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THE
STATUTES OF NOVA-SCOTIA

PASSED IN THE

SECOND SESSION

OF THE

GENERAL ASSEMBLY

OF THE

Twenty-fourth Year of the Reign of Her Majesty

QUEEN VICTORIA,

HELD ON THE

Thirty-first Day of January, 1861.



HALIFAX:
E. M. McDONALD, QUEEN'S PRINTER.
1861.



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 STATUTES OF NOVA SCOTIA.
 24^o. VICTORIÆ.
 1861.

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At the General Assembly of the province of Nova-Scotia, begun and holden at Halifax on Thursday the 31st day of January, 1861, in the twenty-fourth year of the reign of our Sovereign lady Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, defender of the faith, &c., &c., &c., being the second session of the twenty-second General Assembly convened in the said province.*

* In the time of His Excellency The Earl of Mulgrave, Lieutenant-Governor: Edward Kenny, president of the Legislative Council: A. C. McDonald, speaker of the Assembly; Joseph Howe, provincial secretary; and Alexander James, clerk of Assembly.

CHAPTER 1.

An Act to amend Chapter 134 of the Revised Statutes, "Of Pleadings and Practice in the Supreme Court."

(Passed the 15th day of April, A. D. 1861.)

SECTION.	SECTION.
1. Notice of Trial.	7. Section 38, Cap. amended, applicable to all actions. Proceedings of Defdt. when Pltff. added.
2. Appearance when County Writ in not specially named.	8. Appeal from Chambers. Costs.
3. Executions—How directed; when returnable.	9. Judges may refuse rule nisi under Sec 50, Cap. 130.
4. Cases in which Prothonotary may tax costs and enter Judgment. May be reviewed. Proceedings, if costs reduced. Attorney liable.	10. Orders in Proceedings for Settlement of Partnership.
5. Replication to pleas disclosing new matter.	11. Appellant to enter Cause and give notice.
6. Replication to Payment into Court.	12. Fraud to be pleaded.
	13. Cases—Argument of, &c.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. A notice of trial endorsed on a writ of summons shall be sufficient, if served the same number of days required for the defendant's appearance in the suit before the term or sittings mentioned in such notice. Notice of Trial.
2. In cases where a writ of summons, with the usual notice endorsed, is served in any County other than that specially named in the direction of the writ, the defendant shall be entitled and required to appear and plead in the same number of days as if the County wherein he is served had been specially named in the writ. Appearance when County in writ not specially named.
3. Writs of Execution may be directed as writs of summons, or to the Sheriff of any particular County, and shall be returnable either in sixty days or to the first day of the next succeeding term. Executions—how directed. When returnable.
4. The Prothonotary may tax costs, and enter, sign, and date in the Judgment Book for the County wherein he resides, in the usual form, Judgments in undefended cases by confession or on default, where particulars are annexed to Cases in which Prothonotary may tax costs and enter Judgment.

the writ, except in cases of foreclosure of mortgages, which shall be as valid as if signed by a Judge; but such taxation and judgment, or either of them, may be reviewed and set aside within twelve months by the Court or a Judge. If the costs be reduced on taxation the Prothonotary shall minute such reduction on the margin of the docket, and the amount shall be deducted in the order for levy on the execution; and in case of any deduction being made from the amount of an Attorney's bill, the costs of the review and retaxation shall be borne by the Attorney whose bill has been so reduced.

May be reviewed.

Proceedings, if costs reduced.

Attorney liable.

Replication to pleas disclosing matter.

5. In all cases where pleas disclose new matters, which the plaintiff may desire to confess and avoid, he may reply without the leave of the Court or a Judge, and where the plaintiff shall not reply before trial, or within thirty days after the service of the pleas, he shall be taken to have denied the facts alleged therein.

Replication to payment into Court.

6. When a defendant shall have paid money into Court, if the plaintiff shall not, within thirty days after service of plea, reply that the sum is not sufficient, he shall be held to have accepted payment in full satisfaction of the plaintiff's claims.

Section 38, cap. amended, applicable to all actions.

Proceedings of Defdt. when Pltff. added.

7. Section thirty-eight of the chapter hereby amended shall apply to all actions; but when in any case a plaintiff shall be added, the defendant shall be at liberty to withdraw his plea, and allow judgment to be entered against him, in which case he shall be entitled to tax his costs up to the time of the plaintiff's being added, and have execution against the plaintiffs therefor.

Appeal from Chambers.

Costs.

8. The decisions and judgments of one judge or more at Chambers, including those on appeal from the Probate Court, shall in all cases be subject to appeal to the Supreme Court in term, security for the costs of such appeal being given by the party appealing to the satisfaction of the Judge or Judges who shall have given the Judgment, and within a time to be limited by him or them; and so much of the forty-ninth section of chapter one hundred and thirty of the Revised Statutes, as makes the decision of two Judges final, is repealed.

Judges may refuse rule nisi under sec. 50, cap. 130.

9. It shall be in the discretion of the Judges to grant or refuse the rule nisi prescribed by section fifty of chapter one hundred and thirty of the Revised Statutes.

Orders in Proceedings for settlement of Partnership.

10. In proceedings in the Supreme Court, for the settlement of partnership dealings, under chapter seventy-nine of the Revised Statutes, a Judge at Chambers may make any order therein, directed to be made by the Court, subject to appeal to the Court in term.

Appellant to enter cause and give notice.

11. It shall be the duty of an appellant in all cases, whether plaintiff or defendant, to enter the cause for trial or

argument, and give notice of trial where such notice is required by law.

12. Where a defendant intends to set up fraud as a defence, or a plaintiff to rely upon fraud, in answer to the plea of the defendant, it must be pleaded. Fraud to be pleaded.

13. A case entered into by real parties, plaintiffs and defendants, and signed by counsel, may be filed, entered, and argued, without any writ having issued, and judgment may be entered and execution issued thereon, as if the suit had been instituted in the usual way. Cases—argument of, &c.

CHAPTER 2.

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

(Passed the 15th day of April, A. D. 1861.)

SECTION.

1. Spring Term, Digby.
2. Spring Term, Annapolis.
3. Autumn Term, Yarmouth, Shelburne.
4. Autumn Term, Liverpool, Lunenburg.

SECTION.

5. Jurors, &c., to attend at times fixed.
6. Inconsistent parts of Cap. 126 Revised Statutes and Acts in amendment repealed.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. Hereafter the Spring Term of the Supreme Court at Digby shall commence on the third Tuesday of June. Spring Term, Digby.
2. The Spring Term at Annapolis shall commence on the fourth Tuesday of June, and if it shall become necessary to prolong the term, in order to dispose of the business, the presiding Judge shall have power to extend it for such period as he shall see fit, not to exceed fourteen days in all. Spring Term, Annapolis.
3. The Autumn Term at Yarmouth shall commence on the Tuesday before the last Tuesday of September, and at Shelburne on the last Tuesday of September, and may be continued at the latter place for seven days, exclusive of Sunday, if business shall require it. Autumn Term, Yarmouth.
Shelburne.
4. The Autumn Term at Liverpool shall commence on the second Thursday next after the sitting of the Supreme Court at Shelburne, and shall continue for six days, exclusive of Sunday, if business shall require it; and the Autumn Term at Lunenburg shall commence on the second Friday next after the sitting of the Supreme Court at Liverpool, and shall continue as heretofore. Autumn Term, Liverpool.
Lunenburg.
5. All jurors, officers, and parties bound to appear at any of such Courts, shall appear and attend at the times respectively fixed hereby, instead of at the times fixed for those terms previously to the passing of this Act. Jurors, &c., to attend at times fixed.

Inconsistent parts of cap. 126. Rev. Stat. and acts in amendment repealed.

6. So much of chapter 126 of the Revised Statutes, and of chapter 33 of the Acts of 1859, and of chapter 31 of the Acts of 1860, respectively amending such chapter, as is inconsistent with this Act, is hereby repealed.

CHAPTER 3.

An Act to amend Chapter 168 of the Revised Statutes, "Of the administration of Criminal Justice in the Supreme Court."

(Passed the 15th day of April, A. D. 1861.)

SECTION—Witnesses entitled to Fees. Proviso.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. Witnesses for the prosecution attending before the Grand Jury, in criminal cases, and witnesses for the prosecution attending on the trial of indictments, shall be entitled to fees, as prescribed by section sixty-three of the chapter hereby amended, notwithstanding that such attendance may not have been under subpoena or recognizance; provided that the Court or a Judge shall be satisfied, by affidavit, that there was reasonable ground for instituting the proceedings, and that the attendance of the witnesses was material and necessary, and that they attended expressly to give such evidence and for no other purpose.

Witnesses entitled to Fees.

Proviso.

CHAPTER 4.

An Act to authorize the appointment of Commissioners without the Province.

(Passed the 15th day of April, A. D. 1861.)

SECTION.

1. Appointment, Powers, &c.
2. Official acts under seal to be received without further proof.

SECTION.

3. Penalty for forging signature, &c., or offering forged certificate.
4. Validity of documents authenticated under other acts not affected.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The Governor in Council may appoint Commissioners residing in the United Kingdom, or in any British Colony, or in a foreign country, and such commissioners shall have power to take acknowledgments of release of dower by married women, to take attestations under oath of the execution of deeds and writings intended for registry in this Province, to take attestations to affidavits relating to the transfer and

Appointment.

Powers, &c.

registry of vessels belonging to this Province, and relating to proceedings in the Supreme Court, or in any other Court within this Province.

2. The official acts of every such Commissioner, authenticated by his signature and seal, shall, upon the production thereof, be received, and without further proof shall have the same effect as if taken before a Judge of a Court of Record, or other public officer having authority in the premises.

Official acts under seal to be received without further proof.

3. Any person forging or counterfeiting the signature or seal of any such Commissioner, or offering for registry or in evidence any deed, writing, affidavit, or other document, knowing the signature or seal of the Commissioner thereto to be forged or counterfeited, shall be guilty of felony, and shall be imprisoned for a term not exceeding five years.

Penalty for forging signature, &c., or offering forged certificate.

4. Nothing in this Act contained shall affect the validity of any authentication of the documents in the first clause mentioned, by any form now prescribed by the laws in force in respect thereof.

Validity of documents authenticated under other acts not affected.

CHAPTER 5.

An Act to prevent Frauds upon Creditors by Secret Bills of Sale of Personal Chattels.

(Passed the 15th day of April, A. D. 1861.)

SECTION.

SECTION.

- 1. Bill of sale, &c., and affidavit of execution to be filed.
- 2. Defeasance to be filed.

- 3. To be numbered, indexed, &c. Open to inspection.
- 4. Fees.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. Every bill of sale of personal chattels made after the passing of this Act, either absolutely or conditionally, and whereby the holder shall have power on execution thereof, or at any subsequent time, to take possession of such chattels, and every schedule annexed thereto, or a true copy of such bill of sale and schedule, together with an affidavit of the time of execution of such bill of sale shall be filed with the Registrar of Deeds of the County or District where the maker resides, within twenty days after the execution thereof, otherwise such bill of sale shall be void as against the assignees of the grantor, under the Insolvent Debtor Act, or under an assignment for the benefit of creditors, and as against Sheriffs and Constables and other persons seizing the property specified in such bill of sale under execution, and as against the execution creditor, and also as against bona fide purchasers for a valuable consideration.

Bill of sale, &c., and affidavit of execution to be filed.

2. In case such bill of sale is subject to any defeasance,

Defeasance to be filed.

the same shall be considered as part of such bill of sale, and such defeasance, or a copy thereof, shall be filed with the bill of sale or copy, otherwise such bill of sale shall be wholly void, as against the same parties and persons mentioned in the preceding section.

To be numbered, indexed, &c.

3. The Registrar of Deeds shall cause the bills of sale, or copies thereof, so deposited with him, to be numbered and indexed, and an alphabetical list thereof to be made in a book to be kept by him for that purpose, containing the name and description of the grantor and grantee, the date of execution and filing, and the sum for which the same has been given, and every bill of sale and copy may be inspected by any person paying a fee of twenty cents therefor.

Open to inspection.

Fees.

4. The Registrar shall be entitled to receive twenty cents for his trouble in filing, indexing, and entering such bill of sale or copy.

CHAPTER 6.

An Act concerning proceedings on Judgments obtained in Courts without the Province.

(Passed the 15th day of April, A. D. 1861.)

SECTION.—1. Defendant may plead as if to original action.

Be it enacted by the Governor, Council, and Assembly, as follows:

Defendant may plead as if to original action.

1. In any action brought in any of her Majesty's Courts in this Province, upon any Judgment entered up in any part of the United Kingdom of Great Britain and Ireland, or elsewhere, out of this Province, the defendant may plead thereto any plea and make any defence which he would have been able to plead or make, had the action been founded on the original consideration, or cause of action, instead of on the Judgment.

CHAPTER 7.

An Act to amend an Act for the management of the Hospital for the Insane.

(Passed the 15th day of April, A. D. 1861.)

SECTION.

1. Management vested in Board of Works.
2. Subject to instruction, &c., of Governor in Council.
3. Visitors ex officio.
4. Acts of Board since resignation of Commissioner, valid.

SECTION.

5. In proceedings under cap. 41, acts '59, the Chief Commissioner of the Board of Works, to be substituted for Commissioners of Hospital.
6. Inconsistent parts of cap. 38 acts 1858 repealed.

Be it enacted by the Governor, Council, and Assembly, as follows:

Management vested in Board of Works.

1. The financial and general management of the Provin-

cial Hospital for the Insane shall hereafter be vested in the Board of Works.

2. The Governor in Council may at any time instruct or restrain the Board whenever it shall be necessary to ensure economy, to enforce discipline, or to protect the inmates of the Asylum. Subject to instruction, &c., of Governor in Council.

3. The undermentioned persons shall be *ex officio* visitors of the Hospital, namely, the Governor, the Chief Justice, the Provincial Secretary, the President of the Legislative Council, the Speaker of the House of Assembly, and the heads or authorized representatives of all the Christian Churches in this Province. Visitors, ex-officio.

4. All acts of the Board of Works, within the scope of the authority hereby conferred, done since the resignation of the Commissioners of the Hospital, shall have the same force and validity as if done under this act. Acts of Board since resignation of Commissioners valid.

5. For the purpose of any proceedings to be taken under chapter 41 of the acts of 1859, or for any purpose connected with proceedings already taken thereunder, the Chief Commissioner, for the time being of the Board of Works, shall be considered as substituted for and occupying the place of the Commissioners of the Hospital. In proceeding under cap. 41, acts 59, the chief commissioner of Board of Works to be substituted for commissioners of Hospital.

6. So much of chapter 38 of the acts of 1858, entitled, "An Act for the management of the Hospital for the Insane," as may be inconsistent with the provisions of this act, is hereby repealed. Inconsistent parts of cap. 38, acts 1858, repealed.

CHAPTER 8.

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

(Passed the 15th day of April, A. D. 1861.)

SECTION.

1. Proceeding of Sessions to lay out or alter roads.
2. Proceedings of parties appointed by Sessions. Agreement. Report, &c.
3. Appraisement. Mode of conducting, &c.
4. Returns to be posted up.

SECTION.

5. To be decided upon at next Sessions.
6. Powers of appraisers, &c.
7. Powers of freeholders under sec. 11 of amended act transferred to persons laying road.
8. Laying out of private roads.
9. Sections amended and repealed:

Be it enacted by the Governor, Council, and Assembly, as follows:

1. Twenty or more Freeholders of the County may petition the Sessions for the making of a new road, or the alteration of an old one; and the Sessions, if satisfied of the propriety thereof, shall order a precept to be directed to one or more competent persons, directing them within a convenient time, to examine into the propriety of the desired new road or alteration, and if satisfied thereof, to lay out and mark.

Proceeding Sessions to lay out or alter roads.

the same in the way most advantageous to the public, and least prejudicial to the proprietors of lands, through which the same shall pass.

Proceedings of parties appointed by Sessions. Agreement. Report, &c.

2. The persons so appointed shall examine into the propriety of such road, and if by them deemed unnecessary, shall report the same to the Sessions, and if deemed for the public benefit, may lay out and mark the same, and may make an agreement in writing with the proprietors of the lands through which the same shall run, which agreement shall state the length of the road, and the amount agreed on for damages to soil, improvements, and costs of fencing respectively and shall have a plan annexed of the roads and lands through which it shall run, to be filed with the Clerk of the Peace, with a full return of proceedings thereon, to be laid before the Sessions.

Appraisal: mode of conducting, &c.

3. Where no agreement shall be made, one appraiser shall be appointed by the Custos of the County, another by the owner of the lands, and, on their default after three days' notice, by the person who shall have laid out the road,—who in any case shall appoint a third, and the three appraisers shall be sworn before a Justice of the Peace, to the faithful discharge of their duty, and shall enter upon the lands and appraise the damages to the owners for soil, improvements, and fencing, respectively, which appraisement shall be reduced to writing, and shall be returned to the Clerk of the Peace, accompanied by a plan and admeasurement of the roads, to be laid before the Sessions.

Returns to be posted up.

4. The Clerk of the Peace shall post notices, containing the substance of such returns, in at least six places of public resort in the County or Township, and also near the contemplated new road or alteration, for the space of thirty days previous to the next Session.

To be decided upon at next Session.

5. At the next Sessions the proceedings shall be considered, and objections, if any, heard thereto, and the Sessions shall then confirm or disallow the proceedings; and if confirmed, they shall be recorded.

Powers of appraisers, &c.

6. The persons laying out the road, if they shall agree with the proprietors or otherwise, the appraisers shall have the same powers as are conferred by Section 7 of the Act hereby amended upon freeholders, touching the apportionment of old roads.

Powers of freeholders under sec. 11 of amended act transferred to persons laying road

7. The powers conferred upon three freeholders by Section 11 of the act hereby amended, to establish the width of roads, are hereby transferred to such persons as may be appointed to lay out roads under this act.

Laying out of private roads.

8. The Sessions may order the laying out of a private way, either open or pent, in the same manner as above prescribed, except that the application for such road need not be by twenty freeholders; and the damages shall form a

county charge, or shall be borne by the applicants, as the court in confirmation may order.

9. Sections 2, 3, 5, 6, and 14, of the chapter hereby amended, and also any other provisions of such chapter which may be inconsistent with this act, are hereby repealed. Sects. amended and repealed.

CHAPTER 9.

An Act to amend Chapter 46 of the Revised Statutes, "Of County Assessments."

(Passed the 15th day of April, A. D. 1861.)

SECTION.

SECTION.

1. Parts of cap. 46, Revised Statutes, not repealed, revived.
2. Salary of Treasurer. If none fixed.
3. Sessions may distribute certain amounts. May appoint commissioners and authorize a loan.
4. Divisions of electoral districts to be followed, &c.
5. Poor rate of district—how made out, &c.
6. If assessor refuse to act.
7. In case assessment not proceeded with in period limited.
8. Penalty for assessor refusing, &c.—How recovered.

9. Distress warrant—return of, &c.
10. Proceedings if constable cannot find goods.
11. Where amount exceeds \$200.
12. Collectors to give sureties.
13. Amount amerced by Supreme Court to be assessed and collected by county officers.
14. Penalty for refusal, &c.
15. In case of refusal Court may appoint person in his stead. His powers.
16. Cap. 45, acts '59; cap. 21, acts '60; cap. 22, acts '60; sec. 5 and 24 of amended chapter, repealed.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. Any portion of chapter 46 of the Revised Statutes, "Of County Assessments," which may have been repealed by any act hereby repealed, shall be revived, and continue and be in force, except as altered and amended by this act. Parts of cap. 46, Rev. Stat., not repealed, revived.

2. The salary of the County Treasurer may be fixed by the Grand Jury and Sessions, like that of other County officers. In case no provision is made therefor, he shall be allowed one and a half per cent. on all monies received by him for railway damages, and five per cent. on other monies, as now by law established. Salary of treasurer. If none fixed.

3. The Sessions may make an order for distributing over any period, not exceeding four years, any amount presented for assessment, under section 3rd of the chapter hereby amended, or any sum presented for assessment for building or repairing a Court House or Jail for the County or District, and may appoint commissioners for expending the same, and may authorize such commissioners to borrow such amount upon the most favorable terms; and any money borrowed under this act shall be a County or District charge, and bear interest till paid. Sessions may distribute certain amounts. 5
May appoint commissioners and authorize loan.

Divisions of Electoral districts to be followed, &c. ✓

4. The assessors, in making up the assessment roll, shall follow the divisions of electoral districts, and shall arrange separately, in alphabetical order, the names of the rateable inhabitants of each electoral district.

Poor rate of district—how made out, &c. ✓

5. The assessors shall furnish to the Clerks of the Poor District, within their limits, a certified copy of the roll forwarded by them to the Clerk of the Peace for the County; and within thirty days after the receipt thereof, the Clerk of the Poor District shall make out the Poor rate for his District, pursuant to section twenty-five of the chapter hereby amended, and place the same in the hands of the Collector.

If assessor refuse to act. ✓

6. In case any assessor, where appointed, as authorized by law, neglects or refuses to act, his place may be supplied by another, to be appointed at a special sessions to be convened so soon as practicable after such neglect or refusal shall become known to the Custos or Clerk of the Peace.

In case assessment not proceeded with in period limited. ✓

7. If, in consequence of the neglect or refusal to act of any assessor, appointed under the authority of said chapter, the assessment shall not be proceeded with, within the period directed by section 17 of such chapter, the same shall be proceeded with, within one month after the appointment made under section 4 of this act shall be notified to the party appointed.

Penalty for assessor refusing, &c. ✓

8. Any assessor neglecting or refusing to be sworn into office, or to perform any of the duties belonging to his office, shall forfeit eighty dollars, to be recovered in the same manner as a private debt, before any two Justices of Peace, and shall be sued for by the Clerk of the Peace, and the amount, when recovered, shall be added to the funds of the county.

How recovered. ✓

Distress warrant—return of, &c. ✓

9. The Justice issuing a warrant of distress against defaulters, under section 49 of the chapter hereby amended, shall specify therein when the same shall be returnable, and the constable shall return the same within the specified time, under a penalty of twenty dollars, to be collected and applied as in last clause.

Proceedings if constable can not find goods. ✓

10. If the constable is unable to find goods sufficient to satisfy the warrant, in respect of any parties named in the warrant, he shall make a return to that effect, and the Justice shall thereupon issue a separate or general warrant, as may be necessary, to include costs and fees thereon, directing the constable to take the body or bodies of one or more of the defaulters and commit to jail, as under an ordinary execution; and parties so committed shall be entitled to all the privileges of debtors imprisoned under execution.

Where amount exceeds \$200. ✓

11. Where the amount to be collected, under any warrant of distress or commitment, exceeds two hundred dollars, the same may be directed to and executed by the Sheriff, who shall execute the same, and his fees thereon shall be the same as those of a constable. Sections 80 and 81 of the chapter hereby amended are extended to the whole Province.

