aforesaid, has recently learnt that the making her Niece, Sarah Rachel Thomas, a Witness to the said Will, may prevent her taking any devise or deriving any benefit under the said Will, which, under these peculiar circumstances, would be manifestly unjust; *And whereas*, the said Amelia Isabella Mackay, who ought of right to have the disposition of the said Real Estate, of which right her said Husband never desired or intended to deprive her, has petitioned the Legislature of this Province to give effect and validity to the said Devise, notwithstanding that there are not three legal Witnesses to the said Will; *And whereas*, under the circumstances aforesaid, the said Devise should be considered as a virtual settlement of the said Real Estate upon the said Sarah Thomas, and the heirs of her body, in pursuance of the intention of her Aunt, the real owner thereof, to establish which settlement, two Witnesses would be amply sufficient, rather than a devise of the Estate of the said John Mackay, who had not, nor ought to be deemed to have, nor did he claim, any beneficial Estate of inheritance therein, which he could devise or otherwise dispose of at his pleasure; and it cannot be doubted, that if the heirs general of the said John Mackay were to make any claim to the said Estate, a Court of Equity, upon consideration of the premises, would enjoin them from proceeding to enforce such claim; and it may prevent vexatious litigation, to grant the reasonable and just prayer of the said Amelia Isabella Mackay.

Devise declared valid

I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That the aforesaid Devise or Settlement of the said Dwelling House, Wharf Lot and Stores, together with the said ten acres of Marsh Land, shall be, and the same is hereby declared to be, as good, valid and effectual, to all intents and purposes whatsoever, as if the Will containing said devise had been witnessed by three credible Witnesses, who had no interest in the same or in the establishment thereof.

CAP. LVI.

An Act to continue the Act to encourage the Seal Fisheries of this Province.

(PASSED THE 12th DAY OF MARCH, 1836.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Third Year of His present Majesty's Reign, entitled, An Act to encourage the Seal Fisheries of this Province, and the Bounty therein mentioned, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for Three Years, and from thence to the end of the then next Session of the General Assembly.

Act 3, Wm. IV, continued

CAP. LVII.

An Act to increase the number of Commissioners of Highways in Pictou.

(PASSED THE 29th DAY OF MARCH, 1836.)

WHEREAS the number of Commissioners of Highways for the Town of Pictou, by the Act, passed in the Seventh Year of the Reign of His late Majesty King George the Fourth, entitled, An Act relating to Commissioners of Highways in Halifax and certain other places, is limited and restricted to Three, which number has been found too few:

Preamble

I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That from and after the passing of this Act, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to nominate, appoint and commission, two respectable Inhabitants and Freeholders of the said Town of Pictou, to be Commissioners for repairing, keeping in repair, and paying, the Streets and Highways in the Town of Pictou, in addition to the Three Commissioners now in Office; and in case of any vacancy, upon death, removal from Office, resignation, or refusal to act, of any of the said Commissioners, whether now in Office, or to be hereafter appointed, it shall and may be lawful for the said Governor, Lieutenant-Governor, or Commander in Chief for the time being, to nominate, appoint and commission, a respectable Freeholder and Inhabitant of the said Town to supply the said vacancy, so that the number of the said Commissioners shall always be five. And the said five Commissioners, and every of them respectively, shall have the same powers, authority and privileges, as if the said number of five Commissioners had been originally inserted in the said Act herein before mentioned, for the said Town of Pictou, instead of three as therein mentioned.

Number of Commissioners may be increased to five

Powers of Commissioners

CAP. LVIII.

An Act to continue the Act to preserve the Harbour of Cape Forchu, in Yarmouth.

(PASSED THE 12th DAY OF MARCH, 1836.)

BE it enacted, by the Lieutenant-Governor, Council, and Assembly, That the Act, made and passed in the second year of His present Majesty's reign, entitled, An Act to preserve the Harbour of Cape Forchu in Yarmouth, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for three years, and from thence to the end of the then next Session of the General Assembly.

Act 2, Wm. IV, continued

CAP. LIX.

An Act to continue the several Acts concerning the Bridewell and Police in Halifax.

(PASSED THE 4th DAY OF APRIL, 1836.)

Acts 55, Geo. III, (except Sec. 10,) 4, Geo. IV, (except Sec. 4,) 11, Geo. IV, and 2, Wm. IV, continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the Fifty-fifth Year of the Reign of His late Majesty King George the Third, entitled, An Act for establishing a Bridewell or House of Correction for the County of Halifax, and for the better and more effectual administration of the Office of Justice of the Peace in the Township of Halifax, and for providing a Police Office in said Town, with proper Officers to attend the same, and every matter, clause and thing therein contained, (save and except the tenth Section of the said Act; and also, an Act, passed in the Tenth Year of the Reign of His late Majesty King George the Fourth, entitled, An Act to amend and continue the Act concerning the Bridewell and Police in Halifax, and every matter, clause and thing therein contained, (save and except the Fourth Section of the said Act;) and also, an Act, passed in the Eleventh Year of the Reign of His late Majesty King George the Fourth, entitled, An Act to amend and continue the Act concerning the Bridewell and Police in Halifax, and every matter, clause and thing therein contained; also, the Act, passed in the Second Year of His present Majesty's Reign, to continue the said Acts, and to alter and amend the same, and every matter, clause and thing therein contained, shall be continued, and the said Acts are hereby respectively continued for One Year, and from thence to the end of the then next Session of the General Assembly.

CAP. LX.

An Act to continue the Act to regulate the Expenditure of Monies hereafter to be appropriated for the service of Roads and Bridges, and the Act in amendment thereof.

(PASSED THE 29th DAY OF MARCH, 1836.)

Acts 4, 5 and 9, Wm. IV, continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the fourth and fifth year of His late Majesty's reign, entitled, An Act to regulate the Expenditure of Monies hereafter to be appropriated for the service of Roads and Bridges; and also, the Act made and passed in the ninth year of His said late Majesty's reign, to continue, alter and amend the said Act, and every matter, clause and thing, in the said Acts contained, shall be continued, and the same are hereby severally continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. LXI.

An Act to continue the Act to encourage the Manufacture of Chocolate in this Province, by granting a Bounty thereon.

(PASSED THE 29th DAY OF MARCH, 1836.)

Act 5, Wm. IV, continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the fifth year of His present Majesty's reign, entitled, An Act to encourage the Manufacture of Chocolate in this Province, by granting a Bounty thereon, and every matter, clause and thing therein contained, shall be continued, and the same are hereby continued until the thirty-first day of March, which will be in the year of Our Lord One Thousand Eight Hundred and Thirty-seven, and no longer.

CAP.

CAP. LXII.

An Act to continue the Act for the support and regulation of Light-Houses.

(PASSED THE 29th DAY OF MARCH, 1836.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, ^{Act 4, Wm. IV. continued} passed in the fourth year of His present Majesty's Reign, entitled, An Act for the support and regulation of Light-Houses, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. LXIII.

An Act to continue the Act concerning Malicious Injuries to Property.

(PASSED THE 4th DAY OF APRIL, 1836.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, ^{Act 2, Wm. IV. continued} passed in the second year of His present Majesty's Reign, entitled, An Act concerning Malicious Injuries to Property, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one Year, and from thence to the end of the then next Session of the General Assembly.

CAP. LXIV.

An Act to continue the Act to prevent damage to the Nets of Fishermen by Coasting Vessels.

(PASSED THE 12th DAY OF MARCH, 1836.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, ^{Act of last Session continued} passed in the last Session of the General Assembly, entitled, An Act to prevent damage to the Nets of Fishermen, by Coasting Vessels, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. LXV.

An Act to continue the Act for the more easy Redemption and Foreclosure of Mortgages.

(PASSED THE 4th DAY OF APRIL, 1836.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, ^{Act 3, Wm. IV. continued} passed in the third year of His present Majesty's reign, entitled, An Act for the more easy Redemption and Foreclosure of Mortgages, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for three years, and from thence to the end of the then next Session of the General Assembly.

CAP. LXVI.

An Act to continue the Act for the Summary Trial of Actions, and the Act in amendment thereof.*(PASSED THE 29th DAY OF MARCH, 1836.)*Act 3, Geo.
IV. continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, made and passed in the third Year of His late Majesty's Reign, entitled, An Act for the Summary Trial of Actions; and also, the Act in amendment of the said Act, passed in the sixth Year of His said late Majesty's Reign, and every matter, clause and thing, in the said Acts contained, shall be continued, and the same are hereby severally continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. LXVII.

An Act to continue the Act, entitled, An Act in further addition to the Act relating to Wills, Legacies and Executors, and for the Settlement and Distribution of the Estates of Intestates.*(PASSED THE 12th DAY OF MARCH, 1836.)*Act 52, Geo.
III. continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the fifty-second year of the reign of His late Majesty King George the Third, entitled, An Act in further addition to the Act relating to Wills, Legacies and Executors, and for the Settlement and Distribution of the Estates of Intestates, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. LXVIII.

An Act to amend the Act to extend to the Town of New Glasgow, in the District of Pictou, the provisions of the Act relating to Commissioners of Highways in Halifax and certain other places.*(PASSED THE 29th DAY OF MARCH, 1836.)*

Preamble

WHEREAS, the boundaries and limits affixed and prescribed to, and for the authority, powers and jurisdiction of, the Commissioners appointed under and by virtue of the Act, passed in the fourth year of His present Majesty's reign, entitled, An Act to extend to the Town of New Glasgow, in the District of Pictou, the provisions of the Act relating to Commissioners of Highways in Halifax and certain other places, have been found to be inconvenient:

Limitation of
powers of
Commissioners

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the passing of this Act, the jurisdiction, powers and authority, of the Commissioners now appointed or hereafter to be appointed, under and by virtue of the said Act hereby amended, shall be confined, limited, restricted and exercised, within the boundaries and limits following, that is to say: to be bounded on the South by a line running on the South line of the property of the Widow of Alexander Fraser, deceased, and extending*

extending Eastwardly and Westwardly to the East and West lines and boundaries hereinafter mentioned—to be bounded on the North by a line running on the North line of the property of John Rose, and extending Eastwardly and Westwardly as aforesaid—to be bounded on the East by a line running on the front line of Edward Graham's house, and extending Northwardly and Southwardly to the North and South lines herein before mentioned, in a parallel course with the River—and to be bounded on the West by the Road leading from the Albion Mines to the point which said limits, lines and boundaries, shall be substituted for, and in lieu of the limits, lines and boundaries in and by the said Act hereby amended, mentioned and specified, and the jurisdiction, powers and authority, of the said Commissioners within the said limits, lines and boundaries, herein mentioned and hereby prescribed, shall be the same as if such limits, lines and boundaries, had been originally inserted and specified in the said Act hereby amended.

CAP. LXIX.

An Act to continue the Act in further addition to, and in amendment of, the Act for the choice of Town Officers, and regulating of Townships, and the Act to alter and amend the same.

(PASSED THE 12th DAY OF MARCH, 1836.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the Tenth Year of His late Majesty's Reign, entitled, An Act in further addition to, and in amendment of, the Act for the choice of Town Officers and regulating of Townships; and the Act, passed in the second year of His present Majesty's reign, entitled, An Act to alter and amend the Act in further addition to, and in amendment of, the Act for the choice of Town Officers and regulating of Townships, and every matter, clause and thing, in the said several Acts contained, shall be continued, and the same are hereby respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

Acts 10, Geo. IV. & 2, Wm. IV. continued

CAP. LXX.

An Act to continue the Act to suspend the operation of several Acts of the General Assembly, passed to prevent Forestalling, Regrating and Monopolizing.

(PASSED THE 12th DAY OF MARCH, 1836.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the seventh year of His late Majesty's reign, entitled, An Act to suspend the operation of several Acts of the General Assembly, passed to prevent Forestalling, Regrating and Monopolizing, and every matter, clause and thing, in the said Act contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 7, Geo. IV. continued

CAP. LXXI.

An Act to continue the Act to regulate the Pilotage of Vessels at the Port of Halifax, and the several Acts in amendment thereof and additional thereto.

(PASSED THE 12th DAY OF MARCH, 1836.)

Acts 11, Geo.
IV. and 1 and
2 Wm. IV.
continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the Eleventh Year of His late Majesty's Reign, entitled, An Act to regulate the Pilotage of Vessels at the Port of Halifax, and the several Acts passed in the First and Second Years of His present Majesty's Reign, in amendment of, and additional to, the said Act, shall be continued, and the said Acts, and every matter, clause and thing, therein contained, are hereby severally and respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. LXXII.

An Act to continue the Act concerning the Inferior Courts of Common Pleas within this Province.

(PASSED THE 29th DAY OF MARCH, 1836.)

Act 2, Wm.
IV. continued

BE it enacted, by the Lieutenant Governor, Council and Assembly, That the Act, made and passed in the second year of His present Majesty's reign, entitled, An Act concerning the Inferior Courts of Common Pleas within this Province, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. LXXIII.

