

Prince Edward Island. Laws, Statutes etc.  
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THE Session laws

6

# ACTS

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OF THE

# GENERAL ASSEMBLY

OF.

## PRINCE EDWARD ISLAND.

ANNO NONO VICTORIÆ REGINÆ.



CHARLOTTETOWN:

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1846.

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1785.	25 Geo. 3, cap. 5	Licenses, &c.	Repealed by 9 Vic. cap. 26.
1810.	50 Geo. 3. cap. 3	Desertion.	Repealed (as far as relates to Merchant Service) by 9th Vict. cap. 27.
1818.	59 Geo. 3, cap. 8	Merchant Seamen.	Repealed by 9 Vict. cap. 27.
1830.	11 Geo. 4, cap. 18	Licensed Houses.	Repealed by 9 Vict. cap. 26.
1831.	1 Will. 4, cap. 16	do do	Repealed by 9 Vict. cap. 26.
1833.	3 Will. 4, cap. 21	Bread, (Charlotte-town.)	Continued by 9 Vict. cap. 19.
	do do 37	Pumps and Wells.	Continued by 9 Vict. cap. 23.
1834.	4 Will. 4, cap. 15	Boundary Lines of Townships.	Suspended (partly) by 9 Vict. cap. 15.
1835.	5 Will. 4, Sess. 1, cap. 2	Hard Labour.	Continued & amended by 9 Vict. cap. 24.
1837.	7 Will. 4, cap. 3	Merchant Seamen.	Repealed by 9 Vict. cap. 27.
1838.	1 Vict. cap. 13	Nuisances.	Continued by 9 Vict. cap. 18.
1840.	3 Vict. cap. 4	Dog Tax.	Repealed by 9 Vict. cap. 3.
	do do cap. 20	Sailing Packets.	Expired.
1843.	6 Vict. cap. 4	Pumps and Wells.	Continued by 9 Vict. cap. 23.
	do do 18	(Georgetown), Swine and Geese.	Expired.
1844.	7 Vict. cap. 16	Dog Tax.	Repealed by 9 Vict. cap. 3.
	do do 18	Merchant Seamen.	Repealed by 9 Vict. cap. 27.
1845.	8 Vict. cap. 15	Township Boundaries, (suspension).	Expired.

Ex. E. H. R.  
3/1/07

ANNO NONO  
VICTORIÆ REGINÆ.

At the General Assembly of her Majesty's Island of Prince Edward, begun and holden at Charlottetown, the Twenty-fourth day of January, *Anno Domini* 1843, in the Sixth Year of the Reign of our Sovereign Lady VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith :

1846.

Sir HENRY  
V. HUNTLEY,  
Lieut. Governor.

R. HODGSON,  
President of the  
Council.

JOSEPH POPE,  
Speaker.

And from thence continued by several Prorogations, to the Seventeenth day of February, 1846, and in the Ninth Year of Her said Majesty's Reign; being the Fourth Session of the Sixteenth General Assembly convened in the said Island.

CAP. I.

An Act to provide Seed and Food for certain Settlers, and to regulate the distribution thereof, and mode of re-payment.

[Passed April 18th, 1846.]

**W**HEREAS from the general failure of the Potato Crop throughout this Island last year, there is reason to apprehend that many of the Settlers will be unable to provide Seed and Food for the ensuing Season.

I. Be it therefore enacted, by the Lieutenant Governor, Council, and Assembly, That from and after the passing of this Act, it shall and may be lawful for the Lieutenant Governor, by and with the advice and consent of Her Majesty's

Lt. Governor in Council to appoint at least four persons, in each Road District, to constitute (with Commissioner of Roads) a Com-

mittee for the purpose of carrying into effect this Act.

Et. Governor to draw Warrants on Treasury in favor of Road Commissioners, for sums appropriated by any Act of this Session, for service of Roads, &c.

Powers and Duties of such Committees.

Further powers and duties of such Committees.

To whom obligation taken by such Committees is payable.

Obligation if not paid, how recoverable.

No seal, &c., to

Council, to nominate and appoint at least four fit and proper persons, who, in conjunction with the Road Commissioner of the District, shall constitute a Committee in each and every of the Road Districts within the several Counties of this Island, for the purpose of carrying into execution the provisions of this Act; and shall and may, by Warrant under his hand and seal, authorize each Road Commissioner to receive at the Treasury of this Island, the several amounts of money required for the purposes of this Act, as the same shall or may be appropriated by any Act of the present Session of the General Assembly, for the service of Roads and Bridges; and such Committees, or the Majority of each of them, respectively, shall have power, and are hereby required to purchase all such Barley, Oats, Potatoes, Flour, and Meal, in such proportions of each, and to distribute the same among the aforesaid settlers, at such times and in such quantities as to such Committees, or the Majorities of them respectively, shall seem needful and necessary. And it shall be lawful for the several members of such Committees, within their respective Districts, and they are hereby required and directed in all cases, to take from all such persons who shall be supplied with any Seed or Food, as aforesaid, an obligation in writing, by them subscribed, for the re-payment or return of the value of the costs and charges of such Seed and Food, either in money, or work and labour on the Public Roads, at the election of the person giving the same; which obligation, in every case, shall be made payable to the Commissioner of Roads, in whose District the person giving the same may reside, or to his successor in office for the time being, and if not discharged according to the tenor of such obligation, the amount thereby secured, shall be recoverable with costs, in any of the Courts in this Island, for the recovery of Small Debts, in like manner as Promissory Notes now are: Provided always, that no quan-

ity of Seed or Food, as aforesaid, shall be delivered to any person until such obligation is given, as aforesaid, nor where the same shall not be payable at some certain period from the date thereof, to be fixed by a Majority of each Committee.

to be given until obligation be signed.

II. And be it enacted, That all moneys which shall be received and recovered by the said Commissioners, in return for the Seed and Food supplied, as aforesaid, shall be by them expended and laid out in the repairs of the Public Roads, and shall be duly accounted for in their respective annual accounts or reports, which shall be made to the Lieutenant Governor in Council, next after the receipt of any such moneys; and all such work and labour as shall be rendered in return for such Seed or Food, as aforesaid, shall be done and performed under the superintendency of the Commissioners of Roads, for the time being, and on such Public Roads, or lines of Roads and Bridges, and at such times and seasons, and according to such rate of payment, as to the aforesaid Committees, or the Majority of them, respectively, shall be deemed expedient; and the residue of such sums of money as may be appropriated, as hereinbefore mentioned, to every District of this Island respectively, which may not be required for the necessary demands of such Settlers for Seed and Food, as aforesaid, shall be expended and laid out on such Roads, Bridges and Wharves, as the aforesaid Committees, or the majorities of them, respectively, may deem necessary, under the superintendency of the Commissioner of Roads, and under the same provisions and regulations as are now imposed by the Act intituled *An Act to consolidate and amend the Laws relating to Statute Labour, and the expenditure of Public Moneys on the Highways.* Provided always, that such Committees, as aforesaid, shall, and they are hereby required without delay, to make a due return to the Lieutenant

Commissioners to expend Moneys received for seed, &c., in repairs of public roads, &c.

Commissioners to account for expenditure to Lt. Governor in Council.

Work done on roads for seed, &c., to be under the superintendency of Commissioners.

Rate of payment to be defined by Committees.

Any sum not required in any District for seed, &c., how to be expended by Committees.

Under superintendency of Commissioners, &c.

Committees to make return of their proceedings to Lt. Governor in Council.

Governor in Council, of all their proceedings under this Act, specifying therein the number of Families relieved—the amount of relief afforded to each, and the manner in which the same may have been ordered to be reimbursed.

## CAP. II.

### An ACT for raising a Revenue.

[Passed April 18th, 1846.]

Continues Act of the 8th Victoria, cap. 1, until 2d May, 1847.

**W**HEREAS it is deemed expedient, to continue further, with certain exceptions, and amend the hereinafter recited Act: Be it enacted, by the Lieutenant Governor, Council and Assembly, That an Act passed in the Eighth year of the Reign of Her present Majesty, intituled *An Act for the increase of the Revenue of this Island*: be, and the same is hereby continued for One year, from and after the Second day of May next, until the second day of May, which will be in the year of Our Lord One thousand Eight hundred and Forty-seven.

Imposes Duties on Articles set forth on Table.

II. And be it enacted, That from and after the commencement of this Act, and during the continuance thereof, there shall be raised, levied and paid, the following Impost Duties, on the several Articles hereinafter mentioned, imported into this Island, which several rates and impositions are inserted, described and set forth in figures, in the Table of Duties hereinafter contained, denominated Table of Colonial Impost Duties, opposite to and against the respective Articles in the said Table, mentioned, described and enumerated, and according to the value, number or quantity of such Articles therein specified, which several rates, impositions and duties, shall be in lieu of all Rates and Duties imposed by the hereinbefore recited Act, and of the several Acts of which it is in addition to, and in amendment.

Such duties to be in lieu of duties imposed by Revenue Acts.

Table of DUTIES referred to in this Act.

ARTICLES.	Advallorem duty on every £100 sterling, value per invoice, and one-ninth added.			Duties payable besides the advallorem.		
	CURRENCY.			CURRENCY.		
	£	s.	d.	£	s.	d.
SPIRITS, <i>videlicet</i> , Brandy, Gin, and Cordials, and on all Wines of every denomination, imported into this Island, (including the sum of Ten-pence per Gallon, as imposed by an Act passed in the 25th of George the Third, chapter 4, and also, by an Act passed in the 35th of George the Third, chapter 10,) per Gallon, - - -				0	2	0
RUM, or other distilled Spirituous Liquors, imported into this Island, (in- cluding the sum of Ten-pence per Gal- lon, as imposed in the above two named Acts,) per Gallon, - - -				0	1	9
All Spirituous Liquors manufactured, extracted or distilled in this Island, per Gallon, - - -				0	0	8
ALF, as imposed by the Act of 35th George the Third, chapter 10, per Gallon, - - -				0	0	2
Anchors, - - -	2	10	0			
Blocks, - - -	2	10	0			
Bread, Biscuit and Crackers, the cwt.	5	0	0	0	5	0
Butter, the cwt. - - -	5	0	0	0	5	0
Boots and Shoes, - - -	10	0	0			
Boards, per thousand feet, - - -	5	0	0	0	2	6
Beer, strong, as imposed by the Act of the 35th George the Third, chapter 10, per Gallon, - - -				0	0	2
Canvass, - - -	2	10	0			
Cordage, - - -	2	10	0			
Cables, Chain, and Hemp, - - -	2	10	0			
Copper, - - -	2	10	0			
Cheese, the cwt. - - -	5	0	0	0	5	0
Coffee, the cwt. - - -	5	0	0		2	0
Corn and Oatmeal, for every 196lb. Weight, - - -	5	0	0	0	4	0

Tables of duties  
imposed by this  
Act.



ARTICLES.	CURRENCY.			Advalorem duty on every £100 Sterling, value per invoice, and one-ninth added	Duties payable besides the advalorem.	
	£	s.	d.	£	s.	d.
Cigars, - - - - -	25	0	0			
Clocks and Clock Machinery, - -	15	0	0			
Carriages, - - - - -	15	0	0			
Neat Cattle, (except Cows and Calves) each, - - - - -	5	0	0	0	15	0
Horses, Mares and Geldings, - -	5	0	0	1	0	0
Leather, Sole, per pound, - - -	5	0	0	0	0	0½
Ditto, Upper and Trimming, per pound,	5	0	0	0	0	2
Ditto, Harness, per pound, - - -	5	0	0	0	0	1
Lard, the cwt. - - - - -	5	0	0	0	5	0
Meat, salted or cured, the cwt. - -	5	0	0	0	4	0
Oakum, - - - - -	2	10	0			
Porter, as imposed by the Act of the 35th of George the Third, chapter 10, per Gallon, - - - - -					0	0 2
Pitch, - - - - -	2	10	0			
Rigging, - - - - -	2	10	0			
Sails, - - - - -	2	10	0			
Sugar, refined, the cwt. - - - -	5	0	0	0	5	0
Tar, - - - - -	2	10	0			
Tea, per pound, - - - - -					0	0 4
Tobacco, manufactured per pound,					0	0 4
Ditto, unmanufactured, per pound,					0	0 2
Wheat Flour, for every 196lbs., weight,	5	0	0	0	5	0
Articles manufactured of Wood, (ex- cept Blocks and Carriages) and such articles as Wood, forms the principal part of, - - - - -	7	10	0			
On all kinds of Goods, Wares and Merchandize soever, not above enu- merated except as is hereinafter ex- cepted, - - - - -	5	0	0			
Baggage of Emigrants, - - - - - } Barley, - - - - - } Books printed of all kinds, - - - } Engines, Fire, - - - - - } Flax, - - - - - } Fish, - - - - - } Gypsum, - - - - - }						Duty free ditto ditto ditto ditto ditto

ARTICLES.	Advulorem duty on every £100 sterling, value per invoice, and one-ninth added.	Duties payable, besides the advulorem.
	CURRENCY.	
	£ s. d.	duty free
Hemp, - - - - -		ditto
Hides, Raw, - - - - -		ditto
Implements of Husbandry, imported by any Agricultural Society, to be sold or used by such Society, - - - - -		ditto
Lime, - - - - -		ditto
Lumber, (except Boards,) - - - - -		ditto
Manures, - - - - -		ditto
Molasses, - - - - -		ditto
Oats, - - - - -		ditto
Oil Fish, (except Seal, ditto,) - - - - -		ditto
Salt, - - - - -		ditto
Seeds, of all kinds imported by any Agricultural Society, to be sold or used by such Society, - - - - -		ditto
Staves, - - - - -		ditto
Stone Lime, - - - - -		ditto
Stone for Building, - - - - -		ditto
Stone Burr, - - - - -		ditto
Tallow, - - - - -		ditto
Teasles, - - - - -		ditto
Trees (Fruit,) Plants and Shrubs, - - - - -		ditto
Anchors, Blocks, Cables, Rigging and Sails, which may have been used in taking any new Vessel from this Island to a Market for sale, if such Anchors, Blocks, Cables, Rigging, and Sails shall be returned forthwith, after the sale of the Vessel direct to this Island by the Exporter thereof, and shall have previ- ously paid or been charged with the duty imposed thereon by this or any former Act on the first importation thereof, into this Island.		ditto

Duties imposed on wheat, flour, &c., not to be exacted until after 1st August, 1846.

III. Provided always, and be it enacted, That the Duties hereinbefore imposed on Wheat-flour, Ryè-flour, Corn and Corn-meal and Oat-meal, Bread, Biscuit, Rice and Pulse, of all descriptions, shall not be exacted, taken or received on any of the said Articles, until from and after the First day of August next ; but that the same may be imported free of Duty, prior to the First day of August, as aforesaid.

Repeals 2d, 3d, and 4th Sections of the Act 5th Victoria, cap. 1.

IV. And be it enacted, That the Second, Third and Fourth Clauses of the herein first recited Act, intituled *An Act for the increase of the Revenue of this Island*, be, and the same are hereby respectively repealed, any thing herein contained to the contrary thereof notwithstanding.

Mode of securing, collecting, &c., duties imposed by this Act.

V. And be it enacted, That the several Duties imposed by this Act shall be secured, levied, collected and recovered under and according to the directions, provisions, regulations and penalties, and by the ways and means respectively prescribed and contained in the Act of which this Act is an amendment, and also in the several Acts of the General Assembly, now in force, concerning the securing, levying, collecting and recovering the said Duties.

Appropriation of Moneys to be raised by this Act.

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

Penalty on Treasurer paying such moneys, unless appropriated by Act to be passed.

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

VII. And be it enacted, That it shall not be lawful for the Lieutenant Governor (or other Administrator of the Government for the time being) either in Council or otherwise, to direct or issue or cause to be issued, any Warrant or Warrants for the payment of any Moneys arising from the several Rates and Duties raised and levied by this Act, save and except for such purposes and no other, as are or may be expressed in this Act, and in the Appropriation Act of the General Assembly of this Island, to be passed this present Session.

Lieut. Governor, &c., not to issue any Warrants for payment of moneys received under this Act, unless appropriated by Act to be passed.

### CAP. III.

An ACT to consolidate and amend the several Acts relating to Dogs, and the Taxation thereon.

[Passed April 18th, 1846.]

**B**E it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the Third year of the reign of Her present Majesty, intituled *An Act to continue and amend an Act intituled "An Act to impose a Tax on Dogs, with certain exceptions, and relating to other matters connected with them,"* and an Act made and passed in the Seventh year of the Reign of Her present Majesty, intituled *An Act for the protection of Sheep against vicious Dogs*, be, and the same are hereby respectively repealed.

Repeals Act of the 3d Victoria, Cap. 4.

Also Act of the 7th Victoria, Cap. 16.