Secs. 80 and 81 extended. ✓

12. Collectors of Poor and County rates shall be required to give sureties to the amount of the rates bills placed in their hands for collection.

Collectors to give sureties.

2

13. Where the Supreme Court has power by any act to amerce a County, District, or Township, an order of the Court specifying the amount to be amerced and the purpose thereof, when served upon the Clerk of the Peace, shall render it the duty of the Clerk, and of every other County, District, and Township officer connected with the assessment and collection of rates, to proceed in respect to the assessment levy and collection of the sum to be amerced, together with the costs of the rule when ordered and taxed, in like manner as if the same had been presented by the Grand Jury and Sessions in the usual course.

Am't amerced by Sup. Court to be assessed and collected by County officers.

56 ✓

14. Any County, District, or Township officer, neglecting or refusing to perform any duty devolving upon him under this act, may be proceeded against and punished as for a contempt of Court, and shall also be liable to any fine or penalty imposed upon such officer, for neglect of duty, under the chapter hereby amended.

Penalty for refusal, &c.

57 ✓

15. The Supreme Court, in case of the neglect or refusal of any such Clerk, or other County, District, or Township officer, to perform any duty devolving upon him, under this act, shall have power to name a person to discharge such duty in the place of the officer so neglecting or refusing; and the person so appointed shall have all the powers, rights and authorities, and be subject to all the liabilities of the officer in whose room he is appointed.

In case of refusal Court may appoint person in his stead.

✓ 58

His powers.

16. The following acts and clauses of acts are hereby repealed:

Cap. 45, acts '59; cap. 21, acts '60; cap. 22, acts '60; sects. 5 and 24, amended cap., repealed.

Chapter 45 of the acts of 1859, entitled, An Act further to enforce assessments.

Chapter 21 of the acts of 1860, entitled, An Act to amend chapter 46 of the Revised Statutes, "Of County Assessments."

Chapter 22 of the acts of 1860, entitled, An Act to extend the operation of chapter 46 of the Revised Statutes, "Of County Assessments."

Sections 5 and 24 of chapter hereby amended.

CHAPTER 10.

An Act to vest in the Commissioners of Crown Lands the Inspection of Mines.

(Passed the 15th day of April, A. D. 1861.)

SECTION.

1. Duties of Inspector to devolve upon Commissioner of Crown Lands.

SECTION.

2. Salary abolished.
3. Inconsistent parts of cap. 33, acts '58, repealed

Whereas, the salary attached to the office of Inspector of Preamble.

Mines, and the travelling fees allowed to that officer, involve a large expenditure without any corresponding benefit to the public interests :

And, whereas, the duties of that office may be discharged with equal efficiency, and at less expense by the Commissioner of Crown lands :

Be it therefore enacted by the Governor, Council, and Assembly, as follows :

Duties of Inspector to devolve upon Commissioner of Crown Lands.

Salary abolished.

Inconsistent parts of cap. 33, acts 1858, repealed.

1. Hereafter the duties of the office of Inspector of Mines shall devolve upon and be exercised by the Commissioner of Crown Lands.

2. The salary attached to the office of Inspector of Mines is hereby abolished.

3. So much of chapter thirty-three of the acts of 1858, entitled, "An act for regulating the office of Inspector of Mines in this Province," as is inconsistent with this act, is hereby repealed.

CHAPTER 11.

An Act to authorize the Imposition of a Tax upon Dogs.

(Passed the 15th day of April, A. D. 1861.)

SECTION.

1. Sessions may make and publish regulations.

SECTION.

2. Chasing sheep.
3. Penalty.

Be it enacted by the Governor, Council, and Assembly, as follows :

Sessions may make and publish regulations.

1. The Sessions, upon the recommendation of the Grand Jury, may make regulations relative to the taxation of dogs, and may fix the amount to be paid annually by owners of dogs ; and such regulations shall be published throughout the County for thirty days before they shall come into operation.

Chasing Sheep.

2. Dogs found chasing or worrying sheep may be killed, and the owners of such dogs shall have no right of action against the persons killing the same.

Penalty.

3. The owners of dogs that have been found chasing or worrying sheep shall be liable to a penalty not exceeding twelve dollars, if, on being notified of the fact, they continue to allow such dogs to go at large.

CHAPTER 12.

An Act to amend Chapter 136 of the Revised Statutes, "Of Juries."

(Passed the 15th day of April, A. D. 1861.)

SECTION.

- 1. 2nd Panel—how drawn, summoned, &c., for next sittings.
- 2. How drawn, summoned, &c. hereafter.

SECTION.

- 3. Penalties for non-attendance.
- 4. Civil and criminal causes to be tried at same time.

Whereas it is intended at the next and subsequent sittings of the Supreme Court at Halifax to try civil and criminal causes at the same time in the two Court Rooms of the new Court House, and for that purpose distinct panels of Jurors will be required to be drawn. Preamble.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. Immediately after the passing of this act, the Prothonotary at Halifax shall, in the presence of two of the Judges, draw from the petit jury box a number of names to form a second panel of thirty-six petit jurors, for the trial of criminal causes at the ensuing April sittings in Halifax, and setting aside the names of all those who shall have served either as grand or petit jurors, within two years then next preceding, or who shall then be serving or drawn as grand jurors, or have been drawn as petit jurors for such April sittings, shall prepare a list containing the names of those first drawn, and have the same signed by one of the Judges, and shall issue a writ of venire facias, for the summoning thereof, and deliver the same to the Sheriff, at least five days before such sittings. And the Sheriff shall cause such jurors to be summoned at least four days before the time appointed for their attendance. 2nd panel—how drawn—summoned, &c., for next sittings.

2. At each term of the Supreme Court at Halifax, the Prothonotary shall hereafter, in open court, draw from the petit jury box a number of names, to form a second panel of thirty-six petit jurors, for the trial of criminal causes at the then ensuing sittings. And the same course shall be pursued in preparing and signing the lists thereof, and in issuing and delivering writs of venire facias therefor, and in summoning such jurors as is now in force with respect to other petit jurors, under the 28th section of the chapter hereby amended. How drawn—summoned, &c., hereafter.

3. All jurors required to attend such sittings, under this act, shall be subject to the penalties for non-attendance now by law established. Penalties for non-attendance.

4. It shall be in the discretion of the Judges, or any two of them, to try criminal and civil causes at the same time in Civil and criminal causes to be tried at same time.

Halifax, and the Judge presiding at such criminal trials shall have all the power and authority heretofore exercised by a Judge at the sittings of the Supreme Court.

CHAPTER 13.

An Act to amend Chapter 70 of the Revised Statutes, "Of Railroads."

(Passed the 15th day of April, A. D. 1861.)

SECTION.

1. Management, &c., to be under charge of Commissioners. Number — appointment, &c. Act not to authorize extension of railways.
2. Sec. 4, cap. amended, repealed.
3. Mode of procedure against parties for trespassing on property of railway department. Penalty, &c.
4. Mode of procedure against parties for stealing or maliciously injuring

SECTION.

- property of department. Where value is under \$200.
5. Proceedings to be in name of the Queen.
 6. Acts of present Commissioner to be valid. Proviso.
 7. Certificate under sec. 8 of amended chapter not necessary until extension of railways. Payments made without, confirmed.

Be it enacted by the Governor, Council, and Assembly, as follows :

Management, &c., to be under charge of Commissioners.
Number—appointment, &c.

Act not to authorize extension of railways.

Sec. 4. cap. amended, repealed

Mode of procedure against parties for trespassing on property of railway department.

Penalty, &c.

Mode of procedure against parties for stealing or maliciously injuring property of department.

1. The construction and management of Railways in this province shall be under the charge of one or more Commissioners, not exceeding three, appointed or to be appointed by the Governor in Council, who shall hold office during pleasure; but not more than one of such Commissioners shall at any time hold a seat in one branch of the Legislature, provided that this act shall not be construed to authorize the further extension of Railways, unless by concurrence of the Legislature, passed by act or joint resolution.

2. Section four of the chapter hereby amended is repealed.

3. If any person shall wrongfully open, or break open, any gate or fence along the line of Railway, or shall commit any trespass upon the lands appropriated for Railway purposes, or upon any of the machinery, goods, chattels, firewood, sleepers, or other property, real or personal, belonging to the Railway department, he shall be liable to be proceeded against in a summary way, in the name of her Majesty the Queen; and upon summons and conviction before one or more Justices of the Peace, or a Judge of the Supreme Court, according to the amount of damages claimed, he may, in cases before a Judge of the Supreme Court, in addition to every actual damage proven, be fined or imprisoned, or both, as the Judge may order.

4. When any person shall be guilty of stealing any personal property belonging to the Railway department, or of maliciously injuring the same, the title of such property may

be laid in the Queen, and the party stealing or injuring the same may be proceeded against and punished, as in cases where such property were laid and proved to be that of a private individual, and where the value of the property stolen or damaged is laid at a value of two hundred dollars or under, the party charged may, upon a summary information, be arraigned and tried by a Judge of the Supreme Court, without a jury; but such Judge shall, on application of the party charged, order a trial by indictment and jury, and the party convicted may be fined or imprisoned, or both, as such Judge may order and determine.

Where value is under \$200.

5. In all criminal proceedings under this act, or under the chapter hereby amended, and in all civil proceedings touching real or personal property, purchased for or belonging to the Railway department, the proceedings may be in the name of and the property described as belonging to her Majesty the Queen.

Proceedings to be in name of the Queen.

6. All acts done by the present Chief Commissioner of Railways, and all contracts entered into by him, shall have the same force and validity as if this act had been in operation at the date of his appointment, provided that nothing herein contained shall affect private rights unconnected with contracts, made by or with the Chief Commissioner of the Railway Board.

Acts of present Commissioner to be valid.

Proviso.

7. Until the extension of the Railway works beyond their present limits is commenced, the certificate required by section eight of the chapter hereby amended shall not be necessary, and all payments heretofore made without such certificate are confirmed.

Certificate under sec. 3 of amended cap. not necessary until extension of railways. Payments made without, confirmed.

CHAPTER 14.

An Act relative to certain payments made from the Public Treasury.

(Passed the 15th day of April, A. D. 1861.)

SECTION 1.—Advances made by Receiver General during past year sanctioned.

Be it enacted by the Governor, Council, and Assembly, as follows :

The advance made by the Receiver General from the public treasury during the past year, of the sum of twenty-five thousand four hundred and sixty-three dollars and fifty cents, for certain miscellaneous services, is hereby sanctioned and made valid; and no action or prosecution shall be brought or instituted against the Receiver General, or any other person, in respect of such advance having been made.

Advances made by Receiver General during past year sanctioned.

CHAPTER 15.

An Act to continue the Act to authorize a Provincial Loan.
(Passed the 15th day of April, A. D. 1861.)

SECTION 1.—Act continued.

Be it enacted by the Governor, Council, and Assembly, as follows :

Act continued.

1. Chapter three of the acts of 1858, entitled, An Act to authorize a Provincial Loan, is continued for one year, and from thence to the end of the then next Session of the General Assembly.

CHAPTER 16.

An Act to continue and amend the Law regulating Customs Duties.

(Passed the 28th day of March, A. D. 1861.)

SECTION.

1. Cap 1 acts 1860 continued.

SECTION.

2. Duty on iron knees.

Be it enacted by the Governor, Council, and Assembly, as follows :

Cap. acts 1860, continued.

1. Chapter one of the acts of 1860, entitled, "An Act to regulate Customs Duties," with the exception hereinafter mentioned, is continued until the first day of April, in the year one thousand eight hundred and sixty-two.

Duty on iron knees.

2. Iron knees for ships, shall hereafter be subject to a duty of five per cent.

CHAPTER 17.

An Act to amend Chapter 29 of the Revised Statutes, "Of the Militia."

(Passed the 15th day of April, A. D. 1861.)

SECTION.

1. Provisions of cap 29 rev. stat., not inconsistent with circumstances of volunteers, to apply to them.
2. Classes. Qualification of effectives.
3. Commanding officer to furnish list of effectives to clerk of the peace. Effective entitled to certificate exempting him from statute labor.

SECTION.

4. Exemptions to extend to officers, but not to non-effectives or hon. members.
5. Corps may make bye-laws, &c. To be approved of by the commander-in-chief.
6. Fines, dues, &c., may be sued for. Action to be brought before end of year.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. So many of the provisions of chapter 29 of the Revised Statutes, "Of the Militia," as are not inconsistent with and inapplicable to the circumstances of Volunteers, shall apply to Volunteer Corps, whether organised as Militia Volunteers or as independent Volunteer Companies.

Provisions of cap. 29 rev. stat., not inconsistent with circumstances of volunteers, to apply to them.

2. Members of all Volunteer Corps shall be divided into three classes—effectives, non-effectives, and honorary members—the qualifications to constitute effectives shall be prescribed by the Commander-in-Chief.

Classes.

Qualification of effectives.

3. The commanding officer of each Volunteer Corps shall yearly, on or before the fifteenth day of April, furnish the Clerk of the Peace of his County with a list of the effectives of his company, and each effective shall, on application to the Clerk, receive a certificate of his being on such list, which certificate shall, on being produced to the Surveyor of Highways, or Commissioner of Streets, entitle the party to the exemptions contained in the 22nd section of chapter 29 of the Revised Statutes, or in any other statute exempting Volunteers from highway labor.

Commanding officer to furnish list of effectives to clerk of the peace.

Effective entitled to certificate exempting him from statute labor.

4. The exemptions from highway labor, extended by any act to Volunteers, shall include the non-commissioned and commissioned officers; but no non-effective or honorary member of a Volunteer Corps shall be entitled to exemption under such chapter, or under any other provincial statute.

Exemptions to extend to officers, but not to non-effectives or hon. members.

5. Any Volunteer Corps may make such bye-laws for the regulation, discipline, and management of its members, as they may think proper, and may impose fines for the breach of such bye-laws; but no such bye-laws shall be of any force or validity until sanctioned and approved by the Commander-in-Chief.

Corps may make bye-laws, &c.

To be approved by the commander-in-chief.

6. Fines imposed under any bye-law, and dues and liabilities incurred by any member of a Volunteer Corps, under the rules and bye-laws of such Corps, may be sued for in the name of the Commanding Officer of the Corps, as a private debt, before any two Justices, or before the Supreme Court, according to the amount claimed; but any actions for the recovery of any dues or fines incurred, or accruing in any year, shall be brought or commenced on or before the thirty-first day of December in such year.

Fines, dues, &c., may be sued for.

Action to be brought before end of year.

CHAPTER 18.

An Act relating to the Registry of Grants.

(Passed the 23th day of March, A. D. 1861.)

SECTION.

1. Custody of books transferred to Com. Crown Lands.

SECTION.

2. Copies certified by Commissioner and his deputy to be received in evidence.

3. Fees.

Be it enacted by the Governor, Council, and Assembly, as follows:

Custody of books transferred to Com. Crown Lands.

Copies certified by Commissioner and his deputy, to be received in evidence.

Fees.

1. The custody of the Registry Books of Grants and allotments of land shall be transferred to the Commissioner of Crown Lands.

2. Copies of any grant of land, certified by the Commissioner of Crown Lands, or his deputy, shall be received as evidence.

3. The fees heretofore payable at the Provincial Secretary's office, for copies of grants, or on searches for the same, shall be received by the Commissioner of Crown Lands, and paid into the Provincial Treasury.

CHAPTER 19.

An Act to prevent Corrupt Practices at Elections.

(Passed the 15th day of April, A. D. 1861.)

SECTION.

1. Expenses for entertainment, &c., not recoverable from candidate or his agent.
2. Penalty for candidate furnishing intoxicating liquors.
3. Persons deemed guilty of bribery. Any person giving, promising, &c., money, or valuable consideration, to voter or other person, to induce voter to vote, or refrain from voting. Any person giving, promising, &c., office or employment to voter or other person, to induce voter to vote, or refrain from voting. Any person making gift, loan, offer, &c., to any one, to induce him to procure return of candidate or vote. Person promising to procure return, or vote in consequence of gift, &c. Person advancing or repaying money, to be used, or already expended, in bribery. Penalty. Proviso.
4. Other persons guilty. Voter receiving or agreeing to receive money, &c., for voting or refusing to vote.

SECTION.

- Person, after election, receiving money, &c., on account of person having voted or refrained from voting. Penalty.
5. Penalty for using violence to, intimidating, or interfering with voters.
 6. Penalties—how recovered.
 7. Court may order payment of costs of prosecution.
 8. Clause to be added to notice under sec. 4, cap. 7, Rev. Stat.
 9. Defendant entitled to his costs if judgment in his favor.
 10. Prosecutor must enter into recognizance or not be entitled to costs.
 11. Limitation of actions.
 12. Parties competent and compellable to give evidence. Proviso.
 13. Seat of candidate guilty of bribery, &c., vacated.
 14. Form of action, &c.
 15. Cap. 6, Rev. Stat. 2d sec. repealed.
 16. Title of act.
 17. Meaning of words, &c., used in act.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. No person shall recover from a Candidate or his agents, for entertainment furnished at the request of any of them, to other persons at an election; and if upon trial, it shall appear that any part of the plaintiff's claim is for entertainment so furnished, he shall be nonsuited.

2. If a candidate, during an election, shall furnish, or willingly permit to be furnished, to an elector, or person claiming to be an elector, any intoxicating liquors, he shall forfeit four hundred dollars.

Expenses for entertainment, &c., not recoverable from candidate or his agent.

Penalty for candidate furnishing intoxicating liquor.

3. The following persons shall be deemed guilty of bribery, and shall be punishable accordingly:—

Persons deemed guilty of bribery.

I. Every person who shall, directly or indirectly, by himself, or by any other person on his behalf, give, lend, or agree to give or lend, or shall offer, promise, or promise to procure, or to endeavour to procure, any money, or valuable consideration, to or for any voter, or to or for any person on behalf of any voter, or to or for any other person in order to induce any voter to vote, or refrain from voting, or shall corruptly do any such act as aforesaid, on account of such voter having voted or refrained from voting at any election.

Any person giving, promising, &c., money or valuable consideration to voter or other person to induce voter to vote, or refrain from voting.

II. Every person who shall, directly or indirectly, by himself, or by any other person on his behalf, give or procure, or agree to give or procure, or offer, promise, or promise to procure, or to endeavour to procure, any office, place, or employment to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, in order to induce such voter to vote or refrain from voting, or shall corruptly do any such act as aforesaid, on account of any voter having voted or refrained from voting at any election.

Any person giving, promising, &c., office or employment to voters, or other person, to induce voter to vote or refrain from voting.

III. Every person who shall, directly or indirectly, by himself, or by any other person on his behalf, make any such gift, loan, offer, promise, procurement, or agreement as aforesaid, to or for any person, in order to induce such person to procure, or endeavour to procure, the return of any person to serve in General Assembly, or the vote of any voter at any election.

Any person making gift, loan, offer, &c., to any one to induce him to procure return of candidate, or vote.

IV. Every person who shall, upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procure or engage, promise, or endeavour to procure the return of any person to serve in General Assembly, or the vote of any voter at any election.

Person promising to procure return or vote in consequence of gift, &c.

V. Every person who shall advance or pay, or cause to be paid, any money to or to the use of any other person, with the intent that such money, or any part thereof, shall be expended in bribery at any election, or who shall knowingly pay or cause to be paid, any money to any person in discharge or repayment of any money, wholly or in part expended in bribery at any election.

Person advancing or repaying money to be used or already expended in bribery.

And any person so offending shall be guilty of a misdemeanor, and shall also be liable to forfeit the sum of four hundred dollars to any person who shall sue for the same, together with full costs of suit; provided always, that the aforesaid enactment shall not extend, or be construed to extend, to any money paid or agreed to be paid for, or on account of any legal expenses *bona fide* incurred at or concerning any election.

Penalty.

Proviso.

4. The following persons shall also be deemed guilty of bribery, and shall be punishable accordingly.

Other persons guilty.

Voter receiving or agreeing to receive money, &c., for voting or refraining to vote.

I. Every voter who shall, before or during any election, directly or indirectly, by himself or by any other person on his behalf, receive, agree, or contract for any money, gift, loan, or valuable consideration, office, place or employment, for himself, or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting, at any election.

Person after election receiving money, &c., on account of person having voted or refrained from voting.

II. Every person who shall, after an election, directly or indirectly, by himself or by any other person on his behalf, receive any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or to refrain from voting at any election.

Penalty.

And any person so offending shall be guilty of a misdemeanor, and shall also be liable to forfeit the sum of forty dollars to any person who shall sue for the same, together with costs of suit.

Penalty for using violence to, intimidating, or interfering with voters.

5. Every person who shall, directly or indirectly, by himself, or by any other person on his behalf, make use of, or threaten to make use of, any force, violence, or restraint, or inflict, or threaten the infliction, by himself or by or through any other person, of any injury, damage, harm, or loss, or in any other manner practice intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting, at any election, or who shall by abduction, duress, or any fraudulent device or contrivance, impede, prevent, or otherwise interfere with the free exercise of the franchise of any voter, or shall thereby compel, induce, or prevail upon any voter, either to give or refrain from giving his vote at any election shall be deemed to have committed the offence of undue influence, and shall be guilty of a misdemeanor, and shall also be liable to forfeit the sum of two hundred dollars to any person who shall sue for the same, together with the costs of suit.

Penalties—how recovered.

6. The pecuniary penalties hereby imposed for the offences of bribery or undue influence respectively, shall be recoverable by action or suit in the Supreme Court by any person who shall sue for the same.

Court may order payment of costs of prosecution.

7. It shall be lawful for the court, in cases of prosecution for any offence against the provisions of this act, to order payment to the prosecutor of such costs and expenses as to the court shall appear to have been reasonably incurred in and about the conduct of such prosecutions.

Clause to be added to notice under sec. 4. cap. 7, rev. stat.

8. For the more effectual observance of this act, every Sheriff shall, in addition to, and at the foot of the notice, prescribed by the fourth section of chapter seven of the Revised Statutes, add the clause contained in schedule A hereto annexed.

9. In case of any indictment or information by a private prosecutor for any offence against the provisions of this act, if judgment shall be given for the defendant, he shall be entitled to recover from the prosecutor the costs, to be taxed by the Court, sustained by the defendant by reason of such indictment or information.

Defendant entitled to his costs if judgment in his favor.

10. It shall not be lawful for the Court to order payment of the costs of a prosecution for any offence against the provisions of this act, unless the prosecutor shall, before or upon the finding of the indictment or the granting of the information, enter into a recognizance, with two sufficient sureties, in the sum of five hundred dollars, with the conditions following, that is to say, that the prosecutor shall conduct the prosecution with effect, and shall pay to the defendant or defendants, in case he or they shall be acquitted, his or their costs.

Prosecutor must enter into recognizance or not be entitled to cost.