An Act to continue the Act to regulate the Weighing of Beef.

(PASSED THE 12th DAY OF MARCH, 1836.)

Act 10, Geo.
IV. continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the tenth year of His late Majesty's reign, entitled, An Act to regulate the Weighing of Beef, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. LXXIV.

An Act to continue the Act to provide against the occurrence of Diseases from the bite of Animals.

(PASSED THE 12th DAY OF MARCH, 1836.)

Act 3, Wm.
IV. continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the third year of His present Majesty's reign, entitled, An Act to provide

vide against the occurrence of Diseases from the bite of Animals, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. LXXV.

An Act for borrowing Money for the use of the Province.

(PASSED THE 4th DAY OF APRIL, 1836.)

WHEREAS the state of the Provincial Funds may render it necessary and expedient to provide Monies, by way of Loan, for payment of the demands upon the Treasury :

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That* whenever, after the passing of this Act, upon and from any representation of the state of the Provincial Funds, made by the Treasurer, it shall appear to be necessary to raise Money, by way of Loan, for the payment of demands upon the Treasury, it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being, from time to time, as he shall deem it expedient so to do, to authorize and direct the Treasurer to negotiate and procure a Loan for such sum of Money as may be requisite to meet the exigencies of the Province ; *Provided always,* that any Monies to be so borrowed under and by virtue of this Act, shall not, in the whole, exceed the sum of Ten Thousand Pounds.

II. *And be it further enacted,* That at any time, and from time to time, when the said Treasurer shall be so directed and authorized to procure and negotiate a Loan as aforesaid, the said Treasurer shall give notice by Public Advertizement, in the Royal Gazette and other Public Newspapers at Halifax, that a Loan is requisite for the sum which the said Treasurer shall and may be empowered to borrow as aforesaid, and that a subscription for such Loan shall be opened at the Treasury, on a certain day to be specified in the said notice, and not to be less than twenty days after the date of such notice, and on the day so specified such subscription shall be opened, and the Treasurer shall receive the subscription or subscriptions of such persons willing to furnish such Loan.

III. *And be it further enacted,* That the Monies so subscribed for as aforesaid shall be received and paid into the Treasury in Doubloons, of full weight and fineness, at and after the rate of Four Pounds Currency each, and for every sum paid in by any person or persons there shall be made and granted to such person or persons a Loan Certificate or Certificates, signed by the Treasurer of the Province, and any two of the Commissioners for issuing Treasury Notes, to be dated on the day on which the Monies therein specified shall have been paid into the Treasury, and shall express that the sum for which any such Certificate shall be granted shall bear interest from the date thereof, at and after the rate at which the said Loan shall be taken ; *Provided always,* that it shall not be lawful to contract to pay any greater Interest than Four Pounds per centum per annum.

IV. *And be it further enacted,* That the amount borrowed under this Act shall bear Interest from the date of such Loan Certificates as aforesaid, at and after the rate at which the said Loan may be contracted, which Interest shall be payable, and shall be paid at the Treasury every six months, and it shall be lawful for the Lieutenant-Governor or Commander in Chief for the time being, from time to time to draw Warrants on the Treasury for payment of such Interest, out of any Monies then in the Treasury.

V. *And be it further enacted,* That Certificates to be made and granted under this Act shall be made in duplicate, and one part thereof shall be delivered to the person or persons to whom the same shall be made and granted, and the duplicate thereof shall be retained

retained in the Treasurer's Office, and such Certificate shall be assignable by indorsement thereon, made by the persons from time to time holding the same, and entitled to the Monies thereby made payable; *Provided* a memorandum of such indorsement be entered on the duplicate of such Certificate, retained in the Treasurer's Office.

Re-payment of
Loan

VI. *And be it further enacted*, That the amount to be borrowed and received on Loan, as aforesaid, under this Act, shall be repaid and be payable at the Treasury of the Province, at the end or expiration of Ten Years, out of the Public Revenues of this Province, in Doubloons, of full weight and fineness, at Four Pounds each.

Loan contract-
ed under Act
4, Wm. IV, to
be paid off

VII. *And be it further enacted*, That, so soon as the same shall become due and payable, the Governor, Lieutenant-Governor or Commander in Chief for the time being, shall, by Warrant under his Hand and Seal, direct the Treasurer to pay off the Loan contracted under an Act, passed in the Fourth Year of the Reign of His present Majesty, entitled, An Act for borrowing Money for the use of the Province, agreeably to the seventh section of the said Act, out of the Money which may be borrowed under this present Act, and out of any other Monies which may from time to time be paid into the Provincial Treasury, which may be by Law applied thereto, and the said Treasurer shall immediately pay off the said Loan accordingly, and the Loan Certificates shall be duly cancelled.

CAP. LXXVI.

An Act to provide for the Regulation and Management of the Grammar School or Academy at Sydney, in Cape-Breton.

(PASSED THE 4th DAY OF APRIL, 1836.)

Preamble

WHEREAS, there is established at Sydney, in the County of Cape-Breton, an Academy or Grammar School :

Appointment
of Trustees
and Masters

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to nominate and appoint five fit and proper Persons to be Trustees of the same, during pleasure, who shall have power to take charge of the said Academy—appoint a Master or Masters of the same, and make Rules and Bye-Laws for the regulation of the same; *Provided always*, that no Rule or Bye-Law, nor alteration thereof, shall have effect, until it has received the sanction of the Governor, Lieutenant-Governor, or Commander in Chief for the time being, under his hand in writing.

Rules and Re-
gulations must
be submitted to
Governor

II. *And be it further enacted*, That all such Rules, Bye-Laws, or alterations of them, shall be transmitted to the Governor, Lieutenant-Governor, or Commander in Chief for the time being, for his approbation of the same, within one Month from the time of their being made.

Vacancies a-
mong Trustees

III. *And be it further enacted*, That it shall be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to supply all vacancies among such Trustees, and to give instructions for their guidance.

Legal Estate in
Lands vested
in Trustees

IV. *And be it further enacted*, That such Trustees, when so appointed, shall be invested with the legal Estate and Interest, in all or any Lands which have been or shall or may hereafter be granted, allotted, reserved or in any manner held, for, or for the use of, or in trust for, such Academy, in any manner howsoever, and without any Deed or Conveyance thereof to such Trustees, and shall hold the same for the uses and purposes of such Academy.

Trustees may
contract, bargain,
sell, &c.

V. *And be it further enacted*, That for and in respect of any matter or thing whatsoever, relating to the said Academy, or the said Lands, or any part or parts thereof, the said Trustees for the time being shall and may contract, bargain or agree, or make or execute any Deed or Instrument, in and by their name and designation of Office, as

“The

“The Trustees of the Sydney Academy,” and by that name shall and may sue and be sued, defend and be defended, for or in respect to any such matter or thing as aforesaid, in any Court or place whatsoever.

VI. *And be it further enacted*, That the said Trustees shall have full power and authority to sell or dispose of all or any of the said Lands, or any part or portion thereof, as may be deemed beneficial for such Academy, and to make conveyances thereof; *Provided always*, that the Monies received by such Trustees from any Sale or Sales as aforesaid, shall be invested to the utmost possible advantage, in the purchase of other Lands for the use of such Academy, by the said Trustees, or shall be otherwise applied, paid and expended, for the benefit of the said Academy, as to the said Trustees shall seem expedient.

School Lands
may be dis-
posed of

VII. *And be it further enacted*, That the said Trustees shall have power and authority to lease and manage all or any of the said Lands now granted, allotted, reserved or held, for or for the use of, or in trust for, the said Academy, or hereafter to be purchased for, or granted to, the same, as shall be most beneficial and advantageous for promoting the uses of the said Academy, and the purposes for which the said Lands have been or may be granted, reserved, allotted, held or purchased, as aforesaid; and shall apply the rents and profits of such Lands for the uses and purposes aforesaid; *Provided*, that such Trustees shall not have power to make any lease of the said Lands, or any part thereof, for a longer term than ten years from the date thereof.

School Lands
may be Leased

VIII. *Provided always, and be it further enacted*, That no sale or purchase of any Lands shall be made, or investment or disposition of the proceeds of the sale of any Lands, by the said Trustees, without the consent in writing of the Lieutenant-Governor or Commander in Chief for the time being.

Proviso

CAP. LXXVII.

An Act to amend the Act for securing to John Story, and his Assigns, the exclusive Right in a certain Slip or Railway for the use of Vessels.

(PASSED THE 12th DAY OF MARCH, 1836.)

WHEREAS, by a proviso to the first clause of the Act, passed in the last Session of the General Assembly, entitled, An Act for securing to John Story, and his Assigns, the exclusive right in a certain Slip or Railway for the use of Vessels, the period for erecting and putting into operation the said Slip or Railway is limited to one year, from the passing of the said Act; *And whereas*, the said John Story having been unable to prepare and erect and put into operation the said Slip or Railway, within the said limited period, which has expired or will soon expire, and has prayed a further period may be granted for the erecting and putting into operation the said Slip or Railway, and it is expedient to grant some further period of time for the purpose aforesaid:

Preamble

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That it shall and may be lawful for the said John Story to erect and put in operation the said Slip or Railway, on or before the first day of August next, after the passing of this Act, and to have and exercise the same exclusive right and privilege under the said Act hereby amended, in the same manner, to all intents and purposes, as if the said period had been originally named in the said proviso herein before mentioned; *Provided always*, that unless such Slip or Railway shall be so erected and put into operation, on or before the said first day of August next ensuing the passing hereof, then the said Act hereby amended, and the exclusive right and privilege thereby granted, shall be and become wholly void, and shall entirely cease to be of any force or effect.

Time extended
for erection of
Slip or Rail-
way

CAP. LXXVIII.

An Act relative to the Assessment of Dyke Rates for the New or Wickwire Dyke in Horton.

(PASSED THE 29th DAY OF MARCH, 1836.)

Preamble

WHEREAS, in and by the eleventh clause or section of the Act, passed in the fourth year of the reign of His late Majesty King George the Fourth, entitled, An Act for the appointment of Commissioners of Sewers, prescribing their power and authority, and for repealing the Acts now in force relating to that Office, it is enacted, that whenever the building or repairing Dykes and Wears are necessary to prevent inundations, or for the draining or flowing of Swamps and other unprofitable Grounds, or for working or draining Marsh Lands, shall appear expedient to the Commissioners of Sewers, and the expenses thereof shall exceed the sum of Five Shillings per Acre on the whole quantity of such Land, five Assessors shall be appointed, and the Commissioners, with such Assessors, or the major part of them, are, by the said clause, authorized and directed to assess and tax all such persons as shall be owners or possessors as aforesaid, towards the charge of building or repairing such Dykes and Wears, and draining such unprofitable Lands, having regard to each person's quantity and quality of Land, and the benefit to be received thereby; *And whereas*, the repairing of the Dyke in Horton, called the New or Wickwire Dyke, frequently requires a sum to be assessed exceeding Five Shillings per Acre on the whole quantity of Land within the said Dyke, and to make a new assessment in manner in and by the said clause of the said Act required, according to the quality of Land owned by each person, commonly called assizing the Land, is attended with much expense:

Expense of repairs not exceeding 20s. per acre to be apportioned by Commissioners

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That hereafter, whenever any sum shall be required for the repairs of the said Dyke, called the New or Wickwire Dyke, in Horton aforesaid, which shall be or amount to less than Twenty Shillings per Acre on the whole quantity of Land in such Dyke, it shall not be necessary for the Commissioners of Sewers to cause to be appointed Assessors, or to proceed in the manner in and by the said Eleventh Clause or Section of the said Act herein before mentioned, to assess and tax such sum so required for the repairs of such Dyke, but the said sum, so required, shall be assessed, taxed and apportioned, by the said Commissioners, upon and among the owners or possessors of Land in the said New or Wickwire Dyke, according to the number of assized Acres of Land held by such owners or possessors respectively, the said assized Acres to be reckoned according to, and to be ascertained from, the assessment last made thereof, under the Eleventh Clause of the said Act hereinbefore mentioned, without appointing any Assessors, or having the Land in such Dyke newly assized, and every such apportionment and assessment so made by the said Commissioners shall be of the like force and effect, and shall and may be received and recovered by the same method, ways and means, as if the same had been made by the said Commissioners, under the said Eleventh Clause of the said Act; *Provided always*, that when any sum shall be required, exceeding Twenty Shillings per Acre on the whole quantity of Land within the said Dyke, for the repairs thereof, or in any other case where the sum may be less, but it shall appear to the said Commissioners expedient so to do, it shall and may be lawful for the said Commissioners to have Assessors appointed, and to proceed as in the said Eleventh Clause of the said Act is prescribed and mentioned.

Proviso

Continuation of Act

II. *And be it further enacted,* That this Act shall continue and be in force for three years, and from thence to the end of the then next Session of the General Assembly.

CAP. LXXIX.

An Act to divide the County of Sydney, and to regulate the Representation thereof.