II. And be it enacted, That from and after the First day of May next, there be imposed and levied the following Tax or Duty yearly, and every year, on all Dogs which shall or may be owned or kept by any person residing in Charlottetown, that is to say: For one Dog, provided the person keeps but one, the sum of Two

Imposes a Tax on Dogs kept in Charlottetown after 1st May, 1846.

Amount of such Tax.

Shillings and Six-pence; for two Dogs, owned or kept by one person in or about the same house, the sum of Seven Shillings and Six-pence; for three or more Dogs, owned or kept by one person in or about the same house, the sum of Five Shillings each, the said Tax to be paid by the person owning or keeping such Dog or Dogs for the space of Thirty days in the year, and so on yearly in each year, during the continuance of this Act.

Arrear of Dog Tax under former Acts to be recovered.

Appropriation of such arrear.

Imposes a Tax on Dogs kept in all other parts of this Island.

With the exception of 1 Dog kept by occupier of an entire house

Amount of such Tax, and when payable, &c.

To whom payable.

Road Commissioners to appoint persons to collect Tax.

Collector to pay over Tax collected annually to Road Commissioners.

III. And be it enacted, That the several amounts of Tax which shall be in arrear and unpaid for the year ending on the First day of May next ensuing the passing of this Act, shall and may be recovered in like manner in all respects as if this Act had not been passed, but shall be appropriated in manner by this Act directed.

IV. And be it enacted, That in all other parts of this Island, except Charlottetown, as aforesaid, every occupier of one entire or whole house, shall be entitled to keep One Dog free of Duty, but for every other Dog kept or owned by any such occupier, and for every Dog kept or owned by all other persons in such other parts of this Island, there shall be paid by the respective owners or keepers of such Dogs the sum of Five Shillings at the respective times, and subject to the condition in the preceding clause mentioned, and which sums shall be paid annually, to such persons as shall be appointed by the Commissioners of Roads of the several Districts throughout the Island, except as aforesaid, to collect the same, and such Commissioners are hereby authorized and required to appoint as many persons within their several Districts as by them shall be deemed necessary.

V. And be it enacted, That the Collectors appointed by the said Commissioners as aforesaid, shall annually pay the amount of Taxes respectively by them collected, into the hands of the respective Road Commissioners of the sever-

al Districts; and such Road Commissioners are hereby authorized and required to receive the respective amounts of such Tax, and appropriate them to the repairs of the Roads in the several Districts in which they shall respectively reside, and every such Collector duly complying with the terms of this Act, shall be allowed to retain for his trouble the sum of Twenty *per centum* on all moneys so by him collected, besides being exempted from performing his Statute Labour.

Appropriation of Tax.

Allowance to Collector for collecting Tax.

Exempts Collector from Statute Labour.

VI. And be it enacted, That each and every person keeping one or more Dogs, shall, on requisition duly made by the said Collectors or Overseers as aforesaid, respectively give and subscribe a just and true Account and Return of of each and every Dog kept by him, or them, for the aforesaid number of days, under a Penalty of Twenty Shillings, on proof being duly given by any such Collector or Overseer respectively, that such requisition has been duly made, and that no Return hath within Fourteen days from the period of such requisition been given by the owner or owners of such Dog or Dogs.

Owners of Dogs to give and subscribe a true return of all Dogs kept by them to Collector.

Penalty on owners not giving such return.

VII. And be it enacted, That every Collector so appointed in manner aforesaid, shall subscribe a Certificate in form following, and return the same to the Commissioner of Roads in whose District he may have been appointed, which Certificate shall be made and returned on or before the First day of July in each year.

Collectors to subscribe certificate to Road Commissioners.

“I *A. B.* do hereby certify that I have called on the several Householders and other persons liable to pay the Tax on Dogs within my District, who have respectively complied with my requisition, and signed a just and true Account of all Dogs kept within the period for which they are liable to pay for Dog Tax, and which Account is as follows: (*here insert the names of persons with the number of Dogs for which each is liable opposite to each name.*)”

Form of such certificate.

Penalty on Collector or Overseer refusing or neglecting to collect Tax, or not duly accounting.

Amount of penalty.

Also liable to be prosecuted for amount collected or which ought to have been collected.

How to be recovered.

VIII. And be it enacted, That if any Collector or Overseer appointed under this Act, shall refuse to collect such Tax, or shall not duly account for the same in manner enjoined and required by this Act, every such Collector and Overseer shall forfeit and pay for every such offence the sum of Two Pounds, besides being liable to be prosecuted at the suit of Her Majesty for all such sums as he may have collected, and ought to have collected, with costs of recovery, the same if not exceeding Eight Pounds, to be recovered in the manner as Small Debts, with costs, before any Justice of the Peace or Commissioner for the County or place wherein such default shall have happened, and if above the sum of Eight Pounds; then to be recovered with costs, in the Supreme Court of Judicature.

Two Justices of the Peace may order the owner of any Dog that shall bite any person to destroy such Dog within 24 hours.

Penalty on owner neglecting or refusing to destroy such Dog.

And owner also to be liable for all damages, &c.

How damages, &c., are to be recovered.

IX. And be it enacted, That from and after the passing of this Act, if any person quietly passing through or along the Streets, Squares, Roads, or other parts of this Island shall have been attacked and bitten by any Dog, on complaint made before any Two Justices of the Peace appointed for the County where such person shall have been so attacked and bitten, accompanied by sufficient proof of the injury sustained, the said Justices shall forthwith order the owner or keeper of the said Dog to destroy him, and if he shall refuse or neglect to do so within Twenty-four hours after such order has been served upon him, the said owner or keeper of such Dog shall forfeit and pay the sum of Two Shillings for each and every day such Dog shall be allowed to remain undestroyed, and besides shall be compelled to pay all damages and expenses the injured party may have sustained, which damages and expenses may be sued for and recovered, if not exceeding Eight Pounds, before any Two of Her Majesty's Justices of the Peace appointed for the County in which the owner of such Dog may reside, but if the said damages and expenses shall exceed the said sum, then and in such case to be recovered by Action

in Her Majesty's Supreme Court of Judicature, and all damages, fines and penalties that shall or may be recovered by any person who may have been so attacked and bitten by any such Dog, shall be paid over to him or her as a compensation for the injury sustained, and every person so injured shall be a competent witness to prove such injury, and the conviction thereupon shall be allowed as evidence of the fact of the injury having been sustained in any Action for damages as aforesaid.

Appropriation of damages, fines and penalties.

Injured person a competent witness.

Conviction of Justices to be evidence of the fact of injury in action for damages, &c.

X. And be it enacted, That every person owning or keeping a Bitch who shall suffer such Bitch to run at large during the season of her being in heat, thereby collecting a number of Dogs, every such person, for each and every such offence, shall forfeit and pay a Penalty of Twenty Shillings.

Penalty on owner or keeper of Bitch at large during the season of heat.

XI. And be it enacted, That if any Dog or Dogs shall kill or injure any Sheep, Lamb or Lambs, within this Island, the owner of such Dog, upon complaint and conviction thereof, before any Two Justices of the Peace, shall make compensation for such injury to any extent not exceeding Eight Pounds in the discretion of the said Justices, and shall cause such Dog to be immediately killed, and in case such Sheep, Lamb or Lambs shall be killed by such Dog, then the owner thereof shall be liable to pay the owner of such Sheep or Lamb so killed, the full value thereof, to be recovered before any Two of Her Majesty's Justices of the Peace in the County where such offence shall be committed, who are hereby authorized finally to determine the same, provided the sum so to be recovered does not exceed the sum of Eight Pounds; and on non-payment thereof within such time after judgment as the Justices of the Peace shall deem proper, not exceeding One Month, to issue their Warrant to a Constable to distrain on so much of the Offender's Goods and Chattels as may be sufficient to discharge the same with the charges

Owner of any dog killing or injuring any Sheep, &c. liable to make compensation therefor.

Before whom complaint to be made.

Limits extent of such liability.

Full value of Sheep, &c., killed how to be recovered.

Limits amount of value of Sheep, &c. killed so recoverable.



arising thereby, and to sell such Goods at Public Auction, returning the overplus (if any there be) to the owner or owners thereof.

Penalty of owner of such Dog refusing, &c. to kill same.

XII. And be it enacted, That in every case where the owner of a Dog shall neglect or refuse to kill such Dog so having killed or injured any Sheep, Lamb or Lambs as aforesaid, he shall be liable to a Penalty of Five Pounds, to be recovered before any one of Her Majesty's Justices of the Peace, to be levied by Warrant of Distress on his Goods and Chattels, such Fine to be paid, one half to the informer, and the other half into the Public Treasury of this Island.

How to be recovered.

Appropriation of penalty.

If no goods, &c. can be found to levy upon for penalties, party may be imprisoned.

XIII. And be it enacted, That in all cases where no Goods and Chattels shall be found whereon to levy for the recovery of any Penalty imposed by, or damages recoverable under all or any of the three last foregoing Sections of this Act, then and in every such case, the Offender or Offenders shall suffer imprisonment for a period not exceeding Three Months, at the discretion of the Justice of the Peace or Commissioner of Small Debts who may convict the Offender.

Appropriation of penalties not specifically appropriated.

XIV. And be it enacted, That all Fines and Penalties that may be levied and recovered under and by virtue of this Act, if not otherwise appropriated by the foregoing Clauses, shall be appropriated to the same purposes as the Tax on Dogs hereby imposed, and in the respective Districts or places where such Fines and Penalties shall or may respectively be incurred.

Tax on dogs and penalties how to be recovered.

XV. And be it enacted, That all sums of money intended to be raised and levied under the authority of this Act, and arising from the Tax on Dogs, Fines and Penalties, may be sued for and recovered in a summary way, before any Two (except as hereinbefore excepted) of Her Majesty's Justices of the Peace residing in the County in which such Tax shall become due, or

the Fines and Penalties shall be incurred respectively, and shall be recovered in the manner prescribed by the Act passed in the Seventh year of the reign of Her present Majesty, intituled *An Act relating to the recovery of Small Debts, and to repeal certain Acts therein mentioned*: Provided always, That no imprisonment under the authority of this Act, except as hereinbefore mentioned, shall be for a less period than Ten days, nor more than Ninety days, after which the party imprisoned shall be forthwith discharged.

XVI. And be it enacted, That the amount of the Tax hereby imposed upon Dogs kept in Charlottetown shall be collected by and accounted for, by the several Overseers of Statute Labour to be yearly appointed for the said Town and Royalty, and paid in like manner, and under the like per centage for collection as the rate or duty for Statute Labour into the hands of the Chairman of the Justices appointed for carrying into effect the Laws regulating the collecting and appropriating of Statute Labour duty in Charlottetown, and shall be applied under the directions of the said Justices in the repairs of the Streets and Roads within the said Town, particular regard being had in the application thereof to the state of the Roads in the Winter season.

Dog tax in Charlottetown how to be collected, &c.

And paid &c.

Appropriation of dog tax in Charlottetown.

XVII. And be it enacted, That such Overseers shall make the Return hereinbefore prescribed to be made by parties appointed to collect the Tax on Dogs in other parts of the Island to the Chairman of the aforesaid last mentioned Justices, at the time and in the manner hereinbefore directed.

Collector of Dog tax for Charlottetown how to make return and to whom.

XVIII. And be it enacted, That this Act shall continue in force for the space of Three Years, and from thence to the end of the then next Session of the General Assembly, and no longer.

Continuance of Act.

## CAP. IV.

An ACT to prohibit the exportation of Potatoes for a limited period.

[Passed April 18th, 1846.]

Prohibits the exportation of Potatoes from this Island until the 1st August, 1846.

**W**HEREAS it is expedient to prohibit for a limited period the exportation of Potatoes from any part of this Island: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, and until the first day of August next, it shall not be lawful for any person or persons to export in any Ship, Vessel or Boat, from any part of this Island, to any Port or Place out of this Island (the necessary Stores or Provisions for such Ship, Vessel or Boat excepted) any Potatoes of any description.

Forfeiture to be incurred by persons exporting or loading for export any Potatoes.

II. And be it enacted, That if any person or persons shall export, or load, or put on board any Ship, Vessel or Boat, any Potatoes with intent to export the same out of this Island, the person or persons so exporting or loading or putting on board with the intent to export the same, each and every of them shall forfeit and pay double the value of the Potatoes so exported or laden, put or placed on board any Ship, Vessel or Boat, with intent to export the same, and such Potatoes shall become forfeited to Her Majesty.

What shall be deemed *prima facie* evidence of intention to export Potatoes.

III. And be it enacted, That if any Potatoes shall at any time during the continuance of this Act be found on board of any Ship, or Vessel, or Boat, in any quantity exceeding Ten Bushels, proof of such fact shall be deemed and received as *prima facie* evidence of an intention to export the same, unless the Master or Owner of any such Ship or Vessel shall have obtained from the nearest Collector of Impost, or Justice of the Peace, a Permit, in writing, to ship such Potatoes Coastwise or from one Port in this

Master of vessel &c. intending to export Potatoes coastwise &c. to obtain permit.

Island to any other Port within the same, and shall have taken and subscribed the following Oath:—

And take and subscribe an Oath.

Form of Oath.

“ I *A. B.*, (Master or Owner) of the Ship or Vessel called the \_\_\_\_\_ of \_\_\_\_\_ do swear that the Potatoes for which a Permit is now applied for by me, to be laden on board of the said Vessel, of which I am the (Master or Owner, *as the case maybe,*) are not intended for exportation, but that it is my intention to land the same at within this Island,

“ So help me God.”

IV. And be it enacted, That before any Permit shall be obtained by the Master or Owner of such Ship or Vessel, such Owner or Master shall be required by the Collector of Impost or Justice of the Peace of the Port or place within this Island from whence he is desirous of conveying Potatoes to any other Port or place within this Island, and before whom he has made and subscribed such Oath as aforesaid, to enter into a Bond with one sufficient Surety, to the satisfaction of such Collector of Impost or Justice of the Peace as aforesaid, to such amount as such Collector of Impost or Justice of the Peace shall deem equivalent to treble the value of the cargo so to be conveyed, which Bond shall be in the form set forth in the Schedule to this Act annexed.

Before permit granted Master of vessel &c. to give bond &c.  
Bond to whom given.

Amount of bond.

Form of bond.

V. And be it enacted, That such Ship, Vessel or Boat in which any Potatoes shall be laden or put on board for exportation (except as hereinbefore excepted) shall be liable to seizure and condemnation, and any Officer or Officers, person or persons, authorized or empowered to seize and prosecute any Ship, Vessel or Boat, or Goods, or to prosecute for any penalty for any breach of the Revenue Laws of this Island, under any Act of this Island in force, or to be in force, relating to the Colonial Revenue shall be, and such Officer or Officers, person or persons, respective-

Vessel &c. in which potatoes are loaded for exportation liable to seizure, &c.

Who may seize &c.

How vessel, &c. is to be prosecuted to condemnation.

ly, are hereby authorized, empowered, commanded and directed to seize and prosecute any Ship, Vessel or Boat, or Goods, or to prosecute any person or persons for any breach of this Act, and such Officer or Officers, person or persons, shall proceed against the same in such and the like manner as is by Law directed, for or in respect of any seizure of the like value and amount, or for any penalty or forfeiture of like amount made or incurred under and by virtue of any Acts relating to the Colonial Revenue.

Appropriation of proceeds of vessel, &c. condemned, and also of penalties.

VI. And be it enacted, That the net proceeds of any such Ship, Vessel or Boat, or Goods so seized and condemned, or the amount of any penalty or forfeiture recovered, shall be paid and applied, one moiety to the Officer or person making the seizure, and the other moiety thereof to be paid into the Public Treasury for the use of Her Majesty's Government.

How penalties under 2d section are to be sued for and appropriated

VII. And be it enacted, That all Fines and Penalties inflicted by the Second Clause of this Act shall be sued for and recovered with Costs of Suit in Her Majesty's Supreme Court of Judicature of this Island, and the said Fines and Penalties shall be applied, one half to the person who may inform and sue for the same, and the other half to and for the use of Her Majesty's Government of this Colony.

Continuance of Act.

VIII. And be it enacted, That this Act shall continue in force, and be in operation until and upon the First day of August next, after the passing thereof and no longer; but all prosecutions and actions which shall be had or prosecuted for any breach of this Act, committed prior to the said First day of August, shall and may, nevertheless, be prosecuted to their final end and determination, as if the said Act was in full force and effect.

Prosecutions, &c. for breaches of this Act, not to abate, by reason of termination of this Act.

## SCHEDULE.—FORM OF BOND.

Know all men by these presents, That we (*A. B.* and *C. D.* of ) are jointly and severally held, and firmly bound unto our Sovereign Lady the Queen, Her Heirs and Successors, in the sum of of good and lawful money of Prince Edward Island, to be paid to our said Lady the Queen, Her Heirs and Successors, for which payment well and truly to be made we bind ourselves, our and each of our Heirs, Executors and Administrators firmly by these presents, sealed with our Seals, and dated this day of in the year of our Lord one thousand Eight hundred and Forty-six.