11. No person shall be liable to any penalty or forfeiture hereby enacted or imposed, unless some prosecution, action, or suit for the offence committed shall be commenced against such person within the space of six months next after such offence against this act shall be committed, and unless such person shall be summoned or otherwise served with writ or process within the same space of time, so as such summons or service of writ or process shall not be prevented by such person absconding or concealing himself, or withdrawing from the Province; and in case of any such prosecution, suit, or process as aforesaid, the same shall be proceeded with and carried on without any wilful delay.

Limitation of actions.

12. On the trial of any action for recovery of any pecuniary penalty under this act, the parties to such action, and the husbands and wives of such parties respectively, shall be competent and compellable to give evidence in the same manner as parties, and their husbands and wives are competent and compellable to give evidence in actions and suits under chapter one hundred and thirty-five of the Revised Statutes, but subject to and with the exceptions contained in such chapter; provided always, that any such evidence shall not thereafter be used in any indictment or criminal proceeding under this act against the party giving it.

Parties competent and compellable to give evidence.

Proviso.

13. If any candidate at an election for any county or district shall be declared by the report of any election committee guilty, by himself or his agents, of bribery, or undue influence at such election, the seat of such candidate shall, by such report, be forthwith vacated.

Seat of candidate guilty of bribery, &c., vacated.

14. In an action for recovery of a forfeiture under this chapter, it shall suffice for the plaintiff to declare that the defendant is indebted to him in the amount of the forfeiture, and to allege the particular offence for which the action is

Form of action, &c.

brought, and that the defendant hath acted therein contrary to this act, without mentioning the writ for holding the election or the return thereof.

Cap. 6, rev. stat.
2d sec. repealed

15. Chapter Six of the Revised Statutes (Second series) is repealed.

Title of act.

16. In citing this act it shall be sufficient to use the expression, "The Corrupt Practices Prevention Act, 1861."

Meaning of
words, &c., used
in act.

17. Throughout this act, in the construction thereof, except there be something in the subject or context repugnant to such construction, the word "County" shall extend to and mean any county, township, district, or division of a county or district, respectively, returning a member or members to serve in General Assembly; and the word, "Election," shall mean the election of any member or members to serve in the Assembly; and the word "Voter," shall mean any person who has or claims to have a right to vote in the election of a member or members to serve in the Assembly; and the words, "Candidate at an election," shall include all persons elected as members to serve in the Assembly at such election, and all persons nominated as candidates, or who shall have declared themselves candidates at or before such election.

SCHEDULE A.

Take notice, that all persons who are guilty of bribery, or undue influence at the said election, will, on conviction of such offence, be liable to the penalties mentioned in that behalf in "The Corrupt Practices Prevention Act, 1861."

[Signature of the proper officer.]

CHAPTER 20.

An Act to establish the line between two Polling Districts, and to add a Polling District in the County of Cumberland.

(Passed the 15th day of April, A. D. 1861.)

SECTION.

1. Division between 5 and 8.

SECTION.

2. District No. 12 defined. Polling place.

Be it enacted by the Governor, Council, and Assembly, as follows:

Divisions be-
tween 5 and 3.

1. The division line between Polling Districts numbers five and eight, in the County of Cumberland, shall commence at Wallace River, at the north side of Peter Angevine's farm, run easterly along such farm to its rear line, and thence a course due east to the county line.

District No. 12
defined.

2. The district comprised within the following limits shall be a separate Polling District, to be called number

twelve in that county, that is to say, commencing at the mouth of Mahony's Creek, on the Shore of the Bay of Fundy, and running up the same to the main post road, thence easterly on said road to the nearest division line of the lots, as originally laid out, thence northerly on such division line to the rear line of the same, and thence direct to the two mile brook, thence along the south-western boundary of district number five to the rear line of lot number forty-eight, thence on the south-eastern boundary of district number five to the south-western angle of Franklin Manor, thence southerly to the north-eastern angle of lot number sixty-eight (Vandyke's), thence along the eastern line of the last mentioned lot until it strikes a branch of Ramshead River, thence following that River down to its mouth in the Bay of Fundy, and thence along the shore of the Bay westerly to the place of beginning, and the polling place shall be at or near Charles Hatfield's. Polling place.

CHAPTER 21.

An Act to alter one of the Electoral Districts in the County of Annapolis.

(Passed the 15th day of April, A. D. 1861.)

SECTION 1.—Roxbury Settlement to be a part of No. 12. Boundaries of Settlement.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. Hereafter the Settlement known as Roxbury, in the County of Annapolis, shall be deemed a part of electoral district number twelve; and hereafter voters residing therein shall record their votes in district number twelve, instead of in district number fifteen, as heretofore, and shall be assessed for and pay their poor and county rates in district number twelve; the district so to be annexed to district number twelve being situate south of the base line of the Township of Annapolis, bounded westerly by the base line of Roxbury Settlement, southwardly by Paradise Lake, eastwardly by the base line of the lots of land in such settlement, and northwardly by the base line of the Township of Annapolis.

Roxbury Settlement to be part of No. 12.

Boundaries of settlement.

CHAPTER 22.

An Act to establish an additional Polling District in the County of Lunenburg.

(Passed the 15th day of April, A. D. 1861.)

SECTION 1.—Boundaries. Polling place.

Be it enacted by the Governor, Council, and Assembly, as follows:

Boundaries.

1. The district comprised within the following limits shall be a separate Polling District in the County of Lunenburg, that is to say, commencing at Deep Cove, thence skirting the Aspotogan Mountain to Aspotogan Cove, in a north-easterly direction, to and including north-west Cove, and including all the remaining parts of this headland to the southward, namely, South West Cove, Coleman's Cove, Aspotogan Cove, Sandy Beaches, and Blandford, including Ironbound Island and other Islands, near the district, to the place of beginning; and the polling place shall be at or near the present School House at Sandy Beaches in Blandford.

Polling place.

CHAPTER 23.

An Act relating to Public Records.

(Passed the 28th day of March, A. D. 1861.)

SECTION.

1. Vested in her Majesty.
2. Parties taking or retaining them may be proceeded against.
3. Mode of procedure.

SECTION.

4. Order to be in discretion of court or judge. Costs.
5. Appeal.

Be it enacted by the Governor, Council, and Assembly, as follows :

Vested in Her Majesty.

1. The books, papers, and records, of all public offices, Provincial and County, are hereby vested in her Majesty the Queen, and her successors.

Parties taking or retaining them may be proceeded against.

2. If any person shall wrongfully take, withhold, or retain possession of any public document, book, record, writing, or other paper, he may be proceeded against for the recovery of the same in a summary manner.

Mode of procedure.

3. Upon grounds laid by affidavit before the Supreme Court, or any Judge thereof, an order, at the instance of one of the law officers of the Crown, may issue at the suit of her Majesty, requiring the parties in whose custody such documents, books, records, writings, or other papers, are to be given up to the proper Custodian, or as therein directed.

Order to be in discretion of Court or Judge.

4. It shall be in the discretion of the Court, or Judge granting the same, whether an order absolute, or an order nisi, shall be first granted; and costs shall follow when an order is obtained, unless otherwise directed.

Costs.

Appeal.

5. Any party feeling aggrieved by the order of a single judge, may, upon filing with the Prothonotary in Halifax a bond to her Majesty, in a sum to be named by a judge of the Supreme Court, for security for costs, appeal from the decision of a Judge to the Court at Bar, where the whole matter may be heard and disposed of as such Court may decide.

CHAPTER 24.

An Act to continue the Act to provide for the Organization of a Volunteer Militia force for the defence of this Province.

(Passed the 28th day of March, A. D. 1861.)

SECTION 1.—Cap. 11, act 1860, continued for 2 years.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. Chapter eleven of the acts of 1860, entitled, "An Act to provide for the Organization of a Volunteer Militia Force, for the defence of this Province," is continued for two years, and from thence to the end of the then next Session of the General Assembly.

Cap. 11, act '60, continued for 2 years.

CHAPTER 25.

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

(Passed the 28th day of March A. D. 1861.)

SECTION.

1. Provision of Chapter to extend to road from Liverpool to Annapolis.

SECTION.

2. Description of road from Antigonish to Auld's altered.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. The provisions of chapter 61 of the Revised Statutes, "Of laying out certain Great Roads," shall be extended to the road leading from Liverpool, through Middlefield, South Brookfield, Harmony, Kempt, and Maitland, to Annapolis, and the Governor in Council may assume the charge of such road.

Provisions of chapter to extend to road from Liverpool to Annapolis.

2. The road described in such chapter, as the road from Antigonish to Auld's, at the Gut of Canso, shall be hereafter described as the road from Antigonish to Port Mulgrave, by Auld's and Cape Porcupine.

Description of road from Antigonish to Auld's altered.

CHAPTER 26.

An Act to amend Chapter 90 of the Revised Statutes, "Of Poor Districts," and the Act in amendment thereof.

(Passed the 28th day of March, A. D. 1861.)

SECTION.

1. Poor district No. 1, Co. Pictou, defined.

SECTION.

2. Albion Mines Poor District defined.
3. Section 4 amended.

Be it enacted by the Governor, Council, and Assembly, as follows :

Poor district No. 1, Co. Pictou defined.

Albion Mines Poor district defined.

Section 4 amended.

1. Poor district number one, in the County of Pictou, shall be the same as polling district number one, excepting Pictou Island and Fisher's Grant, which, under chapter 24 of the acts of 1860, are established as separate poor districts.

2. The Albion Mines poor district is hereby declared to comprise a portion of polling district number twelve, and not a portion of polling district number thirteen, as mentioned in section 3 of the act hereby amended.

3. The word "assessors" shall be substituted for "collectors" in section 4 of the act hereby amended.

CHAPTER 27.

An Act to amend Chapter 137 of the Revised Statutes, "Of the Relief of Insolvent Debtors."

(Passed the 28th day of March, A. D. 1861.)

SECTION 1.—Service, &c., of notice when debtor is imprisoned under process from Magistrates' Court, and plaintiff not resident in county.

Be it enacted by the Governor, Council, and Assembly, as follows :

Service, &c., of notice when debtor is imprisoned under process from Magistrates' Court, & plaintiff not resident in county.

1. In cases where the Insolvent Debtor is imprisoned under process issued from the Magistrates' Court, the notice required by the four thsection of the chapter hereby amended may, in cases where the plaintiff is not resident in the county, be served upon the agent at whose instance the process was issued. If there be no agent within the county, and if the plaintiff's place of residence be out of the province or unknown, the notice may be left with the Justice, whose name is first subscribed to the process, and the same shall be considered a service upon the plaintiff; but in such last case the notice shall be left with the Justice, at least ten days before the day named for bringing up the Insolvent Debtor.

CHAPTER 28.

An Act to continue the Laws imposing Light House Duties.

(Passed the 28th day of March, A. D. 1861.)

SECTION 1.—Cap. 21 Rev. Stat., as amended, continued.

Be it enacted by the Governor, Council, and Assembly, as follows :

Cap. 21, rev. stat as amended, continued.

1. Chapter twenty-one of the Revised Statutes, "Of Light House Duties," as amended by chapter twenty-six of the acts of 1859, and as further amended by chapter two, and by chapter nine of the acts of 1860, is hereby continued, together with such amendments respectively, until the first day of April, in the year one thousand eight hundred and sixty-two.

CHAPTER 29.

An Act to amend Chapter 76 of the Revised Statutes, "Of Shipping and Seamen."

(Passed the 15th day of April, A. D. 1861.)

SECTION.

1. Imprisoned seamen may be taken on board to complete voyage.

SECTION.

2. Fees for master's and mate's certificate.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. If any seaman or apprentice is imprisoned on the ground of his having neglected or refused to join, or to proceed to sea, in any ship in which he is engaged to serve, or of having deserted, or otherwise absented himself therefrom, without leave, or of his having committed any other breach of discipline, and if, during such imprisonment, and before his engagement is at an end, his services are required on board his ship, any Justice may, at the request of the master, or of the owner, or his agent, cause such seaman or apprentices to be conveyed on board his said ship, for the purpose of proceeding on the voyage, or to be delivered to the master, or any mate of the ship, or to the owner or his agent, to be by them so conveyed, notwithstanding that the termination of the period for which he was sentenced to imprisonment has not arrived.

Imprison'd seamen may be taken on board to complete voyage.

2. The fee payable for a master's certificate, under section seven of the chapter hereby amended, shall be twelve dollars, and the fee payable for a mate's certificate, under the same section, shall be eight dollars; and so much of such seventh section, as is inconsistent with this act, is repealed.

Fees for masters' and mates' certificate.

CHAPTER 30.

An Act to continue and amend the Laws relating to Education.

(Passed the 15th day of April, A. D. 1861.)

SECTION.

1. Cap. 60, rev. stat. and acts in amendment repealed.

SECTION.

2. Appropriation of grant to Sackville Academy.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. Chapter sixty of the Revised Statutes, "Of Public Instruction," as amended by chapters twelve and twenty-five of the acts of 1859, and also the act 13th Victoria, chapter

Cap. 60, rev stat. & acts in amendment repealed.

thirty-six, entitled, "An Act relating to the Pictou Academy," are hereby respectively continued until the first day of May, in the year one thousand eight hundred and sixty-two.

2. The sum granted in aid of the Academy at Sackville shall be appropriated, one half to the male and one half to the female Academy.

Appropriation
of grant to
Sackville Aca-
demy.

CHAPTER 31.

An Act further to amend Chapter 60 of the Revised Statutes,
"Of Public Instruction."

(Passed the 15th day of April, A. D. 1861.)

SECTION.

1. Application of grant to Annapolis County.

SECTION.

2. Ditto Cape Breton.
3. Sec. 60, cap. amended, repealed.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The sum of four hundred dollars, applicable to the support of Grammar Schools, in the County of Annapolis, shall hereafter be divided equally between the eastern and western School districts, and the Commissioners of the districts shall have power to appropriate the share of the district to the support of one or two Grammar Schools in such localities, within the district, as they shall think proper.

2. The sum of four hundred dollars, granted for Grammar Schools, in the County of Cape Breton, shall hereafter be applied for the support of three Grammar Schools in that County.

3. Section sixty of the chapter hereby amended, and so much of Schedule A annexed thereto, as is inconsistent with this act, is hereby repealed.

Application of
grant to Anna-
polis County.

D. Cape Breton

Sec. 60, cap.
amended re-
pealed.

CHAPTER 32.

An Act to amend the Law regulating the Inspection of
Fish."

(Passed the 15th day of April, A. D. 1861.)

SECTION.

1. Office of Chief Inspector abolished.
2. Inspectors—appointment of, &c.

SECTION.

3. Exported fish need not be inspected.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The office of Chief Inspector of Pickled Fish is hereby abolished.

Office of Chief
Inspector abo-
lished.

2. The General Sessions, or a Special Sessions, in each county, or district, may appoint such Inspectors of Pickled Fish therein as they may deem necessary, to carry out the provisions of chapter 85 of the Revised Statutes; and such Inspectors shall give bonds in the sum of four hundred dollars each, and shall be sworn before the Custos to the faithful discharge of the duties which devolve upon them under such chapter.

Inspectors—appointment of, &c.

3. It shall not be imperative hereafter, on exporters of Pickled Fish, to have the same inspected as now required by section one of chapter 85 of the Revised Statutes; and so much of such chapter as is inconsistent with this act, is hereby repealed.

Exported fish need not be inspected.

CHAPTER 33.

An Act relative to certain Electoral Districts in the County of Inverness.

(Passed the 28th day of March, A. D. 1861.)

SECTION.

1. Polling place, district No. 9.

SECTION.

2. District No. 10 abolished and divided between 11 and 8.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The polling place for district number nine, Young's Bridge, or Fork's District, shall hereafter be at or near the Chapel at the south-west branch of Margaree, instead of at Young's Bridge, as at present.

Polling place—district No. 9.

2. Electoral district number ten, Friar's Head, shall be abolished, and that portion of such district lying to the northward of a line running from the shore at Grushar's Mill at right angles to the shore to the rear line of the present district, shall hereafter be attached to and become a part of the Cheticamp district number eleven; and that portion of such district lying to the southward of that line shall be attached to and become a part of district number eight, mouth of Margaree.

District No. 10 abolished and divid'd between 11 and 8.

CHAPTER 34.

An Act to extend the operation of Chapter 99 of the Revised Statutes, "Of Fires and Firewards."

(Passed the 28th day of March, A. D. 1861.)

SECTION 1.—Provisions of chapter extended to town of Truro.

Be it enacted by the Governor, Council, and Assembly, as follows:

Provisions of
chapter extend-
ed to town of
Truro.

1. The provisions of chapter 99 of the Revised Statutes. "Of Fires and Firewards," and of chapter 8 of the acts of 1859, in amendment thereof, are hereby respectively extended to the town of Truro, in the County of Colchester.

CHAPTER 35.

An Act to prevent the destruction of the smaller kinds of Birds.

(Passed the 15th day of April, A. D. 1861.)

SECTION.

1. Killing, &c., unlawful.

SECTION.

2. Penalty. Recovery of, &c.
3. Exceptions.

Preamble.

Whereas the killing of small birds, which are of little value for food, and are effectual helpers of the farmer and gardener, by destroying injurious insects, is a wanton and prejudicial extinction of life among a most beautiful and useful class of the Creator's works.

Be it therefore enacted by the Governor, Council, and Assembly, as follows :

Killing, &c., un-
lawful.

1. The killing of robins, swallows, sparrows, and other small birds, and birds of song, which frequent the fields and gardens, and the selling and offering for sale, and the having in possession of such birds, when killed, shall hereafter be unlawful.

Penalty.

2. Every person offending against this act, by the killing of any such birds, or the selling, or offering for sale, or having in possession, of the dead bodies of any such birds, shall, for each offence, forfeit one dollar, in addition to the sum of ten cents, for each of such birds killed, sold, offered for sale, or had in possession, to be recovered by any one who will sue for the same, in the same manner as debts of a similar amount are now recoverable, and to be appropriated to the use of the prosecutor.

Recovery of, &c.

Exception.

3. This act shall not apply to birds killed for preservation, as specimens of natural history.

CHAPTER 36.

An Act to amend Chapter 83 of the Revised Statutes, "Of Currency."

(Passed the 28th day of March, A. D. 1861.)

SECTION.

1. Treasury notes to be payable in dollars.
2. Denominations and forms, &c.

SECTION.

3. Inconsistent parts of cap. 83 rev. stat. repealed.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. Treasury notes, issued after the passing of this act, may be expressed to be payable in dollars.

Treasury notes to be payable in dollars.

2. The denominations of such notes, and their form, shall be fixed by the Governor in Council, but no note shall issue for a smaller sum than four dollars.

Denominations and forms, &c.

3. So much of chapter 83 of the Revised Statutes, as is inconsistent with this act, is hereby repealed.

Inconsistent parts of cap. 83, rev. stat. repealed.

CHAPTER 37.

An Act to provide for defraying certain expenses of the Civil Government of this Province.

(Passed the 15th day of April, A. D. 1861.)

SECTION.

1. To be at disposal of Governor. \$29680 civil list. \$36740, officers and contingent expenses of Legislature. \$35745, public works. \$8200 Hx. Poors' Asylum. \$8135, education. \$2160, agriculture. \$120.31, return duties. \$22086, steamboats and ferries. \$40581, col-

SECTION.

- lectors, &c., of revenue. \$4846.90, printing. \$4835, navigation securities. \$1225.86, transient poor. \$1691.66, Indians. \$114100, roads and bridges. \$70000, post office. \$3065.47, miscellaneous \$9000, unforeseen expenses.
2. Mode of payment.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. There shall be granted to his Excellency the Governor the several sums of money hereinafter mentioned, to provide for defraying certain expenses.

To be at disposal of Governor.

A sum not exceeding twenty-nine thousand six hundred and eighty dollars, to defray certain charges on the civil list.

\$29680, civil list. \$36740, officers and contingent expenses of Legislature.

A sum not exceeding thirty-eight thousand seven hundred and forty dollars, to provide for the officers and contingent expenses of the Legislature.

A sum not exceeding eighty-five thousand seven hundred and forty-five dollars, to provide for the expenses of certain public works.

\$85745, public works.

\$8200, Hx Poors' Asylum.

A sum not exceeding eight thousand two hundred dollars, towards providing for the expenses of the Halifax Poor Asylum.

\$8135, education

A sum not exceeding eight thousand one hundred and thirty five dollars, to provide for certain educational purposes.

\$2160, agricultr.

A sum not exceeding two thousand one hundred and sixty dollars, for the encouragement of agriculture.

\$120.31, return duties.

A sum not exceeding one hundred and twenty dollars and thirty-one cents, to pay certain return duties.

\$22086, steamboats and ferries.

A sum not exceeding twenty-two thousand and eighty-six dollars, to provide for certain steamboats, packets, and ferries.

\$40681, collector &c., of revenue.

A sum not exceeding forty thousand five hundred and eighty-one dollars, to defray certain charges for the collection and protection of the revenue.

\$4846.90, printing

A sum not exceeding four thousand eight hundred and forty-six dollars and ninety-cents, to provide for certain amounts due for public printing.

\$4835, navigation securities.

A sum not exceeding four thousand eight hundred and thirty-five dollars, to provide for the expenses of certain navigation securities.

\$1225.86, transient poor.

A sum not exceeding one thousand two hundred and twenty-five dollars and eighty-six cents, to provide for the relief of transient poor.

\$1691.66, Indians

A sum not exceeding one thousand six hundred and ninety-one dollars and sixty-six cents, to provide for the relief of Indians.

\$114100, roads and bridges.

A sum not exceeding one hundred and fourteen thousand one hundred dollars, to provide for great and bye roads of the province and the bridges thereof.

\$70000, post office.

A sum not exceeding seventy thousand dollars, to defray the expenses of the Post Office department for the present year.

\$8065.47, miscellaneous.

A sum not exceeding eight thousand and sixty-five dollars and forty-seven cents, to defray certain miscellaneous charges.

\$3000 unforeseen expenses.

A sum not exceeding nine thousand dollars, to meet unforeseen expenses during the current year.

Mode of payment.

2. The several sums of money aforementioned shall be paid by the Receiver General, by warrant of the Governor in Council, out of monies now in the treasury, or as payment may be made at the same.

LOCAL ACTS.

CHAPTER 38.

An Act relating to the Poor Asylum in the City of Halifax.

(Passed the 28th day of March, A. D. 1861.)

SECTION 1.—Mayor to be Commissioner ex-officio.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. From and after the passing of this act, the Mayor of the City of Halifax shall *ex officio* be one of the Commissioners of the Poor Asylum in that city, and shall have and exercise the powers and privileges conferred on those officers under the act incorporating the City of Halifax.

Mayor to be
Commissioner
ex-officio.

CHAPTER 39.

An Act concerning Streets and Street Expenditure within the City of Halifax.

(Passed the 28th day of March, A. D. 1861.)

SECTION.

SECTION.