(PASSED THE 29th DAY OF MARCH, 1836.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the time this Act shall come in operation, the present County of Sydney shall be divided into two separate and distinct Counties, that is to say: into the Counties of Sydney and Guysborough, the said County of Sydney to comprise, contain and include, the present Upper District of the said County of Sydney; and the said County of Guysborough to comprise, contain and include, the present Lower District of the said County of Sydney, and the Lines and Boundaries of the said Counties of Sydney and Guysborough shall be respectively the Lines and Boundaries of the said two Districts of the said County of Sydney, as now established.

County of Sydney to be divided into two Counties—
Sydney and Guysborough

II. And be it further enacted, That, from and after the dissolution of this present General Assembly, and the calling any new General Assembly, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to issue Writs for the Election of Members to serve in General Assembly, for the said Counties of Sydney and Guysborough, each two Members.

To elect two Representatives each

III. And be it further enacted, That when and so soon as this Act shall come into operation, and annually thereafter, as required by Law, it shall and may be lawful for the Chief Justice of this Province, and for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to nominate and appoint Sheriffs for the said Counties of Sydney and Guysborough; and thereafter the then Sheriff of the County of Sydney shall cease to have any authority or power within the said Counties of Sydney or Guysborough, or either of them, unless re-appointed for one of the said Counties.

Appointment of Sheriffs

IV. And be it further enacted, That all Judges and Justices of the Peace, and other Officers appointed and in Office for the said County of Sydney, who shall be resident in the Upper District of the said County, or who may be appointed and in Office for the said Upper District of such County, shall, so soon as this Act shall come into operation, be deemed and taken to be Judges, Justices and Officers, for the said County of Sydney, precisely as if such Judges, Justices or other Officers, had been and were appointed for the then County of Sydney, and in like manner all Judges, Justices or other Officers, appointed and in Office for the said County of Sydney, who shall be resident in the Lower District of such County, or who may be appointed or in Office for the said Lower District, shall, so soon as this Act shall come into operation, be deemed and taken to be Judges, Justices and Officers for the County of Guysborough, in the same manner precisely as if such Judges, Justices and other Officers, had been and were appointed for the said County of Guysborough.

Judges, Justices of Peace, &c

V. Provided always, and be it further enacted, That this Act shall not come into operation, or be of any force or effect until the dissolution of the present General Assembly, and the calling of a new General Assembly.

Proviso

VI. And be it further enacted, That, so soon as this Act shall come into operation, the Poll for the Election of Representatives to represent the said Counties of Sydney and Guysborough in General Assembly, shall thereafter be opened and held at the places and for the times hereinafter mentioned, that is to say:—for the said County of Sydney the Poll to be opened at the Court-House in Dorchester, and there held for the space of six days, or until all the Freeholders present shall have been polled; and for the said County of Guysborough, the Poll to be opened at the Court-House in Guysborough, and there held for the space of four days, or until all the Freeholders present shall have been polled; and thence removed to some convenient place in the Sherbrooke Village, in the said County, and there held for the space of two days, or until the Freeholders present shall have been polled; and that in holding the said Polls the Sheriffs or other persons holding the same for the said Counties respectively, shall, in all other respects

Polls for elections—where to be held and periods they are to continue

respects, be guided and bound to act by, under, and in accordance with, the several Acts now in force for regulating Elections of Representatives to serve in General Assembly, in so far as the same shall or may apply to the said Counties of Sydney and Guysborough.

His Majesty's
Assent re-
quired

VII. *And be it further enacted*, That this Act shall not come into operation, or be of any force or effect, until His Majesty's pleasure shall be signified thereon.

CAP. LXXX.

An Act to continue the several Acts for the Regulation of the Militia.

(PASSED THE 29th DAY OF MARCH, 1836.)

Act I Geo. IV,
(except certain
clauses,) 4,
Geo. IV, (ex-
cept seventh
clause,) 7. Geo.
IV, (except
second clause,)
and 9 and 10,
Geo. IV, con-
tinued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the First Year of the Reign of His late Majesty King George the Fourth, entitled, An Act to provide for the greater security of this Province, by the better Regulation of the Militia, and to repeal the Militia Laws now in force, and every matter, clause and thing, therein contained, except the Twenty-second, Twenty-seventh, Thirty-second, Forty-seventh, Eighty-third and Eighty-fourth Clauses or Sections of the said Act, which are hereby respectively repealed; and also, save and except so far as the same is or may be altered or amended by any Act or Acts hereinafter mentioned; and also, the Act, passed in the Fourth Year of His said late Majesty's Reign, to alter and continue the said Act, and every matter, clause and thing, therein contained, except the Seventh clause or section of the said Act, which is hereby also repealed; and also, the Act, passed in the Seventh Year of His said late Majesty's Reign, in alteration and continuation of the said Acts, and every matter, clause and thing, contained in the said last mentioned Act, except the Second clause or section thereof, which is hereby also repealed; and also, the Act, passed in the Ninth Year of His said late Majesty's Reign, to alter, continue and amend, the said several Acts, and every matter, clause and thing, therein contained, save and except so far as the same is or may be altered or amended by any Act or Acts hereinafter mentioned; and also, the Act passed in the Tenth Year of His said late Majesty's Reign, to continue and amend the said several Acts, and every matter, clause and thing, therein contained; also, the Act, passed in the Fourth Year of His present Majesty's Reign, to continue, alter and amend, the said several Acts, and every matter, clause and thing, therein contained; shall be continued, and the said several Acts, except as herein before excepted, are hereby respectively continued until the Thirty-first day of March, which will be in the Year of Our Lord One Thousand Eight Hundred and Thirty-seven and no longer.

CAP. LXXXI.

An Act concerning Elections in the County of Cumberland.

(PASSED THE 29th DAY OF MARCH, 1836.)

Act 58 Geo.
III, repealed

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the fifty-eighth year of the reign of His late Majesty King George the Third, entitled, An Act to alter and amend an Act, passed in the last Session of the General Assembly, entitled, An Act for regulating Elections of Representatives to serve in General Assembly, and every matter, clause and thing, therein contained, shall be, and the same are hereby, repealed.

II. *And be it further enacted*, That at any Election hereafter to be held for electing any

any Member or Members to serve in General Assembly for the County of Cumberland, the Sheriff or other Officer holding such Election shall open the Poll for the said Election at the Court-House in Amherst, and there shall continue the same for the space of three days, or until all the Electors then and there present be polled—and, being thereto required according to Law, shall adjourn or remove the Poll to the River Philip, at some place near where the old Court-House stood, and shall there open the said Poll on the day next but one after the day hereby limited for the closing of the same at Amherst, and shall continue the said Poll so open at River Philip aforesaid for the space of one day, or until all the Electors then and there present be polled; and, having been thereto required according to Law, shall then remove and adjourn the said Poll from River Philip to Wallace, at some place near the Meeting-House there, and shall open the Poll on the day next but one after the day hereby appointed for holding the Poll at River Philip aforesaid, and shall continue the Poll at Wallace aforesaid for two days, or until all the Electors then and there present be polled.

Polls for Elections to be held at Amherst

Poll may be removed to River Philip and Wallace

III. *And be it further enacted,* That, before the adjourning the Poll at Amherst aforesaid, to River Philip or Wallace aforesaid, and so soon as application is made to the Sheriff or other Officer for such adjournment, the said Sheriff or other Officer shall, with all convenient speed, give notice, by putting up Advertizements at two of the most public places in River Philip and Wallace, that he will remove, adjourn and hold, the Poll for such Election to and at the said places respectively, on the days herein before prescribed.

Notice of removal of Poll to be given

CAP. LXXXII.

An Act to Incorporate the Kennetcook Mills Company.

(PASSED THE 12th DAY OF MARCH, 1836.)

WHEREAS the River Kennetcook, in the County Hants, offers an advantageous site for Mills and other Machinery of such description; and, in order to procure sufficient capital for effectually pursuing such undertakings, it is desirable to Incorporate into a Body, Politic and Corporate, such persons as may be willing to advance funds for the purposes aforesaid:

Preamble

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That Benjamin Dewolf, William O'Brien, Francis Parker, John McDougall, Thomas Randall, Henry Bloice, and John Kilcup, and all and every such other person or persons as shall, from time to time, become Proprietors of shares in the Corporation hereby established, their Successors and Assigns, shall be, and they are hereby erected into, a Company, and declared to be a Body, Politic and Corporate, by the name of "The Kennetcook Mills Company," and by that name shall have Succession and a common Seal, and by that name shall and may sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in, any Court or Courts of Law or Equity, or place whatsoever, and be able and capable in Law to have, hold, purchase, get, receive, take on lease, erect, set up, possess and enjoy, in any part of the Township of Douglas, in the County of Hants, Houses, Lands, Tenements, Hereditaments, Mills, Rents and Profits, in fee simple, Leasehold or otherwise; and also, Goods and Chattles, and all other things, real, personal and mixed; and also, to give, grant, sell, let, assign or convey the same, or any part thereof; and to do and execute all other things in and about the same, as shall and may be thought necessary and proper for the benefit and advantage of the said Company; and also, that the said Company, or the major part of them, shall, from time to time, and at all times, have full power, authority and license, to constitute, ordain, make and establish, change, vary and alter, such Bye-laws and Ordinances as may be thought necessary for the good rule and government of the said Corporation; *Provided* such Bye-laws and Ordinances be not contradictory or repugnant to the Laws or Statutes of the Province, and those in force within the same.

Incorporation of the Kennetcook Mills Company

Powers and privileges of Company

II.

Company restricted to Twenty Thousand Acres of Land

Officers of Company

Shares considered Personal Property

Lands and Real Estate may be taken under certain Writs

Restrictions imposed upon Company

Sluices or Water Ways to be constructed

Names of Members of Corporation to be registered

Obstructions on River

II. *Provided always, and be it further enacted,* That the said Company shall not take, have, hold or possess, at any one time, a greater number than Twenty Thousand Acres of Land.

III. *And be it further enacted,* That the said Company and its affairs and business shall be under the management and direction of a President, and such other Officers as shall or may be named and designated by the Bye-laws of the said Company, and the Capital of the said Company shall be divided into shares of such amount as by the said Bye-laws may be hereafter provided; and such shares shall be assignable and transferrable in such manner and upon such terms as by the said Bye-laws may be also provided and directed; *Provided always,* that such Bye-laws shall not be of any force or effect until they have been submitted to, and approved by, the Governor, Lieutenant-Governor, or Commander in Chief for the time being, nor until the same shall have been Registered in the Office of Registrar of Deeds for the County of Hants.

IV. *And be it further enacted,* That, for and notwithstanding any Real Estate which the said Company may hold at any time, the shares and interest of the several Shareholders of and in the Capital Stock and Funds of the said Company, shall be held and deemed to be Personal Property, to all intents and purposes whatsoever.

V. *And be it further enacted,* That all such Lands and Real Estate, or so much thereof as may be necessary to satisfy the same, shall and may be taken upon any Writ of *Fieri Facias* or other Execution against the said Corporation, and sold in the same manner as Goods and Chattles may be taken and sold, and the Sheriff shall, immediately after such sale, make and execute a Deed to the purchaser, which Deed shall convey and transfer all the Estate and Interest of the said Corporation in the Lands so taken, sold and conveyed.

VI. *Provided always, and be it further enacted,* That nothing herein contained shall be held or construed to give the said Company the privilege of dealing in the lending of Money by way of discount or otherwise, or engaging in any Banking operation whatsoever, or to underwrite and make any Insurance upon any Ship or Vessel or Marine Risk, or upon any loss by Fire, or upon any life or lives.

VII. *And be it further enacted,* That the said Company shall place and keep in any Mill Dams they shall construct and erect on the said River Kennetcook, a sufficient Sluice or Water-way, for the convenience of all His Majesty's subjects who may have Timber, Logs or Lumber, to pass down the said River, without demanding, or being entitled to demand, any toll or charge for the passage of the same.

VIII. *And be it further enacted,* That the names of all the Members of the said Corporation, and the number of shares owned by them respectively, shall be registered in the Office of Registrar of Deeds for the County of Hants, and no transfer of any share in the said Corporation shall be final and effectual until the Certificate thereof shall have been Registered in the said Office, to the end that it may be publicly known who are the persons composing the said Corporation.

IX. *And be it further enacted,* That the said Company shall not place, erect or keep, any Mill Dams or other obstructions in the said River Kennetcook, save and except upon such parts of the said River as the Magistrates of the County of Hants, in General Sessions, shall fix and appoint; and also, that nothing herein contained shall be construed to alter or abridge the powers to regulate the Fisheries in the several Rivers of this Province, conferred upon the Magistrates in Sessions, by any Act or Acts of the General Assembly of this Province, but the said Sessions shall have and retain the same power to regulate the Fisheries in the said River Kennetcook, as they would have had and possessed, if this Act had never passed, any thing in this Act contained, to the contrary thereof notwithstanding.

CAP. LXXXIII.