Form of Bond to  
be given before  
Permit granted.

Whereas the above abounden *A. B.* hath at this date applied to *E. F.*, Collector of Impost for (here state the Port or place) or to *G. H.*, one of Her Majesty's Justices of the Peace for (here state the County, *as the case may be*) for a Permit to ship and lade on board a certain (Schooner or Vessel or Boat, *as the case may be*)

bushels of Potatoes for the purpose of carrying and conveying the same from the Port or place of to the Port or place of in the said Island (or Coastwise, *as the case may be.*)

Now the condition of the above obligation is such, that if the above bound *A. B.* shall cause the said bushels of Potatoes so to be shipped and laden in and on board the said (Schooner or Vessel or Boat, *as the case may be*) to be actually and *bona fide* landed at the said Port or place of or at some Port or place within the said Island for sale or consumption, and shall not cause the same to be carried and conveyed, or landed at any Port or place out of the said Island, then the above obligation to be void, otherwise to be and remain in full force and virtue.

Signed, Sealed and delivered	}	<i>A. B.</i> (L. S.)
in the presence of		

## CAP. V.

## An ACT relating to STRAY CATTLE.

[Passed April 18th, 1846.]

**WHEREAS** it has become necessary to provide by Law for the care and disposition of Stray Cattle: Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That each and every Beast which shall have strayed from the owner thereof, and shall not be duly claimed and redeemed within the period of Two Calendar Months from the day of advertising the same, as hereinafter prescribed, shall and may be sold at Public Sale, and the proceeds thereof, after deducting the costs and charges incurred by the keeping and sale of such Beast, shall be paid into the hands of one of Her Majesty's Justices of the Peace or Commissioner of Small Debts, by whom such Beast shall be ordered to be sold, resident in the Town, Royalty or Township wherein the said Beast shall be sold, and which period of Two Months shall be computed from the day at which the Notice shall be first published in the Newspaper, as hereinafter mentioned.

Stray Cattle may be sold after a certain period.

At public sale.

Proceeds how to be disposed of.

Duty of persons whose enclosed lands Cattle belonging to other persons frequent or stray upon.

Mode of proceeding by persons aggrieved when means required to be used fail.

Affidavit to be made.

Form of Affidavit.

Justices of the Peace, &c. authorized to make an order for a sale of such cattle

II. And be it enacted, That when, and so often as any Beast shall stray from the possession of its owner, and into or upon the enclosed land or premises of any other person, and shall habitually frequent such land or premises against the will of such person, every such person shall be bound to use due diligence and reasonable efforts to cause said Beast to return to its owner, and in case such person, after due and *bona fide* use of such means, shall wholly fail to rid his land or premises of such Beast, and which shall appear upon Affidavit thereof duly made, according to the substance and effect prescribed in the Schedule to this Act annexed marked (A), it shall be lawful for any of Her Majesty's Justices of the Peace, or any Commissioner for the recovery of Small Debts, whichsoever shall reside nearest

the residence of the party interested as aforesaid, and applying therefor at any time, in his discretion, to make an order for the advertising and sale of such Beast, in pursuance of the authority of this Act, which order shall be according to the substance and effect set forth in the Schedule to this Act annexed, marked (B.); and in the mean time, and until such sale, or until such Beast shall be duly claimed and redeemed by the owner, the said applicant shall be entitled to the possession thereof, and shall also be bound to find and provide for such Beast all necessary food, sustenance and shelter.

Form of such order.

Custody of beast until sale.

III. And be it enacted, That upon such order being made, the party to whom, or on whose behalf the same shall be granted, shall, without delay, and he is hereby required to cause to be inserted in the *Royal Gazette* Newspaper published in Charlottetown, and therein cause to be continued weekly, until the sale or redemption of said Beast as aforesaid, and also to be posted at Three of the most public places in the Township or Royalty wherein such party shall reside, a Notice signed by, or on behalf of such person, particularly describing such Beast by its marks and apparent age, and the time or near about when such Beast first appeared upon the land or premises of such person, and that an order, setting forth the date thereof, hath been obtained for the sale of such Beast, and also the time and place, when and where such sale shall take place, in case such Beast shall not be previously redeemed by the owner, and the expenses thereon duly paid.

Person obtaining order to advertise same, &c.

Particulars of advertisement.

IV. And be it enacted, That at any time previous to the sale of any Beast as aforesaid, the owner thereof shall be entitled to recovery and delivery of the same, upon paying or tendering to the party having the care and possession thereof, and the refusal of such party to receive the expenses attending the Justices' order hereinbefore mentioned, and a reasonable amount for the care

Owner entitled to redeem cattle, &c., previous to sale.

Terms of redemption.



Mode of ascertaining amount payable by owner.

Mode of proceeding when person to whom the amount is payable refuses to receive the same.

Gives a remedy to the person to whom the same is payable in Supreme Court or Court of Commissioners, according to amount.

Owner may give in evidence under general issue proof of tender, &c.

No person to deface marks, &c., of stray cattle.

Person so doing to forfeit all claim to recompense for keep of such cattle.

And be liable to a penalty

and sustenance of the said Beast; which said amount, in case of dispute respecting the same, shall be ascertained and determined by the aforesaid Justice of the Peace or Commissioner, in the presence of the said parties upon due notice given by either party, and at a time and place for that purpose, to be appointed by the said Justice or Commissioner; and in case the party entitled to receive such amount shall be dissatisfied with such sum as shall be ascertained and determined by such Justice or Commissioner, then upon tender and refusal thereof, the said Justice or Commissioner shall and may make an order directed to any Constable or Constables of the County, commanding him or them to take possession of said Beast and deliver the same to the said owner, and also to levy by distress and sale of the Goods and Chattels of the person so detaining the said Beast, the cost of the said last mentioned order, and of the execution thereof. Provided always, that the said party entitled to receive the said amount shall have a right of action or suit therefor, to be prosecuted by due course of law, either in the Supreme Court of Judicature or Court of Commissioners for the recovery of Small Debts, according to the amount at which the same shall be laid, any Law, usage or custom heretofore to the contrary thereof notwithstanding; and upon every such action or suit it shall be lawful for the owner of such Beast to give in evidence under a plea of the general issue the tender so made by him as aforesaid.

V. Providing always, and be it declared and enacted, That in regard to any stray Beast, it shall not be lawful for any person or persons on whose land any such stray Beast may come, to deface, add to, or in any way alter the marks, either natural or artificial, by which such Beast may be recognized or distinguished, but that every person so adding to, defacing or altering any such marks, or disfiguring such Beast, shall forfeit all claim to recompense for the keeping and feeding of such Beast, and shall be liable to a penalty

not exceeding Twenty Shillings, for every such Beast whereon the marks may be altered, added to, or defaced, or where such Beast may be disfigured, which penalty may be sued for and recovered before any of Her Majesty's Justices of the Peace or Commissioner of Small Debts on the suit of the owner to whom such Beast may belong, from the person or persons guilty of any such offence, and who, in default of payment of such penalty and costs, may be committed to the Jail of the County for any period not exceeding Two Months.

How to be recovered.

VI. And be it enacted, That when and so often as any Beast shall be sold, before the same shall be redeemed in manner prescribed by this Act, the owner thereof shall be intitled at any time, upon demand made, and within ten months after the sale, to receive from the Justice of the Peace or Commissioner into whose hands the same shall have been paid, any surplus money remaining after the payment of the costs and charges aforesaid, and in case such surplus money shall not be duly claimed within such last mentioned period, then the same shall be paid by such Justice of the Peace or Commissioner into the Treasury of this Island, to and for the use of Her Majesty's Government.

Owner to be entitled to surplus moneys after sale of cattle, if claimed within a certain period.

If not claimed within that period, how to be disposed of.

VII. And be it enacted, That the word "Beast," wherever used in this Act, shall be deemed to mean and include all Horses, Neat Cattle, Sheep and Swine.

Definition of terms used in this Act.

VIII. And be it enacted, That the Fees to be taken and received under this Act shall be as follows, and no more, viz:—

Table of Fees to be taken under this Act.

Affidavit to obtain order for sale	-	£0	1	0
Mileage to Justice or Commissioner to makesame, and obtain order, per mile		0	0	4
Fee filing Affidavit and drawing order, advertising the same, actually paid,		0	1	6
Order for delivery of Beast after tender and refusal of expenses,		0	1	6
Constables' Fees executing order, levying dis-				

tress and sale, the same as shall and may be taken for similar services under the Act of the General Assembly for the time being, for the recovery of Small Debts.

Continuance of Act.

IX. And be it enacted, That this Act shall be, and continue in force for the period of Three Years from the passing thereof, and from thence to the end of the then next Session of the General Assembly, and no longer.

### SCHEDULE (A.)

Form of Affidavit to be made by person applying for order for sale of stray cattle.

I *A. B.* of            in            County (farmer) do make oath and say that a certain (here describe the Beast) hath been for            days last past, or thereabouts, in and upon my farm and premises, and that I verily believe the said            hath strayed away from the owner thereof, and that I have several times driven (or caused to be driven) the said Beast on the highway at its liberty to pursue its course to its owner, but that the said            hath returned to, and against my will, remains in and upon my said land and premises, and that I do not know the name or residence of the owner thereof (or in case the name of the owner be known or suspected, then insert the said name.)

### SCHEDULE (B.)

Form of order for sale.

Upon reading the Affidavit of *A. B.*, sworn the day of            I do order that the stray therein mentioned and described be advertised, and if not duly redeemed, that the same be sold, and the proceeds of such sale be disposed of in manner prescribed in and by the Act of Assembly in that case made and provided.

Dated the            day of

*C. D., J. P.*

## CAP. VI.

An ACT to render the Militia more efficient, and to repeal certain parts of an Act therein mentioned.

[Passed April 18th, 1846.]

**W**HEREAS many of the Loyal Inhabitants of this Island liable to be enrolled in the Militia thereof, desire to become more perfect in their training, and to have the use of Arms and Accoutrements when under drill, in order that they may be enabled to give speedy and effective service when required: therefore, to encourage their patriotic spirit, Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, it shall be lawful for the Lieutenant Governor of this Island, or other Administrator of the Government thereof for the time being, and he is hereby authorized, in such cases as he may deem it expedient, to order and direct the Officer in command of any Regiment of Militia within this Island, to receive Volunteers from the several Companies in his Regiment, to the number of Fifty at least, for the purpose of training; and such Commanding Officer shall then enrol such Volunteers, for any term not exceeding Two years, appoint the Officers to each Volunteer Company respectively, and require them to assemble for Muster and Training not exceeding Twenty days, in any one year.

Lieut. Governor may authorize the formation of Volunteer Companies in any regiment of Militia.

Numbers of such Volunteers.

Term of Enrolment.

Days of training

II. And be it enacted, That every enrolled Militiaman, who shall have so volunteered and be enrolled on a Muster Roll to be kept for this purpose, and being duly called and ordered to assemble for training as aforesaid, and shall make default therein, shall be liable to be fined under the provisions contained in the Fifth Section of an Act passed in the Third year of the Reign of His late Majesty King William the Fourth, intituled *An Act for repealing certain parts of the*

Subjects Volunteers to penalty imposed by 5th Section of Act of 3d William 4th, Cap. 30.

*Act intituled "An Act for the establishing and regulating a Militia, and for substituting other provisions in lieu thereof."*

Lieut. Governor  
may direct arms  
to be issued to  
Commanding  
Officer of any  
Militia Regi-  
ment.

III. And be it enacted, That it shall be lawful for the Lieutenant Governor, or other Administrator of the Government, to direct Arms and Accoutrements, in such numbers as may be deemed necessary, to be issued from Her Majesty's Magazines, under the direction of the Adjutant General of Militia, or other Officer, to be placed in charge of the Officer commanding such Regiment of Militia, and under such Regulations as shall be deemed necessary by the Commander in Chief.

Arms, &c., to be  
given out to Vo-  
lunteers during  
period of training

Custody of arms,  
&c., after train-  
ing.

IV. And be it enacted, That such Arms and Accoutrements, in order to their due preservation, shall only be given out to such Volunteers during the period of Training, and each Commanding Officer, at the close of each period of Training, shall receive such Arms and Accoutrements into his custody, if he shall deem it fit to do so.

Subjects Volun-  
teers for neglect-  
ing to return  
arms, &c., to  
penalty imposed  
by 5th Section  
of Act of 3d  
William 4th,  
Cap. 30.

V. And be it enacted, That any enrolled Volunteer, neglecting to return such Arms and Accoutrements as may have been delivered into his possession, or any of them, to the place ordered by his Commanding Officer, shall be subject for every day's neglect, to the fine imposed by the said Fifth Section of the before mentioned Act.

Repeals 9th and  
26th Sections of  
Act of the 20th  
Geo. 3d, Cap. 1.

VI. And be it enacted, That the Ninth and Twenty-sixth Sections of an Act made and passed in the Twentieth year of the Reign of his late Majesty King George the Third, intituled *An Act for the establishing and regulating a Militia*, be, and the same are hereby repealed.

## CAP. VII.

An ACT to amend an Act passed in the Seventh year of Her present Majesty's Reign, relating to the recovery of Small Debts.

[Passed April 18th, 1846.]

**W**HEREAS in and by an Act made and passed in the Seventh year of Her present Majesty's Reign, intituled *An Act relating to the recovery of Small Debts, and to repeal certain Acts therein mentioned*, it is enacted, that it shall and may be lawful for the Clerk of any of the Courts of Commissioners in the said Act mentioned, upon application made to him on Oath, in the form prescribed in Schedule (K) to the said Act annexed, in cases where the Debt should not exceed Eight Pounds, to issue Summons to cause the Wife, Agent, or other person having the custody of any absconding or absent Debtor's Goods and Chattels, to appear before the said Court to answer the Plaintiff, and that the said Court should proceed to try the cause, give Judgment and issue Execution against such Goods and Chattels, but no authority is by the said Act given to attach and impound or secure any such Goods and Chattels, to respond the Judgment until after Execution shall have issued, and it often happens that between the service of Summons on the Agent, and levying Execution, the property is secreted, or otherwise disposed of to the loss and injury of the Plaintiff: For remedy whereof, Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and immediately after the passing of this Act, it shall and may be lawful for the Clerk of any of the said Courts of Commissioners, upon application made to him on Oath, in manner prescribed in the Thirty-sixth Clause in the said recited Act, and in the form prescribed in the Schedule annexed to the said Act marked (K), and where the Debt shall not exceed Eight Pounds, as aforesaid, to issue an Attachment in the form prescribed in the Schedule marked (A) to this Act

Clerk of Small Debt Court may issue Attachments against Goods, &c., of absent Debtors.

On Oath being made before him &c.

Form of Oath.

Form of Attachment.

Duty and power of Bailiff, &c., of Small Debt Court under such Attachment.

Goods, &c., attached may be released on security given, &c.

Notice to be served on wife, agent, &c. of absent Debtor.

Form of notice.

Agent, &c., may attend at hearing of cause, &c.

Attachment, &c. duly returned sufficient to warrant Court to adjudicate.

Agent, &c. to be allowed to retain possession of goods, &c., on giving security, &c.

Amount of security.

Form of security.

Condition of security.

If Goods, &c. be not forthcoming, Execution may issue against goods, &c., of Sureties.

annexed, and any Bailiff or Constable of such Court, or of any other Commissioners' Court for the County wherein such Court, whence the Attachment shall issue, shall be held, may thereupon attach the Goods and Chattels of the absconding or absent Debtor, in whatsoever County found, to the amount of the debt and probable costs of suit, and secure the same to be forthcoming, to satisfy the Execution which may issue in the cause with all costs thereon, unless such Goods and Chattels shall be forthwith released on security being given, as herein after prescribed and allowed; and the Bailiff or Constable shall, at the time of making Attachment, deliver to the Wife or other Agent of the Debtor; in whose charge or custody such Goods or Chattels may then appear to be, or serve in like manner as a Summons for a Small Debt, a notice, in the form prescribed in the Schedule marked (B) to this Act annexed; that he may inform his Principal of the proceeding, or attend at the hearing of the case, and assert any claim he may have, if he shall see fit, and such Attachment and notice being duly returned to the Court from whence such Attachment shall have been issued, shall be sufficient to warrant the said Court in hearing the case at its next sitting. Provided always, That any person in whose hands or possession property may be attached, as aforesaid, shall be at liberty to retain possession of the same upon giving security by himself or herself, and one or more Sureties, to the satisfaction of the Officer making the Attachment, to the fair apparent value in his opinion, of the property attached, and in the form prescribed in the Schedule marked (C) to this Act annexed, that the articles shall be forthcoming, or the value thereof paid on demand, if requisite, to satisfy the Judgment which may afterwards be given; and in case Judgment shall be given for the Plaintiff, then after the expiry of Three Months, execution may issue against the property so attached; and in case the same be not forthcoming, or any part thereof, then against the proper Goods and Chattels of the Sureties, to

levy the Sum for which they shall have become bound, as aforesaid, with costs of demand and Execution, and in default thereof, against their persons, as in cases of Execution against Defendants for Small Debts, unless such Sureties shall comply with their obligation given, as aforesaid; the non-compliance to be first ascertained on Affidavit made before and filed with the Clerk of the Court wherein such Judgemnt shall have been given: Provided also, That no Execution shall issue under this Act until security shall have been given by the Plaintiff to make restitution, as prescribed in the hereinbefore in part recited Act.