1. Caps. 44 and 53, acts 1856, repealed.
2. Funds to be taken from general revenue.
3. Persons liable for poll tax. To become portion of general revenue.
4. Cab and truck licenses—duration of, &c., &c.
5. Balance for street purposes—how raised.
6. Committee of streets—appointment of, &c.—Superintendent.
7. To furnish estimate.
8. Powers, duties, &c.
9. Exemptions from poll tax.
10. Register to be furnished by assessor.
11. Additions to notices under sec. 26th, cap. 43, acts 1860.
12. Poll tax—how collected—paid, &c.
13. Owners of real estate within certain limits to furnish brick and granite for side-walks. Proviso.
14. Commencement in discretion of Committee.

15. In case of refusal, &c., of owner.
16. Stone crossings.
17. City may borrow \$20,000.
18. Loan to be advertised.
19. Majority of Council may extend limits for side-walks.
20. Increase of loan.
21. Certificates for lenders.
22. Re-payment of loan.
23. To be a charge on City property.
24. Internal Health Committee—appointment of, &c.
25. To furnish estimate.
26. Their duties, powers, &c.
27. City Council may make regulation for cleaning City, &c.
28. Health Inspector—duties of, &c.
29. Citizens paying poll tax entitled to vote.
30. Inhabitants may be assessed for \$52,000, in addition to poll tax. Amount may be increased. Proviso.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. Chapters 44 and 53 of the acts of 1856, regarding Streets and Sidewalks, in the City of Halifax, and all other acts inconsistent with the present act, are hereby repealed.

2. After the passing of this act, all sums required for

Cap. 44 and 53,
acts 1856, re-
pealed.

Funds to be taken from general revenue.
Persons liable for poll tax.

Street Service, within the City of Halifax, shall be borne by and taken from the general revenues of the city.

3. In aid of such revenues, every male inhabitant, resident in the City of Halifax, of twenty-one years of age (excepting those who are by the existing laws, or by this act, exempted from the payment of road taxes), shall be subject to, and pay to the city, a poll tax of one dollar and fifty cents, to be collected and paid into the City Treasurer, and become a portion of the general revenues of the city.

To become portion of general revenue.

Cab and truck licenses, duration of, &c.

4. After the passing of this act, no person shall keep, or drive for hire, any carriage, waggon, cab, sleigh, cart, truck, or sled, or other conveyance, without first obtaining a license, for which he shall pay the sum of two dollars and fifty cents; and every such license shall continue in force for one year, and shall entitle such person to keep and drive for hire one horse and no more. Five dollars shall entitle such person to keep two horses, and no more; and for each additional horse above two, he shall pay one dollar, to be collected and paid in the same manner as at present, and under the same penalties for non-compliance with the law.

Balance for street purposes—how raised.

5. The sum which shall hereafter be required for street purposes, within the City of Halifax, over and above the amount produced by the poll tax, shall be raised by an equal rateable assessment on the real and personal estate of the citizens, as at present by law directed for that part of the city revenue raised by assessment, and the sum so raised shall be paid into the City Treasurer, and become part of the general revenues of the city.

Committee of streets—appointment of, &c.

Superintendent

6. After the passing of this act, the streets of the City of Halifax, and the expenditure thereon, shall be placed under the control of a Committee of three Aldermen, to be annually appointed by the City Council, to be called "The Committee of Streets," and the Superintendent of Streets and his assistants, if any, shall be under the directions and control of such Committee.

To furnish estimate.

7. The Committee of Streets shall annually, as soon after their appointment as possible, submit to the City Council their estimate for the expenditure on the Streets and Sewers for the ensuing year, and if approved, the amount shall be granted, and placed at their disposal.

Powers, duties, &c.

8. The Committee of Streets shall have power to make contracts for the supply of labour and materials for streets, and for the use of such horses and carts as shall be required for the purposes of the street service, within the City of Halifax.

Exemption from poll tax.

9. The following inhabitants of the city shall be exempt from personal poll tax, viz.: Military and Naval persons borne upon the strength of the Army or Navy, being in actual service, as men belonging to the Civil departments of

the Army or Navy, who are subject to the articles of war,—the number of exemptions of Civil officers and servants of the Army and Navy to be restricted as heretofore, to the number of forty, to be named by the heads of these departments to the City Clerk annually, when by him required; all acting Firemen, Enginemen, and Axe Firemen, and such as have retired upon the full service required by law, shall also be exempted from personal poll tax; and also the Militia Volunteer Companies, duly organized and certified by the Adjutant General as engaged in drill, are exempted in the terms and under the provisions of the 33 chapter of the acts of 1857.

10. The City Assessor shall prepare a complete and full register of all persons who are liable to pay the poll tax within the city, which register he shall, on the first day of May, in the present year, and on the first day of March, in each subsequent year, submit to the City Council, to be returned to him for his guidance in making up the assessment, if approved by the City Council.

Register to be furnished by assessor.

11. Hereafter there shall be added to the notice directed by the 26th section of the 43 chapter of the acts of 1860, to be served on each person assessed, a column headed "Poll Tax," and the sum one dollar fifty cents shall also be inserted in such column, and the words "Poll Tax" and the words or figures one dollar fifty cents shall be added to the form of statement allowed in the same section, to be furnished under oath by the parties to be rated, and hereafter there shall also be added to the notice issued by the City Treasurer, to each person assessed, the following words, or to this effect:

Additions to notices under sec. 26, cap. 43, acts 1860.

"You are also required to pay the sum of one dollar and fifty cents poll tax," and that amount shall also be added in figures in the margin of such notice to the other sum or sums (if any) for which the party is assessed; if such person is not assessed on any real or personal estate, it shall suffice to fill in the above notice of poll tax only, and to insert the same in the margin.

12. The poll tax shall be collected and paid under the same penalties for non-payment, or delay in payment, and be recovered in the same manner as now by law provided for the collection and payment of the general assessment.

Poll tax—how collected, paid, &c.

13. After the passing of this act, the owners of real estate fronting on the streets within the following limits, viz., from the foot of Cornwallis Street along Water Street to the north side of Morris Street; thence westerly to Pleasant into Barrington Street; thence along Barrington Street to Buckingham Street; thence down Buckingham Street to Water Street; thence along Water Street to the place of beginning, including all cross Streets within these limits, shall provide and supply brick and cut granite curbstones to the satisfaction of the Committee, which shall be laid down

Owners of real estate within certain limits to furnish the brick and granite for side walks.

Proviso.

at the expense of the city, provided that where brick or stone sidewalks shall be already laid down, which shall, in the judgment of the Committee, be good and sufficient, they shall not call on the owner or owners of the lots, in front of which such sidewalks are laid down, to provide bricks or granite as before directed; but if such stone or brick sidewalks shall not, in the judgment of such Committee, be equal in quality to those being laid down under their direction, or shall not be of sufficient width, or of the proper grade, then the Street Committee shall proceed, under the provisions of this act, as if no such brick or stone sidewalks were already laid down.

Commencement in discretion of committee.

14. Within the limits in the last section defined, it shall be in the discretion of the Committee of Streets to commence and carry on the work of laying down such sidewalks of brick or stone in any streets or places they may think fit.

In case of refusal of owner.

15. If any owner of real property shall neglect or refuse within thirty days after notice to that effect from the Superintendent of Streets, served on the owner or agent, or left at his last place of abode, to provide such bricks and granite, the Committee shall provide the same and the cost shall be borne by the owners or owner of the real property, and the cost shall be recovered as a common debt in the Supreme Court, or in the Mayor's Court, according to the amount.

Stone crossings

16. The Committee of Streets shall have power to lay down stone crossings in any streets or portions of the City of Halifax, where they may deem proper.

City may borrow \$20,000.

17. In order to lay down durable and substantial sidewalks and street crossings, and to defray the expenses thereof, the City of Halifax shall have power to borrow, on the credit of the city, a sum or sums of money not to exceed twenty-thousand dollars in the whole, at a rate of interest not to exceed six per cent. per annum, to be expended by the City Council, or under the directions of the Committee of Streets, to lay down sidewalks and street crossings.

Loan to be advertised.

18. Such loan may be obtained at once, or in portions, from time to time, as the City Council may decide; tenders for the money shall be advertised for in two or more of the newspapers, published in the city for one month, and the tender expressing the lowest rate of interest shall be preferred.

Majority of City Council may extend limits for side walks.

19. It shall be lawful for the City Council, from time to time hereafter by a resolution passed by a majority of the whole Council, at any meeting, to extend the limits within which the Street Committee shall have power to cause sidewalks to be laid down as aforesaid, which resolution shall define such additional limits, and shall be published in at least two newspapers published in Halifax, for the space of one month.

Increase of loan.

20. It shall be lawful from time to time, for the purposes

of this act, to increase by resolution passed, as in the last section mentioned, the sum to be borrowed by the city in manner and on the terms specified in the 17th and 18th sections of this act, provided such additional sum or loan shall not exceed four thousand dollars at any one time, or twenty thousand dollars additional in the whole.

21. The lenders shall receive for every four hundred dollars so lent a certificate under the City Seal, signed by the Mayor and countersigned by the City Clerk, drawn in favor of such lenders, their indorsees or assigns specifying the terms of loan and the rate of interest, such interest to be payable half yearly. The certificates shall be transferable by an indorsement of the holder's signature, in the same manner as promissory notes.

Certificates for lenders.

22. The principal monies of such loan shall be repaid to the lender or lenders within twenty years from the date of the loan; but the city may, at its option, pay off all, or any such certificates, in whole or in part, at the end of the first five years, and after that period at any time on six months notice.

Re-payment of loan.

23. The loan hereby authorized and interest shall be a charge on the funds, revenues, and property of the city generally, until the same is fully satisfied and discharged, and the interest may be at any time included in the general assessment annually made on the city.

To be a charge on city property

24. The City Council shall appoint annually three Aldermen, who shall form a Committee, to be called the "Internal Health Committee," who shall be charged with the duty of attending to sweeping, cleaning, and watering the streets of the city, cleaning away snow and other like duties.

Internal health Committee, appointment of, &c.

25. The Internal Health Committee shall submit an estimate to the City Council as soon as practicable after their appointment (and annually thereafter) of the sum required for the work to be done in connexion with their duties; and if the estimate be approved, the same, or a smaller sum, shall be granted and paid out of the general revenues of the city, and placed at the disposal of the Committee.

To furnish estimate.

26. The Internal Health Committee shall have power to hire or make contracts, or otherwise provide for, the supply of labour and all things necessary to the discharge of the duties entrusted to them, and for the use of such horses and carts as shall be required for the purposes of keeping clean and watering the streets.

Their duties, powers, &c.

27. The City Council shall have power, from time to time, to make such rules and regulations as may be deemed necessary for sweeping and keeping clean the city, and for compelling the owner or occupant of tenements to remove or deposit offal ashes, or other material, at such times, and in such manner, and at such places, as may be thought proper,

City Council may make regulation for cleaning City, &c.

and under such regulations and penalties for non-compliance with the rules and regulations so made, as may be thought just.

Health Inspector, duties of, &c.

28. The Health Inspector for the City of Halifax shall hereafter be placed under the direction of the Internal Health Committee, and he shall obey and carry out the instructions from time to time furnished to him by the Committee.

Citizens paying poll tax entitled to vote.

29. All male citizens over twenty-one years of age, subjects of the Crown, who shall have paid their poll tax and assessment (if any), on producing the receipt for payment of such poll tax and assessment (if any), for the next year preceding the election, shall be entitled to vote in the ward in which they respectively reside at elections, of Mayor Aldermen, or other city officers, as rate-payers are now by law entitled.

Inhabitants may be assessed for \$52,000, in addition to poll tax.

30. The first section of the chapter 43 of the acts of 1860 is hereby repealed, and hereafter the City Council shall have power to assess on the inhabitants, and on the property within the city annually, such sum or sums of money, not exceeding fifty-two thousand dollars (over and above the amount produced by the poll tax) as may be necessary to defray the expenses which they are by law authorized to incur on behalf of the city, and such amount may be increased in any year, by permission of the Governor in Council, to the extent of twelve thousand dollars additional. Provided such increase be requested by a vote, in which at least ten members of the City Council concur.

Amount may be increased.

Proviso.

CHAPTER 40.

An Act for Assessing the City of Halifax for Railway liabilities.

(Passed the 15th day of April, A. D. 1861.)

Section.

1. Amount of interest, &c., for which City is held liable.
2. Amount to be included in assessment each year—collected, &c., paid to Receiver General.
3. Supreme Court or a Judge may make order to carry out act. Penalty for non-compliance.

Section.

4. Profits to which City is entitled.
5. Amount due by City may be sued for, &c. Proviso.
6. Inconsistent acts repealed.
7. To have Her Majesty's assent.

Preamble.

Whereas, by section thirty-eight of chapter 70 of the Revised Statutes, it is enacted that the City of Halifax shall be considered as holding stock in the Railways (to which reference is there made), to the extent of one tenth part, not to exceed in the whole the sum of one hundred thousand pounds (equal

to four hundred thousand dollars), and shall be entitled to participate in the profits of such Railways, in proportion to the amount of such stock, and shall be assessed annually for the amount of interest thereon, at the same rate of interest at which the loan is obtained, and also for a proportionate amount of such sums as may be chargeable against the general revenues of this province, for the redemption of the loan, such annual sums to be assessed and levied as the Legislature may hereafter direct, and to be paid into the hands of the Receiver General, to form a part of the general revenues of this province, and to continue to be so annually assessed, levied, and paid in, until the loan (under such chapter) shall become extinguished under the provisions thereof.

And whereas, on the thirty-first day of December, in the year 1860, there had been expended on the construction of Railways within this province a sum exceeding four millions of dollars, which amount has been borrowed on provincial credit, and upon which, at that date, there was chargeable upon the general revenues of the province for interest a sum equal to seven hundred and eighty-eight thousand five hundred and twenty-six dollars.

And whereas, the City of Halifax has hitherto contributed nothing towards the payment of principal or interest of the amount so borrowed; and there is, therefore, due from that city for arrearages of interest, at the date last mentioned, seventy-eight thousand eight hundred and fifty-two dollars and sixty-five cents, being the amount chargeable upon such city for its proportion of interest up to that date.

Be it therefore enacted by the Governor, Council, and Assembly, as follows:

1. The sum of seventy-eight thousand eight hundred and fifty-two dollars and sixty-five cents, so due for arrearages of interest, is hereby divided into five equal proportions of fifteen thousand seven hundred and seventy dollars and fifty-three cents each, and the City of Halifax is hereby made liable and required to pay annually for the next five years into the office of the Receiver General the sum of fifteen thousand seven hundred and seventy dollars and fifty-three cents, being one-fifth part of the amount so due for arrearages of interest as aforesaid, and the current amount of accruing interest on the one tenth part of four millions of dollars so expended less any sum, being the tenth part of the nett profits, divisible and applicable to the capital of four millions, so expended, and to be ascertained and certified by the Receiver General; and after the expiration of five years, the said city is hereby made liable and required to pay the sum of twenty-four thousand dollars annually into the office of the Receiver General, being the current accruing interest on

Amount of interest, &c., for which City is held liable.

the said sum of four millions of dollars, less any sum being the tenth part of the net profits, applicable as aforesaid.

2. The City of Halifax, during this present year 1861, and in each of the years 1862, 1863, 1864, and 1865, in addition to the amount required for ordinary and necessary services, shall be assessed in a further sum of thirty-nine thousand seven hundred and seventy dollars and fifty-three cents for Railway interest in arrear and accruing, and this sum, over and above the usual ordinary and accustomed estimate, shall be included in the annual estimate, and shall be assessed, levied, and collected at the same time in the same way and manner, and upon the same principle, as other city taxes, and the Treasurer of the City, or other officers, into whose hands such city assessments, when collected, are paid over, shall, as the several sums are paid in, set apart an amount, equal to the proportion which such Railway interest bears to the whole amount annually assessed, and the same shall from time to time be paid over by such Treasurer or officer into the office of the Receiver General, whose receipt shall be a full discharge for any amount so paid.

3. The Supreme Court, or any Judge thereof, on a summary application, in the name of the Receiver General, may make an order on the City of Halifax upon its Mayor, Treasurer, or any other officer, enjoining them, or any one or more of them, to carry out the requirements of this act; and any neglect to obey or comply with such order shall be treated as a contempt of court, and be punishable accordingly.

4. After the first day of January, in the year 1862, the City of Halifax shall be entitled annually to receive credit from the net proceeds of the earnings of the Provincial Railways, in the proportion that four hundred thousand dollars bears to the whole capital invested in their construction, and the amount to be assessed upon, levied, collected, and paid over by said city, in the year 1862, and any succeeding year, shall be the balance, after deducting such proportional part of the nett earnings, to be ascertained and certified by the Receiver General, anything herein to the contrary notwithstanding.

5. The sum of seventy-eight thousand eight hundred and fifty-two dollars and sixty-five cents, now due by the City of Halifax to the Provincial Government for arrearages of interest, and an instalment of twenty-four thousand dollars annually, on the first day of January, in the year 1862, and each succeeding year, while the principal of four hundred thousand dollars is unpaid, shall be, and are hereby constituted a debt due, and to become due from the City of Halifax, to the Provincial Government, and as such may be sued for, recovered, and collected in the name of her Majesty the Queen, in the same way as if the city had executed a bond:

Amount, to be included in assessment each year, collected and paid to Receiver General.

Supreme Court or a Judge may make order to carry out act.

Penalty for non-compliance.

Profits to which City is entitled.

Amount due by City may be sued for, &c. &c.

or recognizance to her Majesty, conditioned to pay the said sums, and any judgment so recovered shall have the same effect and validity as if the same were the judgment of a private creditor against the city, and any amount recovered under any such judgment shall be paid over to the Receiver General, and added to the general revenue, provided that the city shall, as a credit, be entitled to a proportion of the net earnings of the road, in the proportion and as described in section four of this act.

Proviso.

6. All acts, or clauses of acts, inconsistent with the provisions of this bill, are hereby repealed.

Inconsistent acts repealed.

7. This act shall not go into operation until her Majesty's assent shall be signified thereto.

To have Her Majesty's assent.

CHAPTER 41.

An Act to amend the Act respecting Assessments in the City of Halifax.

(Passed the 15th day of April, A. D. 1861.)

SECTION.

1. Deposits in Building Society assessable. And office, &c., of Society. Borrowers excepted.

SECTION.

2. Sec. 19, cap. 43, acts 1860, repealed.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. Investors in any Benefit Building Society established in the City of Halifax, under the act 12th Victoria, chapter 42, entitled, "An Act for the regulation of Benefit Building Societies," shall be assessed on their deposits in the same way as Mortgagees are assessed on their respective mortgages, and such society shall be assessed for its office or place of business, or its rental or value, and also on its furniture, in the usual way ; but borrowers shall not be assessed on their borrowed shares.

Deposits in Building Society assessable

And office &c., of Society.

Borrowers excepted.

2. Section 19 of chapter 43 of the acts of 1860, entitled, "An Act respecting assessments in the City of Halifax," is repealed.

Sec. 19, cap 43 acts 1860 repealed.

CHAPTER 42.

An Act to amend the Act relating to the Signal Station at Halifax.

(Passed the 15th day of April, A. D. 1861.)

SECTION.—Not to apply to vessels owned in eastern division, Dartmouth excepted.

Be it enacted by the Governor, Council, and Assembly, as follows.:

Not to apply to vessels owned in eastern division, Dartmouth excepted.

1. The provisions of chapter sixty-four of the acts of 1859, entitled, An Act relating to the Signal Station at Halifax, shall not apply to any vessels owned in the eastern division of the County of Halifax, with the exception of those owned in the town of Dartmouth.

CHAPTER 43.

An Act relative to the Water Supply of the City of Halifax.

(Passed the 15th day of April, A. D. 1861.)

SECTION.

1. City empowered to purchase property of Water Company.
2. Commissioners—appointment of. May collect arrears.
3. Their oath.
4. Chairman—his duties.
5. Salary.
6. General Meeting.
7. Council may improve or enlarge works.
8. Expense of laying service pipes—by whom borne.
9. All property along which mains pass to be assessed. Scale to be fixed, etc. etc. Appeal. Proviso.
10. Surveys—plans of Streets to be made.
11. Commissioners may enter premises, etc., to lay down or repair pipes, etc. Proviso.
12. City to pay damage. Damage—how ascertained Costs.
13. Persons intending to build must give notice. Penalty.
14. Superintendent. etc. appointment of, etc.

SECTION.

15. Mains, Hydrants, etc., the property of Commissioners.
16. Assessments binding on the land, how collected, etc. Proviso.
17. Commissioners may issue warrants, etc.
18. Appropriation of income. In case of deficiency. Proviso.
19. Estimate and Report of Commissioners.
20. Books of Account to be kept. Detailed Account, etc., to be audited and published.
21. Commissioners etc. protected in discharge of duty.
22. Remuneration of auditors.
23. Property of Commissioner liable for his own defaults, etc. etc.
24. Servants, etc., to account.
25. Proceedings in case of refusal.
26. If officer etc. about to abscond warrant may issue. Proviso.
27. City may borrow \$500,000. Time interest redeemable. Not taxable.
28. Not less than \$400, how signed, etc.
29. Appropriation of surplus income.

Be it enacted by the Governor, Council, and Assembly, as follows :

City empowered to purchase property of Water Company.

1. Immediately after the passing of this act it shall be lawful for the City of Halifax to purchase from the Halifax Water Company the real and personal property, hereditaments, rights, and privileges of such Company, at such price as may be mutually agreed upon between the City Council and the Company, and upon sale thereof made by the Company, all and singular, the property, works, rights, revenues and hereditaments, and all other property of the Company shall become absolutely vested in the City of Halifax, and all powers and privileges conferred upon the Company by the act passed on the nineteenth day of April, in the year one thousand eight hundred and forty-four, or by any subsequent act, shall be transferred by virtue of such sale to the City of Halifax,

and it shall be lawful also for the City of Halifax to proceed for recovery of any arrears or monies due to the Company at the time of such transfer, or which may subsequently fall due under and by virtue of any contracts and agreements made with the Company prior to such transfer by distress and sale, in manner provided by the twenty-third section of this act.

May collect arrears.

2. The City Council of Halifax shall, as soon as may be deemed expedient, appoint, and also from time to time as may be expedient, in case of vacancy, supply such vacancy by three discreet and proper persons, to be Commissioners for the purposes of this act, neither of which three Commissioners shall be a member of the City Council.

Commissioners, appointment of, etc.

3. The Commissioners, before entering upon the duties of their office, shall severally take and subscribe an oath, or affirmation, before any Justice of the Peace of the City of Halifax, faithfully to perform the trusts and duties required of them by this act, which oath or affirmation such Justice is hereby authorized to administer, and he shall forthwith file the same in the office of the City Clerk of Halifax.

Their oath.

4. Whenever the City Council shall appoint either at first or subsequently such three Commissioners they shall at the same time nominate which of the three shall be Chairman of the Board of Commissioners, whose duty it shall be to preside at meetings, and exercise a general supervision of all proceedings under this act.

Chairman—his duties.