An Act to amend and repeal certain Provisions in the Act concerning Cemeteries or Burial Grounds in the Town of Halifax.

(PASSED THE 29th DAY OF MARCH, 1836.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the third year of His present Majesty's Reign, entitled, An Act concerning Cemeteries or Burial Grounds for the Town of Halifax, and the provisions thereof, and every matter, clause and thing, therein contained (save and except the eleventh clause of the said Act,) in as far as the same at present extend, or can be construed to extend, to the Roman Catholic Congregation of St. Mary's, in the Town of Halifax, be, and the same are hereby, repealed.

Act 3, Wm. IV. (except eleventh clause) repealed—as respects Roman Catholic Congregation in Halifax

II. Provided always, and be it further enacted, That, after the said Act shall go into operation, it shall not be lawful for any Clergyman or Member of the said Congregation to inter or bury any of their dead, within any spot or tract of Ground to the Eastward of the Road leading from the Round Tower at Point Pleasant to what is ordinarily named Stayner's Bridge, and to the Eastward of a Line thence drawn Northwardly, to the Waters of Bedford Basin.

Proviso

CAP. LXXXIV.

An Act to continue the Act to encourage the Manufacture of Tobacco in this Province, by granting a Bounty thereon.

(PASSED THE 29th DAY OF MARCH, 1836.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the fourth year of His present Majesty's reign, entitled, An Act to encourage the Manufacture of Tobacco in this Province, by granting a Bounty thereon, shall be continued, and the said Act, and every matter, clause and thing, therein contained, are hereby continued until the thirty-first day of March, which will be in the year of Our Lord One Thousand Eight Hundred and Thirty-seven, and no longer.

Act 4, Wm. IV. continued

CAP. LXXXIV.

An Act to continue the several Acts for the prevention of Smuggling.

(PASSED THE 29th DAY OF MARCH, 1836.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the fourth year of His present Majesty's Reign, entitled, An Act for the prevention of Smuggling, which Act will continue in operation until the thirty-first day of March, in the year of Our Lord One Thousand Eight Hundred and Thirty-six, and every matter, clause and thing, in the said Act contained, save and except so far as the same is altered or amended by the Act hereinafter mentioned; also, the Act, passed in the fifth year of His present Majesty's Reign, to continue and amend the said first mentioned Act, and which Act last mentioned will also continue in operation until the thirty-first day of March, in the year of Our Lord One Thousand Eight Hundred and Thirty-six, and every matter, clause and thing, in the said last mentioned Act contained, shall remain thenceforth in operation, and the said Acts are respectively hereby further continued until the thirty-first day of March, which will be in the year of Our Lord One Thousand Eight Hundred and Thirty-seven, and no longer.

Act 4, Wm. IV. (with exception,) and 5, Wm. IV. continued

CAP. LXXXVI.

An Act relative to Executions issuing from the Supreme Court of this Province.

(PASSED THE 12th DAY OF MARCH, 1836.)

WHEREAS, by the Act, passed in the Thirty-ninth year of the reign of His late Majesty King George the Third, entitled, An Act for the better regulation of the Circuit Courts, and for granting new trials in causes brought up from the Inferior Courts, Executions issuing from the Circuit Court are to be made returnable in sixty days from the issuing thereof, which is frequently inconvenient to Plaintiffs, who may be thereby compelled to take out several Executions, where one might be sufficient, if such Plaintiffs had the option of making such Executions returnable from term to term; *And whereas*, the provision in the said recited Act is for the benefit of Plaintiffs:

Preamble

Return of Executions issuing from Supreme Court—except in Halifax

I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That hereafter all Executions issuing from the Supreme Court, in any County or District in this Province, (except at Halifax,) shall be made returnable either in sixty days from the issuing thereof, or otherwise from term to term, in the usual course as other Writs or Process are required by Law to be made returnable.

CAP. LXXXVII.

An Act to Incorporate the General Mining Association.

(PASSED THE 12th DAY OF MARCH, 1836.)

WHEREAS by a certain Deed of Settlement, duly executed, bearing date the tenth day of April, in the year of Our Lord One Thousand Eight Hundred and Twenty-nine, certain Persons, whose Names and Seals are to the said Deed affixed and subscribed, as parties to the same, associated themselves together as a Company or Association, for certain defined purposes or objects in the said Deed particularly mentioned. *And whereas*, the said Association having become the Proprietors of a certain Lease granted by His Royal Highness Prince Frederick, late Duke of York and Albany, since deceased, of certain Mines, Minerals, Ores, and other Property of the like description, in this Province, one of the purposes and objects of the said Association was the working, opening and carrying on, Mines and Mining operations, in this Province; *And whereas*, for the purposes of the said Association its Capital was fixed by the said Deed at Four Hundred Thousand Pounds Sterling, divided into Twenty Thousand Shares, of Twenty Pounds each: *And whereas*, such Capital is now held by a large number of Proprietors, respectively holding various numbers and different proportions of the said Shares, of whom the persons hereinafter named form part; *And whereas*, the said Association has, since its formation, by its constituted and authorized Agent or Agents in this Province, proceeded to work, upon an extensive scale and with great expense, various Mines of Coal, in this Province, and to establish and put in operation Iron Foundaries and Furnaces, and to carry on business of such and a similar description to a large amount; *And whereas*, in the prosecuting of such Works as above mentioned, and in the purchase of Lands and other things requisite for their said business and undertakings, the said Association have expended in this Province a very large sum, being upwards of Two Hundred Thousand Pounds Sterling, and have consequently obtained and required extensive Property both Real and Personal, now held by the Agents or Trustees, or by some person or persons in trust, or to the use of and for the said Association, and from the extent and amount of their business, and the great number of Proprietors, all or most of them resident in England, and to facilitate the operations of the said Association, and for the benefit of all and every person or persons who may have dealings and transactions with the said Association, and

Preamble

and to enable such person or persons more easily to enforce any right of action against the said Association, it is expedient to declare such Association to be a Body, Politic and Corporate :

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That* Edmund Waller Rundell, Thomas Bigge, Edward Blount, Felix Calvert Ladbroke, John Wright, John Gawler Bridge, Jose de Silva, Ambrose Humphreys, Thomas Vigne, Alfred Charles Bridge, George Wane, Thomas Wane, John Easthope, Samuel Gu-nard, and all and every other person or persons whomsoever, who now are, or hereafter may or shall be or become, a Proprietor or Proprietors of and in any Share or Shares of the Joint Stock, Capital, or Funds of the General Mining Association, or the Corporation hereby established, shall be, and they are hereby declared to be, one Body, Politic and Corporate, indeed and in name, by the name of "The General Mining Association;" and by that name shall and may sue and be sued, defend and be defended, answer and be answered unto, implead and be impleaded, in any Court of Law or Equity, or other place whatsoever, and by that name shall and may prefer, present and prosecute, any Indictment, Information, or other Criminal proceeding, for or in respect of any Larceny, Felony, Misdemeanor, or other offence done or committed against the said Corporation, its Goods, Chattles or Property whatsoever, and by that name shall have Succession and a Common Seal, with liberty the same to change, alter, break and make anew, as to them shall seem fit; and by that name to have, hold, take, receive, occupy, open, work, possess and enjoy, any Lands, Tenements or Hereditaments, Mines, Minerals, Ores, Seams or Veins of Minerals, Ores or Mineral substances, Goods, Chattles, Effects and Property, Real and Personal whatsoever, either in fee simple or for term of years, or otherwise howsoever, and to grant, sell, let, demise, mortgage, convey and dispose of the same or any part thereof, from time to time and at all times, as to the said Corporation shall seem meet and most beneficial and advantageous for their interests.

Incorporation of "The General Mining Association"

Powers and privileges of Company

II. *And be it further enacted, That* it shall and may be lawful for the Proprietors and Shareholders of and in the said General Mining Association hereby Incorporated as aforesaid, at any general meeting of such Proprietors, called and convened in conformity with the provisions of the said Deed of Settlement hereinbefore referred to, or any future meeting of such Proprietors to be held and convened agreeably to such Deed of Settlement, or any Bye-laws, Ordinances, Rules or Regulations hereinafter mentioned, to make, institute, pass, ordain, declare and establish, such Bye-laws, Rules, Ordinances and Regulations for the management of the affairs and business of the said Corporation, the appointment of its Officers, the sale or transfer of Shares, the manner of calling, holding and voting at any meeting of the Proprietors of the said Corporation or of its Directors, or for or touching any other matter or thing requisite and necessary for the good order and government of the said Corporation, as by the said Proprietors or the majority of them present at such meeting may be judged necessary and proper; and such Bye-laws, Rules, Ordinances or Regulations, or any and every of them, from time to time, in the same manner, to change, alter, revoke, revive, abrogate and amend, as may or shall be deemed proper and requisite. *Provided always*, that no Rule, Bye-law, Ordinance or Regulation, at any time, to be made, by the said Corporation, shall be contrary or repugnant to any of the Laws or Statutes of this Province or those in force within the same.

Establishment of Bye-Laws, &c.

III. *And be it further enacted, That*, until such Bye-laws, Rules, Ordinances and Regulations, shall be made and established as aforesaid, the several provisions, rules and regulations mentioned, expressed, declared, established or contained, in and by the said Deed of Settlement, shall be, and the same are hereby declared to be, so far as the same or any part or parts thereof can or may be in anywise applicable, or apply to a Body, Politic and Corporate, the Rules, Ordinances, Bye-laws and Regulations, of the said Corporation hereby established, and to be of the same force and effect, to all intents and purposes, as if the same were made and established under and by virtue of this Act, and the said Corporation, its affairs and business, shall, in all respects, until the contrary shall be declared and established by some Rule, Bye-law, Ordinance or Regulation, of the said Corporation, to be made and passed as herein before directed, be carried on, managed and conducted, as in the said Deed of Settlement is directed, and the several

Rules and Regulations at present in force under Deed of Settlement

Directors

Directors, Auditors, Agents, Engineers and other Officers of the said Association, now in Office or to be in Office at the passing of this Act, shall remain and continue in Office until others are appointed by the said Corporation hereby established, and such Directors, Auditors, Engineers, Agents and other Officers, shall have, use, perform, exercise, and shall be entitled and liable to such powers, authorities, privileges, duties and responsibility, in and about the affairs and management of the said Corporation, as is prescribed and provided in and by the said Deed of Settlement, or as may or shall be from time to time provided and prescribed by any Bye-laws, Rules, Ordinances and Regulations, of the said Corporation, to be made as herein before directed.

Counterpart of
Deed of Settle-
ment to be
lodged in Treas-
urer's Office

IV. *Provided always, and be it further enacted,* That either an original counterpart of the said Deed of Settlement, dated on the said tenth day of April, in the year of Our Lord One Thousand Eight Hundred and Twenty-nine, and made and executed in London, by the then Proprietors of the said Association, shall be deposited in the Office of the Treasurer of the Province, and be there constantly retained and kept, so that every person desiring to inspect the same shall, during the hours when the said Office is open, be entitled to have access thereto, or otherwise such Deed of Settlement shall be registered in the Public Registry of Deeds at Halifax, and the Registrar or his Deputy is hereby authorized and required to Register such Deed, upon any Affidavit of the due Execution thereof, made before the Lord Mayor of London, and duly authenticated, under the Seal of the City of London, which Affidavit and Authentication shall be registered with the said Deed.

Investment in
Corporation

V. *And be it further enacted,* That, from and after the passing of this Act, all Lands, Tenements, Hereditaments, Mines, Minerals, Ores, Veins and Seams of Ores, Minerals or Mineral substances, Goods, Chattles, Effects, Property, Real or Personal, whether in fee simple, for terms of years or otherwise howsoever, held or possessed by, or in the name of, any Person or Persons as the Agent or Agents, Trustee or Trustees, or in any manner held and possessed in Trust for, and to the use, or as the Property, of the said General Mining Association, shall, after the passing of this Act, be and be deemed, adjudged and construed to be, the Property of the Corporation hereby established, in the same manner, to all intents and purposes, as if the name of the said Corporation had been originally mentioned and inserted in any Deed, Lease, Document, Contract or Conveyance, relating to or touching any Lands, Tenements or Hereditaments, Mines, Minerals, Seams or Veins of Ores, Minerals or Mineral substances, Goods, Chattles, Property, Real or Personal whatsoever, or as if such Corporation had been established, or was actually in existence, at the time the same was acquired by, or on behalf or in trust for, or to the use, and as the Property, of the said General Mining Association; and in all Actions or Suits at Law for, or in respect of, or in anywise touching any such Lands, Tenements or Hereditaments, Mines, Minerals, Ores, Seams or Veins of Ores, Minerals or Mineral substances, Goods, Chattles, Property, Real or Personal, it shall and may be lawful to use the name of the said Corporation in the same manner, and with like effect, to all intents and purposes, as if the Lands, Tenements or Hereditaments, Mines, Minerals, Ores, Seams or Veins of Ores, Minerals or Mineral substances, Goods, Chattles, Property, Real or Personal, in question in any such Action, had been actually originally conveyed or acquired to or by the said Corporation, in the name of such Corporation, notwithstanding their Estate or interest in the same may only be an equitable interest.