Provided Affidavit be first made of the fact.

No Execution to issue until Plaintiff gives security for restitution as prescribed in Act of 7th Victoria, Cap. 2.

II. And be it enacted, That any person who shall have been duly summoned as the Agent, Wife, Factor or Trustee of an absent or absconding Debtor, as provided for in the said hereinbefore in part recited Act, passed in the Seventh year of the Reign of Her present Majesty, and who shall neglect to attend the Court of Commissioners, as such Summons may require (without cause to be allowed by the Court), or shall, when before the Court, pursuant to such Summons, refuse to be sworn and examined touching the matters in question, to the satisfaction of the Court, such person shall be forthwith committed to the Jail of the County in which such Court shall be held, there to remain until he or she shall comply with the terms of the Summons so served upon him or her, and pay the costs of his or her contempt.

Agent, &c., neglecting, &c., to attend Court, or refusing to be sworn and give evidence may be committed to prison.

III. And be it enacted, That any Bailiff or Constable, who may execute a Capias issued under the said hereinbefore in part recited Act, is hereby authorized and required to take bail (being good and sufficient) for the appearance of the Defendant named in such Capias, in the form prescribed in Schedule marked (P) in the said Act, and such security, when taken, shall be of the same force and effect as if taken under that Act.

Bailiff, &c., under Capias issued by virtue of Act 7th Vic., Cap. 2, to take Bail.

Form of Recognizance of Bail.



No Fees to be taken except as prescribed in this Act.

IV. And be it enacted, That no person acting under and by virtue of this Act, shall take or receive, directly or indirectly, any greater or other Fee or Fees for his services than is or are mentioned and allowed in the Table of Fees to this Act annexed.

## TABLE OF FEES.

Commissioners' Fees.

### COMMISSIONERS' FEES.

For issuing every Attachment, Two Shillings and Sixpence.

For every Subpœna, Sixpence.

For drawing and engrossing every Affidavit and Swearing, One Shilling and Sixpence.

For Trial and Judgment, One Shilling.

Clerk's Fees.

### CLERK'S FEES.

For every Attachment, One Shilling and Sixpence.

For every Execution issued at Plaintiff's request, One Shilling.

Witness's Fees.

### WITNESSES' FEES.

The same as in cases of Small Debt

Bailiff or Constables' Fees.

### CONSTABLE'S OF BAILIFF'S FEES.

For levying Attachment, Two Shillings and Sixpence.

For Inventory notice and service, One Shilling.

For taking Bond for forthcoming of property, One Shilling and Sixpence.

For making demand on Sureties for payment and Oath, One Shilling.

For levying Execution, Two Shillings and Sixpence.

For every Mile actually travelled to serve any process or make demand, Twopence.

For advertising Property taken in Execution, One Shilling and Sixpence.

For sale of Goods under Execution, at the rate of One Shilling in the Pound.

*SCHEDULES TO WHICH THIS ACT REFERS.*

**SCHEDULE (A).**

**FORM OF ATTACHMENT.**

Form of Attach-  
ment.

Prince Edward Island, }  
County. }

In the Court of Commissioners for the recovery of  
Small Debts at in the said County.

A. B. Plaintiff, }  
C. D. (sued as an absent Debtor) Defendant. }

To the Bailiffs and Constables of the said Court,  
or to any for any other Commissioners'  
Court for the said County.

YOU are hereby authorized and required to at-  
tatch the Goods and Chattels of C. D., late of  
in the-said Island, an absent or ab-  
sconding Debtor, to the value of (*here insert the  
debt sworn to, and add these words, "with the  
further sum of-, as probable costs of suit"*),  
wheresoever you may find the same within the  
said Island; and the same to detain in your cus-  
tody, to answer the suit of A. B., against the said  
C. D., for (*here state the cause of action*), and  
you are to make return of your doings hereunder  
to this Court at its next sitting after the date  
hereof.

Given under my Hand and the Seal of the said  
Court, this day of , 184  
E. F.,  
Clerk. (L. S.)

By oath for £

## SCHEDULE (B).

Form of Notice  
to Agent.

## FORM OF NOTICE TO AGENT.

Prince Edward Island, }  
County. }In the Court of Commissioners for the recovery of  
Small Debts at                      in the said County.A. B., Plaintiff,                      }  
C. D., (sued as an absent Debtor) Defendant. }

Sir, or Madam;

TAKE notice that I have attached the Goods and Chattels specified in the Schedule hereunder written, which I am informed are the property of the Defendant in your possession, to answer the suit of the above named Plaintiff, for £      debt, and £      , the probable costs of suit, and the Attachment is returnable into the said Court on the      day of      , when the case will be heard.

Dated this      day of      , 184

Yours, &amp;c.,      J. K.

"Bailiff" or "Constable" of said Court.

To Mr.

One Horse,  
One Cart,  
One Stack Hay,  
Six Chairs,  
One Table, &c.

Form of Bail for  
return of Goods,  
&c.

## SCHEDULE (C).

## FORM OF BAIL FOR RETURN OF GOODS. &amp;c.

Prince Edward Island, }  
County. }In the Court of Commissioners for the recovery of  
Small Debts at                      in the said County.

A. B., Plaintiff.

C. D., (sued as an absent Debtor) Defendant.

We E. F. and G. H., do jointly and severally promise and undertake, that if Judgment be given against the Defendant in this action, the Goods and Chattels attached by the Plaintiff, and left

in the hands of the said E. F., viz: (*here specify the articles*) and valued at £. . . , shall be forthcoming and delivered up on demand, to respond the Judgment which may be given in this action, and in as good order as the same now are, or the aforesaid value thereof, shall be paid by us if so much shall be required to satisfy the Judgment and Costs of Suit.

Witness our hands, this . . . day of . . . , 184

E. F.

Witness,

G. H.

J. K., "Bailiff" or "Constable."

### CAP. VIII.

An ACT in addition to two several Acts, therein mentioned relating to Weights and Measures.

[Passed April 18th, 1846.]

**W**HEREAS it is necessary to add to the Laws relating to Weights and Measures, in order to make provision for the weighing of Hay, Straw and other Fodder, as also for the measurement of Lime: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing hereof, no Beam, Balance or other Machine, or Standard of any construction, (except common hand Steelyards) shall be allowed for public use, for the weighing of Hay, Straw or other Fodder, unless the same shall have been examined, and the construction thereof approved of, and the Weights or Beam thereof duly assayed, and stamped by the Assayer of Weights and Measures for the Town, Township or place wherein such Beam, Balance or other Machine, or Standard shall be stationed or used; and every such Assayer shall give to the Owner or Keeper of every such Beam, Balance, Machine or other Standard, a certificate under his hand stating that the construction thereof hath

Beam Balance, &c., for public use for weighing hay, &c., to be examined and approved of by Assayer of Weights,

And stamped by him.

And Assayer to grant a Certificate thereof.

been by him approved of, and that the Weights or Beam thereof, hath been duly assayed.

Penalty on persons keeping for public use, &c., any such Beam, Balance, &c., not duly assayed.

II. And be it enacted, That each and every person who shall own or keep for public use, or for any gain or reward shall suffer to be used, any such Beam, Balance or Machine, without the same having been duly assayed, and approved of in manner aforesaid, shall forfeit and pay for each and every hundred weight of Hay, Straw or other Fodder weighed thereby, the sum of Two Shillings, and so in proportion for any less quantity than One hundred weight, weighed therein.

Duty and power of Assayer of Weights, &c.

III. And be it enacted, That every Assayer as aforesaid, shall have power, and he is hereby required, once every Two Months, or oftner if he shall see cause, to visit and examine every such Weighing Machine as aforesaid, and to adjust or to cause the same to be adjusted, and in case the same shall appear to such Assayer, to have become wholly unfit for its purpose, then to make an order in writing, to prohibit the use of such Weighing Machine, which order shall be delivered to the Owner or Keeper of such Weighing Machine, and from thence it shall be unlawful for such Owner or Keeper to use, or suffer to be used, such Weighing Machine, under the like penalty as is imposed in the Second Section of this Act.

Penalty on owner of Weighing Machine using same after order made to the contrary by Assayer.

Measure to be hereafter used, for the sale of Lime.

IV. And be it enacted, That the Measure to be used hereafter, for the Sale, Exchange or Barter of Lime, shall be of a cylindrical form, and of capacity to contain exactly Six Winchester half-bushels, struck or water measure (level with the brim), which shall deemed and taken as One barrel, and which Measure shall not exceed Twenty Inches, nor shall be less than Eighteen Inches in diameter at the brim, and shall be stamped and assayed, in manner as similar Measures are now required to be, by the Laws of this Island.

Measure to be stamped by Assayer.

V. And be it enacted, That every person who shall Vend, Exchange, Sell or Barter any Lime, except a quantity less than One barrel, by any other Vessel or Measure of capacity than the barrel hereinbefore prescribed, or by any such barrel, without the same being duly assayed and stamped, or by any other barrel, vessel or measure, being of less capacity than that by this Act required, shall forfeit and pay for each and every act of measurement, by any such unlawful vessel or measure, any sum not exceeding Five Pounds nor less than Five Shillings.

Penalty on persons selling Lime by any other measure.

VI. And be it enacted, That all and every the Penalties imposed by this Act, shall and may be recovered with Costs of Suit, in any Court of Commissioners for the recovery of Small Debts, situate in the County wherein the offence shall be committed, or before any Justice of the Peace for such County, upon the Oath of the Assayer of Weights and Measures, or of any other credible witness, or upon confession of the party delinquent, and shall be levied by distraint upon the Goods and Chattels of such delinquent, and in default thereof, it shall be lawful for the said Court or Justice, to commit the said delinquent, to the Jail for the County wherein the offence shall be committed, for any term not exceeding Six Months nor less than Six Days, one half of which Fine shall be paid to the party who shall prosecute or sue for the same, and the other half shall be paid into the Treasury of this Island, to and for the use of Her Majesty's Government.

Penalties imposed by this Act how to be recovered.

Appropriation of penalties.

### CAP. IX.

An ACT to oblige Husbands, and other Natural Relatives of indigent and impotent Persons, unable to maintain themselves, to contribute to their support.

[Passed April 18th, 1846.]

**B**E it enacted by the Lieutenant Governor, Council and Assembly, That from and after

Husband, Father, &c., of poor, blind, lame

or impotent persons may be compelled to maintain them.

Upon complaint, &c., to two Justices of the Peace

Rate of maintenance to be fixed by 2 Justices.

Justices may order maintenance on complaint of third parties under certain circumstances.

Points out mode of proceeding against Husbands, Fathers, &c., of poor, blind, lame and impotent persons, on their neglecting or refusing to comply with order for maintenance.

the passing of this Act, the Husband, the Father, and the Mother, and also the Children, being Twenty-one years of age, and upwards, of every poor, blind, lame, and impotent person, who shall, upon complaint first duly made, be proved to the satisfaction of any two Justices of the Peace for the County where the said person shall reside, to be unable to provide a sufficient maintenance for his, her, or their support, such relations being proved to be of sufficient ability, shall, at their own charges, relieve and maintain every such poor person, in such manner, and according to such rate, as by any two Justices of the Peace, of any County where such poor shall dwell, shall be assessed and ordered.

II. And be it enacted, That if any such poor, destitute and impotent person, shall, through fear, or any other cause, be deterred from personally complaining to such Justices, and decline seeking relief, as aforesaid, then upon sufficient proof thereof, and of the destitute circumstances and situation of any such person, it shall be lawful for the Justices to act in the premises, upon the complaint of any stranger or other person, in the same manner as if complaint had been made to them by the party to be relieved.

III. And be it enacted, That if the Husband, the Father, or the Mother, or any such Children as aforesaid, of such poor, blind, lame and impotent person, shall neglect or refuse to relieve and maintain him, or her, in such manner as shall be ordered by the said Justices, or pay the amount of the rate specified in the said Order for his or her support, at such time or times as shall be therein set forth and mentioned, it shall and may be lawful to and for the said Justices, from time to time, and as often as default shall be so made, to issue a Warrant of distress, under their hands and seals, for the amount of the said rate, and the costs of issuing such Warrant, directed to any Constable of the County wherein the party shall reside; who shall levy the same upon the Goods

and Chattels of any of the said persons neglecting or refusing to comply with said Order, and shall advertise and sell the same, in the same manner as prescribed by the Laws now in force for the recovery of Small Debts, and who shall be entitled to like fees for mileage, levy and sale, as are allowed by the said Acts for the recovery of Small Debts; and who shall pay over the rate or sum so allowed and levied for, to the said Justices, to be by them disposed of for the support and maintenance of such poor, blind, lame, and impotent person, as to them shall seem best.

IV. And be it enacted, That no Males of the age of Fourteen years, or upwards, or Females of the age of Fourteen years, or upwards, unless impotent or unable to procure a maintenance from sickness, or other physical or mental disability, shall be deemed as having any claim for support from their parents, any thing in this Act to the contrary notwithstanding.

*Children of the age of fourteen years excluded from the benefit of this Act unless impotent, &c*

V. And be it enacted, That any person not having any visible property, and not being prevented by sickness, or any physical or mental disability, wilfully neglecting or refusing to support his, or her family, on proof thereof before any two of Her Majesty's Justices of the Peace, as aforesaid, shall be liable to be brought before such two Justices, by Warrant, under their hands and seals, directed to a Constable of the County where such party shall have resided, or shall be found, and shall be liable to imprisonment and hard labour in the Jail of the County, where such Warrant shall be issued, for any period not exceeding One Calendar Month; and any person who shall abscond, or leave his or her family in a state of destitution, shall, in like manner, be liable to be apprehended on a Warrant to be issued, as aforesaid; and on being brought before such Justices, shall be liable to imprisonment and hard labour in such Jail, for any term not exceeding Three Calendar Months.

*Mode of proceeding against Husbands, &c., not incapacitated by sickness, &c., and not having any visible property, wilfully neglecting, &c., to support his family.*



Justices to have power to compel attendance of parties and witnesses.

Witnesses liable to provisions of Act of 1st Will. 4th, Capt. 9.

VI. And be it enacted, That all of Her Majesty's Justices of the Peace, acting under the authority of this Act, shall have power to compel the appearance before them, by Summons, of all parties liable, or supposed to be liable to its operation, as well as to cause the attendance of all necessary Witnesses, by Subpœna; and such Witnesses shall, in all respects, be liable to the provisions of the Act of the First year of the Reign of His late Majesty King William the Fourth, intituled *An Act to authorize Justices of the Peace to enforce the attendance of Witnesses in certain cases.*

Continuance of Act.

VII. And be it enacted, That this Act shall continue and be in force for Three Years from the passing thereof, and from thence to the end of the then next Session of the General Assembly, and no longer.

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### CAP. X.

An ACT to continue an Act, relating to Landlord and Tenant.

[Passed April 18th, 1846.]

Continues Act of the 6th Vic., Cap. 20 for five years and to the end of the then next Session of General Assembly.

**B**E it enacted, by the Lieutenant Governor, Council and Assembly, That an Act passed in the Sixth year of the Reign of Her present Majesty, intituled *An Act relating to Landlord and Tenant*, be, and same is hereby continued, and declared to be in force for Five Years after the passing hereof, and from thence to the end of the then next Session of the General Assembly, and no longer.

## CAP. XI.

An ACT to amend and explain an Act made and passed in the Eighth year of the Reign of Her present Majesty, intituled *An Act to repeal the several Acts now in force, regarding Apprentices, and to substitute other provisions in lieu thereof.*

[Passed April 18th, 1846.]

**W**HEREAS doubts have arisen whether the said Act, which repeals all former Acts relating to Apprentices, does not make void all Indentures of Apprenticeship previously entered into, before the passing of the said Act: Be it therefore declared and enacted, by the Lieutenant Governor, Council and Assembly, That nothing in the said Act, intituled *An Act to repeal the several Acts now in force regarding Apprentices, and to substitute other provisions in lieu thereof,* contained, shall be construed in any way or manner whatsoever, to make void any Indenture of Apprenticeship duly entered into, previous to the passing of the same, under any Act or Acts of the General Assembly of this Island, previously in force in this Island; and all Masters and Apprentices parties to any such Indenture of Apprenticeship, are hereby declared to be, and shall be, liable to all the provisions and enactments in the said recited Act contained, any thing in the said recited Act contained to the contrary thereof notwithstanding.

All Indentures of Apprenticeship entered into previous to the passing of the Act of the 8th Vic. Cap. 14, declared to be valid and binding, and Masters, &c., and Apprentices parties to such Indentures declared to be subject to the provisions of the said Act.