5. The Chairman shall have a salary not exceeding two thousand dollars per annum, and each of the other Commissioners shall have Four Dollars per day for each day's actual attendance on the duties of his office, but so as not to exceed the sum of two hundred dollars for each Commissioner in any one year.

Salary.

6. The Commissioners shall hold a general meeting for the transaction of business, at least once in each month.

General Meeting.

7. The City Council of Halifax are hereby empowered and authorized from time to time, and at such times as they may deem practicable or expedient, if the works of the Water Company shall be purchased, to improve, enlarge, and extend the works of the Company so transferred, or to make and construct other and new works, and to lay new pipes, and to do all things necessary to afford a sufficient supply of Water.

Council may improve or enlarge Works.

8. The service pipes for water supply to houses, buildings, or establishments, shall be carried from the main to the side line of the street by the Commissioners at the public expense when required so to do, by notice in writing, from the owner or owners of any house or building opposite to which a main is laid, and all beyond that distance at the expense of the owners or lease-holders for renewable terms, lease-holders for life or term exceeding five years, of the premises so supplied.

Expense of laying service pipes, by whom borne.

All property along which mains pass to be assessed.

Scale to be fixed etc., etc.

Appeal.

Proviso.

Surveys, plans of Streets, to be made.

Commissioners may enter premises, etc., to lay down or repair pipes, etc.

9. Wherever good and sufficient mains for the supply of Water to dwellings or other houses, or establishments already exist, (if the works of the Water Company be transferred to the City of Halifax), and likewise wherever the same shall be laid down ready for the use of dwellings, houses, or establishments within the City the owners in fee or leaseholders for renewable terms or for life, or a term exceeding five years, of any land or tenements through or along which such mains shall pass, shall, whether the water be taken or used on the premises or not, be respectively assessed for the same in each year on a scale to be fixed and determined by the Commissioner in each year, and approved by the City Council; due regard being had to the value, mode of occupation of the premises, and probable consumption of water in each case, except Steam Mills, Manufactories, Baths, and Hotels, which shall be rated by agreement with the parties; in which scale the several lots or premises assessed, whether occupied or vacant, shall be numbered, and the rates assessed on each set down, and a copy of such assessment shall be filed by the Commissioners in the office of the City Clerk of Halifax, within three months after their appointment as such Commissioners; and if any person shall think himself aggrieved by reason of such assessment, it shall be lawful for him to appeal therefrom to the City Council of Halifax, and the assessment shall be amended by the Commissioners, in accordance with such order as may be therein made by the City Council, provided that all such appeals shall be made within thirty days after demand of the amount assessed shall have been made upon the party so appealing.

10. The Commissioners shall employ a competent engineer to make surveys and plans of the streets within the City of Halifax, shewing the surface of the streets as now existing, and the permanent levels to be hereafter made, which levels, when approved by the City Council, shall be and forever thereafter remain the permanent levels, and the plans shall then be filed in the office of the City Clerk of Halifax, and a copy in the Provincial Secretary's Office, as public records of the same. Provided that if the surveys and plans of the City of Halifax already made, be sufficient for the purposes herein contemplated, no additional surveys or plans shall be made or deemed necessary under this section.

11. In the laying down, construction, repairing, and alteration of any main service pipes, under the provision of this act, the Commissioners, or any or either of them, and their servants, agents, or workmen, shall have full power, and they are hereby authorized, from time to time, as occasion may require, to enter upon any lands and tenements in the city, whether inhabited or otherwise, and may remain thereon as long as they may deem requisite for the proper execu-

tion of the work, and may make all such excavations on the premises as may be expedient, and take up and remove any floors, timber, planks, or any walls, fences, or erections whatsoever, doing no unnecessary damage to the same, and carefully replacing the same upon the requisite work being performed. Provided that no such entry shall be made between the hours of sunset and sunrise, nor without the permission of the owner or the occupant, if resident on the premises, being first requested; but the refusal of such permission shall not prevent or delay the execution of the work.

Proviso.

12. In the event of any damage being done in the execution of the works contemplated by this act, the city shall pay to the party sustaining the same such compensation as may be mutually agreed upon; and in case such parties and Commissioners should not agree, it shall be the duty of the Commissioners, at the request of such party, to apply to some one of her Majesty's Justices of the Peace of the City of Halifax for a warrant, which warrant such Justice is hereby authorized and required to issue, commanding the Sheriff, or any Constable in the City to summon a jury of five disinterested freeholders, or occupiers of land in the city, to assess the damages to be paid to the party complaining, the jury shall be sworn and the Sheriff or his deputy at such inquest, and the verdict shall be binding, as well on the party complaining as on the city, which shall, within ten days thereafter, pay to the party the amount assessed—the costs of such inquest to be taxed and allowed by the Sheriff or his deputy, at the same rate as an ordinary inquest held before him, and shall be equally borne by the City Council and the party complaining whose moiety thereof shall be deducted and retained out of the amount of damages assessed.

City to pay damage.

Damage, how ascertained.

Costs.

13. Persons intending to build or erect any dwelling house or building, in any street of the city, shall, before proceeding with the work, give notice in writing to the Commissioner of such intention, in order that the proper water supply may be provided, under direction of the Commissioners, during the progress of the work, in case of neglect to give such notice, the party so neglecting shall forfeit and pay a penalty of five pounds; and the Commissioner shall forthwith proceed to execute the requisite works upon the premises at his expense, the costs of which, together with the penalty, shall be recovered in manner hereinafter provided.

Persons intending to build must give notice.

Penalty.

14. The Commissioners, subject to the approval of the City Council, may appoint, dismiss, re-appoint, and supply from time to time, as may be requisite, a superintendent of water supply, and such other officers, servants, or agents, as may appear necessary, with such reasonable compensation to each as shall appear adequate and proper.

Superintendent etc., appointment of, etc.

Mains, Hydrants, etc., the property of Commissioners etc.

15. All mains, hydrants, service pipes, and other works connected with water supply of the city, shall be deemed and taken to be the property of the Commissioners for all legal purposes, and all wilful or malicious injuries to the same shall be deemed felony.

Assessments binding on the land—how collected, &c.

16. The assessments to be made under and by virtue of the ninth section of this act, as well as the penalties which may from time to time be incurred under and by virtue of the sixteenth section of the same, shall be binding upon the respective lands and tenements specified in the scales of assessment prescribed by this act, as well as on the respective owners and parties therein mentioned; and the same shall be recovered with all incidental charges and expenses, by distress and sale of any goods and chattels of the owner or such leaseholder found upon the premises; and in case of deficiency of such goods or chattels to satisfy the same, it shall be lawful for the Commissioners to sequester and take, and hold possession of such premises until such deficiency be made good, and to collect, receive, and appropriate and apply the rents and profits of lands and premises in payment of the same. Provided always, that no such distress or sequestration shall be made, until the expiration of thirty days after a demand in writing under the hands of the Commissioners, or any two of them, of the monies due in such case shall have been served upon the owner, occupant, or person appearing to be in charge of the premises for the time being; and in case the same shall be vacant, or unoccupied, then no such distress or sequestration shall be made until such demand shall have been advertized in one or more of the newspapers, published in the city for four consecutive weeks, prior to such distress or sequestration.

Proviso.

Commissioners may issue warrants, &c.

17. For the recovery of rates and assessments, and of all arrearages, it shall be lawful for the Commissioners, or any two of them, to issue distress warrants and sequestration orders, under their hands, from time to time, in such form as they may determine, briefly reciting the amount to be levied in each case, and that such previous demand has been made, as herinbefore prescribed, and all Sheriffs and other peace officers are hereby required to execute such warrants and orders.

Appropriation of income.

18. The monies accruing from the annual income of water supply, together with all monies arising from such local assessments and payments as are hereinbefore mentioned, shall be appropriated and applied, in the first place, to discharge the current expenses incurred in the execution of the trusts and duties required by this act; and in the next place, towards the payment of the half-yearly interest of the debentures issued under the authority of this act, and in case the whole income shall not be sufficient for the purposes before

In case of deficiency

mentioned, the deficiency shall be made good and supplied by general assessment on the citizens, as hereinafter prescribed. Provided that no general assessment shall be made during the first five years after this act going into operation, unless the same may be required to supply any deficiency to meet the half-yearly payments of interest on debentures.

19. The Commissioners shall prepare a careful estimate in each year of the amount or sum of money which may be required to make good such deficiency hereinbefore mentioned, for the purpose set forth in the twenty-fifth section of this act; and shall, on or before the first Monday of February, in each year, send a report in writing to the City Council, to be included in the estimates for the current year.

Estimate and Report of Commissioners.

20. The Commissioners shall keep regular books of account, in which shall be entered all monies received; and all sums disbursed, from time to time, under the authority of this act, and they shall pay into the City Treasury every week all monies received for water rates, and shall draw on the City Treasurer cheques for such sums as may be required to be paid out, and they shall annually submit a detailed account, made up to the thirty-first day of December, with proper vouchers, to two or more auditors, to be appointed for that purpose by the City Council, which auditors shall report thereon to the City Council, who shall publish the same for the information of the public, on or before the thirty-first day of March in each year.

Books of account to be kept.

Detailed Account, etc., to be audited and published.

21. The Commissioners and their officers and servants shall have the like protection in the exercise of their respective offices and in the execution of their duties as Justices of the Peace, now have under the Laws of this Province.

Commissioners protected in discharge of duty.

22. The auditors appointed under this act (in the twenty-seventh section) shall receive such remuneration as the City Council may determine, not exceeding four dollars each, for each day's actual employment in the duty assigned them.

Remuneration of Auditors.

23. The Commissioners shall not be answerable the one for the other of them, nor for the acts, defaults, or misdoings of each other, and in case of any default or misapplication of the monies received by any Commissioner by virtue of this act, the whole Real and Personal Estate of such Commissioner within the Province shall be liable for the same in like manner as for a debt due unto the Crown; and immediately upon such default or misapplication being made known to the Governor, it shall be his duty to order a writ of extent to thereupon issue.

Property of Commissioner liable for his own defaults, &c., &c.

24. Every officer or servant employed by the City Council or Commissioners, shall, upon request by them so to do, account to them for all monies received; and all disbursements made by such officer or servant, on pain of immediate

Servants, &c., to account.

dismissal from his employment, and such other remedies to be pursued against him as may be legal.

Proceedings in case of refusal.

25. If any officer or servant of the City Council, or Commissioners, shall refuse to account with them, and to produce and deliver up any vouchers, receipts, books, papers, goods, chattels, or monies in his possession or power, touching or concerning the works to be carried on, or monies to be raised by virtue of this act, it shall be lawful for his Worship the Mayor, or any two Justices of the Peace for the City or County of Halifax, on complaint thereof made, to summon such offender to appear before them; and if he shall disobey such summons, the Mayor or Justices shall and may commit such offender to the Common Jail of the City or County, there to remain until he shall have accounted for and delivered up such property.

If officer, &c., about to abscond warrant may issue.

26. If any one of the Commissioners, or any one acting on their behalf, shall make oath before any Justice of the Peace of the City or County, that he has reason to believe and does believe, that any officer or servant of the City Council, or Commissioners, is about to abscond for the purpose of evading such accounting, such Justice shall thereupon issue his warrant for bringing such offender or servant before the Mayor, or a Justice, who shall proceed thereon as is provided by the thirty-second section of this act. Provided that the person executing such warrant shall not keep such officer or servant in custody longer than thirty-six hours before bringing him before the Mayor or a Justice.

City may borrow \$50,000.

27. For the purposes of raising the necessary funds to pay the sum to be agreed upon between the City of Halifax and the Water Company, and to purchase the property of the Water Company, and to carry into effect the works contemplated by this act, the City Council are hereby authorized and empowered to make and issue, from time to time, as they may deem expedient, debentures in the form specified in schedule A in this act, bearing interest at a rate not exceeding six per cent. per annum, payable half yearly, and redeemable at periods not exceeding fifty years from the dates of the issuing of such scrip. Provided that the whole amount of such debentures shall not exceed the sum of five hundred thousand dollars (\$500,000), and the holders of such debentures shall be free and exempt from all City Taxation, for and on account of the same.

Time interest redeemable.

Not taxable.

28. Such debentures shall not be issued for a less sum than four hundred dollars each, and shall bear interest at a rate not exceeding six per cent., signed by the Mayor, City Clerk, and Treasurer of the City of Halifax, to be verified by the City Seal.

Not less than \$100—how signed, &c.

29. The City Council shall have power, and they are hereby authorized, to appropriate any surplus of income over

Appropriation of surplus income.

Real Estate
chargeable.

4. From and immediately after the issue of such new Certificates or Debentures, the amounts thereof respectively therein expressed shall be and become chargeable in and upon the City of Halifax, and for the payment thereof all the real estate, property, and funds of the city shall be held and deemed liable and bound.

CHAPTER 45.

An Act to restrain the erection of Wooden Buildings within certain portions of the City of Halifax.

(Passed the 15th day of April, A. D. 1861.)

SECTION.

1. Cap. 35, Acts 1857; and cap. 65, acts 1859, repealed.
2. Boundaries in which no wooden building to be erected. Proviso.
3. Thickness of wall, &c.
4. Walls of houses in rear.
5. Iron Shutters.
6. Roofs—how covered—form of, &c.
7. No wooden building to be enlarged.
8. Boundaries in which no wooden building to be erected, except under restriction herein contained. Proviso.
9. Wooden house in above limits not to exceed 39 feet in height. Proviso.
10. Not be less than 12 feet in height.
11. End walls. Proviso.
12. Division walls.
13. Roof.
14. Windows, doors, &c., in end, &c., division walls.

SECTION.

15. If house damaged beyond repair Council may forbid rebuilding.
16. No building to be enlarged without permission.
17. Building erected contrary to act to be deemed nuisances, and removed.
18. How removed. expense of removal, &c.
19. Penalty for violating act.
20. How recovered.
21. City Architect. appointment of, remuneration. &c. To be sworn.
22. His duties.
23. His power and authority.
24. Persons intending to build to give notice. Penalty.
25. Duty of Architect on violation of law.
26. Not to extend to contracts made. Proviso.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. After the passing of this act, chapter 35 of the acts of 1857, entitled, "An Act to limit the erection of Wooden Buildings within the City of Halifax," and chapter 65 of the acts of 1859, entitled, "An Act to prohibit the erection of Wooden Buildings within a certain portion of the City of Halifax," shall be and the same are and each of them is hereby repealed.

2. No wooden building of any kind, nature, or description, after the passing of this act, shall be erected in the portion of the City of Halifax contained within the following boundaries:

Beginning at the foot or north-east corner of Jacob Street, where it touches Water Street; thence to run west along the north side of Jacob Street to a point opposite to the north-west corner of Argyle Street; thence to run south along the west side of Argyle Street to the south side of Blowers Street; thence to run east along the south side of Blowers Street to the south-west junction of Blowers and Barrington

Cap. 35, acts
1857; and cap.
65, acts 1859, re-
pealed.

Boundaries in
which no wood-
en building to
be erected.

Streets, at the corner of the Waverly House (so called); thence to run south along the west side line of Barrington Street to a point opposite to the south-west corner of Salter Street; thence to run east along the south side line of Salter Street to the east side of Water Street; thence north along the east side of Water Street to a point opposite to the north east corner of Jacob Street, or to the place of beginning; such limits also to include the distance of sixty feet eastwardly from the east side of Water Street, between Salter Street and Jacob Street. Provided, however, that nothing in this act contained shall prevent, when buildings are in course of erection, such sheds or enclosures of a temporary kind for the building purposes without heating apparatus to be put up as the Mayor or the City Council may deem fit to allow for such time as he or they may think necessary.

Proviso.

3. Within these limits all buildings to be hereafter erected shall be constructed of brick, stone, or iron; and where any building is constructed of brick or stone, the front, rear, or other exterior walls (not being party walls) shall be not less than two bricks or eighteen inches thickness, and that every party or division wall shall not be less than twelve inches thickness.

Thickness of wall, &c.

4. Within such limits all out-houses, or houses in the rear of buildings, less than thirty feet, and more than fifteen feet high, shall, when constructed of brick or stone (and not iron) have walls not less than twelve inches thickness, and when less than fifteen feet high, the walls shall not be less than one brick or eight inches thickness.

Walls of houses in rear.

5. All windows in the rear of buildings erected within the said limits shall have and be protected with iron shutters.

Iron Shutters.

6. The roofs of all buildings erected within the said limits shall be entirely covered with iron, tin, zinc, tiles, or other similarly unflammable material, and not with any but unflammable materials, and the tops of the roofs shall be flat or crowned, to the width of six feet at least. Every such flat or crowned roof shall be provided with at least one opening or scuttle, of not less than thirty inches square; and the same shall be protected with an iron shutter, to the satisfaction of the Inspector of Buildings.

Roofs, how covered, form of, &c.

7. No existing wooden building within the above limits shall be enlarged, raised, or added to.

No wooden building to be enlarged.

8. After the passing of this act, no wooden building shall be erected in the City of Halifax, within the limits or boundaries hereinafter set down and defined (except under the restrictions hereinafter contained): Beginning at the Bridge over Fresh Water River; thence to run in a westerly direction by the road until it meets the angle of the Tower Road, opposite the house formerly Colonel Bazalgette's; thence to run northerly by the new road to Pyke's Bridge; thence

Boundaries in which no wooden building to be erected, except under restriction herein contained.

further northerly by the east bound of the Common, until it meets the north-east angle of the Common; thence to run westerly by the road or north edge of said Common to the opening of the Kempt Road; thence along said Kempt Road northerly to the crossing of roads at King's corner, so called; thence to run eastwardly along the road and street called North Street to the harbor of Halifax; and thence southerly by the wharves, slips, and shores of the harbor, to the place of beginning, at Fresh Water Bridge, aforesaid. Provided, however, that out of the last defined boundaries the limits named and specified in the second section of this act are hereby excepted, within which no wooden building shall be erected, and provided further that this section and the provisions in the subsequent section, relative to wooden buildings, shall not apply to wooden buildings erected for religious worship, and entirely separated from other buildings.

Proviso.

Wooden house in above limits not to exceed 30 feet in height

9. Within the limits prescribed by the last foregoing section, no wooden building shall be erected within the said city and limits over or exceeding thirty-nine feet in height, measuring to the top of the roof from the level of the street, (which shall in all cases be defined by the Superintendent of Streets). Provided, however, that when any wooden building shall be erected at a distance from any street, and upon ground of a higher elevation than the level of the street, that the said building may be carried to the height of thirty-nine feet to the roof from the level of the street or ground on which the same shall front.

Proviso.

Not be less than 12 feet in height

10. After the passing of this act no wooden building shall be erected in the City of Halifax within the boundaries defined by the ninth section of this act, of a lower or less height than twelve feet post.

End walls.

11. Every wooden building erected in the City of Halifax, within the limits prescribed by the ninth section of this act, being over twenty-six feet in extreme height, measuring as aforesaid, shall have at least one brick or stone end wall, of at least twelve inches in thickness, extending the whole depth thereof, and rising at least two feet above the roof to form a parapet. Provided that this section shall not extend or apply to such buildings as are specified in the next clause.

Division walls.

12. Every wooden building divided into separate and district tenements, erected in the City of Halifax, and within the said last mentioned limits, shall have a division or party wall of brick or stone between each tenement, of the thickness of one foot at least, extending the whole depth of the building, and rising at least two feet above the roof to form a parapet.

Roof.

13. Every building erected in the City of Halifax, within the boundaries specified by the ninth section of this act, over twenty-six feet in extreme height, shall have either a flat or

crowned roof of at least six feet, and the said roof or crown shall be covered with uninflamable materials.

14. No door, window, or opening shall be permitted in any such end or party wall of brick or stone, unless provided with sufficient fire proof iron doors or shutters, to the satisfaction of the Inspector of Buildings.

Windows, doors &c. in end &c. division walls.

15. In case any wooden or other building not erected in conformity with the provisions of this act, and being within the limits hereinbefore described, or hereafter to be appointed by the City Council, shall sustain damage by fire, tempest, or other casualty, or shall be injured or pulled down in any attempt to stop the progress of a fire, and the City Architect, or Inspector of Buildings, shall certify that the same is so far damaged as to be unfit for repair, the City Council may forbid the same to be rebuilt or repaired.

If house damaged beyond repair Council may forbid re-building.

16. No building within such limits as aforesaid, not being in conformity with the provision of this act, shall be enlarged or added to, except with the express permission of the City Council.

No building to be enlarged without permission.

17. Buildings of every description, at any time hereafter erected, or in course of erection, contrary to this act, shall be deemed public nuisances; and the builders or owners thereof shall, on conviction before the Police Court of the City, enter into recognizance to demolish the same within such time as shall be limited therefor by the City Council.

Building erected contrary to act to be deemed nuisances, and removed.

18. The City Council may direct buildings deemed nuisances under this act to be pulled down, and may authorize and cause the materials to be sold, to defray the expenses, and if the said materials on sale should prove insufficient to meet the expenses, any deficiency of expenses must be paid by the owners of such building; and any balance remaining after defraying such expenses, shall be paid to the owners, and such deficiency of expenses may be recovered against the owners in a civil action, in the name of the City of Halifax, either in the Mayor's Court or the Supreme Court, according to the amount of said deficiency.

How removed, expense of removal, &c.

19. Any person or persons violating or infringing this act, or any provisions or clause herein, or any ordinance of the City made under the same, shall, on conviction before the Police Court, or Supreme Court, forfeit and pay a sum not exceeding fifty pounds for every such offence, and a further sum of five pounds for every month any prohibited building, or addition to a building, shall be continued; and the possessor or occupant, whether owner of the ground in fee simple or for life, or term of years, by whose direction, or with whose consent and acquiescence such unlawful building has been erected, shall be liable to pay such sums with costs; and any contractor, builder, or workman engaged therein, who shall persist in erecting such building, or addition, after

Penalty for violating act.

notice from the Mayor or an Alderman to the contrary, shall be liable to a penalty not to exceed twenty shillings a day, for every day he shall so act and persist after notice.

How recovered.

20. All fines, penalties, and forfeitures imposed by this act, may be recovered in the name of the City of Halifax, and to its use and benefit, with costs, in the same Courts and in the same manner as civil debts of like amount may now be recoverable.

City Architect, remuneration of, &c.

21. The City Council of Halifax shall annually elect and appoint a City Architect or Inspector of Buildings, and fix his remuneration from time to time. He shall hold office during the year, computing from the day he is sworn into office, unless the City Council should see fit to remove him, and appoint another person in his place for the residue of his year. The Architect or Inspector shall be sworn before the Mayor to the performance of his duties before he shall act as Architect or Inspector of Buildings.

To be sworn.

His duties.

22. The duties of the City Architect or Inspector of Buildings shall be to attend to, observe constantly, and report in writing upon the erection and progress of every house, store, or other building whatsoever in the City of Halifax, and within the respective limits hereinbefore specified in this act, and all repairs, alterations, and changes made of any buildings within said limits, with the objects and for the purpose of strictly enforcing the provisions and restrictions of this act, and the reports of such Architect or Inspector of Buildings shall be made in such form, with such details and particulars, and at such times, as the Mayor or the City Council may direct and require; and it shall be the further duty of the said Architect or Inspector to abate, or cause to be abated, all nuisances arising from violations of this act, and to enforce the prosecutions and collection of all fines, penalties and monies, to be sued for, enforced, and collected against any persons for non-compliance with the provisions of this act.