Responsibility
of Agent, &c.

VI. *Provided always, and be it further enacted,* That nothing herein contained shall extend, or be construed to extend, to discharge or release any personal liability or responsibility incurred by any Agent or Agents, Trustee or Trustees, Officer or Officers, Servant or Servants of the said General Mining Association, or by the Proprietors or Persons composing such Association, either collectively or individually, under or by virtue, or in respect of any contract, conveyance, bargain or agreement whatsoever, heretofore made, entered into or executed, by such Agent or Agents, Trustee or Trustees, Officer or Officers, Servant or Servants, or by or on behalf of the said Association, but such personal liability or responsibility shall remain and continue, and every such contract, conveyance, bargain or agreement may be enforced against all and every party or parties

parties legally chargeable, liable or responsible, under and by virtue or in respect of the same, in the same manner as if this Act had not passed, and the said Corporation had never been thereby established.

VII. *And be it further enacted,* That, from and after the passing of this Act, it shall and may be lawful for any person or persons now having or hereafter acquiring, obtaining or becoming entitled to, any right of Action or Suit against the said Corporation, from and after the passing of this Act, to commence, sue or prosecute any Suit or Action against the said Corporation, in the same manner, and to take, have and use all the like course, steps and proceedings, as are prescribed in and by the Act, passed in the last Session of the General Assembly, entitled, An Act concerning Suits against Foreign Bodies, Politic and Corporate, and to repeal the Acts now in force, and any Suit so brought, commenced and prosecuted, shall and may be brought, commenced, sued and prosecuted, against such Corporation, in the same manner and with the like effect; and the said Corporation, its Property, Real and Personal, and the Agent or Agents of such Corporation shall be bound, liable, and rendered responsible or available to and for the payment of any Judgment or Execution to be given or issued in such Suit or Action, in the same manner as if the said Corporation were a Foreign Body, Politic or Corporate, within the meaning of the said Act, any thing therein contained to the contrary notwithstanding.

Liability of Corporation

VIII. *Provided always, and be it further enacted,* That nothing herein contained shall be construed or adjudged, held or deemed, to authorize or permit the said Corporation to lend Money, by way of discount, or to enter into any Banking operation whatsoever, or to underwrite, or make as underwriters, any Policy or Policies of Insurance against loss by Fire, or on any Marine risk, or upon any Life or Lives.

Restrictions imposed on Company

IX. *And provided also, and be it further enacted,* That nothing in this Act contained shall extend, or be construed to extend, to sanction the original Grant or Letters Patent of the said Mines, Minerals, Ores, Seams or Veins of Ore, Minerals or Mineral substances, to His Royal Highness the said Duke of York and Albany, or to operate as an Assent to the validity of such Grant on the part of the General Assembly of this Province, or to give any force, validity or effect whatsoever, to the said original Grant or Letters Patent; but the rights of the Inhabitants thereto, or any of them, either collectively or individually, shall be and remain in full force, any thing in this Act to the contrary notwithstanding.

Claim of Inhabitants to Mines, &c. reserved

X. *Provided always, and be it further enacted,* That nothing in this Act contained shall be of any force or effect until His Majesty's Assent shall be signified thereto.

His Majesty's assent required

CAP. LXXXVIII.

An Act to erect the County of Shelburne into two separate and distinct Counties, and to regulate the Representation thereof.

(PASSED THE 29th DAY OF MARCH, 1836.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the time this Act shall go into operation, the present County of Shelburne shall be divided into two separate, different and distinct Counties, that is to say: into the County of Shelburne, to comprehend and comprise all that part and portion of the present County of Shelburne, except the Townships of Yarmouth and Argyle, and also, except all that part of the present County which is hereinafter particularly described; and into the County of Yarmouth, to contain, comprise and comprehend, the said two Townships of Yarmouth and Argyle, and also, such part of the present County of Shelburne as lies to the North West of a line to run North East from the North East corner of a Grant on the East side of the Great Pubnico Lake, made to David Larkins and others, to the bounds of the County of Annapolis.

Division of County of Shelburne into two Counties—Shelburne and Yarmouth

Act to come into operation

II. *Provided always, and be it further enacted,* That this Act shall not come into operation, or be of any force or effect, until the dissolution of the present General Assembly and the calling of a new General Assembly.

Representation

III. *And be it further enacted,* That, from and after the dissolution of this General Assembly, and the calling any new General Assembly, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to issue Writs for the Election of Members to serve in such new General Assembly, for the said Counties of Shelburne and Yarmouth, respectively, one Member each; and for the Townships of Barrington and Shelburne, the then County of Shelburne, respectively, one Member each; and for the said Townships of Yarmouth and Argyle, in the then County of Yarmouth, respectively, one Member each.

Sheriffs

IV. *And be it further enacted,* That when and so soon as this Act shall come into operation, and immediately thereupon, and annually thereafter, in manner, and at the time, as may be or is required by Law, it shall and may be lawful for the Chief-Justice of this Province, and for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to nominate and appoint Sheriffs for the said Counties of Yarmouth and Shelburne respectively, and no Justice of the Peace or other Officers then in Office, or to be thereafter appointed for the said County of Shelburne, shall have any power, authority or jurisdiction, within the said County of Yarmouth.

Justices of Peace

V. *Provided always, and be it further enacted,* That until a new Commission shall be issued, or a new appointment shall be made, such Justices of the Peace and other Officers, who shall be commissioned and appointed within and for the present District of Shelburne, in the present County of Shelburne, and shall be in Office when this Act comes into operation, shall be and continue in Office, and be deemed and taken to be Justices of the Peace and Officers for the New County of Shelburne, hereby created; in the same manner as if such Justices or Officers had actually been appointed for the said New County; and such Justices of the Peace and other Officers, as shall be commissioned or appointed for the present District of Yarmouth and Argyle, in the present County of Shelburne, who shall be in Office at the time this Act shall come in operation, shall remain and continue in Office, and shall be deemed, and taken to be, Justices of the Peace and Officers for the New County of Yarmouth, hereby created, in the same manner as if such Justices or Officers had been commissioned and appointed for the said County, until a new Commission or appointment be made as aforesaid.

Polls for Elections—where to be held

VI. *And be it further enacted,* That, after this Act shall come into operation, at any Election for the then County of Shelburne, the Poll for such Election shall be opened and commence at the Court-House in Shelburne, and be thence removed and adjourned, if required according to Law, to the old Meeting-House at Barrington; and at any Election to be held for the then County of Yarmouth, the Poll shall open and commence at the Court-House at Yarmouth, and if required, according to Law, shall be adjourned and removed to the Court-House at Tuskett Village; and any Election for the Township of Argyle shall be held at the Court-House at Tuskett Village and be there continued for four days, or until sooner closed according to Law; *Provided always,* that as to the time of opening and closing the Poll, the number of days in which the same shall be kept open, the notice for removal and adjournment of the Poll, and in all other respects whatsoever, such Elections shall respectively be held agreeably to, and shall be governed and directed by, the several Acts now in force relative to Elections of Members to serve in General Assembly.

His Majesty's assent required

VII. *Provided always, and be it further enacted,* That this Act shall not go into operation, or be of any force or effect, until His Majesty's Assent shall be signified thereto.

CAP. LXXXIX.

An Act for the better regulation of Barristers, Advocates, Attornies, Solicitors and Proctors, practising in the Courts of this Province.

(PASSED THE 29th DAY OF MARCH, 1836.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That, hereafter, no person other than such as are now admitted and enrolled as Attornies of the Supreme Court of this Province, shall be permitted to act as an Attorney in any suit or action now pending, or hereafter to be brought, except such persons as are mentioned and described in the seventh clause of this Act, unless such person shall have been Articled by Contract in writing, duly executed, to serve from the day of the date of such Contract, if he be a regular Graduate (not by diploma or *causa honoris*) of any College or University within His Majesty's Dominions, authorized to confer Degrees for the term of four years; or if he be not such Graduate, for the term of five years, as a Clerk to some person being a Barrister and Attorney of the said Supreme Court; and, unless such person shall have, during his said term of Clerkship, continued in such service, and conformed himself to the rules prescribed by this Act; and also, unless he shall, after the expiration of said term, be examined, sworn, admitted and enrolled, in the manner prescribed by this Act. *Provided*, that nothing herein before contained shall extend to prevent any person or persons now residing in this Province, and who may be entitled to admission as Attornies of the said Supreme Court, from being admitted accordingly.

Competency of Attornies

II. And be it further enacted, That, hereafter, whenever any person shall become Articled as a Clerk to any Barrister and Attorney of the said Supreme Court, that a duplicate of his Articles of Clerkship, duly executed, shall be forthwith filed in the office of the Prothonotary of the said Court, at Halifax; and that the term of his Clerkship shall commence from the time of the filing of such Articles, and not before; and the Prothonotary or Deputy-Prothonotary of the Province for the time being, shall keep a proper roll in his office, at Halifax, whereon he shall enter the name of such Students or Clerks, at the time, and with the date, of the filing their Articles, as aforesaid.

Law Students — Articles of Clerkship to be registered

III. And be it further enacted, That no person, so having become Articled, and having duly served his Clerkship, shall be admitted an Attorney of the said Supreme Court, unless he shall be of the full age of twenty-one years, and unless he hath actually served, and been employed by such Barrister and Attorney to whom he was so Articled, during the term prescribed; and also, unless he shall procure from such Barrister and Attorney, with whom he shall have been so Articled, a Certificate of his having so served according to this Act, and of his good moral character and conduct, and regular habits of life.

Age of Candidates for admission as Attornies

IV. And be it further enacted, That no person shall hereafter be admitted an Attorney of the said Supreme Court, until he shall have undergone an examination as to his fitness, capacity and qualification, to be admitted, and to act as an Attorney, by one of the Judges and two of the Senior Barristers of the said Court, to be appointed for that purpose, in such way as the Court shall deem proper; and, if such Judge shall be thereby satisfied that such person is duly qualified to be admitted an Attorney, such person shall, on taking the Oath prescribed for an Attorney, be admitted and enrolled an Attorney of the said Court.

Examination of Candidates for admission

V. And be it further enacted, That no Barrister or Attorney of the said Supreme Court, shall have, take or retain, any Clerk, after such Barrister or Attorney shall have discontinued, or during such time as he shall not actually practice or carry on the business of a Barrister and Attorney.

Barristers, &c. discontinuing to practice not allowed to take Clerks

VI. And be it further enacted, That if any such Barrister and Attorney, to and with whom any person shall be Articled to serve as Clerk, shall die before the expiration of his term of Clerkship, or shall leave off his practice as such Barrister and Attorney; or if such contract shall, by mutual consent of the Parties, be vacated before the expiration of the term, and such Clerk shall, in any such case, become Articled by another Contract

Death of Barrister, &c. before expiration of Clerk's Term of Service

tract in writing, to serve, and shall accordingly serve as a Clerk to any other practising Barrister and Attorney, during the residue of his term of service, to entitle him to be admitted an Attorney, or if, in either of the aforesaid cases, such person shall complete the remainder of the term of service, by regularly keeping his terms in any one of the Inns of Court, in London, reckoning the keeping of four such terms for one year of service; then such service, or the keeping of such terms, shall be deemed and taken to be as good, valid and effectual, as if such Clerk had continued to serve for the said term with the same person to whom he was originally Articled.

Attornies or
Barristers of
Great-Britain
or Colonies
claiming ad-
mission

VII. *And be it further enacted*, That, if any person shall claim admission as an Attorney or Barrister of the said Supreme Court, by reason of his having been admitted an Attorney or Barrister of any of the Superior Courts of the United Kingdom of Great-Britain and Ireland, or in His Majesty's Colonies, he shall produce and file a Certificate of his admission, under the Seal of the Court in which he shall have been admitted; and also, a Certificate of his being, at the time of such application for admission, an Attorney or Barrister, as the case may be, of such Court, and of his good moral character; and further, that no Attorney or Barrister of any Court in the Colonies shall be admitted an Attorney or Barrister of the said Supreme Court, unless he shall have served a regular Clerkship in such Colony; and unless the time of such Clerkship, together with the time of his standing in the Profession in said Colony, shall amount to five years, or in case of a Barrister, to six years; and unless he shall produce and file an authentic Copy of the Certificate of service, upon which he shall have obtained admission in such Colony, which Certificate shall include, as to all essential requisites, the proof of qualification as to service, age and moral character, necessary to be included in Certificates to entitle Students at Law to admission as Attornies in this Province; and unless he shall also undergo an examination similar to that prescribed for Students at Law, to entitle them to admission in the said Supreme Court.