## CAP. XII.

An ACT to authorize the appointment of Commissioners, in King's and Prince Counties, to accept and take the render of Principals, by their Bail.

[Passed April 18th, 1846.]

**B**E it enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful to and for the Chief Justice of the

Chief Justice of Supreme Court authorized to appoint persons in

King's & Prince  
Counties to take  
render of princi-  
pals by their Bail  
in Civil and Cri-  
minal cases.

Supreme Court of Judicature of this Island, to appoint one or more persons resident within at least One Mile of the Court Houses of Georgetown, and Saint Eleanor's, in the Counties of King's and Prince Counties respectively, to receive and take the render by Bail, of their Principals, in any matter or cause, Civil or Criminal, in which Bail are now by Law permitted to render their Principals, whether such Principals shall be on the Limits or otherwise, and such person so appointed, shall be allowed to have and take for the duty of receiving and taking such render, the like Fees as are now allowed and taken by a Judge of the Supreme Court, for similar services.

### CAP. XIII.

An ACT relating to certain Surplus Moneys arising from the Sales of Land, proceeded against for Land Tax, and to provide for the re-payment of the same, when legally claimed by the Owners thereof.

[Passed April 18th, 1846.]

**W**HEREAS by a Return made by the Treasurer of this Island, there appears to be now remaining in the Treasury of this Island, the sum of Five hundred and Forty-nine Pounds Eight Shillings and Two-pence, arising from the Sales of Lands proceeded against for Land Tax, which have not been claimed by the Owners thereof; and whereas it is expedient that such Moneys should be applied to the public service, until the Owners thereof shall claim the same: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That immediately upon the passing of this Act, it shall and may be lawful for the Treasurer of this Island, and he is hereby required to call in and pay off, so many of the outstanding Warrants upon the Treasury of this Island bearing interest, as shall amount to

Treasurer to ex-  
pend surplus  
moneys in his  
hands under Land  
Assessment Acts  
in paying off  
outstanding  
Warrants on  
Treasury.

the sum of Five hundred and Forty-nine Pounds Eight Shillings and Two-pence, now in his hands as Surplus Moneys, under and by virtue of any Act or Acts of the General Assembly, of this Island, imposing an Assessment upon Land, and such Warrants so to be called in and paid off as aforesaid, shall be the next in rotation in point of numbers and dates, to the last Warrant previously called in and paid off by the said Treasurer, under the Act of the General Assembly of the said Island, now in force, regulating the paying off Treasury Warrants: Provided always nevertheless, That whenever the persons duly entitled to the said Surplus Moneys or any of them shall establish their, or his right to the same, or to any part thereof, in the mode pointed out by the said Acts of the General Assembly of the said Island, under which the same shall have been received, it shall and may be lawful for the Treasurer of the said Island, from time to time, out of any moneys then in his hands, being part of the General Revenue of this Island, to pay over to the said persons, or to any of them, the said Surplus Moneys belonging to them or him, as heretofore used and accustomed, under and by virtue of the said Acts or either of them.

Such Warrants to be next in rotation in date, &c., to Warrant last previously paid.

Persons duly entitled to such surplus moneys on establishing their right, as provided in Land Assessment Acts, to be paid the same—

out of what fund.

#### CAP. XIV.

An ACT for enabling Courts to abstain from pronouncing Sentence of Death in certain cases.

[Passed April 18th, 1846.]

**W**HEREAS it is expedient, that in all cases of Felony, except Murder, the Court before which the offender or offenders shall be convicted, shall be authorized to abstain from pronouncing Judgment of Death, whenever such Court shall be of opinion that under the particular circumstances of any case, the offender or offen-

When any person is convicted of felony punishable with death, and Court shall be of opinion that such person is a fit subject for the Royal Mercy, Court may abstain from pronouncing sentence and order the same to be recorded by the proper officer.

ders is or are a fit and proper subject, or fit and proper subjects to be recommended for the Royal Mercy: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, whenever any person shall be convicted of any Felony punishable with death, except Murder, and the Court before which such offender shall be convicted, shall be of opinion, that under the particular circumstances of the case, such offender is a fit and proper subject to be recommended for the Royal Mercy, it shall and may be lawful for such Court, if it shall think fit so to do, to direct the proper officer, then being present in Court, to require and ask, whereupon such officer shall require and ask, if such offender hath or knoweth any thing to say why Judgment of Death shall not be recorded against such offender, and in case such offender shall not allege any matter or thing sufficient in Law to arrest or bar such Judgment, the Court shall and may, and is hereby authorized to abstain from pronouncing Judgment of Death upon such offender, and instead of pronouncing such Judgment to order the same to be entered of Record, and thereupon such proper officer as aforesaid, shall and may, and is hereby authorized to enter Judgment of Death on Record against such offender in the usual and accustomed form, and in such and the same manner as is now used, and as if Judgment of Death had actually been pronounced in open Court against such offender, by the Court before which such offender shall have been convicted.

Record of such entry to have the like effect, as of Judgment had been pronounced, and the offender reprieved.

II. And be it enacted, That a Record of every such Judgment so entered as aforesaid, shall have the like effect, to all intents and purposes, and be followed by all the same consequences, as if such Judgment had actually been pronounced in open Court, and the offender had been reprieved by the Court.

## CAP. XV.

An ACT for suspending for a limited period certain parts of an Act passed in the Fourth year of His late Majesty's Reign, intituled *An Act for ascertaining and establishing the Boundary Lines of Counties and Townships and parts of Townships, and for regulating the duties of Surveyors, and to repeal a certain Act therein mentioned.*

[Passed April 18th, 1846.]

**B**E it enacted, by the Lieutenant Governor, Council and Assembly, That the operation of so much of the said Act, intituled *An Act for ascertaining and establishing the Boundary Lines of Counties and Townships and parts of Townships, and for regulating the duties of Surveyors, and to repeal a certain Act therein mentioned*, as relates in any way to the fixing and establishing of any Boundary Lines under the provisions of the said recited Act, or of any Act or Acts in amendment thereof, be, and the same are hereby suspended so far as regards Lots Ten (10), Nine (9), Eight (8), Seven (7), Six (6), Five (5), Four (4), Three (3), Two (2), and One (1), in Prince County, until the end of the next Session of the General Assembly.

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

## CAP. XVI.

An ACT for authorizing the apprehension of persons in any County or place upon Warrants granted by Justices of the Peace of any other County.

[Passed April 18th, 1846.]

**W**HEREAS it frequently happens that persons against whom Warrants are granted by the Justices of the Peace for the several Coun-

Where parties against whom Warrants are issued escape into another County, they may be apprehended in such other County on the Warrant being indorsed by a Justice of the Peace for the County into which they have escaped.

What shall be a sufficient indorsement.

If apprehended and the offence bailable to be carried before Justice who indorsed Warrant or some other Justice for same County,

Who is required to take bail, &c.

Justice to deliver Recognizance, &c., to Constable, &c., who apprehended the parties.

ties within this Island, escape into other Counties or places out of the jurisdiction of the Justices of the Peace granting such Warrants, and thereby avoid punishment for the offences wherewith they are charged; for remedy whereof; Be it enacted, by the Lieutenant Governor, Council and Assembly, That in case any person against whom a legal Warrant shall be issued by any Justice or Justices of the Peace of any County, shall escape out of the jurisdiction of such Justice or Justices granting such Warrant, it shall and may be lawful for any Justice or Justices of the Peace of the County to which such person shall escape, go into, reside, or be, and such Justice or Justices is and are hereby required to indorse his or their name or names on such Warrant, which shall be a sufficient authority to the person or persons bringing such Warrant, and to all other persons to whom such Warrant was originally directed, to execute such Warrant in such other County out of the jurisdiction of the Justice or Justices granting such Warrant as aforesaid, and to apprehend and carry such offender or offenders before the Justice or Justices who indorsed such Warrant, or some other Justice or Justices of such other County, where such Warrant was indorsed, in case the offence for which such offender shall be so apprehended in such other County as aforesaid, shall be bailable in Law, and such offender or offenders shall be willing and ready to give bail for his appearance at the next General Jail Delivery, to be held in and for the said County where the offence was committed, such Justice or Justices of such other County before whom such offender or offenders shall be brought, shall and may take Bail of such offender or offenders for his or their appearance at the next General Jail Delivery, to be held in and for the County where such offence was committed, in the same manner as the Justices of the Peace of the County should or might have done in such proper County; and the Justice or Justices of such other County, so taking Bail as aforesaid, shall deliver the Recognizance, together with the examination or

confession of such offender or offenders, and all other proceedings relating thereto, to the Constable or other person or persons so apprehending such offender or offenders as aforesaid, who are hereby required to receive the same, and to deliver over such Recognizance, Examination, and other proceedings to the Clerk of the Crown where such offender or offenders is or are required to appear by virtue of such Recognizance, which examination or confession shall be as good and effectual in Law, to all intents and purposes, and of the same force and validity as if the same had been entered into, taken and acknowledged before any Justice or Justices of the Peace in and for the proper County where the offence was committed, and the same proceedings shall be had thereon, and in case such Constable or other person to whom such Recognizance, Examination, Confession, or other proceedings shall be so delivered as aforesaid, shall neglect or refuse to deliver the same without delay to the Clerk of the Crown, or Clerk of the Peace of the County where such offender or offenders is or are required to appear by virtue of such Recognizance, such Constable or other person shall forfeit the sum of Ten Pounds; to be recovered against him by Bill, Plaint or Information in any Court of Record proper to try the same, by any person or persons who will prosecute or sue for the same; and in case the offence for which such offender or offenders shall be apprehended and taken in any other County shall not be bailable in Law, or such offender or offenders shall not give Bail for his appearance at the next General Jail Delivery, to be held in and for the said County where the offence was committed, to the satisfaction of the Justice before whom such offender or offenders shall be brought in such other County, then and in that case the Constable or other person or persons so apprehending such offender or offenders shall carry and convey such offender or offenders before one of Her Majesty's Justices of the

Constable, &c., to deliver the same to Clerk of the Crown, &c.

Effect of examination or confession taken by or made before Justice of the Peace for the County in which parties are apprehended.

Penalty on Constable, &c., neglecting to deliver Recognizance, &c., to Clerk of the Crown.

Penalty how to be recovered,

and by whom.

If offence not bailable, or parties do not give bail, then to be committed to Jail of County in which the offence has been perpetrated.



Peace of the proper County where such offence was committed, there to be dealt with according to Law.

Justice of the Peace not liable to any Action for indorsing Warrant.

Parties aggrieved may bring their Actions against Justice who issued the Warrant.

II. And be it further enacted, That no action of Trespass, False Imprisonment, Information or Indictment, or other action, shall be brought, sued, commenced or prosecuted by any person or persons whatsoever, against the Justice or Justices who shall indorse such Warrant, for or by reason of his or their indorsing such Warrant; Provided nevertheless, That such person or persons shall be at liberty to bring or prosecute his or their action or suit against the Justice or Justices who originally granted such Warrant, in the same manner as such person or persons might or could have done, in case this Act had not been made.

### CAP. XVII.

An ACT to prevent the going at large of Swine and Geese at all Seasons, and of Horses at certain Seasons, in the Square and Streets of Georgetown.

[Passed April 18th, 1846.]

Senior Justice of the Peace resident in Georgetown to appoint 4 persons to take up Hogs, &c., at large in said Town.

Such persons to be appointed on or before 1st day of May, 1846 and on or before 1st April in each year after.

Duty of persons so appointed.

**W**HEREAS it is deemed necessary to prevent Horses, Swine and Geese from being at large within the Town of Georgetown: Be it enacted by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Senior Magistrate for the time being, resident in Georgetown, to appoint Four fit and proper persons on or before the First day of May next, and on or before the First day of April, in each succeeding year, and whose duty it shall be to seize and take up any Swine or Geese going at large beyond the premises or enclosures of the Owner or Owners within the said Town, and on receiving information of such Swine or Geese going at large as aforesaid, and on the same being shewn to any or either of the said persons so appointed, it shall and may be lawful for any of the

said persons to seize and take up or cause to be taken up all Swine and Geese found at large in Georgetown, and to sell and dispose of the same at Public Auction, and all persons obstructing, in any manner whatsoever, any of the said persons in the execution of their duty, shall forfeit and pay a fine not exceeding One Pound, and not less than Five Shillings, to be recovered before any one or more of Her Majesty's Justices of the Peace, to be levied of the Offenders' or Offenders' Goods and Chattels by Warrant of Distress, and in the event of the Offender or Offenders not having Goods and Chattels whereon to levy the said fine, then the Justice or Justices of the Peace for the said Town is or are hereby authorized and empowered to commit the said Offender or Offenders to the Jail for a space not exceeding Fourteen nor less than Four days.

Penalty on persons obstructing them in the execution of their duty.

How to be recovered.

II. And be it enacted, That if the Four said persons or any of them so to be appointed within the said Town, shall neglect or refuse to perform the duties of the said office, in manner hereinbefore prescribed; every Reeve so neglecting or refusing to perform such duty, shall forfeit and pay a sum not exceeding Twenty Shillings nor less than Five Shillings, to be recovered in manner aforesaid; one half of the said Fine to be paid to the Assessors of the Town for the time being, and by them applied towards opening and repairing the Streets in the said Town, and the other half to the person who may sue for the same: Provided always, that no person appointed as aforesaid, shall be liable to serve such office more than once in every Two years.

Penalty on persons so appointed neglecting or refusing to perform duties required by this Act.

How to be recovered, and to whom payable.

Appropriation of penalty.

III. And be it enacted, That from and after the passing of this Act, if any Horse, Mare or Gelding shall be found at large within the Streets or Square of Georgetown between the First day of January and the Fifteenth day of April, in each year, the Owner or Owners thereof shall be liable to pay a fine of Five Shillings, to be recovered with costs as hereinbefore directed.

Penalty on owners of Horses, &c. if said Horses, &c., be found at large between certain periods.

Appropriation of penalties except that imposed by 2d Section.

IV. And be it enacted, That all Fines and Forfeitures recoverable under this Act, excepting the Fine imposed by the Second Clause, after deducting all costs and expenses incurred, shall be disposed of in manner following: one half to the person who shall prosecute for the same, and the remaining moiety to the Assessors in the said Town, to be by them applied towards opening and keeping in repair the Streets in the said Town.

Continuance of Act.

IV. And be it enacted, That this Act shall be and continue in force for Four years, and from thence to the end of the then next Session of the General Assembly and no longer.

### CAP. XVIII.

An ACT to continue the Act relating to Nuisances on the Streets and Squares of Charlottetown.

[Passed April 18th, 1846.]

Continues Act of the 3d Vic., cap. 13, for 1 year.

**B**E it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the First year of the Reign of Her present Majesty, intituled *An Act to prevent the Streets and Squares of Charlottetown being encumbered with Nuisances*, be, and the same is hereby continued for the term of One year from the passing hereof and no longer.

### CAP. XIX.

An ACT further to continue the Act regulating the weight and quality of Bread.

[Passed April 18th, 1846.]

Continues Act of the 3d Will. 4th, Cap. 21, for 10 years, and to the end of then next Session of General Assembly.

**B**E it enacted, by the Lieutenant Governor, Council and Assembly, That an Act passed in the Third year of the Reign of His late Majesty King William the Fourth, intituled *An Act to regulate the weight and quality of Bread within the Town and Royalty of Charlottetown*, be,

and the same is hereby continued for the term of Ten years, and from thence to the end of the then next Session of the General Assembly and no longer.

CAP. XX.

An ACT relating to the Meridional Line.

[Passed April 18th, 1846.]

**W**HEREAS by an Act made and passed in the Forty-ninth year of the Reign of His late Majesty King George the Third, intituled *An Act for establishing a Meridional Line, to regulate Surveyors in this Colony*, it was, among other things, enacted, that a Meridional Line should be properly drawn, ascertained and fixed in a North and South course and direction, pursuant to the said recited Act: and whereas it is found necessary, for the better correction of Land Surveying Instruments, that a Line to be run in an Easterly and Westerly direction, at right angles with the said first mentioned Line, and adjoining thereto, should be drawn and fixed; Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That it shall be lawful for the Lieutenant Governor, or other Administrator of the Government of this Island, for the time being, and he is hereby authorized and required, within Three Calendar Months from the passing of this Act, to issue a Commission, in the manner required in and by the said recited Act, for the purpose of causing a Line to be run, and established at right angles with the said North and South Line already ascertained and fixed, in an Easterly and Westerly direction as aforesaid, and to set up such other mark or marks, at such distances as may be necessary to mark the said Line, which said Line shall be so ascertained and fixed within one month after such Commission shall be issued; and all Land Surveyors using the Magnetic Needle, shall be made

Lieut. Governor, &c., to issue a Commission to authorize a line to be run, &c., at right angles &c. with Meridional line established under Act of 49th Geo. 3d, cap. 1.