His power and authority.

23. The City Architect or Inspector of Buildings shall have authority at all proper seasons to enter into and upon any buildings, grounds, and premises within the respective limits of this act, and to stay thereon a reasonable time, with free access to all parts thereof, as far as requisite, for the full and effectual performance of his duties; and any person refusing him such access and entry, or in any way obstructing him therein, shall be liable to a fine of not less than twenty shillings, nor more than forty shillings, recoverable with costs of suit, at the suit of the said Architect or Inspector of Buildings, in the Police Office or in the Mayor's Court, such fine to belong to the City; and in case of non-payment, either Court may impose sentence of imprisonment on the offender in the Jail or the City Prison, not to exceed fourteen days.

24. Every person intending to build, or to enlarge, or repair the exterior of any building within the respective limits of this act, shall, before digging a foundation, or commencing any work thereof, give a written notice to the City Architect or Inspector of Buildings, directed to him, and to be left at the Police Office at least ten days before beginning any building operations thereon, and shall therein give such intended building, its materials, and the name or names of the owner or owners, under a penalty not to exceed ten pounds, in case of proceeding to build without such previous notice.

Persons intending to build to give notice.

Penalty.

25. It shall be the express duty of the City Architect or Inspector of Buildings, whenever any violation of this law, in respect to any building, additions, or erections, occurs, to cause steps to be immediately taken to enforce the law thereupon, by suit, for penalties incurred, and also, when it appears to him proper that any such illegal building should be abated as a nuisance, to order and cause the same to be taken down; and in all these cases, whether of prosecutions or of abating such nuisances, the said Architect or Inspector of Buildings shall either proceed immediately to carry the law into effect, or to lay the matter before the City Council, at its first meeting, for their decision.

Duty of Architect on violation of law.

26. This act is not to extend to the case of any contracts for buildings already made in good faith before the date of its passing, and signed so as to bind the parties thereto before that time.

Not to extend to contracts made.

Provided such contracts are not in violation of the existing laws in force before the passing of this act.

Proviso.

CHAPTER 46.

An Act to provide for improving a Road in Queen's County.

(Passed the 15th day of April, A. D. 1861.)

SECTION.

1. Members may borrow \$600.
2. Repayment.

SECTION.

3. How expended.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. The members for Queen's County or either of them, may borrow on the pledge of the road monies of the County, and the security of this act, a sum not to exceed six hundred dollars, to aid in altering the road round Cameron's Hill, on the Post Road between Liverpool and Annapolis.

Members may borrow \$600.

2. Such loan shall be repaid by annual instalments of three hundred dollars each, during the years 1862 and 1863,

Repayment.

with interest, at a rate not exceeding six per cent., until the whole sum borrowed shall have been repaid.

How expended.

3. The monies borrowed under this act shall be expended by Commissioners, to be appointed by the Governor in Council.

CHAPTER 47.

An Act to protect the Amherst Point Marsh in Cumberland.

(Passed the 15th day of April, A. D. 1861.)

SECTION.

1. Sessions may make regulations and appoint officers.

SECTION.

2. Damages—how recovered, &c., &c.

Be it enacted by the Governor, Council, and Assembly, as follows :

Sessions may make regulations and appoint officers.

1. Any General or Special Sessions in Cumberland may from time to time make regulations for the protection of the Amherst Point Marsh, extending from Barron's Point to Bliss' Island Road, from being injured by cattle, horses, sheep, and swine, and may impose fines for the breach of such regulations, and may appoint one or more field-drivers, gate-keepers, or other officers necessary for carrying out such regulations, and if deemed necessary may authorize the erection of one or more gates on the public road leading through such Marsh.

Damages—how recovered, &c.

2. The damages to the Marsh or to any part thereof, whether enclosed or not, or to the products thereof, by cattle, horses, sheep, or swine, trespassing thereon contrary to such regulation, shall be appraised and recovered, and the cattle, horses, sheep, and swine, may be impounded by such field-driver or other officer and sold or otherwise disposed of, and the damages paid in the same manner as now by law provided in respect to trespasses on enclosed lands, and in addition to pound-keeper's fees and damages, the owner of such animals shall pay to the pound-keeper, field-keeper, or other officer ten cents for every horse or head of cattle, and five cents each for sheep or swine impounded.

CHAPTER 48.

An Act to provide for the erection of a Bridge across the
Maccan River.

(Passed the 15th day of April, A. D. 1861.)

SECTION.

- | | |
|--|------------------------------|
| 1. Members may borrow \$3000. Repayment. | SECTION.
2. How expended. |
|--|------------------------------|

Be it enacted by the Governor, Council, and Assembly,
as follows:

1. The members for the County of Cumberland may borrow, on the pledge of the road monies of the County, and the security of this act, a sum not to exceed three thousand dollars, to be expended in the erection of a Bridge across the Maccan River; such loan to be repaid out of the road monies for the years 1862, 1863, and 1864, in three equal annual instalments, with interest, at a rate not exceeding six per cent., until the whole sum borrowed shall have been repaid.

Members may borrow \$3000.

Repayment.

2. The monies borrowed under this act shall be expended by Commissioners, to be appointed by the Governor in Council.

How expended.

CHAPTER 49.

An Act to provide for the erection of a Bridge over the
Harbor of Pugwash.

(Passed the 15th day of April, A. D. 1861.)

SECTION.

- | | |
|--|------------------------------|
| 1. Members may borrow \$3200. Repayment. | SECTION.
2. How expended. |
|--|------------------------------|

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The members for the County of Cumberland may borrow, on the pledge of the road monies of the County, and the security of this act, a sum not to exceed three thousand two hundred dollars, to be expended in the erection of a Bridge over the Harbor of Pugwash; such loan to be repaid by three equal annual instalments, out of the road monies for the years 1862, 1863, and 1864, with interest, at a rate not exceeding six per cent., until the whole sum borrowed shall have been repaid.

Members may borrow \$3200.

Repayment.

2. The money borrowed under this act shall be expended by Commissioners, to be appointed by the Governor in Council.

How expended.

CHAPTER 50.

An Act to provide for rebuilding the St. Croix Bridge.

(Passed the 15th day of April, A. D. 1861.)

SECTION.

1. Members may borrow \$1200.
2. Repayment.

SECTION.

3. How expended.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. The members of the County of Hants may borrow, on the pledge of the road monies of the County, and the security of this act, a sum not to exceed twelve hundred dollars, to aid in rebuilding the St. Croix Bridge in that County.

2. Such loan shall be repaid by annual instalments, of one third of the sum borrowed, with interest, at a rate not exceeding six per cent., out of the road monies for the years 1862, 1863, and 1864, until the whole sum borrowed shall have been repaid.

3. The monies borrowed under this act shall be expended by Commissioners, to be appointed by the Governor in Council.

Members may borrow \$1200.

Repayment.

How expended.

CHAPTER 51.

An Act concerning the County of Hants.

(Passed the 15th day of April, A. D. 1861.)

SECTION.

1. To be divided in two parts.
2. Boundaries, &c.
3. Custos of East Hants.
4. Control of Sessions.
5. Monies to be expended in districts.
6. Grand Juries.
7. How drawn, &c.
8. Jury lists to be revised.

SECTION.

9. Grand Jurors to serve in their own district. Except attending Supreme Court.
10. Clerk of Peace for East Hants—his salary
11. Grand Jury next Term—how drawn.
12. Township officers, &c., how appointed.
13. Sessions for East Hants—when held.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. The County of Hants shall be divided into two Districts, to be called East Hants and West Hants.

2. West Hants shall include the Townships of Falmouth, Windsor, Newport, and that part of Kempt which lies to the west of a straight line running northerly from the township line dividing Newport and Douglas to the Walton Bridge over Petite River; thence by Petite River down stream to the Bay Shore; and East Hants shall include all the remaining portions of the County of Hants.

3. A Custos Rotulorum shall be appointed for East Hants,

To be divided in two parts.

Boundaries, &c.

Custos of East Hants.

and the present Custos of the County shall be Custos for West Hants.

4. The Sessions for each District shall have the same powers within their respective Districts as if each District were a separate County; but the Sessions shall exercise no control over the affairs of any District but that within which they reside. Control of Sessions.

5. All monies assessed and collected in such Districts, respectively, shall be laid out and expended solely under the direction of the Sessions of the District. Monies to be expended in districts.

6. There shall be three Grand Juries for the County of Hants, one for the whole County to attend the Supreme Court at Windsor, and one to attend the Justices in Session for each District. Grand Juries.

7. At the next Spring Term of the Supreme Court at Windsor, a Grand Jury shall be drawn for East Hants from Grand Jurors resident therein, and liable to serve there; and one for West Hants from Grand Jurors resident therein, and liable to serve there; and the Grand Jury for the whole County shall be annually drawn as heretofore at the Autumn Term of the Supreme Court. How drawn, &c.

8. The Justices in Session in the several Districts shall appoint a committee to revise the Grand Jury lists in their District; and the District Grand Juries shall, after the present year, be drawn at the Sessions of the respective Districts. Jury lists to be revised.

9. The inhabitants qualified to serve as Grand Jurors at the Sessions shall only be liable to serve in the District in which they reside; but nothing herein contained shall interfere with their duties as Grand Jurors attending the Supreme Court. Grand Jurors to serve in their own district. Except attending the Supreme Court.

10. A Clerk of the Peace shall be appointed for East Hants, and his salary shall be fixed by the Grand Jury and Sessions of the District; and the present Clerk of the Peace for the County shall be Clerk of the Peace for West Hants. Clerk of Peace for East Hants, his salary

11. The Clerk of the Peace for East Hants shall, on the last day of the Sittings or Term of the Sessions, draw from the list a Grand Jury, to be summoned to attend at the next Term or Sitting of the Court. Grand Jury for next Term—how drawn.

12. The Justices in the two Districts may appoint District and Township officers in their respective Districts. Township officers, &c., how appointed.

13. The general Sessions of the Peace for East Hants shall be held at Gore on the second Tuesday of October. Sessions for East Hants—when held.

CHAPTER 52.

An Act to authorize a Loan for the erection of a Poor House in the County of Pictou.

(Passed the 28th day of March, A. D. 1861.)

SECTION.

1. Overseers may borrow \$3000.
2. Shall give Bond, &c.
3. If inhabitants neglect to assess, Court may amerce.

SECTION.

4. Commissioners to superintend erection. Appointment of, &c.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. The Overseers of Poor District Number One, in the County of Pictou, may borrow, on the credit of the District, a sum not exceeding three thousand dollars, for purchasing a lot of land and erecting a Poor House thereon ; such amount to be assessed on the District, and collected as Poor Rates now are, and to be repaid to the lender as hereinafter provided.

2. The Overseers, for the time being, shall give a bond to the lender, with a mortgage on the property, conditioned for the repayment of the loan with interest by the Overseers and their successors in office, as may be agreed upon.

3. If the inhabitants neglect to assess themselves for the money when required, a Judge of the Supreme Court at Chambers shall amerce the District for the same.

4. At any Town meeting in the District, for the support of the Poor, the rateable inhabitants assembled thereat shall appoint three Commissioners to superintend the erecting and furnishing of the Poor House, which, when completed, shall be under the control and management of the Overseers, as provided by section 24 of chapter 89 of the Revised Statutes.

Overseers may borrow \$3000.

Shall give Bond &c.

If inhabitants neglect to assess. Court may amerce.

Commissioners to superintend erection. Appointment of. &c.

CHAPTER 53.

An Act for the construction of a Public Wharf at Pictou.

(Passed the 15th day of April, A. D. 1861.)

SECTION.

1. Commissioners, appointment of.
2. May borrow \$6000.
3. Harbour dues to be collected.
4. Application of dues.
5. Commissioners to make rules, &c. To be appointed by Sessions.

SECTION.

6. Account to be rendered to Sessions.
7. Salary of future Harbor Master.
8. Inconsistent part of cap. 78. rev. stat. repealed.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. The Governor in Council may appoint Commissioners to construct a Public Wharf in the Harbor of Pictou, on the public property to the eastward of the wharf of the General Mining Association.

Commissioners appointed of.

2. The Commissioners are empowered, for the purposes of this act, to borrow a sum not exceeding six thousand dollars, on the security of the fund hereby created, and on the pledge of the public property hereinbefore mentioned, which the Commissioners are authorized to mortgage for that purpose.

May borrow \$6000.

3. The Harbor dues now by law payable on all shipping in the Port of Pictou, shall, after the passing of this act, be collected by the Collector of the Colonial Revenue in that port, who shall not clear any vessel until such Harbor dues shall be first paid.

Harbour dues to be collected.

4. The Collector, after deducting five per cent. from the amount of Harbor dues so collected, shall pay the sum of four hundred dollars from such dues to the Harbor Master of the Port of Pictou, during the incumbency of the present officer, as his salary, and in full of all fees and dues now payable to him; and the balance of such Harbor dues shall be paid by the Collector to the Commissioners appointed under this act, to be applied by them in payment of the loan hereinbefore authorized, with interest thereon, and towards the construction and completion of the wharf.

Application of dues.

5. When such wharf shall be completed, the Commissioners shall make rules and regulations for its care and management, and shall fix the rates of wharfage thereat, and the mode of enforcing payment of the same, and for controlling and directing the disposition of vessels lying at such wharf; and such rules and regulations, when approved by a General or Special Sessions, shall have the force of law.

Commissioners to make rules, &c.

6. The Commissioners shall annually render to the General Sessions of the Peace for the County of Pictou, at the February term thereof, an account of the receipts and expenditures in connection with such wharf.

To be appointed by Sessions.

Account to be rendered to Sessions.

7. Upon the death or removal of the present Harbor Master of the Port of Pictou, the sum of three hundred dollars shall be fixed as the salary of future incumbents of that office.

Salary of future Harbor Master.

8. So much of chapter 78 of the Revised Statutes, as is inconsistent with this act, is repealed.

Inconsistent part of cap. 78, rev. stat., repealed.

CHAPTER 54.

An Act to authorize the Sale of the Grammar School Lot in the Town of Pictou.

(Passed the 15th day of April, A. D. 1861.)

SECTION 1.—Appointment of Trustees who may sell. SECTION 2.—Application of proceeds.

Be it enacted by the Governor, Council, and Assembly, as follows :

Appointment of Trustees who may sell.

1. James D. B. Fraser, and John Crerar, of Pictou, in the County of Pictou, Esquires, are hereby authorized and empowered to sell and convey in fee simple, by public auction, the lot of Land called the Grammar School Lot, situate in the Town of Pictou, and bounded on the south by Church Street, on the west by a lot owned by Michael Cummins, and on the north and east by lots owned by the widow of the late Michael McMahan, and others.

Application of proceeds.

2. After deducting from the purchase money the charges attending such sale and conveyance, the balance shall be applied by the said James D. B. Fraser, and John Crerar, towards the purchase of a lot more suitable for a public school, the choice of such lot to be determined on by a public meeting of the inhabitants of the Town of Pictou, to be called for that purpose.

CHAPTER 55.

An Act to authorize a Loan for the erection of a Court House and Jail in Yarmouth.

(Passed the 28th day of March, A. D. 1861.)

SECTION.

1. Sessions may appoint Commissioners to erect court house. May borrow \$6000.

SECTION.

2. May purchase new site and sell old one. May purchase adjoining land.

Be it enacted by the Governor, Council, and Assembly, as follows :

Sessions may appoint Commissioners to erect Court House. May borrow \$6000.

1. The Sessions for the County of Yarmouth may appoint three Commissioners to erect a Court House and Jail in the Town of Yarmouth, and such Commissioners may borrow on the credit of that County a sum not exceeding six thousand dollars, to be repaid by equal annual instalments of twelve hundred dollars each, with interest, and to be assessed and levied on that portion of the County comprised within the Township of Yarmouth; which sum, or so much thereof as may be necessary, shall be applied by the Commissioners to the erection of such Court House and Jail.

2. If the Sessions shall so direct, the Commissioners shall purchase, with a portion of the money so borrowed, a new site for the proposed buildings, and in that case they shall sell the lot of land on which the old Court House stands, and shall execute a deed which shall convey a good title in fee simple to the purchaser thereof; but if the Sessions shall decide to erect the new buildings where the present Court House stands, the Commissioners may, under the direction of the Sessions, purchase as much land adjoining thereto as will with the present lot form a suitable site therefor.

May purchase
a new site and
sell old one, ac.

May purchase
adjoining land.

CHAPTER 56.

An Act relating to the Assessment Rolls for the District of Barrington.

(Passed the 23th day of March, A. D. 1861.)

SECTION 1.—Assessment Rolls confirmed.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The Assessment Rolls for the District of Barrington for the present year are hereby legalized and confirmed, notwithstanding that the same may not have been completed within the time limited therefor by section 20 of chapter 46 of the Revised Statutes, "Of County Assessments."

Assessment
Rolls confirmed

CHAPTER 57.

An Act concerning the County of Digby.

(Passed the 15th day of April, A. D. 1861.)

SECTION.

1. To be divided into two districts.
2. Supreme Court, where held.
3. Jurors to serve in their own district.
4. Custos for Clare.
5. Sessions.
6. Monies to be expended in district.
7. Jury lists to be revised.

SECTION.

8. Justices may appoint officers, if not sufficient grand jury, how drawn at next term.
9. Court House in Clare, &c.
10. Salary of Clerk of Peace for Clare.
11. To go into operation 1st June, 1862.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The County of Digby shall be divided into two Districts, the District of Digby and the District of Clare; the District of Digby shall comprise the Townships of Digby, Weymouth, Hillsburg, and Westport; and the District of Clare shall comprise the Township of Clare.

To be divided in
to two districts

2. The Supreme Court shall be holden in the County of Digby as follows, that is to say: at Digby, in the District of

Supreme Court
—where held.

Digby, on the third Tuesday of June; and at Clare, in the District of Clare, on the last Tuesday of September.

Jurors to serve in their own district.

3. The inhabitants qualified to serve as Jurors in such County shall only be liable to serve in the District in which they reside, and the Jury lists shall be revised and amended accordingly.

Custos for Clare

4. A Custos Rotulorum shall be appointed for the District of Clare.

Sessions.

5. The Sessions for each District shall have the same powers within their respective Districts as if the same were a separate County, but shall exercise no control over the affairs of any District but that within which they reside.

Monies to be expended in district.

6. All monies assessed and collected in such Districts respectively shall be laid out and expended solely within the limits of such District.

Jury lists to be revised.

7. The Justices in Session in the several Districts shall appoint a committee to revise the Grand and Petit Jury lists in their respective Districts. The Juries for the first term of the Supreme Court at Clare shall be drawn at the next Autumn Term of the Supreme Court at Digby; and on all subsequent occasions the Juries for the Terms at Digby and Clare shall be drawn in those places respectively.

How drawn.

8. In case there shall not be a sufficient Grand Jury in attendance at the Court of Sessions at Clare in the first term, after this act shall come into operation, the Justices may appoint District and Township officers for the year then next ensuing.

Justices may appoint officers if not sufficient Grand Jury at next term.

9. The present Session House in the Township of Clare shall be the Court House for that District; and the present Lock-up House shall be the Jail for the same District, and be considered as a County Jail.

Court House in Clare, &c.

10. The Grand Jury in Sessions for the Township of Clare are empowered to fix the salary of the Clerk of the Peace for that District.

Salary of Clerk of Peace for Clare.

11. This act shall not come into operation until the first day of June, in the year one thousand eight hundred and sixty-two.

To go into operation 1st June, 1862.

CHAPTER 58.

An Act relating to the County of Guysborough.

(Passed the 15th day of April, A. D. 1861.)

SECTION.

1. Charges relating to administration of justice—how borne.
2. Proceedings to determine and assess the amount.
3. In case of neglect or refusal.

SECTION.

4. Sessions of St. Mary's may appeal—mode of, &c.
5. Prothonotary to pay one-third jury fee, &c., to Treasurer of St. Mary's.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. Hereafter all pecuniary claims and charges relating to the administration of justice in the Supreme Court in the County of Guysborough, and now assessable on that County, shall be borne by the whole County in the following proportions, viz., two thirds by the County of Guysborough (excepting the District of St. Mary's), and one third by the District of St. Mary's.

Charges relating to administration of Justice, how borne.

2. The Justices in their General Sessions, holden at Guysborough, at the January term in each year, in confirming the presentment of the Grand Jury, as to the monies to be raised on that County (excepting the District of Saint Mary's) shall fix and determine specifically the whole amount for which the County is to be assessed for the administration of justice in the Supreme Court therein; and on such amount being fixed and determined specifically, the Clerk of the Peace at Guysborough shall, within one month after such January Term in each year, furnish to the Clerk of the Peace for the District of Saint Mary's a certificate under his hand, to the effect that the sum mentioned in such certificate is the one-third part of the whole amount made assessable on the county of Guysborough, in respect of the administration of justice in the Supreme Court therein; and thereupon, on the exhibition of such certificate to the Grand Jury of the District of Saint Mary's, at the first term of the General Sessions of the Peace thereafter holden in and for such District, the said Grand Jury shall present such proportionate amount; and the Court of General Sessions for the District shall confirm such presentment, and such proportionate amount shall be a part of the general assessment in and for the District of Saint Mary's; and the Treasurer of said District, after collection and payment to him of the District rates, shall annually forthwith pay such proportionate amount to the Treasurer of the county of Guysborough (the District of Saint Mary's excepted), and the same shall form and be a part of the county funds for appropriation within the county of Guysborough (the District of Saint Mary's excepted).

Proceedings to determine and assess the amount.

3. If either of the respective Grand Juries and Sessions in the county of Guysborough shall neglect or refuse to present, confirm, and assess, as required by this act, for the purposes herein mentioned, the Supreme Court, on the application of either of the Treasurers in such county, may amerce in such amount as may be necessary, the county of Guysborough (excepting the District of Saint Mary's), or the District of Saint Mary's (as the case may be), so neglecting or refusing.

In case of neglect or refusal.

4. The Justices in the General Sessions holden at Sherbrooke in and for the District of Saint Mary's, if dissatisfied with the correctness or legality of the action of the Justices in their General Sessions, holden at Guysborough, in the

Sessions of St. Mary's may appeal—mode of, &c.

matter of such presentment and confirmation thereof, in relation to this act, may bring the question before the Supreme Court at Guysborough at its first term; and a notice to that effect, delivered by the Clerk of the Peace in and for the District of Saint Mary's, to the Clerk of the Peace in and for the county of Guysborough (the District of Saint Mary's excepted), not less than ten days before such term, shall be held sufficient to authorize the Supreme Court to hear and determine such correctness or legality, and the Court shall make such order in the premises as may be necessary to effect the purposes of this act.