Oath to be
taken by At-
torney

VIII. *And be it further enacted*, That every person who shall hereafter be admitted and enrolled an Attorney of the said Supreme Court, shall, at the time of such admission and enrolment, take the following Oath, as an Attorney:

"I, A, B, Do swear that I will truly and honestly demean myself in the practice of an Attorney, Solicitor or Proctor, in all and every of the Courts of this Province, in which I shall be employed as such, according to the best of my knowledge and ability.— So help me God."

Restrictions
imposed on
Attornies

IX. *And be it further enacted*, That no Attorney of the said Supreme Court shall knowingly or willingly permit or suffer any other person or persons, not being an Attorney of the said Supreme Court, other than Clerks Articled as above, and serving in the office of such Attorney, in his actual place of residence, to sue out any Writ or Process, or to commence, prosecute or defend, any Action or Actions, or other proceedings in his name.

Suing out
Writs

X. *And be it further enacted*, That, hereafter, every Writ or Process, and every Warrant upon which such Writ or Process shall be made out, shall, before the service or execution thereof, be subscribed with the name of the Attorney, written in a common legible hand, by whom such Writ or Process respectively shall be sued forth, or the said Writ or Process shall be subscribed with the name of the party suing out the same, in case an Attorney shall not be employed.

Admission to
the Bar

XI. *And be it further enacted*, That, hereafter, no person shall be called to the Bar of the said Supreme Court, unless such person shall have been one full year admitted and enrolled an Attorney thereof, unless such person shall have taken the Degree of Bachelor of Arts, as a regular Graduate in any College or University within His Majesty's Dominions, duly authorized to confer Degrees, in which case he shall be immediately called to the Bar, on his being admitted an Attorney.

Barristers'
Roll to be
signed

XII. *And be it further enacted*, That before any Attorney of the said Supreme Court shall be called to the Bar, his admission shall be regularly moved for, and, if no sufficient objection shall be made, he shall sign the Barrister's Roll, and shall be admitted to plead as a Barrister.

XIII. *And be it further enacted*, That no Clerk or Student at Law shall have his term

term of service allowed for admission as an Attorney, unless he shall have been Articled to, and the whole of such term of service shall have been kept with, some person who shall have been of the Degree of Barrister of the said Supreme Court.

XIV. *And be it further enacted*, That, if any person shall claim to be called to the Bar of the said Supreme Court, from his being a Barrister of any of the higher Courts of Judicature in Great-Britain or Ireland, or in any of His Majesty's Colonies, he shall, before he shall be so called, produce and file the proper Certificates, under the Seal of the Court in which he shall have been so admitted—of his admission, and of his being still at the Bar of the said Court; and also, a Certificate of his good moral character—whereupon, if the Court shall be of opinion that the rules of such Court were such as to ensure the necessary qualifications, and such, as to all essential requisites, as would have entitled him to admission in the said Supreme Court—such person shall be called to the Bar accordingly.

Barristers from Great-Britain to file Certificates

XV. *And be it further enacted*, That nothing herein contained shall extend, or be construed to extend, to any such Student or Students as are now actually Articled to any practising Barrister of the said Court, to prevent such Student or Students from obtaining admission as Attornies or Barristers of the said Court, in the same manner as he or they could have done before the passing of this Act; and that this Act shall not extend or be construed to extend to prevent such persons as are already admitted Attornies, and now entitled to be called to the Bar within one year after their admission as Attornies, from being so called to the Bar, if there be no sufficient objection thereto, as aforesaid.

Students at present under Articles

XVI. *And be it further enacted*, That whenever any person shall apply to be admitted, either as a Barrister or an Attorney of the said Supreme Court, he shall put up his name for admission as such Barrister or Attorney, in the Prothonotary's Office, in Halifax, one Month before the commencement of the term in which he shall seek to be admitted, and his admission shall be regularly moved for, within the first four days of the said Term, at Halifax, and shall take place on the last day of such Term, unless the Court, upon good cause shewn, shall think fit to admit him before the last day.

Candidates for admission to put up names in Prothonotary's Office

XVII. *And be it further enacted*, That, hereafter, the Prothonotary of this Province, at Halifax, being a Barrister and Attorney of the said Supreme Court, shall be entitled to receive into Articles, Clerks and Students at Law, in the same manner as other Barristers and Attornies of the said Court; and that Clerks or Students at Law, so Articled or Indented to the Prothonotary, shall be entitled to their admission as Barristers and Attornies of the said Court, in the same manner as Clerks or Students of other Barristers and Attornies of the said Court, performing the duties, and complying with all other rules and regulations, by this Act imposed on Articled Clerks or Students at Law.

Prothonotary allowed Clerks

XVIII. *And be it further enacted*, That the Barristers of the Supreme Court, now admitted as such in the said Court, are hereby declared to be Counsel, Advocates, Attornies, Proctors and Solicitors, of the Court of Chancery, Court of Vice-Admiralty, Court of Error, Court of Marriage and Divorce, and all other Courts within this Province; and as such, and without any other or particular admission in the said Courts or either of them, entitled to be of Counsel with either party, and as Counsel, Advocates, Attornies, Proctors and Solicitors, to advocate, prosecute, promote, support and defend, all manner of Causes, Suits and Prosecutions therein; and they shall, and are hereby severally declared to have such seniority and pre-audience therein, as they have and are entitled to in the said Supreme Court; and also, that all and every the Barristers of the said Supreme Court, who may be hereafter duly admitted therein, shall be, and they and every of them are hereby declared to have the like rights and privileges, and to be Advocates, Barristers and Proctors, Attornies and Solicitors, of and in all the said Courts, and as such entitled, without any further or other admission or permission therein, to be heard as Counsel, and to be of Counsel with either party, and to advocate, plead, prosecute, defend, promote and support, all and all manner of Suits, Causes and Prosecutions, of what nature, kind and description soever. *Provided always*, that nothing herein contained shall at all interfere with, or be construed to diminish, or in any way affect,

Privileges of Barristers

the wholesome control which the King's Courts are authorized to exert over the several Practitioners therein, or to prevent the said Courts from suspending, silencing, dismissing, or striking off the Roll, any Barrister or Barristers, Advocate or Advocates, Attorney or Attornies, Solicitor or Solicitors, Proctor or Proctors, for malpractice or misconduct.

Barristers limited to two Clerks

XIX. *And be it further enacted,* That, from and after the passing of this Act, no Barrister of the said Supreme Court shall have, at any one time, more than two Articled Students; *Provided however,* that the restriction in this clause contained shall not extend to deprive any such Barrister, now having more than two Students, from retaining the same.

Continuation of Act

XX. *And be it further enacted,* That this Act shall continue and be in force for ten years, and from thence to the end of the then next Session of the General Assembly.

CAP. XC.

An Act to Incorporate the Annapolis Steam-Boat Company.

(PASSED THE 12th DAY OF MARCH, 1836.)

Preamble

WHEREAS the establishment of one or more additional Steam-Boats, to ply on the Annapolis River and Bay of Fundy, would greatly facilitate the communication with the Province of New Brunswick and the neighbouring parts of the United States, and prove of much public advantage; *And whereas,* certain Persons hereinafter named, have associated themselves together for the purpose of building and putting in operation one or more Steam-Boats, for the transport of Passengers and Merchandize, between Bridgetown, Annapolis, Digby, Saint John's, Eastport and Saint Andrew's:

Incorporation of "The Annapolis County Steam-Boat Company"

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly,* That James Crowley, Botsford Viets, William Taylor, Israel Williams Ruggles, Edward Thorne, Abraham Thorne, John McDormond, Lawrence Hall, Harris Hall, Peter Bonnett, George Runciman, Robert Leslie, John A. Sneden, Francis W. Pickman, John Michir, James Runciman, John Ditmars, Gilbert F. Ditmars, George Barteaux, Henry Gates, Joseph Shaw, Benjamin Reid, Thomas Barlow, Robert Ray, Joseph Scammell, Stephen B. Thorne, Lawrence Willett, Andreas Bobaker, John Viets, Thomas Holdsworth, Charles T. C. MacColla, Samuel D. Morton, Jacob Cornewell, Lemuel Cornewell, John Robinson, William Hicks, Simeon D. Tobias, William R. Ruggles and others, and all and every Person and Persons who, in their own right, or as Executors, Administrators or Assigns of the original Proprietors, at any time or times hereafter shall have, and be entitled to, any part, share or interest, in the said Steam-Boat or Boats, so long as they shall respectively have any such part, share or interest therein, shall henceforth be, and they are hereby united into, a Company, and declared to be one Body, Politic and Corporate, in deed and in name, by the name of the Annapolis County Steam-Boat Company, and by that name to have a succession, to continue for the term of Twenty-five Years, and to have a Common Seal, with power from time to time to choose their President and other Officers, and to make Bye-laws for the good government and regulation of the said Company; *Provided* that such Bye-laws shall not be repugnant to the Laws of this Province, and shall not have any force or effect, until they shall have been submitted to, and approved of by, the Governor, Lieutenant-Governor or Commander in Chief for the time being, nor until the same shall have been registered in the Office of Register of Deeds for the County of Annapolis.

Powers and privileges

Capital—divided into Shares

II. *And be it further enacted,* That the Capital or Joint Stock of the said Corporation, shall be divided into such and so many shares or portions, as the said Corporation, by their Bye-laws, shall from time to time appoint, and such shares shall be transferrable, and be conveyed in such manner, and under such restrictions and conditions, as in such Bye-laws shall be directed.

III.

III. *And be it further enacted,* That the Joint Stock or Property of the said Corporation shall be responsible for the debts and engagements of the said Corporation, and that no person or persons who shall or may have dealings with the said Corporation shall, on any pretence whatsoever, have recourse against the separate Property of any present or future Member of the said Corporation, beyond the amount of the Shares or Stock held by such individual Member in the said Corporation, or against their persons, further than may be necessary to secure the faithful application of the Funds of the said Corporation, except against such individual Member or Members of the said Corporation as may have made himself or themselves liable by way of security for the debts or dealings of the said Corporation.

Joint Stock only responsible for debts of Corporation

IV. *And be it further enacted,* That it shall and may be lawful for the Lieutenant-Governor or Commander in Chief for the time being, to authorize the said Company to build one other or more Boats, to ply between Annapolis and Halifax, upon application being made to him by a majority of the Stockholders for that purpose; *Provided,* that nothing herein contained shall extend, or be construed to extend, to exclude any other person or persons from an equal right with the said Company, of building and putting in operation any other Boat or Boats to run between any of the Ports or Places herein mentioned, or elsewhere.

Steam-Boat may be provided to ply between Annapolis and Halifax

V. *And be it further enacted,* That the names of all the Members of the said Corporation, and the number of shares owned by them respectively, shall be registered in the Office of Registrar of Deeds in the County of Annapolis, and no transfer of any share in the said Corporation shall be final and effectual, until the certificate thereof shall have been registered in the said Office, to the end that it may be publicly known who are the persons composing the said Corporation.

Names of Shareholders to be registered

CAP. XCI.

An Act to continue and amend the Act for regulating the Importation of Goods.

(PASSED THE 29th DAY OF MARCH, 1836.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act of the General Assembly of this Province, passed in the fourth year of the Reign of His present Majesty King William the Fourth, entitled, An Act for regulating the Importation of Goods, which Act will continue in operation until the thirty-first day of March, in the Year of Our Lord One Thousand Eight Hundred and Thirty-six; and also, every matter, clause and thing, in the said Act contained, (save and except the fourth and forty-sixth clauses or sections of the said Act; and also, save and except so far as the said Act is altered or amended by this present Act,) shall remain thenceforth in operation, and be further continued until the thirty-first day of March, which will be in the year of Our Lord One Thousand Eight Hundred and Thirty-seven, and no longer.

Act 4, Wm, IV, continued with exceptions

II. *And be it further enacted,* That whenever, during the continuance of the said Act, the Importer of any Goods shall think proper to make Entry thereof for Warehouse, as provided by the fifth Section of the said Act, and it shall appear by the Certificate of the proper Officer or Officers of the Customs, that the same Goods have been duly entered at the Custom-House to be warehoused, and Bonds given therefor, as required by the provisions of any Imperial Statute, then, and in every such case, the Bond for warehousing the said Goods, required by the said fifth Section to be entered into by the Importer, shall be dispensed with, and the Landing Permit shall be granted for such Goods, and shall specify the security for the due warehousing thereof hath been certified to have been given at the Custom-House.