How such line is to be established, &c.

Land Surveyors to be subject to same regulations

as respects line to be run under this Act, as they are subject to as regards line established under Act 49th Geo. 3d, cap. 1.

subject to all the forms and regulations in respect to the Lines hereby to be established, to which they are now subject, regarding the Line now established in a Northerly and Southerly direction, as laid down in the said Act hereinbefore recited.

### CAP. XXI.

#### An ACT for the better regulation of Business in the Public Treasury of this Island.

[Passed April 18th, 1846.]

**B**E it enacted by the Lieutenant Governor, Council and Assembly, That from and immediately after the passing of this Act, the Books of Account containing all entries of Debit and Credit of the Public Treasurer of this Island, as such Officer, shall be kept by the method of Book-keeping called Double Entry, and shall consist of a Cash Book, Journal and Ledger, and every transaction shall be therein immediately and correctly recorded, according to the actual nature of such transaction, and all Cash transactions shall immediately upon their taking place be entered in the Cash Book, from which they shall be Journalized and posted into the Ledger, at least once a week, and the Cash Book shall be balanced at the end of every month, and the balance carried to the next month's account: also the Treasurer shall keep a Book, in which the name to whom payable, and for what service, date, number and amount of every Warrant, for money drawn upon him as Treasurer shall be entered, in order, and as the same may come in for payment, they shall be duly filed and carefully preserved by the Treasurer; and that on the receipt and payment of any Treasury Warrant, the Treasurer shall have the same receipted, by the person presenting and receiving payment of the same, by writing his name and the date of the transaction, across the face of said Warrant, and the amount of interest received therewith; and a similar Register or Entry shall be kept of

Made in which Books of Account, &c., of Public Treasury of this Colony are to be kept, &c.

all Bonds, for Duties of Impost and other Securities received by the Treasurer as such Officer.

II. And be it enacted, That the Treasurer shall open separate Accounts with every Office of Impost, including Accounts with every Outport of this Island; and also with all persons who have granted or may hereafter grant Bonds, and other Securities to the Treasury of this Island.

Separate Accounts to be kept by Treasurer with different Collectors of Impost, and with persons indebted for duties, &c.

III. And be it enacted, That it shall also be the duty of the Treasurer, and he is hereby required to strike a trial Balance of all his Accounts as Treasurer, on the last day of every month, and submit the same forthwith to the Lieutenant Governor in Council; and it shall and may be lawful for the Lieutenant Governor in Council, to appoint one or more fit and proper person or persons, as Auditor or Auditors, to attend at the Office of the Treasurer, on the last day of every Quarter, and to examine the Accounts, and to assist him in reckoning the cash then in the Treasury; and a Certificate of the amount of the cash in hand, specifying the different sorts of moneys and amount of each, shall be signed by the Treasurer and such Auditor or Auditors, and together with the said balance, be forthwith laid by the Treasurer, before the Lieutenant Governor in Council; and it shall be the duty of the Treasurer to lay before the Legislature, during the first week of its sitting, all necessary Accounts and statements in writing relating to said Office, when and as often as it may meet for the despatch of business.

Treasurer to strike a trial balance monthly and submit same to Lt. Governor in Council, &c.

Lieut. Governor in Council to appoint Auditors.

Duty of Auditors.

Further duty of Auditors, and of Treasurer.

Further duty of Treasurer.

IV. And be it enacted, That the Treasurer shall keep his Office in the new Colonial Building now erecting in Charlottetown, when such Office is finished, and his Office hours every day during the year, shall be from Ten o'clock in the forenoon until Three o'clock in the afternoon (Sundays and Holidays excepted.)

Place where Treasurer's Office is to be kept, and hours of business.

Collector of Impost for Charlottetown to pay over to Treasurer monthly balance of moneys in his hands.

V. And be it enacted, That from and after the passing of this Act, it shall be the duty of the Collector of Impost for Charlottetown, to pay any balance of moneys in his hands arising from duties received at his Office, at least once a month, into the Office of the Treasurer of this Island, any Law, usage or custom to the contrary notwithstanding.

Periods within which Collectors of Impost are required to furnish their Accounts.

VI. And be it enacted, That all Collectors and Officers of Impost in this Island, shall and they are hereby required, within Fifteen days after the termination of each Quarter, to furnish to the Treasurer at his Office, a full account of all business done in their respective Offices, as such Collectors and Officers, up to the end of each Quarter.

Colonial Secretary and Clerk of Executive Council to furnish Treasurer with Copy of Warrant Book.

VII. And be it enacted, That it shall be the duty of the Colonial Secretary and Clerk of the Executive Council, and he is required to furnish the Treasurer immediately after the meeting of the Executive Council, with a Copy of the Warrant Book, containing a list of any Warrants that may have been ordered or directed to be issued at such meeting of the said Council, and specifying the service for which such Warrants may be ordered.

Future Treasurer to be only allowed £100 per annum.

VIII. And be it enacted, That on the resignation, death or removal from Office of the present Treasurer, the Salary to be paid to his Successor in office shall not exceed the sum of Four hundred Pounds currency, of this Island, in lieu of all Fees, emolument or percentage whatsoever, any Law or usage to the contrary notwithstanding.

## CAP. XXII.

An ACT to facilitate the intercourse between this Island and the Provinces of Nova Scotia and New Brunswick.

[Passed April 19th, 1846.]

**W**HEREAS it would greatly improve the commerce of this Colony, if the Public were afforded a more general and constant intercourse with the Provinces of Nova Scotia and New Brunswick, than is now maintained or may hereafter be maintained, through the means of the Packet employed by the Government of this Island, to run with the Mails between the Harbours of Charlottetown, Pictou and Miramichi, and it is expedient to give encouragement to such persons as will provide and maintain Packet Vessels, at the different stations hereinafter mentioned, which will serve at all times, as occasion may require, for the conveyance of Goods and Passengers to or from this Island, and of any Government Mails or Despatches: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, it shall and may be lawful for His Excellency the Lieutenant Governor, by and with the advice and consent of Her Majesty's Council, to authorize by License under his hand and Seal, any person or persons, tendering at the lowest rate, to run a Packet Vessel or Vessels between the Harbour of Georgetown in this Island, and the Harbour of Pictou in Nova Scotia, and between the Harbour of Bedeque in this Island, and the Harbour of Shediac in the Province of New Brunswick, calling at Green's Wharf on his arrival at Bedeque, and proceeding from thence to Hurd's Point, and returning to Green's Shore, previous to his departure from the said Harbour of Bedeque; in every which License it shall be required, of the person to whom granted, that the Packet Vessel to be employed, shall be of the burthen of not less than Thirty-five tons Old measurement, and shall

Lieut. Governor, &c., to grant a license for a Packet between Georgetown and Pictou, in Nova Scotia, and for a Packet between Bedeque and Shediac, in New Brunswick.

Tenders to be made by owners, &c.

Conditions to be inserted in such licenses.



be sufficiently manned and furnished, for the safe keeping and conveyance of all and every such Public Mail or Mails, Packages, Despatches and Letters, delivered from the Post Office at Charlottetown in this Island, and which may be committed to the care of the person or person to whom such License shall be given, and also that such Packet Vessel, shall have necessary and sufficient accommodations for Passengers, and shall run between the Harbours at the respective stations of such Packets before mentioned, at least once in every week, between the opening of the Navigation and the closing of the same, during the period for which such License shall be granted, and such License shall also contain such further regulations to be observed by the person to whom granted, as to His Excellency the Lieutenant Governor in Council shall seem needful and necessary, for the safe and speedy reception, transmission and delivery of such Mail, Packages, Letters and Despatches, and for the safety of such Passengers as aforesaid.

If a Steamer be offered to ply between Bedeque and Shediac £80 granted as a bounty.

II. And be it enacted, That in the event of a suitable Steamer being placed upon the station, to run weekly between the Harbour of Bedeque aforesaid, and the Harbour of Shediac, in the Province of New Brunswick, in the place of the Sailing Packet before mentioned; that then and in such case, there shall be granted and paid out of the Public Treasury of this Island, by Warrant under the hand and Seal of the Administrator of the Government for the time being, a sum not exceeding Eighty Pounds, to the person or persons who shall be Licensed to run such Steam Vessel, subject nevertheless to all such rules and regulations as are enjoined by this Act: Provided also that any License granted to the owner of any Sailing Packet for that station, shall in such case be cancelled.

Steamer to be liable to same conditions as sailing Packet.

If Steamer licensed, any license to sailing vessel to be cancelled.

£50 for sailing Packet between Georgetown and Pictou.

III. And be it enacted, That during the continuance of this Act, there shall be granted and paid out of the Public Treasury of this Island,

by Warrant under the hand and Seal of the Administrator of the Government for the time being, to the person who shall be Licensed to run the Sailing Packet between Georgetown and Pictou aforesaid, an annual sum not exceeding Thirty Pounds; and to the person who shall be Licensed to run the Sailing Packet between Bedeque and Shediac aforesaid, an annual sum not exceeding Thirty Pounds during the continuance of their respective Licenses, the one half of which payment to be made on the Fifteenth day of August, and the remainder at the closing of the Navigation in each year: Provided that in every instance, before any of the said payments shall be made, the person or persons so Licensed shall make it appear to the satisfaction of the Administrator of the Government for the time being, and Her Majesty's Council, that he or they have in all things fulfilled and complied with the conditions in his or their said License contained: Provided always, that in the event of a Steam Boat being placed on the station, to run between Charlottetown in this Island, and Pictou in the Province of Nova Scotia, that then and in such case, the aforesaid grant of Thirty Pounds to the Georgetown Packet, shall be void and of none effect.

£30 for sailing Packet between Bedeque and Shediac.

Bounties when payable.

Proof of performance of conditions in license to be made before payment.

If a Steam Boat plies between Charlottetown and Pictou, grant of £30 for Georgetown Packet to be void.

IV. And be it enacted, That before any License shall be granted in any case under and by virtue of this Act, it shall be lawful for the Administrator of the Government in Council, for the time being, to appoint Two competent persons resident in Bedeque, no way interested in the Vessel offered to be run as a Packet between that Port and Shediac, in the Province of New Brunswick, and two competent persons resident in Georgetown, no way interested in the Vessel offered to be run as a Packet between that Port and Pictou aforesaid, whose duties it shall be, respectively, to inspect such Vessel, and ascertain the fitness of such Vessel for such purpose; and also, to examine into, enquire and ascertain the capacity and character of the respective masters of said Vessels for their offices, and who shall report

Lt. Governor to appoint 2 competent persons at Bedeque and Georgetown, to inspect Packets.

Duties of Inspectors.

thereon to the Administrator of the Government in Council, for the time being; and such License shall only be granted in the event of such report being satisfactory on the said several points here-inbefore mentioned, any thing in this Act to the contrary notwithstanding.

Licenses only to be on favorable report of Inspectors.

For refusal or neglect to fulfil conditions in license, license may be cancelled by Lt. Governor.

And Bounty to be forfeited.

Applicants for licenses for Packets to submit a Schedule to Lt. Governor, &c.

Particulars of Schedule.

Rates of passage, &c., to be published in Royal Gazette.

Bounty forfeited if terms and rates are varied, &c.

Continuance of Act.

V. And be it further enacted, That if it shall be made to appear to the satisfaction of the Lieutenant Governor and Council, that any person or persons, who shall or may have obtained a License to run a Packet at either of the stations mentioned in this Act, shall have wilfully neglected or refused to fulfil the conditions prescribed by such License, it shall be lawful for the Lieutenant Governor in Council, to cancel such License, and to grant a new License to any other person or persons who shall be willing to comply with the provisions of this Act, and the person or persons so neglecting or refusing to comply with the regulations contained in such License as aforesaid, shall not be entitled to any portion of the bounty granted by this Act.

VI. And be it enacted, That any person or persons applying to the Lieutenant Governor in Council, for a License as aforesaid, shall submit a Schedule of the several rates to be by such person or persons charged for Passengers, Goods and Cattle, which if agreed to, shall, together with the stated times of sailing such Packet, be published three times in the *Royal Gazette* Newspaper for public information, and a copy thereof kept posted in a conspicuous part of such Packet; and such person or persons shall not be entitled to the bounty allowed by this Act, if he or they shall increase the amount of such rates during the continuance of such License as aforesaid.

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

## CAP. XXIII.

An ACT to continue an Act to make and keep in repair the Pumps and Wells of Charlottetown, and for other purposes, and to repeal a certain Act therein mentioned.

[Passed April 18th, 1846.]

**BE** it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the Third year of the Reign of His late Majesty King William the Fourth, intituled *An Act to make and keep in repair the Pumps and Wells of Charlottetown, and for other purposes, and to repeal a certain Act therein mentioned*, and continued for Six years, by an Act passed in the Second year of the Reign of Her present Majesty, intituled *An Act to continue for a limited period Three several Acts therein mentioned*, be, and the same is hereby continued for one year from the passing hereof, and no longer.

Continues Act of the 3d Will. 4th, cap. 37, for 1 year.

## CAP. XXIV.

An ACT to add to and further continue the Act authorizing Hard Labour to be added to the sentence of Imprisonment.

[Passed April 18th, 1846.]

**BE** it enacted, by the Lieutenant Governor, Council and Assembly, That an Act passed in the Fifth year of the Reign of His late Majesty King William the Fourth, intituled *An Act for the more effectual punishment of Offenders, by enabling the Supreme Court to add Hard Labour to the sentence of Imprisonment*, be, and the same is hereby continued in force for the term of Ten years, and from thence to the end of the then next Session of the General Assembly, and no longer.

Continues Act of the 5th Will. 4th, cap. 2, for 10 years, and to the end of the then next Session of General Assembly.

Grants £50 to Commissioners under continued Act for the purpose of carrying out its provisions

II. And be it enacted, That there shall be granted and paid out of the Treasury of this Island to the Commissioners, for the time being, for carrying into effect the said Act by Warrant or Warrants, under the hand and Seal of His Excellency the Lieutenant Governor in Council, any sum or sums not exceeding in the whole, the sum of Fifty Pounds, to enable the said Commissioners the more effectually to provide for the said Act being carried into operation.

### CAP. XXV.

An ACT to continue for one year an Act for the Summary Trial of Common Assaults and Batteries.

[Passed April 18th, 1846.]

Continues Act of the 4th Will. the 4th, cap. 2, for 1 year.

**BE** it enacted, by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the Fourth year of the Reign of the late King William the Fourth, intituled *An Act for the Summary Trial of Common Assaults and Batteries*, be, and the same is hereby continued in full force and effect for one year from the passing hereof and no longer.

### CAP. XXVI.

An ACT to consolidate the several Acts regulating the Sale by License of Spirituous and other Liquors.

[Passed April 18th, 1846.]

Repeals Act of the 13th Geo. 3d, cap. 12,

**BE** it enacted, by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the Thirteenth year of the Reign of His late Majesty King George the Third, intituled *An Act prohibiting the Sale by retail of Rum or other distilled Spirituous Liquors, without first having a License for that purpose, and for the due regulation of such as shall be Licensed*;

and an Act made and passed in the Twenty-fifth year of the Reign of His late Majesty King George the Third, intituled *An Act in addition to, and amendment of an Act, made and passed in the Thirteenth year of His present Majesty's Reign, intituled An Act prohibiting the Sale by retail of Rum or other distilled Spirituous Liquors, without first having a License for that purpose, and for the due regulation of such as shall be Licensed*; and also an Act made and passed in the Eleventh year of the Reign of His late Majesty King George the Fourth, intituled *An Act for granting Licenses to Tavern or Innkeepers, and Storekeepers, and for regulating persons Licensed, and to suspend the operation of the Acts therein mentioned*; and an Act made and passed in the First year of the Reign of His late Majesty, intituled *An Act to amend an Act, made and passed in the Eleventh year of His late Majesty's Reign, intituled An Act for granting Licenses to Tavern or Innkeepers, and Storekeepers, and for regulating persons Licensed, and to suspend the operation of the Acts therein mentioned*; and to suspend part of an Act passed in the Thirty-fifth year of the Reign of King George the Third, intituled *An Act for regulating Servants*, be, and the same are hereby respectively repealed.

Also Act of the  
25th Geo. 3d,  
cap. 5,

Also Act of the  
11th Geo. 4th,  
cap. 18,

Also Act of 1st  
Will. 4th, cap.  
16.

II. And be it enacted, That from and after the First day of July next after the passing of this Act, no License shall be granted for keeping any Tavern or Inn, within this Island, on any other than the following conditions, which shall be inserted in the said License: that is to say, that the person to whom such License shall be granted, shall keep at all times during the continuance of such License, in his or her Tavern or Inn, if in Charlottetown, at least Six good and sufficient Beds and Bedding, Four of which Beds at least shall be Feather Beds, for the accommodation of Travellers, with good stalled Stabling, and necessary and wholesome provender for Eight Horses, and the Stables to be within One hundred yards

Conditions on  
which Tavern  
Licenses are to  
be granted after  
1st day of July,  
1846.