5. The Prothonotary at Guysborough shall, within ten days after the rising of the Supreme Court at Guysborough, at the respective terms thereof, pay to the Treasurer of the District of Saint Mary's one third part of all monies received by him for Jury tax and Jury fees in civil causes, and such one-third part of such monies shall form and be a part of the District funds for appropriation within the same.

Prothonotary to pay 1/3 Jury fees, &c. to Treasurer of St. Mary's.

CHAPTER 59.

An Act to alter the time of holding the Sessions for the County of Victoria.

(Passed the 15th day of April, A. D. 1861.)

SECTION.

- 1. Sessions—when held, &c.
- 2. Proceedings for present year valid.

SECTION.

- 3. Caps. 39 acts '57, and 53 acts '58 repealed.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The Sessions for the county of Victoria shall hereafter be held on the third Tuesday of March, and on the third Tuesday of September, in each year, instead of at the times now by law appointed therefor; and the Grand Jury shall attend the Sessions during the March meeting.

2. The proceedings of the Sessions for the present year shall be legal and valid, notwithstanding that such Sessions shall have been held on the third Tuesday of March, instead of on the second Tuesday of January, provided such proceedings are in other respects conformable to law.

3. Chapter thirty-nine of the acts of 1857, and chapter fifty-three of the acts of 1858, are hereby respectively repealed.

Sessions, when held, &c.

Proceedings for present year valid.

Cap. 39 acts '57, and 53 acts '58 repealed.

CHAPTER 60.

An Act to authorize an extension of time for payment of the Loan for Cornwallis Bridge.

(Passed the 15th day of April, A. D. 1861.)

SECTION 1.—Members may arrange for extension of time.

Be it enacted by the Governor, Council, and Assembly, as follows:

Members may arrange for extension of time.

1. The members for King's county are authorized to arrange with the creditors, from whom were borrowed the amounts required for completing the Cornwallis Bridge, for an extension of the time now limited for the payment of such loans, by dividing the balance now due thereon, over the years 1861, 1862, 1863, and 1864, by four equal instalments, payable with interest, in each of those years respectively.

CHAPTER 61.

An Act to divide Queen's County into two School Divisions.

(Passed the 15th day of April, A. D. 1861.)

SECTION.

1. Divisions.
2. Commissioners—appointment of.

SECTION.

3. Appropriation of grant.
4. Inconsistent parts cap. 60, rev. stat., repealed.

Divisions.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. Queen's County shall be divided into two School Divisions, namely, the Northern Division and the Southern Division; the Northern Division shall include Polling Districts numbers five, six, and seven, and so much of number two as will include the settlement of Middlefield; and the Southern Division shall include Polling Districts numbers one, three, and four, and that part of number two not included in the Northern Division.

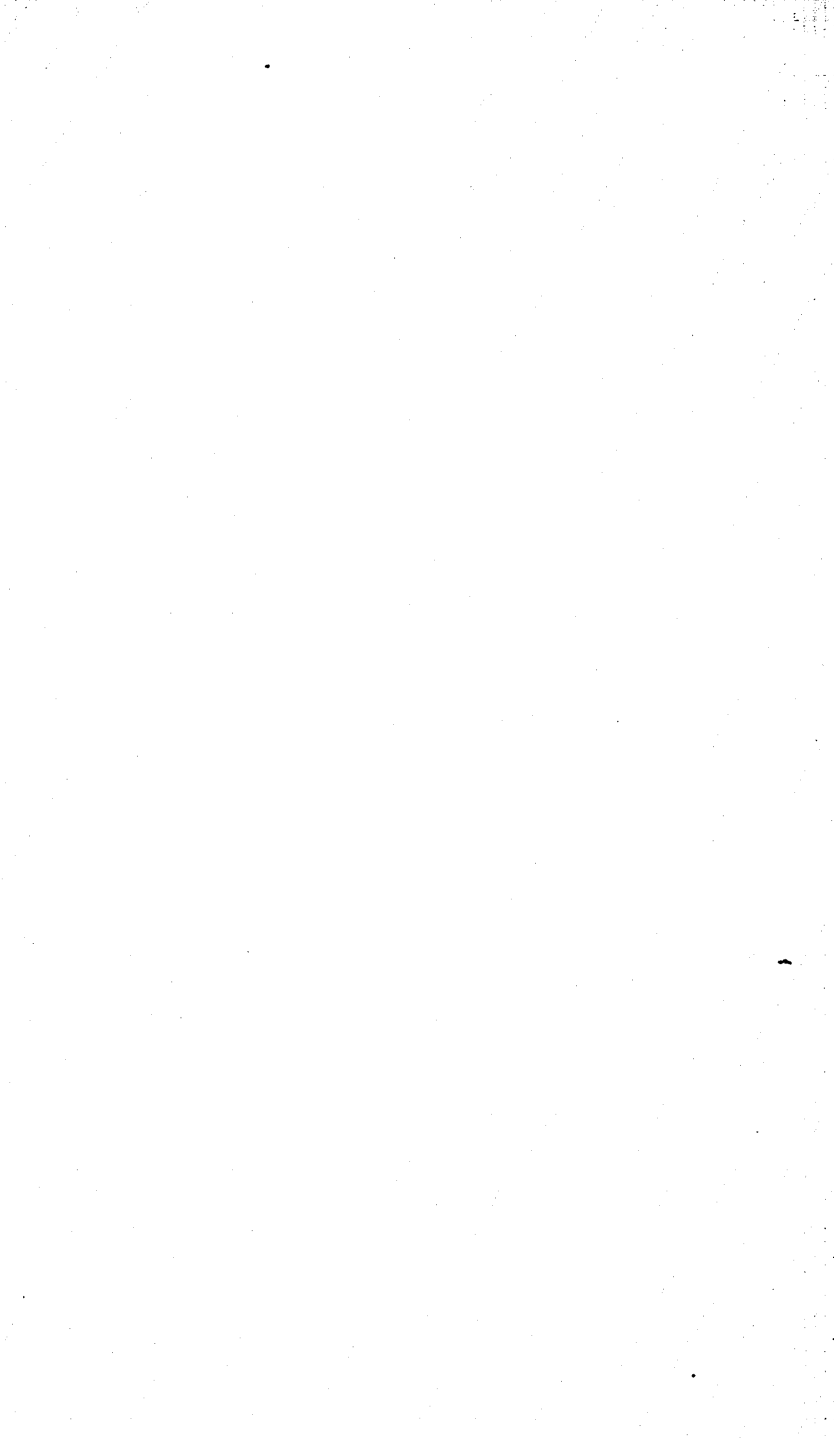
Commissioners—appointment of.
Appropriation of grant.

2. The Governor in Council shall appoint a Board of School Commissioners for each of such divisions.

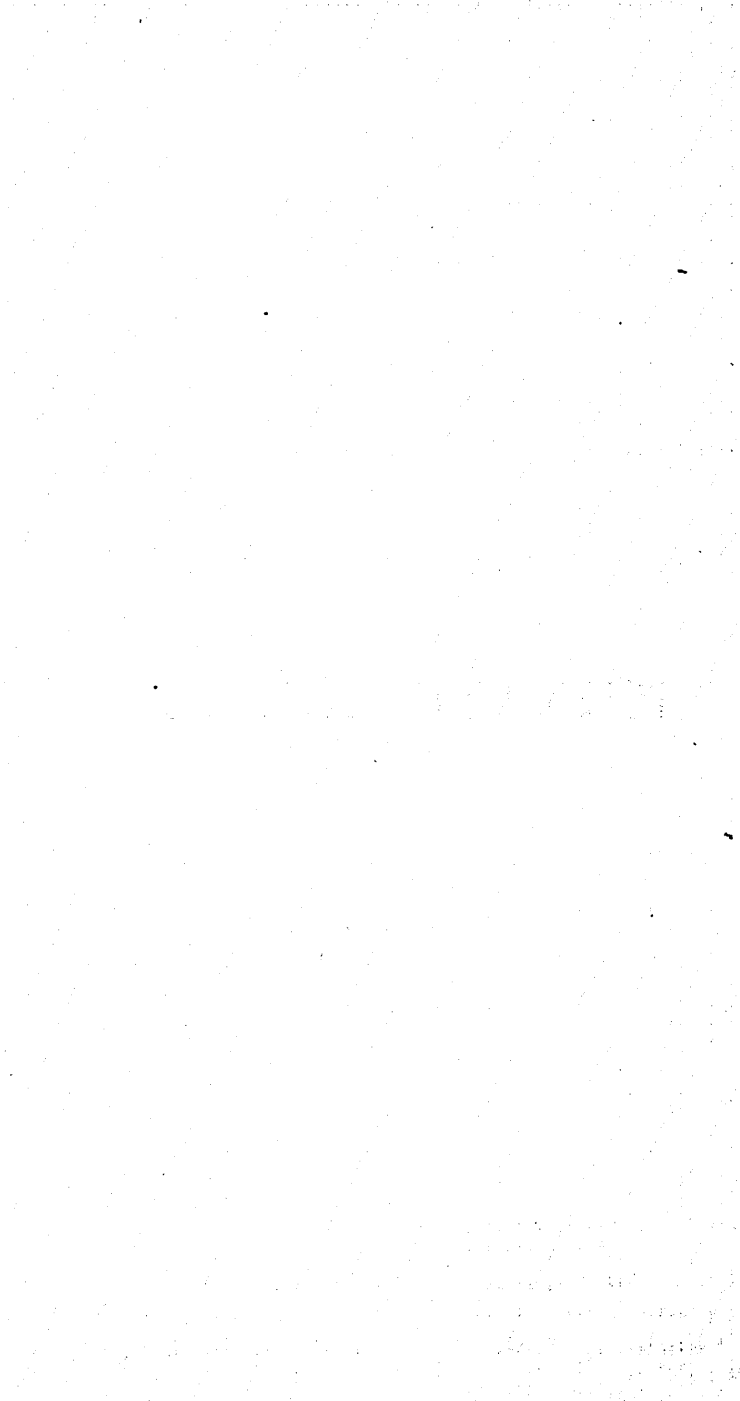
3. The public monies appropriated to the County shall be appropriated between the two divisions as follows: The Southern Division, Eleven hundred and sixty dollars for Common Schools, and Three hundred dollars for Grammar Schools; the Northern Division, Four hundred dollars for Common Schools, and One hundred dollars for one Grammar School.

Inconsistent parts cap. 60, rev. stat., repealed.

4. So much of chapter sixty of the Revised Statutes, as is inconsistent with this act, is repealed.



PRIVATE ACTS.



CHAPTER 62.

An Act to revive the Acts relating to the Hall's Harbor Pier Company.

(Passed the 28th day of March, A. D. 1861.)

SECTION.

1. Cap. 80, acts 1855, and cap. 56, acts 1856, revived.

SECTION.

2. Proceeding confirmed.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. Chapter 80 of the acts of 1855, entitled, "An Act to incorporate the Hall's Harbor Pier Company," and chapter 56 of the acts of 1856, in amendment thereof, are hereby respectively revived.

Cap. 56, acts '55, and cap. 56, acts '56, revived.

2. All proceedings of the shareholders of such company already had by virtue of the acts hereby revived, are confirmed, provided the same are not repugnant to such acts, or to the laws of this province.

Proceeding confirmed.

CHAPTER 63.

An Act to amend the Act incorporating the Nova Scotia Marine Insurance Company.

(Passed the 28th day of March, A. D. 1861.)

SECTION.

1. May expend \$24,000 to purchase real estate.

SECTION.

2. Inconsistent parts of section 1, act 5, William 4, cap. 7, repealed.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. The Nova Scotia Marine Insurance Company may expend a sum not exceeding twenty-four thousand dollars, in purchasing real estate and erecting buildings thereon, for the use of the company.

May expend \$24,000 to purchase real estate.

2. So much of section one of the act 5th, William 4th, chapter 7, entitled, "An Act to incorporate a Marine Insurance Company in Halifax," as is inconsistent with this act, is repealed.

Inconsistent parts of section 1, act 5, Wm. 4, cap. 7, repealed.

CHAPTER 64.

An Act to amend the Act to incorporate the Londonderry Iron Company of Nova Scotia.

(Passed the 28th day of March, A. D. 1861.)

SECTION 1.—Company may be formed in G. Britain and hold meetings there, &c.

Be it enacted by the Governor, Council, and Assembly, as follows :

Company may be formed in G. Britain, and hold meetings there, &c.

1. It shall be lawful for the Londonderry Iron Company of Nova Scotia to be formed and organized in Great Britain, under the existing laws relating to Joint Stock Companies, and to hold its annual general and other meetings and transact its business within the city of London, or elsewhere in Great Britain, as the company, by its bye-laws, may direct, without prejudice to all or any of the powers, rights, and privileges, granted and conferred by the act of incorporation.

CHAPTER 65.

An Act to amend the Act for the incorporation of the Mountain Cemetery Company of Yarmouth.

(Passed the 15th day of April, A. D. 1861.)

SECTION 1.—Trustees may offer choice of lots at auction, and fix value of remainder.

Be it enacted by the Governor, Council, and Assembly, as follows :

Trustees may offer choice of lots at auction, and fix value of remainder.

1. The twentieth section of the act hereby amended is repealed, and the Trustees may, in the first instance, offer a choice of lots in the Cemetery at auction ; and after the first sale the Trustees may from time to time fix the value of the lots remaining.

CHAPTER 66.

An Act to amend the Act to incorporate the Nova Scotia Electric Telegraph Company.

(Passed the 15th day of April, A. D. 1861.)

SECTION.

1. May cut down trees, enter lands, &c. Compensation—how ascertained, &c.
2. Trees to be cut down where line passes through forest.
3. May open streets, &c., to lay down lines.

SECTION.

4. When line extends over draw bridge line to be disconnected, &c. Penalty.
5. Penalty for obstructing officer, trespassing on line, &c. Proceedings, &c.
6. Penalty for not assisting.

Be it enacted by the Governor, Council, and Assembly, as follows :

May cut down trees, enter lands, &c.

1. In the erection, maintenance, and repair of the lines of Telegraph, the Nova Scotia Electric Telegraph Company may cut down and remove all trees and branches of trees, except fruit and ornamental trees, within the limits of the highway, which obstruct the working of the lines, or which are likely to interfere with the same ; and the company may enter upon any lands and cut down and remove any trees or branches of trees, except as aforesaid, which obstruct, or are liable to obstruct, such lines, doing as little damage as pos-

sible, and making due compensation to the owner therefor. In case of disagreement between the company and the owner, the damages shall be ascertained by arbitration; the owner shall name one arbitrator, the company another, and the two so selected shall name a third; and in case the owner or company shall refuse, on receiving three days' notice from the other party, the nearest Justice shall name an arbitrator for the party refusing; and the award of any two of such arbitrators shall be final. Notice served upon any operator, in the nearest office of the company, shall be considered notice to the company.

Compensation.
how ascertained,
&c.

2. In case the lines of Telegraph pass through the forest, the trees and underwood shall be cut down, for a width of twenty-five feet, on each side of the line, by the proprietors of the lands; and in default, the company may, at their own cost, cause the same to be cut down; but the property in the trees and underwood shall remain in the owner of the soil, who shall be compensated for the injury sustained by him, in the manner prescribed in the first clause.

Trees to be cut
down where
line passes
through forest.

3. For the purposes of erecting, repairing, or laying subterranean lines of Telegraph, the company may, after three days notice to the Superintendent or Commissioner of Streets, or the Surveyor of Highways, break open any road, street, or highway, whenever they shall find it requisite so to do, and may keep the same open for a reasonable time; but they shall carefully close up and repair the same at the cost and charges of the company.

May open
streets, &c. to
lay down lines.

4. Where any Telegraph line extends over or across any Drawbridge, the company shall place, at the opening of such Drawbridge, proper couplings, by which the line may be separated and re-united; and it shall be the duty of the person having charge of the Drawbridge to disconnect the line on opening the draw, and to connect the same again without unnecessary delay; and in default thereof shall incur a penalty of twenty dollars, to be recovered before any Justice of the Peace, for the public uses of the county.

When line extends
over
draw-bridge,
line to be dis-
connected, &c.

Penalty.

5. If any person shall wilfully obstruct or impede any officer or person employed by the company, in the execution of his duty, with regard to the Telegraph or to the using thereof, or of any apparatus thereto belonging, or upon or in any of the stations or premises therewith connected, or shall wilfully trespass upon the Telegraph or any of the stations or premises connected therewith; every such person so offending, and all others aiding or abetting, shall be guilty of a misdemeanour, and may be seized and detained by any such officer or person employed, or by any person whom he may call to his assistance, until such offender can be conveniently taken before some Justice of the Peace for the county,

Penalty for ob-
structing offi-
cer, trespassing
on line, &c.

Proceedings,
&c.

wherein such offence shall be committed; and such Justice shall enquire into the alleged offence, and may commit the party charged to jail, or admit him to bail, as in ordinary cases of indictable offences.

Penalty for not assisting.

6. Any person refusing, when called upon by any officer or person in the employ of the company, to assist in seizing and detaining any offender against the preceding section, shall incur a penalty of ten dollars, which may be recovered in like manner for the public uses of the county.

CHAPTER 67.

An Act to revive the Act to incorporate the Merchants' Exchange Company.

(Passed the 15th day of April, A. D. 1861.)

SECTION 1.—Cap. 27, acts '55, revived.

Be it enacted by the Governor, Council, and Assembly, as follows:

Cap. 77, acts '53, revived.

1. Chapter seventy-seven of the acts of 1855, entitled, "An Act to incorporate the Merchants' Exchange Company," is revived.

CHAPTER 68.

An Act to incorporate the Board of Education of the Presbyterian Church of the Lower Provinces of British North America.

(Passed the 15th day of April, A. D. 1861.)

SECTION.

1. Act 9 Vic., cap. 36, and 19 Vic., cap. 81, repealed.
2. Incorporation.
3. Value of property.
4. All property vested in Board hereby incorporated. Nature of trust Proviso.
5. Duty of board, meetings, &c. Quorum.
6. Members—how chosen, &c.

SECTION.

7. In case Synod shall unite with Orthodox Christians. Proviso. In case of division.
8. In case of union, new trustees to be appointed.
9. In case General Assembly is constituted.
10. Bequests to be vested in Board.
11. When to go into operation.

Preamble.

Whereas the two bodies of Christians known as the Presbyterian Church of Nova Scotia, and the Free Church of Nova Scotia, have lately been united into one, by the name of the Presbyterian Church of the Lower Provinces of British North America," and they are desirous that the two Educa-

tional Institutions incorporated in this Province, by the acts 9th Vic., chap. 36, and 19 Vic., chap. 81, should be consolidated and incorporated into one by the name given in this act:

Be it therefore enacted by the Governor, Council, and Assembly, as follows:

1. The act 9 Vic. chap. 36, entitled, "An Act to incorporate the Educational Board of the Presbyterian Church of Nova Scotia," and the act 19 Vic., chap. 81, entitled, "An Act to incorporate the College and Academy Board of the Free Church of Nova Scotia," are hereby repealed.

Act 9 Vic., cap. 36, and 19 Vic., cap. 81, repealed.

2. The Reverend Andrew King, the Reverend John Logan Murdoch, the Reverend William Lyell, the Reverend Peter Gordon McGregor, the Reverend Alexander McKnight, the Reverend James Smith, the Reverend John Campbell, Abram Patterson, Andrew MacKinlay, Roderick McGregor, Robert Romans, Charles D. Hunter, James H. Liddell, Adam Dickie, George Buist, Isaac Logan, Howard D. Steele, John D. Christie, and Anthony McLellan, Esquires, together with the Moderator and Clerks for the time being of the Synod of such united body, and all other person or persons who shall or may hereafter be duly appointed by such Synod as hereafter provided for, and their successors in office, shall and are hereby declared to be a body politic and corporate, by the name of "The Board of Education of the Presbyterian Church of the Lower Provinces of British North America."

Incorporation.

3. The Board shall not at any one time hold lands, tenements, and hereditaments, goods, chattels; or effects, of greater value than two hundred thousand dollars.

Value of property.

4. All and singular the lands and premises wherever situate, now vested in the Educational Board of the Presbyterian Church of Nova Scotia, and in the College and Academy Board of the Free Church of Nova Scotia, or in Trustees for either of those corporate bodies, with all the right, title, interest, use, trust, inheritance and demand, of such corporate bodies and Trustees, or any of them; and also all the incomes, goods, chattels, and other personal property of every kind now belonging to such corporate bodies, or held by any Trustees for them, or either of them, or belonging to the united Synod, and the two several bequests mentioned in the second section of the act 9th Vic., chap. 36th, shall be and are hereby declared to be vested in, and shall be and become and are hereby declared to be the absolute property of the Board hereby incorporated, and of their successors in office, and shall be held for the purpose of promoting classical, literary, and theological education in the institutions in connection with and under the control of the united body, as fully and effectively to all intents and purposes as if the same had been originally conveyed by deed,

All property vested in board hereby incorporated.

Nature of trust.

assignment, or otherwise. And all mortgages and other securities held by any parties in trust, for the purposes contemplated by the acts hereby repealed, or either of them, or by the Synods of such original bodies, now united into one, shall be and are hereby declared to be vested in the Board hereby incorporated, whether such securities be in this province or elsewhere. Provided that the original intentions of the donors of any part of such funds or securities, and the conditions annexed thereto, shall not be infringed, but such funds shall be applied and expended for promoting the objects originally contemplated, and all such conditions shall be substantially observed.

Proviso.

Duty of board, meetings, &c.

5. It shall be the duty of the Board, from time to time, as may be necessary, to assume the management and control of the real estate, and also of the monies or other personal property hereby vested in them, or which may hereafter be acquired by the Board, or shall come into their possession, to and for the purposes contemplated by the Synod, and as often as occasion may require, to meet together and consult upon the state of the property entrusted to their care, the safe investment of the funds belonging to the Board, and the expenditure of monies for any necessary purposes, and generally to exercise a due and watchful supervision over the affairs of the Board, for the purpose of preserving the property and funds from loss or destruction, and of increasing the value thereof, any five members of the Board to form a quorum for the transaction of business.

Quorum.

Members, how chosen, &c.

6. The members of the Board shall be duly chosen and appointed by the united Synod at its regular meetings; and it shall be lawful for the Synod to remove or displace any member of such Board, and to substitute the names of any members to fill their places, or to add to the number of the Board; and any member may be at liberty to resign his seat at such Board, and by his resignation he shall cease to be a member thereof. Provided that the Synod shall have the power of nominating and appointing any person or persons to fill the place of those who may so resign, and that no person shall be appointed a member of such Board unless he be at the time of his appointment in full communion with the Presbyterian Church of the Lower Provinces of British North America.

In case Synod shall unite with Orthodox Christians.