Duties secured at Custom-House

III. *And be it further enacted,* That if, on the first Entry of any Goods subject to Colonial Impost Duties, or on Entry thereof from the Warehouse for Home use, the Colonial Impost Duties thereon to be ascertained as in and by the said Act hereby continued

Duties not exceeding Ten Pounds to be paid down

tinued and amended is provided, shall not exceed the sum of Ten Pounds, then the said Duties shall be paid down by the Importer or Person making the Entry thereof, before any Permit shall be granted for the Goods contained in such Entry, but, if the amount of such Duties shall exceed the sum of Ten Pounds, then the Importer shall give Bond, with two sufficient sureties, to be approved of by the Collector of Impost, in treble the Duties payable on such Goods, with a condition for the payment of the said Duties by instalments, and in manner following, that is to say : one fourth part of said Duties in six months, another fourth part thereof in nine months, and the remaining half part in one year, from the date of such Bond respectively, and such Bond shall be given in the manner and form prescribed therefor by the Board of Revenue, and a Warrant of Attorney shall also then and there be executed by the same parties, and in the form by the said Board to be directed, for the Confession of a Judgment for the amount of the said Bond, in case default should happen to be made in payment of any instalment thereof; *Provided always*, that where Goods have been warehoused above one year, then the Colonial Duties, if exceeding Ten Pounds, shall be payable one half in three months, and the other half in six months, from the date of the Entry from Warehouse, and the Bond shall be made accordingly.

Above that sum—Bond to be given

Limitation of period for entering Goods

IV. *And be it further enacted*, That, instead of the period of twenty days allowed by the twenty-seventh Clause of the said Act hereby amended, for the Entry inwards of Goods, after the arrival of the importing Ship, there shall be allowed for such Entry six days only after such arrival, and if due Entry inwards be not made within the said six days, it shall and may be lawful to proceed as in and by the said Clause is directed, in the same manner as if the said period of six days had been inserted in such Clause, instead of twenty days as therein mentioned.

CAP. XCII.

An Act to continue and amend the Act for the Encouragement of Schools.

(PASSED THE 29th DAY OF MARCH, 1836.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the Second Year of His present Majesty's Reign, entitled, An Act for the Encouragement of Schools, save and except the Fifth Clause or Section thereof, which is hereby repealed, and also, save and except so far as the same is or may be hereinafter altered or amended, shall be continued, and the said Act, and every matter, clause and thing, therein contained, (except as hereinbefore excepted,) are hereby continued for Two Years, and from thence to the end of the then next Session of the General Assembly.

Act 2d Wm. IV. continued with exceptions

Assessments in aid of Schools

II. *And be it further enacted*, That, whenever a majority of the Freeholders and Inhabitants of any School District, within any County or District in this Province, rateable or subject to be assessed as hereinafter mentioned, who shall meet at a Public Meeting of such Freeholders and Inhabitants, to be held after sufficient public notice, to be given at least twenty days previous to such Meeting, by the Trustees of such School District, in at least five public places in the same district, shall agree at such Public Meeting to raise the several sums required to be raised and provided by them, under the provisions of this Act, or the Act hereby continued and amended, by an equal rate or assessment upon each person according to his ability, they shall certify the same to the next General Sessions of the Peace for the County or District wherein such School District is situate, as aforesaid, and the same shall be assessed at the same time, and in the same manner, and under and subject to the several regulations, and by the same means, course and proceedings, as by any Acts of the General Assembly, now in force or hereafter to be enacted, are or may be provided for levying rates for the support of the Poor upon each of the Freeholders and Inhabitants of such School District, in a rateable and equal proportion, according to his ability, and shall be collected and paid over to the Trustees or

Trustees appointed by the Board of Commissioners for such School District for which such assessment was raised.

III. *And be it further enacted*, That, in case of any assessment so made as hereinbefore mentioned, by the consent of the majority of Freeholders and Inhabitants of any School District, the sum so assessed for the support of any School mentioned in the Twelfth Clause or Section of the said Act, wherein less than thirty and more than fifteen Scholars are taught, shall not exceed Fifteen Pounds, and for the support of any such School, mentioned in the said Twelfth Section of the said Act, wherein thirty Scholars and upwards are taught, the sum to be assessed as aforesaid shall not exceed Twenty Pounds; *Provided always*, that the Trustee or Trustees of the said School District shall, and they are hereby required to, fix and establish such rate of Tuition Money or Fees to be paid by or for each and every Scholar attending every such School, save and except such poor Scholars as are required by and under the said Act to be taught *gratis*; that, together with the sum hereby directed to be assessed for the support of such School, the Teacher of every such School, wherein thirty Scholars and upwards are taught, shall actually and *bona fide* receive the full sum of Forty Pounds, over and above, and exclusive of, and in addition to, the Boarding, Washing and Lodging, of such Teacher; and that the Teacher of every such School, wherein less than thirty and more than fifteen Scholars are taught, shall actually and *bona fide* receive the full sum of Twenty-five Pounds, which said sum of Twenty-five Pounds, whether raised and provided for the use of such School by assessment and Tuition Money, as hereinbefore prescribed, or raised and provided by voluntary contribution, as mentioned in the said Twelfth Section of the said Act, shall be, and shall in either and every case be held, deemed and taken to be, in addition to, and exclusive of, and over and above the Boarding, Washing and Lodging, of the Teacher of such School; *And provided further*, that before any School, for which assessment shall be made, shall be entitled to receive any Provincial aid under this Act, or the Act hereby continued, it shall be made to appear to the Board of Commissioners, as in and by the said Twelfth Clause or Section of the said Act is required and prescribed, that the Teacher of such School shall actually receive the sum hereinbefore mentioned, and hereby prescribed to be received by the said Teacher, over and above, and in addition to, his Boarding, Washing and Lodging.

IV. *And be it further enacted*, That the sum to be assessed as hereinbefore prescribed and mentioned, for any such combined Common and Grammar School, as is mentioned and referred to in the Twenty-second Clause or Section of the said Act hereby continued and mentioned, wherein from eight to fifteen of the Scholars shall be instructed in the higher branches of Education in the said Act mentioned, shall not exceed Twenty-five Pounds; and for any such combined Common and Grammar School, wherein fifteen or upwards of the Scholars are so instructed as aforesaid, shall not exceed the sum of Thirty-five Pounds; *Provided always*, that the Trustees of every such combined Common and Grammar School shall, and they are hereby authorized and directed to, fix and establish such Tuition Money and Fees, to be paid for or by the several Scholars respectively attending such combined Common and Grammar School, save and except such poor Scholars as, by the said Act, are required to be taught *gratis*, as with the sum assessed, and the Provincial allowances by the said Act hereby amended and continued, allotted and provided for, every such combined Common and Grammar School, shall be sufficient to pay to the Master or Teacher of every such combined Grammar and Common School, the full salary prescribed and required to be paid to such Master or Teacher, in and by the Twenty-third Clause or Section of the said Act; *And provided further*, that no such combined Grammar and Common School, for which assessment shall be made, shall be entitled to receive or shall receive any allowance by the said Act hereby continued, until it shall be made appear to the Board of Commissioners, as in and by the said Twenty-third Clause or Section of the said Act is provided and enacted, that the Teacher or Master of every such combined Grammar and Common School shall actually and *bona fide* receive, including the sum assessed for such School as aforesaid, the Tuition Money or Fees to be fixed and established as hereinbefore provided, and the Provincial allowances made to the said School under the said Act hereby continued

Sums to be assessed

Tuition Money

Allowances to Teacher

Assessment for combined Common and Grammar Schools

tinued, the full salary in and by the said Twenty-third Clause or Section of the said Act provided and prescribed for such Master or Teacher.

Education of
Coloured
People

V. *And be it further enacted*, That any Board of Commissioners from and out of the sum of Seventy Pounds, placed at the disposal of such Board, shall, and they are hereby authorized to, aid any School for instructing in the Common Branches of Education of the Blacks or People of Colour, within the County or District for which such Board is or may be established, and for which School a School-House shall have been provided by or for the said Blacks or People of Colour, and for aid to which application shall be made to the said Board, notwithstanding a Common School may have been established and be in operation, and receive Provincial aid for the School District or Districts wherein the said School for the said Blacks or People of Colour may be situate.

Allowance to
African School

VI. *And be it further enacted*, That, in addition to the sums payable to the several Schools in the Town of Halifax, by and under the seventeenth Clause or Section of the said Act, there shall be paid to the African School at Halifax, yearly and every year during the continuance of this Act, the sum of Sixty Pounds.

Continuation
of Act

VII. *And be it further enacted*, That this Act shall be continued and remain in force for two years from the passing thereof, and from thence to the end of the then next Session of the General Assembly.

CAP. XCIII.

An Act for deepening the East River of Pictou.

(PASSED THE 12th DAY OF MARCH, 1836.)

WHEREAS the East River of Pictou, so called, is navigable for Ships or Vessels exceeding Fifty Tons, to the Loading Ground in said River, at South Pictou, so called, and not further—and a considerable Trade in the Exportation of Coals and other the Produce of the County, requires that the Navigation of said River should be enlarged and deepened. *And whereas*, the General Mining Association of London are now sub-lessees of the Coal Mines on the banks of said River, and hold the same under a Lease from His late Royal Highness the Duke of York and Albany, and are desirous, as well for the convenience of Trade as the reduction of the price of Coal, that the said improvement should be made without further delay :

Preamble

Company
allowed to
deepen East
River

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That it shall and may be lawful for the said Company, called and known by the name and appellation of the General Mining Association, to open, cut, cleanse, enlarge and deepen, the bed or channel of said River, called the East River of Pictou, and make, straighten and maintain, a sufficient Water communication, of such breadth, depth and dimensions, as shall be deemed fit and proper and necessary, from that part of the River called the Loading Ground at South Pictou aforesaid, on said River, in such way and manner as shall be most convenient or proper for making a continued navigable Channel for the passage of Vessels up said River, to the Loading Wharf below or near New Glasgow Bridge ; and also, to dig and excavate such Pits, Channels, Chambers, Canals or Basins, and to make, build and erect, such Locks, Sluices, Dams, Wears and Embankments, in, over, across or upon the course of the said River, or along the sides thereof, as shall be considered necessary or proper for effecting such Water communication, and improving the Navigation of said River, as aforesaid ; and in such lines, courses and directions, from one part to another of the said River, as the said Company, called the General Mining Association, shall deem expedient ; and further, to make, place and erect, such and so many Locks, Gates, Doors, Sluices and Traps, as shall be necessary or required in any Locks, Dams or Sluices, which may be erected on said River, for the purposes aforesaid ; and also, from time to time to dig, excavate, deepen and cleanse, the Channels and Courses of said River, whenever necessary, and moreover, to divert, change,

change, turn or alter, the course, channel and direction of the said River, whenever necessary; and to make, dig and excavate, a channel or course for the said River, or the Waters thereof, and generally to use and appropriate the Waters of said River, and the Channels, Water Courses and Beds thereof, to and for the use and benefit of, and for rendering the said River navigable and useful to, the said Loading Wharf below and near New Glasgow Bridge aforesaid.

II. *And be it further enacted*, That the Courses, Channel and Beds, of said River or Water communication, from the said Loading Ground, so called, at South Pictou aforesaid, to the Loading Wharf near New Glasgow Bridge on said River, and the Dams, Weirs, Embankments, Sluices, Locks, Lock-Pits or Chambers, Lock-Gates, Reservoirs and Basons, by the said Company erected and made, and the Waters of said River, so far as the same are or may be required or necessary to be used, retained or appropriated, to and for the use and benefit of the Navigation of said River, and the enjoyment thereof, shall be, and they are hereby, vested in said Company, called the the General Mining Association, and declared and made the sole exclusive property of the said Company, for the purposes aforesaid, for and during the term of Fifty Years from the passing of this Act.

Right to Channel of River vested in Company for fifty years

III. *Provided always, and be it further enacted*, That a good, sufficient and convenient way or passage in, through and along, the said River, or Water Communication, and the Locks, Gates and Passages thereof, to be made or constructed for the purposes aforesaid, shall be, at all convenient times and seasons, free and open to all His Majesty's Subjects, and the Subjects of other Nations, at peace with Great-Britain, with their Boats, Vessels and Goods, after payment or tender of the Toll or Pass Money hereinafter established and ordained.

Water communication free on payment of Toll

IV. *And be it further enacted*, That all Vessels, exceeding in Burthen Fifty Tons by the Register thereof, which shall pass or navigate the Waters above the place called the Loading Ground, at South Pictou aforesaid, on the River aforesaid, shall, on entering such Water, be subjected, and are hereby made liable to pay a duty of Four Pence of the Current Money of Nova-Scotia aforesaid, for every Ton of the Registered Burthen of such Ships or Vessels respectively, and all Boats and Vessels of less Registered Burthen or Tonnage than Fifty Tons, shall pass and re-pass, as heretofore, free from Toll or obstruction.

Vessels over fifty Tons to pay Toll

Vessels under fifty Tons to pass free

V. *Provided always, and be it further enacted*, That it shall not be lawful for the said Company to impose or demand payment of any Toll, Rate or Duty, on any Ship or Vessel navigating or using the Waters of the said River, before the said Company have so enlarged, deepened and cleansed, the Channel of said River, and to make the same at least twelve feet in depth, at the usual high tide from the Loading Ground, at South Pictou aforesaid, to the Loading Wharf, so called, below and near New Glasgow Bridge aforesaid, nor shall continue to exact payment of said Toll, Rate or Duty, unless the said River shall be continually kept cleaned to the depth of twelve feet aforesaid, at the time of high Water aforesaid, within the limits aforesaid, and maintained and continued navigable for Vessels of the Tonnage aforesaid.