And to be in-  
serted in License.

Taverns in  
Charlottetown.

Taverns in the Country.

No License to be granted unless a certificate be produced from 2 Justices of the Peace residing in the neighbourhood of the applicant.

Requisites of such certificate.

Oath also to be taken.

Form and requisites of oath.

Bond also to be entered into.

Penalty in Bond.  
Condition of Bond.

Form of Bond.

Mode of enforcing Bond.

Fee to Justice for Bond.

Custody of Bond

distance of each Tavern or Inn; and if in the Country, Three such Beds with Bedding, and the like good stalled Stabling and provender for Six Horses: Provided always, that before any such License shall be granted, the person or persons applying for the same, shall produce a Certificate from two neighbouring Justices of the Peace, verifying that he, she or they hath or have, in all respects, the accommodations hereinbefore required, and have taken and subscribed an Oath, in the form prescribed in Schedule marked (A) to this Act annexed, and also hath or have entered into a Bond or Obligation to Her Majesty, Her Heirs and Successors, whereby the person or persons to be Licensed with one or more sufficient Securities, to be approved by the Justices granting the Certificate, shall become bound in the sum of Fifteen Pounds, with Condition that he, she or they shall at all times keep and maintain good order in the House of Entertainment for which such License is requested, and such Bond and Condition shall be according to the form therefor, contained in the Schedule marked (B), to this Act annexed.

III. And be it enacted, That any two Justices of the Peace, for the Town or County wherein such Tavern or Inn may be situate, shall, on their own view, or on the Oath of one or more credible Witness or Witnesses, have power to enforce payment of the said Bond with Costs, after breach of the condition thereof, and the Penalty and Costs may be recovered before them, in the same manner as Small Debts may now by Law be recovered; and for which Bond the sum of Three Shillings and Fourpence and no more, shall be taken by the Justice who may prepare and witness the execution thereof, who shall be one of the Justices granting the beforementioned certificate, and such Bond, with the Affidavit and Certificate hereinbefore mentioned, shall be left with the Colonial Secretary at the time of obtaining the License.

IV. And be it enacted, That any person or persons who shall obtain such License, and shall neglect to keep accommodations as aforesaid, or shall refuse to accommodate Travellers to the extent thereof, shall upon conviction on every complaint thereof, made on Oath before any one of Her Majesty's Justices of the Peace, forfeit and pay the sum of Forty Shillings.

Penalty on Tavernkeepers not keeping accommodation, &c., and mode of recovery.

V. And be it enacted, That from and after the First day of July next ensuing, it shall and may be lawful for the Lieutenant Governor, or other Administrator of the Government, for the time being, to grant Licenses to retail fermented or distilled Spirituous Liquors, and that the rate or price of such Licenses yearly, shall be as follows, (that is to say,) for any person keeping a Tavern or Inn in Charlottetown, having the accommodations hereinbefore required, the sum of Five Pounds; and for any person keeping a Tavern or Inn in the Country, having the accommodations as hereinbefore required, the sum of Forty Shillings; and for any person not keeping such Inn or Tavern, but who shall require a License for the sale of fermented or distilled Spirituous Liquors, in quantities not less than One Quart, the sum of Three Pounds Ten Shillings, and for any person not keeping such Inn or Tavern, but who shall require a License for the sale of fermented or distilled Spirituous Liquors by retail, in less quantities than One Quart, the sum of Ten Pounds; all which sums respectively shall be paid into the Treasury of this Island, for the use of Her Majesty's Government, the same to be appropriated as may hereafter be directed, in and by any Act of the Legislature of this Island.

After 1st July, 1846, Lt. Governor to grant Licenses to retail Spirituous Liquors, &c.

License duty payable by Tavernkeepers in Charlottetown.

License duty payable by Tavernkeepers in the Country.

License duty payable by persons retailing in quantities not less than 1 quart.

License duty payable by persons retailing in less quantities than 1 quart.

License duty how payable and appropriated.

VI. And be it enacted, That any person or persons who shall retail any fermented or distilled Spirituous Liquors in less quantities than Two Gallons, without having first obtained a License to that effect, shall for the first offence forfeit and pay the sum of Five Pounds, and for every succeeding offence the sum of Ten Pounds, and if

Penalty for selling by retail without License.



Penalty on Licensed retailers of not less than 1 quart selling a smaller quantity, or suffering liquor to be drank in their houses, &c.

How to be recovered.

Persons paying, deducting, or setting off wages of Artificer, &c., in spirituous liquors to be deemed unlicensed retailers and liable to penalties as such.

Pawns or pledges taken by licensed retailers to be restored.

any person or persons, except such as shall have obtained a Tavern License, shall hereafter sell or retail any distilled Spirituous Liquors, in quantities less than One Quart, or shall suffer any such Liquors sold by him, her or them, to be drunk in his, her or their Store, House, Shop, Booth or other premises, he, she or they shall forfeit and pay for the first offence the sum of Five Pounds, and for every other and subsequent offence the sum of Ten Pounds, to be recovered together with Costs, in way and manner directed by the Fifteenth Section of this Act.

VII. And be it enacted, That all persons within this Island or the Territories thereunto belonging, who shall from and after the publication hereof, agree or contract with any Artificer, Journeyman, Servant, Labourer or other person employed by them to pay such Artificer, Journeyman, Servant, Labourer or other person, any part of his, her or their wages, in Rum or other distilled Spirituous Liquors, or shall set off or deduct all or any part of the Wages so due to them respectively, for any or either of those articles so paid or delivered, shall be deemed unlicensed Retailers within the true intent and meaning of this Act, and shall for the first, second and every other succeeding offence, be subject to all and singular, the penalties, forfeitures and punishments that are hereinbefore enacted against unlicensed Retailers, and all such Artificers, Journeymen, Servants, Labourers or other persons shall be entitled to his, her or their whole wages, notwithstanding any such agreement, set off or deduction, and shall have the like remedy in Law for the recovery of the same, as if all or any part of such wages were not paid or in any matter satisfied.

VIII. And be it enacted, That all persons having Licenses as aforesaid, who shall take or receive any Pawn or pledge whatsoever by way of security, for the payment of any sum or sums of money, owing for Rum or other distilled Spi-

rituous Liquors, shall, upon complaint on Oath before any of the said Justices of the Peace, and in virtue of his direction and Order thereupon, be compelled to restore the said Pawn or pledge to the Pawner thereof, and the Pawner shall also be exonerated from the payment of the sum for which the said Pawn or pledge was made, and if the said Pawnee shall have destroyed or otherwise disposed of the said Pawn or pledge, that then and in such case, the said Justice to whom such complaint may have been made, shall order the full value thereof, at the time of making the same, to be paid to the Pawner, and which value may be ascertained and established on his Oath only, and if such Pawnee should refuse or neglect to obey such Order, the said Justice may thereupon issue a Warrant of distress, to levy by Sale of the said Pawnee's Goods and Chattels to the value, so as aforesaid proved, together with all the Costs attending the same: Provided nevertheless, that such complaint be exhibited and made within Three Months, next after the time of making such Pawn or pledge.

*If destroyed or disposed of, the value thereof to be paid.*

*Complaint to be made to Justice of the Peace within 3 months.*

IX. And whereas much inconvenience and loss of property has heretofore been sustained by Travellers with Sleighs, Carioles, Carts and other Carriages, from Pigs, Sheep, Cattle and other animals running at large, about Houses of Entertainment: Be it therefore further enacted, by the authority aforesaid, That every person keeping a Tavern or Inn in the Country, shall have a place enclosed for the exclusion of all such animals, with Gates or Bars, for the free ingress and egress of all such Sleighs, Carioles, Carts and other Carriages belonging to Travellers, who may have occasion to call at such House for refreshment, on pain of forfeiting for every Complaint on Oath, the sum of Twenty Shillings.

*Innkeepers in the country to provide an enclosed place under a penalty.*

X. And be it enacted, That all persons who either themselves or by their Wives, or by any of their Children, or known or reputed Servants, or substitutes under them, shall directly or indi-

*Licensed retailers by themselves or their wives, servants, &c., retailing liquor in any other place*

than where they  
reside liable to  
penalty as un-  
licensed retailers.

rectly, sell any fermented or distilled Spirituous Liquors, by virtue, or under pretence, of any License obtained as in this Act is directed, in any other place whatsoever than at the House or place, where such person or persons themselves shall actually and constantly reside and dwell, or keep such Store, on conviction thereof, shall be subject and liable to the like pains and Penalties, as persons convicted of selling Spirituous Liquors without License are by Law made subject and liable to.

Penalty on Licensed retailers, &c., selling spirituous liquors on a Sunday except to Lodgers.

XI. And be it enacted, That no Licensed Tavernkeeper, or other Retailer, shall sell to or supply any person or persons, except Lodgers and Boarders, in the House of any Licensed Tavernkeeper, or knowingly suffer him, her or them to be supplied with Spirituous Liquors of any kind on the Lord's Day, commonly called Sunday, on pain of forfeiting, for the first offence, the sum of Two Pounds, and for every succeeding offence the sum of Four Pounds.

Penalty on Licensed Tavernkeepers not having sign-boards.

XII. And be it enacted, That all Licensed Tavernkeepers shall cause Sign-boards to be affixed over their doors outside, or on some other conspicuous part on the outside of their Houses, with the name of the party so Licensed, and the words "Licensed Tavernkeeper," painted thereon, under the penalty of Twenty Shillings.

Penalty on persons refusing to give evidence before a Justice of the Peace under this Act.

XIII. And be it enacted, That it shall and may be lawful for any Justice of the Peace, and he is hereby authorized to summon before him any person or persons, to give evidence relative to any breach of this Act, or any part or clause thereof, except the party or his Wife, who may so sell or supply Liquor against its enactments, and any person or persons who shall or may refuse to attend, and declare on Oath, when thereto required, his, her or their knowledge of the premises, shall forfeit and pay a sum not exceeding Five Pounds.

XIV. And be it enacted, That all penalties, fines and forfeitures inflicted by this Act, shall and may be recovered if not exceeding Five Pounds, before any one of Her Majesty's Justices of the Peace, on view of the fact, or on the Oath of the informer, or any other credible Witness or Witnesses, or upon the confession of the offender; and if exceeding the sum of Five Pounds, then before Two Justices of the Peace, all which said Fines and Penalties shall be recovered over and above the costs attending the recovery thereof.

Penalties imposed by this Act how recoverable.

XV. And be it enacted, That no Licensed Retailer shall be deprived of his License, except by the Grand Jury as hereinafter mentioned, or by Judgment rendered by Two or more of Her Majesty's Justices of the Peace, upon complaint to them made of the irregularity or improper behaviour of such Licensed Retailer, the said Judgment being grounded upon a Summons duly issued by the said Justices, requiring such Retailer to appear before them and upon proof made of the charge therein contained; and thereupon it shall and may be lawful for the said Justices to suspend the License of such Retailer or wholly to vacate and make void the same, as they shall or may in equity and good conscience, see cause.

How Licensed Retailer may be deprived of License or License suspended.

XVI. And be it enacted, That if any action or suit shall be commenced or brought against any of the said Justices or other Officer or Person for doing or causing to be done, anything in pursuance of this Act, the Defendant in such actions may plead the General Issue, and give the Special matter in evidence.

In Actions brought against Justice, &c., for any thing done under this Act, general issue may be pleaded and special matter given in evidence thereunder.

XVII. And be it enacted, That if any of the said Justices or other qualified person shall wilfully omit the performance of his duty, in the execution of any part or clause of this Act, he or they so offending shall forfeit and pay the Sum of Ten Pounds, one moiety thereof for the use of the

Penalty on Justice, &c., for non-performance of duty under this Act.

Appropriation of such penalty.

Lt. Governor  
may grant free  
Licenses for retail  
of spirituous li-  
quors.

Informers, and the other moiety to be paid into the Treasury of this Island, to and for the use of Her Majesty's Government: Provided always, that nothing herein contained, shall extend or be construed to extend to prevent the Lieutenant Governor or other Administrator of the Government for the time being, to grant a free License to retail fermented or distilled Spirituous Liquors to any person or persons to whom he may judge it expedient to grant the same.

Penalties how to  
be recovered.

XVIII. And be it enacted, That it shall and may be lawful, for any Justice or Justices of the Peace before whom any person or persons shall be convicted in any fine, of any offence committed against the provisions of this Act, to order the payment thereof, and in default of payment of the Fine or Penalty adjudged to be paid by the said person or persons so convicted as aforesaid, when directed by the said Justice or Justices, to issue a Warrant of Distress, against the Goods and Chattels of the said person or persons, for the amount of the said Fine, or Penalty and Costs, and cause the same to be sold to satisfy the said Fine or Penalty and Costs, and in case no Goods or Chattels shall be found whereon to levy the same, the said Justice or Justices shall and may commit the person or persons so convicted, to the Jail of Charlottetown, or to any other Jail within this Island, near to where the offence or offences may have been committed, for a period not less than One Calendar Month nor exceeding Two Calendar Months.

Penalty on Li-  
censed retailers  
suffering servants  
&c., to drink in  
their houses, &c.  
without leave of  
their masters.

XIX. And be it enacted, That no Retailer or person whatsoever having a License to Retail Spirituous or fermented Liquors, shall knowingly harbour or suffer any Apprentice or Servant whatsoever to sit drinking in his or her house, nor sell or give him, her or them, nor suffer to be sold or given him, her or them, any of the Liquors aforesaid, without special order or allowance of their respective Masters or Mistresses, on pain of forfeiting, for each and every offence, a Sum not exceeding

Twenty Shillings, to be recovered together with Costs, upon Conviction before any one of Her Majesty's Justices of the Peace within the County where the offence shall be committed, the payment of said Fine and Costs, to be enforced as hereinbefore directed, and which Fines shall be paid into the Treasury of this Island, to and for the use of Her Majesty's Government.

How to be recovered.

Appropriation of penalty.

XX. And be it enacted, That no unlicensed Retailer of Spirituous Liquors, shall hereafter maintain any Action or Suit for the recovery of the price of any Spirituous Liquors, sold by him, her or them, in less quantities than Two Gallons: Provided always, that nothing in this Act contained shall be construed to prevent any person from retailing Spirituous Liquors in the terms of the License which such person may have obtained before the passing of this Act, during the continuance of such License, and subject to the Laws now in force.

Action for recovery of price of spirituous liquors not maintainable by unlicensed retailers.

Not to prevent persons licensed before passing of this Act from retailing in terms of their licenses.

XXI. And be it enacted, That from and after the passing of this Act, no person shall be allowed to obtain a License for the sale of Spirituous Liquors, until he or she shall have paid unto the Treasurer of this Island, the amount of his or her license duty, and upon every such payment, the said Treasurer is hereby directed and required to give a receipt therefor, which the said person in applying for such Licence shall produce, on making such application; and that when and so often as any person shall require a continuance of his or her License, from year to year, he or she shall receive the same on payment of their licence duty, and by a receipt therefor being annually endorsed on such License by the said Treasurer, who is hereby required to make such endorsement, on the person requiring the same, producing the beforementioned Certificate of Two Justices, granted before the License was obtained, and such person shall not be required to take out a new License in each year.

No license to be granted until license duty be paid to Treasurer.

Duty of Treasurer on payment made.

Further duty of Treasurer when license is continued for a longer period than original term of license.

Appropriation of penalties under this Act.

XXII. And be it enacted, That one half of the Moneys arising from the several Penalties, Fines and Forfeitures imposed by this Act, shall be paid respectively into the hands of the Treasurer of this Island to and for the use of Her Majesty's Government, and the other half shall belong and be paid to him, her or them, who shall inform and sue for the same.

Limits the period for recovery of penalties imposed by this Act.

XXIII. And be it enacted, That all Prosecutions in pursuance of this Act for Penalties, Fines and Forfeitures, shall be commenced within Three Calendar Months, after the same shall have been incurred, and in computing the time, the day on which the Offence shall have been committed, shall be considered as the first, any usage to the contrary notwithstanding.

What shall be deemed disorderly conduct within the meaning of this Act.

XXIV. And be it enacted, That it shall be considered (amongst other things) to be disorderly conduct, within the meaning of this Act, if any Tavern or Innkeeper shall knowingly, suffer or permit on his or her premises, by any Guest or Guests, Card or Dice-playing, Raffling Shuffleboard, Skittles or any other Game of chance, or shall furnish intoxicating drink to any person or persons then evidently in a state of inebriation, or shall himself or herself be openly and repeatedly intoxicated, or shall unnecessarily keep his, or her Tavern or Inn open at late and unseasonable hours, or shall permit Guests in his or her Tavern or Inn, to quarrel and fight or become otherwise riotous and guilty of breaking the Peace, without giving speedy information thereof to the proper Authorities, and using all requisite endeavours to bring the offenders to Justice.

Appeal allowed from Judgment of Justice of the Peace.