7. If at any time hereafter the Synod shall unite with any Orthodox body of Christians, either in this or in any of the adjoining Provinces, so as to form one Ecclesiastical Synod, the property and funds hereby vested in the Board shall be deemed and be the property and funds of the united body, upon such terms and conditions as the uniting parties may agree to, and notwithstanding any change or difference

in the name assumed by the united body from that by which the Synod is now known. Provided that the funds shall be applied and expended in promoting the objects originally contemplated by the donors, and that the united body shall profess and adhere to the constitution and principles of the Westminster standards, as set forth in the basis of union of the united bodies. And if at any future time, a division or separation shall take place, or be agreed upon, in the united Synod or Presbyterian Church of the Lower Provinces, that then, and in such case, the new Synod which shall adhere most closely to the standards of the united church, as set forth in its basis of union in government, doctrine, and discipline, shall be, and is hereby declared to be, the true, rightful, and legal owner of such funds and property, of whatever nature or kind, vested in or belonging to the Board, and appertaining to or forming any part of the trust funds then held and enjoyed by them for the purposes aforesaid.

Proviso,

In case of division.

8. In case of any such union being hereafter effected, it shall be lawful for the united body, at any regular meeting of the Synod, from time to time, to nominate and appoint a new Board of Trustees, who shall represent the interests of the whole united body, or to add to the existing Board the names of any person or persons belonging to the body or bodies with whom such united bodies may unite.

In case of union new trustees to be appointed.

9. If at any time hereafter, upon such a union being effected, the united body shall see fit to constitute themselves into the higher Ecclesiastical Court, usually known in Scotland as a General Assembly, the property and funds hereby vested in the Board of Education of the Presbyterian Church of the Lower Provinces of British North America, shall be held by the Board to and for the use of the General Assembly; and such General Assembly shall have, possess, and enjoy, the same rights, powers, and authorities, for all the purposes of this act, as are now held and enjoyed by the Synod, anything herein contained to the contrary notwithstanding. Provided that such General Assembly shall possess and hold to the same doctrines or principles as required of the Synod under the seventh section of this act.

In case general assembly is constituted.

10. Any bequests that have been made to the Educational Board of the Presbyterian Church of Nova Scotia, or in trust for the Church, in aid of its Mission schemes, shall be vested in the Board hereby incorporated, and be by them applied for the uses and purposes in such bequests set forth, and the conditions thereof as near as may be fulfilled. And it shall be lawful for the Board to receive, hold, and dispose of, in accordance with the will of the donors, and subject to the direction of the Synod, any bequests or contributions, in

Bequests to be vested in board.

lands, monies, or other securities made for the promotion of any of the schemes or religious objects of the Presbyterian Church of the Lower Provinces of British North America.

11. This act shall go into operation on the third day of the meeting of the United Synod, in the month of June next.

When to go in-
to operation.

CHAPTER 69.

An Act to incorporate the Medical Society of Nova Scotia.

(Passed the 28th day of March, A. D. 1861.)

SECTION.

1. Incorporation.
2. Bye-laws valid. To be confirmed by Governor in Council.

SECTION.

3. Real estate.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. Rufus S. Black, M. D., James C. Hume, M. D., Edward Jennings, M. D., Daniel McNeil Parker, M. D., William B. Webster, M. D., and such other persons as now are or hereafter may become members of the Society hereby established, their successors and assigns, are created a body corporate, by the name of "The Medical Society of Nova Scotia."

2. All Bye-Laws and Rules of the Society already made or hereafter to be made shall be valid, and binding upon the members of the society, provided the same are not repugnant to this Act or to the Laws of this Province, and provided the same shall have been confirmed by an order of the Governor in Council, and filed in the Provincial Secretary's office.

3. The Company may purchase, take, and hold Real Estate to the value of ten thousand dollars.

Incorporation

Bye-laws valid.

To be confirm-
ed by Governor
in Council.

Real estate.

CHAPTER 70.

An Act to incorporate "The Trustees of the Seaman's Bethel at North Sydney."

(Passed the 28th day of March, A. D. 1861.)

SECTION.

1. Incorporation.
2. Chapel, &c., vested in corporation.
3. To be open to use of all Protestants.

SECTION.

4. Vacancy among trustees, how filled.
ac.

Preamble.

Whereas, a Building has been erected at North Sydney, for public worship, by Protestants of different denominations, and the same with the land whereon it stands was conveyed to Thomas S. Bowen, John D. Gillies, and William Leslie, the latter of whom has since departed this life, and it is

desirable, that the surviving Trustees with others, should be incorporated :

Be it enacted by the Governor, Council, and Assembly, as follows :

1. John A. Moore, Alexander Musgrave, on behalf of the Baptist denomination; William Hackett, and George Moffat, on behalf of the Wesleyan denomination; Duncan McNaughton, and John D. Gillies, on behalf of the Presbyterian denomination; and Thomas S. Bowen, and Douglas G. Rigby, on behalf of the Church of England, are hereby declared a body politic, under the name of "The Trustees of the Seaman's Bethel at North Sydney."

Incorporation.

2. The Bethel Chapel at North Sydney and the land whereon the same is erected are vested in the corporation hereby created, who shall have the charge thereof.

Chapel, &c. vested in corporation.

3. The Chapel shall be open to the use of Protestants of all denominations, under such rules and bye-laws as shall be made by the corporation.

To be open to use of all Protestants.

4. Whenever a vacancy shall occur among the trustees, by death, removal from the Province, or otherwise, the vacancy shall be filled up by the election of a new trustee, by the denomination in which the vacancy has occurred, residing within the limits of North Sydney township, which they are hereby authorized to do as often as any such vacancy occurs.

Vacancy among trustees—how filled.

CHAPTER 71.

An Act to incorporate the Gilbert's Cove Pier Company.

(Passed the 28th day of March, A. D. 1861.)

SECTION.

1. Incorporation.
2. May erect wharf, &c., open to all on payment of wharfrage, &c.

SECTION.

3. Capital—shares—real estate.
4. Bye-Laws to be approved and recorded.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. John Kinney, William Kinney, William Robinson, Isaac Titus, Luke White, and such other persons as are or shall become shareholders in the Company hereby established, their successors and assigns, are created a body corporate, by the name of The Gilbert's Cove Pier Company.

Incorporation.

2. The Company may erect a Public Wharf or Pier, with stores and buildings at Gilbert's Cove, in the County of Digby, upon any land owned by the Company or the public, in and about such pier or breakwater, which piers, stores, and buildings, shall be open and free for the use of all ships and vessels, and of all persons desirous of

May erect wharf, &c. open to all on payment of wharfrage, &c.

using the same for trading purposes, subject to such rates of dockage, wharfage, and storage as shall be fixed by the Company, with the consent of the Sessions.

Capital—shares

3. The capital of the Company shall not exceed eight thousand dollars, to be divided into shares of ten dollars each; and the Company may hold real estate not exceeding in value eight thousand dollars.

Real Estate.

Bye-Laws to be approved and recorded.

4. The bye-laws of the Company shall not come into operation until they shall have been approved of by the Sessions, and recorded in the Registry of Deeds for the County of Digby.

CHAPTER 72.

An Act to incorporate the Pictou Marine Railway Company.

(Passed the 28th day of March, A. D. 1861.)

SECTION.

1. Incorporation.
2. Real Estate.
3. Capital—shares. May increase capital.

SECTION.

4. When to go into operation.
5. Liability of shareholders.

Be it enacted by the Governor, Council, and Assembly, as follows:

Incorporation.

1. James Primrose, William Gordon, John Yorston, John Crerar, William H. Davies, John A. Dawson, James W. Carmichael, John McKinlay, and such other persons as are or shall hereafter become shareholders in the Company hereby established, are created a body corporate, by the name of the "Pictou Marine Railway Company," for the purpose of erecting and employing Patent Slips or other Marine Railways, in the County of Pictou, for facilitating the repairs of vessels.

Real Estate.

2. The Company may hold real estate not exceeding in value forty thousand dollars.

Capital. Shares.

3. The Capital Stock of the Company shall be twenty-five thousand dollars, to be divided into shares of two hundred dollars each; but when the Company shall deem it necessary they may at any general meeting by a bye-law to be sanctioned by the Governor in Council, increase their capital stock from time to time as they may see fit to any sum not exceeding in the whole fifty thousand dollars.

May increase capital.

When to go into operation.

4. The Company may go into operation as soon as seventy-five shares shall have been subscribed, and eight thousand dollars actually paid in on account thereof.

Liability of shareholders.

5. No shareholders shall be liable for the debts of the Company in his person or separate estate to a greater amount in the whole than double the amount of stock held by him, deducting therefrom the amount actually paid to the Com-

pany on account thereof, unless he shall have rendered himself liable for a greater amount by becoming surety for the debts of the Company.

CHAPTER 73.

An Act to incorporate Eastern Star Lodge, No. 2, of Independent Order of Odd Fellows.

(Passed the 28th day of March, A. D. 1861.)

SECTION.

1. Incorporation.
2. Real Estate.

SECTION.

3. Property vested in corporation.
4. Private rights not affected.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. Daniel McKenzie, Robert Doull, Daniel Dickson, and James Ives, and all others who now are or shall become members of the Lodge hereby incorporated, according to the rules and bye-laws thereof, are created a body corporate, by the name of "Eastern Star Lodge, No. 2," for the purpose of holding the property and managing the affairs of the Lodge. Incorporation.

2. The corporation shall not hold real estate to a greater value than one thousand dollars. Real Estate.

3. The property belonging to Eastern Star Lodge and all debts due thereto shall vest in the Lodge as hereby incorporated, and no person now or hereafter to become a member of such Lodge shall have power to assign any interest which he may have in the funds or property of the Lodge, but the same shall remain at all times under the control of the Lodge, and liable for the debts and engagements thereof, and shall not be subject to the private debts of any of its members. Property vested in corporation.

4. Nothing herein contained shall affect private rights other than as herein mentioned. Private rights not affected.

CHAPTER 74.

An Act to incorporate the Fraser Mine Company.

(Passed the 28th day of March, A. D. 1861.)

SECTION.

1. Incorporation.
2. Capital—shares. Real Estate, powers, &c.

SECTION.

3. When to go into operation.
4. Liability of members.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. James Primrose, James D. B. Fraser, Henry Poole, Howard Primrose, and such other persons as are now or shall Incorporation.

hereafter become shareholders in the corporation hereby established, their successors and assigns, are created a body corporate by the name of "The Fraser Mine Company."

Capital.

Shares.

Real Estate.

Powers, &c.

When to go
into operation.Liability of
members.

2. The capital stock of the Company shall be one hundred thousand dollars, to be divided into five hundred shares of two hundred dollars each; and the Company may hold real estate in any part of the Province to the value of fifty thousand dollars, with full power to mine coal and manufacture coal oil, and to export or sell the same either in this Province or elsewhere, as the corporation may think fit.

3. The Company shall not go into operation until fifty thousand dollars of the stock are subscribed, and twenty thousand dollars paid in on account of such Company.

4. No member of the corporation shall be liable in his person or separate estate for the debts of the Company for a greater amount in the whole than double the amount of the stock held by him.

CHAPTER 75.

An Act to incorporate the Halifax Relief Steamboat Company.

(Passed the 28th day of March, A. D. 1861.)

SECTION.

1. Incorporation.
2. Capital—shares. May increase capital.
3. Real Estate.

SECTION.

4. Liability of members.
5. Property vested in corporation.
6. When to go into operation.

Be it enacted by the Governor, Council, and Assembly, as follows:

Incorporation.

1. John Taylor, John M. Watson, and John T. Wylde, President and Directors, and such other persons as are or shall from time to time become shareholders in the Company hereby established, their successors and assigns, are hereby created a body corporate, by the name of The Halifax Relief Steamboat Company, for the purpose of running steamers for towing and excursions in the harbors and on the coasts of this Province.

Capital.

Shares.

May increase
capital.

Real Estate.

2. The capital stock of the Company shall be fifteen thousand dollars, to be divided into shares of one hundred and twenty-five dollars each, but whenever it shall become necessary the Company may at any general meeting, by a by-law to be sanctioned by the Governor in Council, increase the capital stock of the Company to a sum not exceeding fifty thousand dollars.

3. The Company may hold real estate, not exceeding in value eight thousand dollars.

4. No member of the Company shall be liable in his person or separate estate for the debts of the Company to a greater amount in the whole than double the amount of the stock held by him, deducting therefrom the amount actually paid to the Company on account of such stock, unless he shall have rendered himself liable for a greater amount by becoming surety for the debts of the Company.

Liability of members.

5. The property, debts, and effects of the Company are vested in the corporation, and the corporation is empowered to invest its funds to such extent and in such way as it shall think fit.

Property vested in corporation.

6. The Company shall not go into operation until one hundred and twenty-five shares shall have been subscribed for, and the sum of ten thousand dollars actually paid in therefor.

When to go into operation.

CHAPTER 76.

An Act to incorporate the Dartmouth Gas Light and Water Company.

(Passed the 15th day of April, A. D. 1861.)

SECTION.

1. Incorporation.
2. Capital—Shares. Real Estate.
3. President and directors.
4. To go into operation when bye-laws approved.
5. May lay pipes, erect lamps, &c., in streets.
6. May open streets.
7. Votes. Proxy.

SECTION.

8. May commence either with gas or water.
9. Mode of appraising value of land required by corporation.
10. Court may examine witnesses, set aside, or modify appraisement.
11. Court may compel payment and conveyances.
12. Liability of members.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. John P. Mott, James E. Lawlor, John Burton, James W. Turner, Dominick Farrell, Charles Robson, and Edward Foster, and such other persons as shall become shareholders in the Company hereby established, their successors and assigns, are hereby created a body corporate, by the name of the Dartmouth Gas Light and Water Company.

Incorporation.

2. The capital stock of the Company shall be limited to the sum of sixty thousand dollars, to be divided into shares of twenty dollars each, and the Company may hold real estate not exceeding the value of thirty thousand dollars, and shall have power to sell or lease the same by deed under their corporate seal.

Capital.
Shares.
Real Estate.

3. The affairs of the Company shall be managed by a President and three Directors, and such additional directors and other officers as shall be designated in the bye-laws.

President and directors.

4. The Company shall come into operation when the bye-laws shall have been approved by the Governor in Council, and such bye-laws, when so approved, not being contrary to the

To go into operation when bye-laws approved.

laws of this Province, shall have the force of law, and when the same shall be altered or amended, such alteration or amendment shall have no force or effect until approved by the Governor in Council.

May lay pipes,
erect lamps,
&c. in streets.

5. The Company when formed may supply the inhabitants of the Town of Dartmouth, the Halifax Steamboat Company, Manufacturers and others, with Water and Gas Light, and for that purpose may place at a proper and convenient distance below the surface of the roads and streets of the town and its vicinity such pipes, leaders, and tubes, as may be expedient and necessary, and may erect in the streets of the town Lamp-posts, or Burners, and supports for the same, as may be necessary for lighting the town.

May open
streets.

6. The Company may open the streets for the purpose of laying down or repairing the works of the Company, and may keep them open as long as may be necessary, but shall close and repair them without unreasonable delay at the expense of the Company.

Votes.

7. At any general meeting of the Company every shareholder not being in arrears for any calls made on him, shall be entitled to vote according to the number of his shares—that is to say: the owner of one share to have one vote, the owner of four shares to have two votes, and the owner of eight shares or any greater number of shares to have three votes and no more, and shareholders may vote by proxy, constituted according to the bye-laws, such proxy being a shareholder, and if a share be held by two persons the person present at the meeting who stands first on the registry of shares shall vote.

Proxy.

May commence
either with gas
or water.

8. The Company shall be at liberty to commence the supply of the town of Dartmouth with Gas or with Water, either separately or together, as may seem most advantageous to the Company, and in either case to have and exercise all the powers and privileges hereby conferred on the Company.

Mode of appraising value
of land required
by corporation.

9. In case the President and Directors shall not be able to agree with the proprietor of any lands, water privileges, or other hereditaments, which are required in order to enable the Company to carry on their operations, they may petition two Justices of Her Majesty's Supreme Court, stating the nature and situation of the lands or hereditaments required, and praying the appointment of appraisers to value the property required, and praying also the transfer thereof to the corporation. And thereupon the Judges shall appoint a time and place for hearing the parties, and shall direct what notice shall be given to the owners of the property; and upon such hearing the Judges may grant an order for the sale or lease of the property required, or so much thereof as they shall consider necessary, and may appoint appraisers to value the property, who shall be sworn before a Judge of the

Supreme Court to the faithful performance of their duty as such appraisers; and the appraisers if they disagree may appoint an umpire, to be sworn in like manner, and if they disagree as to the appointment of an umpire any two Judges of the Supreme Court may appoint an umpire, and the Judges may impose such terms and conditions in relation to such appraisal as they may consider equitable. And the appraisers shall by an award fix the value or rent of the property required.

10. The Court or Judges may examine witnesses and may refer the matter back to the appraisers, or may set aside the appraisal and appoint new appraisers, or may modify the appraisal if they see fit, and the order of the Court or Judges if they shall confirm or modify the appraisal, or the second appraisal if new appraisers are appointed, or it shall be referred back to the same appraisers, shall be final.

Court may examine witnesses, set aside, or modify appraisal.

11. The Court or Judges shall have full power to compel payment of the price or rent so ascertained and to compel a conveyance or lease of the property required, by injunction or otherwise, and for the purposes of this act two Judges of the Court shall be vested with its full equitable powers.

Court may compel payment and conveyances.

12. No member of the corporation shall be held liable in his person or separate estate for a greater amount in the whole than double the amount of stock held by him, unless he shall have rendered himself liable for a greater amount by becoming security for the debts of the Company.

Liability of members

CHAPTER 77.

An Act to incorporate the Caledonia Hall Company of North Sydney.

(Passed the 15th day of April, A. D. 1861.)

SECTION.

1. Incorporation.

SECTION.

2. Capital—shares. Real Estate.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. William Purves, Alexander MacKay, Alexander McKenzie, John L. Ingram, Alexander Logan, William Nesbit, Daniel Lawlor, William Hacket, and George Moore, and such other persons as are or from time to time shall become shareholders in the Company hereby established, their successors and assigns, are created a body corporate, by the name of "The Caledonia Hall Company of North Sydney," for the purpose of erecting a Hall for public purposes at North Sydney, in the County of Cape Breton.

Incorporation.

2. The capital stock of the Company shall be four thousand dollars, to be divided into shares of twenty dollars each, and the Company may purchase and hold real estate not exceeding in value four thousand dollars.

Capital.
Shares.
Real Estate.

CHAPTER 78.

An Act to change the name of Joseph Hyman.

(Passed the 28th day of March, A. D. 1861.)

SECTION 1.—Changed to "Pearson."

Be it enacted by the Governor, Council, and Assembly, as follows :

1. The name of Joseph Hyman, of the City of Halifax, and Province of Nova Scotia, Merchant, shall be changed to that of Joseph Pearson ; and after the passing of this act the said Joseph Hyman shall be legally known and called by the name of Joseph Pearson.

Changed to
"Pearson."

CHAPTER 79.

An Act to enable William Forbes to obtain Letters Patent.

(Passed the 28th day of March, A. D. 1861.)

SECTION.

1. May obtain patent on complying with act.
2. Statement required in affidavit.

SECTION.

3. Not to prevent purchase out of this Province.
4. Assignor must be original patentee. Duration of letters.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. It shall be lawful for Wiliam Forbes of New Glasgow, in the County of Pictou, shipmaster, the assignee for this Province of "Emerson's Patent Windlass," upon complying with the requirements of Chapter 120 of the Revised Statutes, to obtain Letters Patent for such improved Windlass to the same extent in every respect as if he had been the original inventor of such improvement ; and after such letters patent are obtained he shall be entitled to all the rights and privileges by such chapter conferred.

2. It shall be sufficient for the said William Forbes to state in the affidavit required by section 6 of such chapter that he, the assignee, believes that the person under whom he claims is the true inventor or discoverer of the improvement for which he claims such patent, and that he, the said William Forbes, is the assignee thereof for this Province ; and he shall also annex to his affidavit a true copy of such assignment.

May obtain
patent on com-
plying with act.

Statement re-
quired in affi-
davit.

3. Nothing in this act shall prevent the purchase of Emerson's Patent Windlass out of this Province by persons resident therein, and requiring such Patent Windlass for their own use or for sale.

Not to prevent purchase out of this province.

4. Before Letters Patent shall be granted under this act, evidence shall be produced to the Government that the assignor of such patent is the original patentee thereof; and the Letters Patent hereby authorized shall not extend beyond seven years from the granting thereof.

Assignor must be original patentee.

Duration of letters.

CHAPTER 80.

An Act to enable Samuel J. W. Barry to obtain Letters Patent.

(Passed the 15th day of April, A. D. 1861.)

Section 1.—May obtain patent on complying with law. Proviso.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. It shall be lawful for Samuel J. W. Barry, at present of New York, in the United States of America, a native of Shelburne, in the Province of Nova Scotia, to obtain Letters Patent for the discovery of an improved method for effecting the immediate conversion into cast steel, of bar or malleable iron, upon his complying with section 8 of chapter 120 of the Revised Statutes, notwithstanding his residing out of this Province, and notwithstanding that he is the assignee of the original inventor and not the original inventor; and after such Letters Patent are obtained he shall be entitled to all the rights and privileges by such chapter conferred for the period therein mentioned: Provided always, that such patent rights shall cease if the said Samuel J. W. Barry or his assigns do not introduce such improved manufacture into this Province within two years after the passing of this act.

May obtain patent on complying with law.

Proviso.

CHAPTER 81.

An Act to Naturalize certain Aliens.

(Passed the 15th day of April, A. D. 1861.)

Be it enacted by the Governor, Council, and Assembly, as follows:

1. Francis Westaway, of Arichat, in the County of Richmond, Mariner; John B. Lawrence, of Barrington, in the County of Shelburne, Trader; Jeremiah Johnston and Absalom Croxon, of Liverpool, Edward Plummer, of Port Medway,

Jeremiah Downey, of Port Joli, and John Gardner, of Sandy Cove, all in the County of Queen's, Yeomen; Charles Mundy of Granville, in Annapolis County, Mariner; William Gates, Thomas Gates, Rudolf Oliver, Frederick Wolf, and Aloze Werner, all of Minudie, in the County of Cumberland, Yeomen; John Endriss of Halifax, in the County of Halifax, Yeoman; Frederick Wagner, Nicholas Backman, and John Shub, all of Horton, in King's County, Yeomen; Lyman R. Blake of Truro, in the County of Colchester, Yeoman; and Charles Fritz of Wolfville, in King's County, Mechanic, as soon as they shall respectively take and subscribe the Oath of Allegiance to Her Majesty Queen Victoria, and her successors, in manner prescribed by chapter 32 of the Revised Statutes, shall within this Province become naturalized subjects of Her Majesty, entitled to all the rights of such subjects, as fully as the same can be conferred under or by virtue of the act of the Imperial Parliament passed in the tenth and eleventh years of Her Majesty's reign, entitled, "An Act for the naturalization of Aliens."

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