No Toll to be paid until River is deepened

VI. *And be it further enacted*, That it shall and may be lawful for the said General Mining Association, from time to time, to appoint a fit and proper person to collect said Tonnage Duty or Toll, which shall be paid by the Master or Commander of each Vessel, of the Registered Burthen aforesaid, on his passing and navigating the Waters above the Loading Ground, at South Pictou aforesaid, and any Master or Commander omitting or refusing to pay or tender such Toll or Duty, shall forfeit, over and above the Toll due on his Vessel, the sum of Five Pounds, to be sued for and recovered by the Agent of the said General Mining Association, in his own name, before any one Justice of the Peace in the neighbourhood.

Toll Collector

VII. *And be it further enacted*, That nothing herein contained shall extend, or be construed to extend, to pledge the Government of this Province to have any concern, share or interest, in the proposed deepening of the said River, or to give the said Company, or any persons composing the same, any claim of any sort or kind upon the Treasury or Government of this Province, for any pecuniary aid whatever.

Government not to contribute to expense

Limitation of Act

VIII. *And be it further enacted*, That, unless the said Company within ten years from the passing of this Act, shall have completed the deepening of said River, and rendered it navigable for Vessels exceeding Fifty Tons Registered Burthen, and so cleansed, enlarged and excavated, the Course or Channel of said River, as to make it twelve feet from the Loading Ground, at South Pictou aforesaid, to the Loading Wharf near New Glasgow Bridge aforesaid, at high Water, then, and in such case, this Act, and every matter and thing therein contained, shall cease and be no longer in force.

Claim of Inhabitants to Mines, &c reserved

IX. *Provided always, and be it further enacted*, That nothing in this Act contained shall extend, or be construed to extend, to sanction the Original Grant or Letters Patent of the said Mines, Minerals, Ores, Seams or Veins of Ore, Minerals or Mineral Substances, to His Royal Highness the said Duke of York and Albany, or to operate as an assent to the validity of such Grant on the part of the General Assembly of this Province, or to give any force, validity or effect whatsoever, to the said Grant or Letters Patent, but the rights of the Inhabitants thereto, or any of them, either collectively or individually, shall be and remain in full force, any thing in this Act to the contrary notwithstanding.

Fisheries protected

X. *And provided also, and be it further enacted*, That it shall be incumbent on the said Company, at all times, to keep open, and leave free and unobstructed, a sufficient passage and water-way for all Boats or Rafts of Timber or Lumber requiring to pass up and down the said River, without any charge or demand for Toll or Pass Money; and also, a sufficient free, clear and open passage, through which the Fish may freely pass up and down the said River, so that as little injury as possible may be done to the Fishery in the said River by the operations hereinbefore authorized.

His Majesty's Assent required

XI. *Provided always, and be it further enacted*, That nothing herein contained shall be of any force or effect until His Majesty's Assent shall be signified to this Act.

CAP. XCIV.

An Act for the better protection of the Property of Merchants and others, who may hereafter enter into Contracts or Agreements in relation to Goods, Wares or Merchandize, entrusted to Factors or Agents.

(PASSED THE 12th DAY OF MARCH, 1836.)

Right of Property

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That any Persons entrusted, for the purpose of consignment or sale, with any Goods, Wares or Merchandize, and who shall have shipped such Goods, Wares or Merchandize, in their own names, and any persons in whose names any Goods, Wares or Merchandize, shall be shipped by any other person or persons, shall be deemed and taken to be the true Owners thereof, so far as to entitle the Consignee to a lien thereon, in respect of any money or negotiable security advanced or given, to or for the use of the person in whose name such Goods, Wares or Merchandize, shall be shipped, or in respect of any money or negotiable security received by him, her or them, to the use of such Consignee, in the like manner, to all intents and purposes, as if such persons were the true owners thereof, provided such Consignee shall not have notice by the Bill of Lading for the delivery of such Goods, Wares or Merchandize, or otherwise, at or before the time of any advance of such money or negotiable security, or of such receipt of money or negotiable security, in respect of which lien is claimed, that such persons so shipping in his, her or their own names, or in whose names any Goods, Wares or Merchandize, shall be shipped, by any person, are not the actual and *bona fide* Owners or Proprietors of such Goods, Wares or Merchandize; *Provided also*, that the person in whose name any such Goods, Wares or Merchandize, are so shipped, shall be taken for the purposes of this Act to have been

Proviso

entrusted

entrusted therewith for the purpose of consignment or of sale, unless the contrary thereof shall be made to appear by Bill of discovery or otherwise, or be made to appear, or be shewn in evidence, by any person disputing such fact.

II. *And be it further enacted*, That, from and after the passing of this Act, any person entrusted with, and in possession of, any Bill of Lading, Dock Warrant, Warehouse Keeper's Certificate, Wharfinger's Certificate, Warrant or Order for delivery of Goods, shall be deemed and taken to be the true owner of the Goods, Wares and Merchandize, described and mentioned in the said several documents, so far as to give validity to any contract or agreement thereafter to be made or entered into by such person, with any Person or Persons, Body or Bodies, Politic or Corporate, for the sale or disposition of the said Goods, Wares and Merchandize, or any part thereof, or for the deposit or pledge thereof, or any part thereof, as a security for any money or negotiable instrument or instruments, advanced or given upon the faith of such several documents or either of them; *Provided*, such Person or Persons, Body, Politic or Corporate, shall not have notice by such documents or either of them, or otherwise, that such person so entrusted as aforesaid is not the actual and *bona fide* Owner or Proprietor of such Goods, Wares or Merchandize. Power to sell

III. *And be it further enacted*, That in case any Person or Persons, Body or Bodies, Politic or Corporate, shall, after the passing of this Act, accept and take any such Goods, Wares or Merchandize, in deposit or pledge, from any such person without notice as aforesaid, as a Security for any debt or demand due and owing before the time of such deposit or pledge, then such Person or Persons, Body or Bodies, Politic or Corporate, so accepting or taking such Goods, Wares or Merchandize in deposit or pledge, shall acquire no further or other right, title or interest in the said Goods, Wares or Merchandize, or any such Document as aforesaid, than was possessed or could or might have been enforced by the said person so possessed and entrusted as aforesaid, at the time of such deposit or pledge, but such Person or Persons, Body or Bodies, Politic or Corporate so accepting or taking such Goods, Wares or Merchandize, in deposit or pledge, shall and may acquire, possess and enforce, such right, title or interest, as was possessed and might have been enforced by such Person or Persons, so possessed and entrusted as aforesaid. Goods taken in deposit or pledge

IV. *And be it further enacted*, That, from and after the passing of this Act, it shall be lawful for any Person or Persons, Body or Bodies, Politic or Corporate, to contract with any Agent entrusted with any Goods, Wares or Merchandize, or to whom the same may be consigned, for the purchase of any such Goods, and to receive and pay for the same to such Agent; and such contract and payment shall be binding and good against the Owner of such Goods, notwithstanding such Person or Persons, Body or Bodies, Politic or Corporate, shall have notice that the person making and entering into such contract, or on whose behalf such contract is made and entered into, is an Agent; *Provided* such contract and payment be made in the usual and ordinary course of business, and that such Person or Persons, Body or Bodies, Politic or Corporate, shall not, when such contract is entered into, or payment made, have notice that such Agent is not authorized to sell the said Goods or to receive the said purchase money. Validity of sales of Goods

V. *And be it further enacted*, That it shall be lawful to and for any Person or Persons, Body or Bodies, Politic or Corporate, to accept and take any such Goods, Wares or Merchandize, or any such Document, as aforesaid, in deposit or pledge from any such Factor or Factors, Agent or Agents, notwithstanding such Person or Persons, Body or Bodies, Politic or Corporate, shall have such notice as aforesaid, that the Person or Persons making such deposit or pledge, is or are a Factor or Factors, Agent or Agents, but then, in that case, such Person or Persons, Body or Bodies, Politic or Corporate, shall acquire no further or other right, title or interest, in the said Goods, Wares or Merchandize, or any such Document, as aforesaid, for the delivery thereof, than was possessed or could or might have been enforced by the said Factor or Factors, Agent or Agents, at the time of such deposit or pledge, but such Person or Persons, Body or Bodies, Politic or Corporate, shall and may acquire, possess and enforce, such right, title or interest. Goods may be received in deposit or pledge from Agent

or interest, as was possessed and might have been enforced by such Factor or Factors, Agent or Agents, at the time of such deposit or pledge, as aforesaid.

Rights of Owners of Goods

VI. *And be it further enacted*, That nothing herein contained shall be deemed to deprive or prevent the true Owner or Proprietor of such Goods, Wares or Merchandize, from demanding and recovering the same from his Factor or Agent, before the same shall have been so sold, deposited or pledged, or from the Assignee of such Factor or Agent, in the event of his insolvency, nor to prevent such Owner or Proprietor from demanding or recovering of and from any Person, Body, Politic or Corporate, the sum agreed to be paid for the purchase of such Goods, Wares or Merchandize, subject to any right of set off on the part of such persons, against such Factor or Agent, nor to prevent such Owner or Proprietor from demanding or recovering from such persons, such Goods so deposited or pledged, upon re-payment of the money or on restoration of the negotiable instrument so advanced, and upon payment of such further sum of money, or on restoration of such other negotiable instrument, (if any) as may have been advanced or given by such Factor or Agent to such Owner, or on payment of a sum of money equal to the amount, nor to prevent the said Owner or Proprietor from recovering from such Person or Persons, Body or Bodies, Politic or Corporate, any balance or sum of money remaining in his or their hands, as the produce of the sale of such Goods, after deducting thereout the amount of the money or negotiable instrument so advanced; *Provided*, that in case of the insolvency of any such Factor or Agent, the Owner or Proprietor of the Goods so pledged and redeemed shall be held to have discharged *pro tanto* the debt due by him, her or them, to the Estate of such Insolvent.

Proviso

Preamble

And whereas, it is expedient to prevent the improper deposit or pledge of Goods Wares or Merchandize, or the Documents relating to such Goods, Wares or Merchandize, entrusted or consigned as aforesaid, to Factors or Agents :

Goods lodged as security

VII. *Be it therefore enacted*, That if any such Factor or Agent, at any time, and after the passing of this Act, shall deposit or pledge any Goods, Wares or Merchandize, entrusted or consigned as aforesaid, to his or her care or management, or any of the said several Documents, so possessed or entrusted as aforesaid, with any Person or Persons, Body or Bodies, Politic or Corporate, as a Security for any money or negotiable instrument or instruments, borrowed or received by such Factor or Agent, and shall apply and dispose thereof to his or her own use, in violation of good faith, and with intent to defraud the owner or owners of any such Goods, Wares or Merchandize, every person so offending, in any part of this Province, shall be deemed and taken to be guilty of a misdemeanor, and, being convicted thereof according to Law, shall receive such punishment as may by Law be inflicted on persons guilty of a misdemeanor, and as the Court, before whom such offender may be tried and convicted, shall adjudge.

Proviso

VIII. *Provided always, and be it further enacted*, That nothing herein contained, shall extend, or be construed to extend, to subject any person or persons to prosecution, for having deposited or pledged any Goods, Wares or Merchandize, so entrusted or consigned to him, her or them; *Provided* the same shall not be made a security for, or subject to, the payment of any greater sum or sums of money than at the time of such deposit or pledge was justly due and owing to such person or persons, from his, her or their, principal or principals, together with the amount of any Bill or Bills of Exchange drawn by, or on account of, such principal, and accepted by such Factor or Agent.

Penalties

IX. *Provided also, and be it further enacted*, That the penalty by this Act annexed to the commission of any offence intended to be guarded against by this Act, shall not extend, or be construed to extend, to any partner or partners or other person or persons of, or belonging to, any partnership, society or firm, except only such partner or partners person or persons, as shall be accessory or privy to the commission of such offence, any thing herein contained to the contrary in any wise notwithstanding.

Actions

X. *Provided also, and be it further enacted*, That nothing in this Act contained, nor any proceeding, conviction or judgment, to be had or taken thereupon, shall hinder, prevent, lessen or impeach, any remedy at Law or in Equity, which any party or parties, aggrieved by any offence against this Act, might or would have had or have been entitled to,

to,

to, against any such offender, if this Act had not been made, nor any proceeding, conviction or judgment, had been had or taken thereupon; but nevertheless, the conviction of any such offender against this Act shall not be received in evidence in any Action at Law or Suit in Equity against such offender; and further, that no person shall be liable to be convicted by any evidence whatever, as an offender against this Act, in respect of any matter or thing done by him, if he shall at any time, previously to his being indicted for any such offence have disclosed any such matter or thing on oath, under or in consequence of any compulsory process of any Court of Law or Equity, in Action, Suit or Proceeding, in or to which he shall have been a party, and which shall have been *bona fide* instituted by the party aggrieved by the act, matter or thing, which shall have been committed by such offender aforesaid.