XXV. And be it enacted, That all persons deeming themselves aggrieved at the sentence or determination of the Justices, relative to any of the offences before mentioned, may appeal therefrom to Her Majesty's Supreme Court; provided such appeal be prayed in Forty-eight hours after conviction, and Security

given in manner as the Law in such cases directs, in regard to the recovery of Small Debts.

XXVI. And be it enacted, That at the opening of the Supreme Court of Judicature, at each and every of its sittings in the several Counties of this Island, the Justices or Justice presiding at said Court, shall cause a list of all the Tavern-keepers, Innkeepers and Retailers respectively, in the respective Counties, to whom Licenses have been granted as aforesaid, to be delivered to the Grand Jurors, at such sittings of the said Court respectively, and it shall be particularly given in charge to such Grand Jurors, to make diligent enquiry and presentment of all and every such person or persons as shall be guilty of any breach of or offence against the provisions of this Act, and such Presentment shall be deemed to be the commencement of a prosecution for the offence therein set forth; and upon the same being made, it shall and may be lawful for the Justices or any Justice presiding at such Court, to cause such presentment to be delivered or transmitted to any Justice or Justices of the Peace, or Commissioner or Commissioners of Small Debts, residing in the County where the offence may have been committed, who is and are hereby authorized and required to issue a Summons against the offender in the name of Her Majesty, Her Heirs or Successors, and to proceed and adjudicate thereupon, in manner prescribed by this Act; and any penalty adjudged against any person prosecuted by reason of such Presentment, shall be paid into the Public Treasury of this Island.

List of Licensed retailers to be laid before Grand Jury at every Term of Supreme Court.

Duty of presiding Judge of such Court in relation to Grand Jury.

Duty of such Judge on presentment of unlicensed retailers by Grand Jury.

Duty of Justice of the Peace, &c. when presentment is forwarded to him.

XXVII. And be it enacted, That notice of any Appeal or Writ of Certiorari, had or obtained from or upon any Judgment given, upon any such Prosecution as aforesaid, shall be served on or at the Office of Her Majesty's Attorney General for the time being, who shall thereupon defend the same, in the name of Her Majesty, Her Heirs or Successors.

Notice of Appeal from conviction for penalties or of Writ of Certiorari to be served upon Attorney General for time being.

Duty of Attorney General thereon.



Powers of Grand  
Juries as to Li-  
censed retailers.

**XXVIII.** And be it enacted, That the Grand Jury shall be, and they are hereby authorized and empowered to suspend or wholly to annul and make void, the License of any Retailer of Spirituous or fermented Liquors, in like manner as Justices of the Peace are hereinbefore empowered to do by this Act, and that no right of appeal from any Judgment or order of the said Grand Jury shall be allowed, any thing herein contained to the contrary notwithstanding.

Penalty on Ta-  
vernkeeper, &c.,  
having in his pos-  
session Wine,  
&c., illegally  
imported.

**XXIX.** And be it enacted, That if any Tavernkeeper, Innkeeper or Retailer shall sell, offer for sale, or have in his possession, any Wine, Brandy, Gin, Rum, Strong Beer, Ale or any other strong or Spirituous Liquors, knowing the same to have been illegally imported into this Island, such Tavernkeeper, Innkeeper or Retailer, upon Conviction thereof, on the Oath of one or more credible Witness or Witnesses, before any one of Her Majesty's Justices of the Peace of the County in which such offence hath been committed, shall forfeit and pay the sum of Five Pounds with Costs of prosecution, one half of which sum shall be paid to any person who shall prosecute and sue for the same, and the other half into the Public Treasury of this Island, to and for the use of Her Majesty's Government.

And how re-  
coverable.

Appropriation of  
penalty.

Penalty on Li-  
censed retailer  
not keeping copy  
of license sus-  
pended to view  
in store, &c.

**XXX.** And be it enacted, That every Licensed Store or Tavernkeeper, shall keep a Copy of his, her or their License certified by any one of Her Majesty's Justices of the Peace, posted up in some conspicuous place in his, her or their Store or Tavern, where it may be exposed to the inspection of the Public, and if any Store or Tavernkeeper shall neglect thus to post up such certified Copy, within his, her or their Store or Tavern, then they shall forfeit and pay for every such offence the penalty of Forty Shillings, which Fine shall be recovered with Costs, before any one of Her Majesty's Justices of the Peace; one half of the said Fine to be paid into the Treasury of this Island, to and for the use of Her Majesty's

How recoverable

Appropriation  
thereof.

Government, and the other half shall be paid to the person prosecuting for the same.

XXXI. And be it enacted and declared, That no person shall sell or expose for sale, any distilled Spirituous Liquors, fermented Wines, or Liquors of any description, either out of doors or in any Booth, Tent, or other erection or building, other than the constant place of residence of a Licensed Retailer of Liquors, at any Fair, Market, Race Ground or other public place of meeting, on pain of being Fined as Unlicensed Retailers of Spirituous Liquors, and it shall be lawful for any of Her Majesty's Justices of the Peace or any Constable, upon view of the fact, to destroy or cause to be destroyed, all such Liquors as aforesaid, as shall be exposed for sale contrary to the terms of this Section.

Prohibits the sale of any spirituous liquors, &c., in any Booth, Tent, &c.

Justice of the Peace &c. on view may destroy liquors so exposed for sale, &c.

XXXII. And be it enacted, That in case any person shall Appeal from a Conviction for the breach of any of the provisions of this Act, and the Witness or Witnesses who proved the same shall be absent from this Island, or otherwise unable from some cause to be allowed by the Court, to attend to give evidence on the hearing of such Appeal, then and in every such case, the substance of the evidence given by such absent or infirm Witness, at the time when such Conviction took place, shall be received and taken to be as good evidence, to support the same before the Court of Appeal, as if such Witness had been again examined *viva voce*, on the hearing of such Appeal: Provided always nevertheless, that the evidence of any such Witness or Witnesses sought to be so used as aforesaid, on the hearing of any Appeal, shall have been read over to the Prosecutor and Defendant, and to such Witness or Witnesses, by the said Justice or Justices, at the period of Conviction by the said Justice or Justices, and any objection made by the Witness or Witnesses or parties or either of them to such written evidence, shall be noted thereon at the time, if the evidence shall not be altered by the

In cases of Appeal the evidence of witness, &c. before Justice of the Peace in the event of his absence, &c., to be received by Supreme Court if taken by Justice as prescribed in this Section.

said Justice or Justices at the time, in the presence of the parties, and the Justice or Clerk of the Court by or before whom such Conviction shall be given or made, shall in all cases take down the evidence on which any such Conviction may be grounded, and the same shall be received as evidence in the Court of Appeal in the cases last aforesaid, saving all just exceptions there-  
to.

Oath to be taken  
by Constables in  
addition to usual  
Oath of Office.

XXXIII. And be it enacted, That every Constable when sworn into office annually, shall take the following Oath in addition to the usual Oath of office, heretofore taken by Constables, that is to say—

I *A. B.* do swear, that while I act as Constable in this Island for the present year, and in the District for which I am appointed, I will well and faithfully execute the duties imposed on me by the Laws of this Island, made to regulate the sale of Spirituous and fermented Liquors, and without fear or favour.

So help me God.

Duties of Con-  
stables under this  
Act.

XXXIV. And be it enacted, That it shall be the duty of every Constable while in office, as such, to visit all Houses and places where he has reason to suspect that any breach of this Act is then being, or has been committed, at all hours by day or night, first giving intimation of the object of his visit at the door or entrance, if required so to do, and every person shall admit such Constable and produce such License to such Constable when reasonably demanded, on pain of being Fined as an Unlicensed Retailer of Spirituous Liquors, in case it shall appear that such person had so retailed contrary to this Act, and all Constables are hereby required, whenever it shall become known to them on their own view, or from any noise or tumult, or by credible information from others, that any breach of this Act has been or is being committed, to repair to the place complained of, and ascertain the facts of the case, and in every instance where there

appears probable ground to convict, the Constable shall forthwith fully lay the case on Oath before a Justice of the Peace, and in case of Conviction taking place, he shall be paid his Fees, as the same are allowed by the Courts of Commissioners for the recovery of Small Debts, and in case of Judgment of Nonsuit or for Defendant, the said Constable shall be entitled, in the discretion of the Justice or Justices who shall have heard and tried the case, to his fees and expenses, to be paid in manner prescribed by the Act of the General Assembly, passed in the Sixth year of the Reign of His late Majesty, intituled *An Act to amend the Act for the Summary trial of Common Assaults and Batteries*, and for every neglect of his duty herein, the Constable shall be liable to a Fine not exceeding Five Pounds.

SCHEDULES TO WHICH THIS ACT REFERS.

SCHEDULE (A.)

FORM OF AFFIDAVIT BEFORE LICENSE GRANTED.

I            of            in the Town (or County, as the case may be) do swear that the Beds and Stable accommodations, now exhibited, and according to the Inventory hereto annexed, are for the use of Travellers who may stop at this Tavern, and that the Stable is within the distance of            from the Tavern, and that I will at all times maintain and keep such accommodations in good order, so long as I keep Tavern under the License I now request, and further, that I do *bona fide* solicit, and will at all times use such License for the sole purpose of keeping a public Tavern or Inn, wherein I hereby promise to entertain such proper Guests as may offer, not being more than I can receive, and to make only fair and reasonable charges against them for my services.

Form of Affidavit to be made before License granted.

So help me God.

## SCHEDULE (B.)—FORM OF BOND.

Form of Bond to  
be given by Ta-  
vernkeeper.

Know all men by these presents, that we  
are held and firmly bound unto our  
Sovereign Lady Victoria by the Grace of God,  
of the United Kingdom of Great Britain and  
Ireland, Queen, Defender of the Faith, Her  
Heirs and Successors, in the sum of Ten Pounds  
lawful currency of this Island, to which payment  
we jointly and severally bind ourselves, our Heirs,  
Executors and Administrators firmly by these  
presents: In Witness whereof we have hereunto  
set our Hands and Seals, this            day of  
in the year of Our Lord One thousand Eight  
hundred and

Whereas the above bounden            is about  
to apply for a License, for the sale by retail of  
fermented or distilled Spirituous Liquors, in the  
Tavern or House of public Entertainment, kept  
by the said            Now the condition of the  
foregoing obligation is such, that if the above  
bound            shall obtain a License as afore-  
said, and shall in no way or manner, at any time,  
offend against or violate, but at all times well and  
truly comply with and yield obedience to all and  
singular the regulations and provisions of the  
Act or Acts of the General Assembly of this  
Island, made in relation to persons Licensed to  
sell Liquors by such Tavern License aforesaid,  
and shall keep and maintain good order in the  
Tavern or House of Entertainment, which the  
said            has been Licensed to keep, then and  
in such case, the foregoing Bond or obligation to  
be null and void, otherwise to be and remain in  
full force and effect.

Signed, sealed and delivered this            day of  
18    , in the presence of

## CAP. XXVII.

An ACT to make provision for the regulation of Seamen shipped on board of any Ship or Vessel owned in or belonging to Prince Edward Island, while such Ship or Vessel shall be within the precincts of the said Island.

[Passed April 18th, 1846.]

**WHEREAS** by an Act of Parliament, made and passed in the Seventh and Eighth years of the Reign of Her Majesty Queen Victoria, intituled *An Act to amend and consolidate the Laws relating to Merchant Seamen, and for keeping a Register of Seamen*, it is, in and by the Sixty-first Section thereof, among other things enacted, that the said Act shall not extend or apply to any Ship registered in or belonging to any British Colony having a Legislature, or to the Crew of any such Ship, while such Ship shall be within the precincts of such Colony, by reason whereof the provisions of the said Act, so far as the same relate to Ships, or Vessels registered in or belonging to this Island, or to the Crew of any such Ship, while such Ship shall be within this Island, or its precincts or dependencies, do not extend to the same; Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That so much and such part of an Act of the General Assembly of this Island, made and passed in the Fiftieth year of the Reign of His late Majesty King George the Third, intituled *An Act to prevent the harbouring Deserters from His Majesty's Navy or Army, and for giving a Reward for apprehending Deserters, and to prevent harbouring Deserters from Ships in the Merchant Service*, as relates to Merchant Seamen, an Act made and passed in the Fifty-ninth year of his said late Majesty's Reign, intituled *An Act for the better regulation of Merchant Seamen, and to repeal part of an Act passed in the Fiftieth year of His present Majesty's Reign, intituled An Act to prevent the harbouring Deserters from His Majesty's Navy or Army, and*

Repeals so much of the Act of the 50th Geo. 3d, cap. 3, as relates to Merchant Seamen.

Also Act of the 59th Geo. 3d, cap. 3.

*for giving a reward for apprehending Deserters, and to prevent harbouring Deserters from Ships in the Merchant Service, an Act made and passed in the Seventh year of the Reign of His late Majesty King William the Fourth, intituled An Act relating to Merchant Seamen of this Island, and an Act made and passed in the Seventh year of the Reign of Her present Majesty, intituled An Act to consolidate, amend and continue the Acts relating to Merchant Seamen, be, and the same are hereby respectively repealed,*

Also Act of the 7th Will. 4th, cap. 3.

And also Act of the 7th Victoria, cap. 18.

No Capias for debt contracted without the allowance of the Master of the vessel, whilst within the precincts of this Island, to have effect against a seaman belonging to a vessel registered in this Colony, until after the voyage.

II. And be it enacted, That immediately after the passing of this Act, if any person or persons in this Island, shall Trust or give Credit to any Mariner or Seaman, belonging to any Ship or Vessel registered in or belonging to this Island, while such Ship shall be within the precincts of this Island, without the knowledge or allowance of the Master or Commander thereof, no Capias or other process of arrest of the person of such Mariner or Seaman, for any Debt so contracted, shall be issued against, or secured upon the person of such Mariner or Seaman, until he shall have performed the voyage which he may be then entered upon and discharged of the same, and every such process so issued shall be deemed and adjudged utterly void in law; and any one Justice of the Court from which such Process shall issue, or Justice of the Peace in case the Debt demanded may not exceed Eight Pounds, to whom it shall be made to appear, that any Mariner or Seaman is committed or detained upon Process granted, for any such Debt contracted while he was engaged and actually entered and on pay, on any voyage, shall forthwith order his release.

Seaman refusing to do duty, &c., may be committed to Jail by Warrant of a Justice of the Peace.

III. And be it enacted, That if any Mariner or Seaman, having shipped himself on board of any such Ship or Vessel so within this Island, or which hath been launched, or is actually preparing for sea, to proceed on any voyage and upon pay, shall neglect his attendance or refuse to do his duty on board, or shall absent himself without

leave from his said service, upon complaint thereof made on Oath or Affirmation (in the case of persons allowed by Law to Affirm), by the Owner, Consignee, or Master, or other officer of said Ship or Vessel, to any Justice of the Peace within the said County, such Justice is hereby empowered to cause such Mariner or Seaman to be forthwith brought before him by Warrant, and upon conviction of his neglecting his attendance, or refusing to do his duty on board, or absenting himself without leave as aforesaid, to commit such Mariner or Seaman to prison, that he may be secured and forthcoming to proceed on the voyage he has so agreed for, to be delivered by order of the Justice who committed him, or some other Justice in the same County, and all necessary charges attending his being so secured, and which have been actually paid by the said Owner or Master, may be deducted from such Mariner's or Seaman's wages, as the same may become due, and it shall be the duty of the Owner or the Master, or the Officer, or the Consignee of such Ship or Vessel, complaining as aforesaid, to supply, for the use of the said Mariner or Seaman, all necessary bedding, provisions and maintenance during the time of his detention in prison as aforesaid, and pay to the Jailer of said Prison his lawful fees on receiving and discharging such Mariner or Seaman, and in default thereof, the said Jailer may make the supplies aforesaid, and maintain an action therefor together with the fees aforesaid, against the Owner of the said Vessel, or the Master, or the Officer or Consignee complaining as aforesaid, in any Court of Record, or if the sum shall not exceed Eight Pounds, before any Justice of the Peace, according to the provisions of the Act, intituled *An Act relating to the recovery of Small Debts, and to repeal certain Acts therein mentioned.*

Charges of such commitment may be deducted from wages.

To be supplied with bedding and maintenance by owner, &c, and Jailer's fees to be paid.

IV. And be it enacted, That if any Master or Commander of any such Ship or Vessel, or any other person or persons, shall hire or engage, harbour or conceal any Mariner or Seaman, who

Hiring or concealing articulated seamen knowing them to be deserters.



shall have signed any former Contract or Articles, knowing him to have deserted from, or to belong to any other Ship or Vessel in this Island, registered in and belonging to this Island, every such Master, Commander or other person or persons so offending, and being thereof convicted before any two of Her Majesty's Justices of the Peace for the County where the offence is committed, upon the Oath or Affirmation (in the case of persons allowed by Law to Affirm), of one or more credible Witness or Witnesses, or confession of the party charged, shall forfeit and pay such sum as the said Justices shall adjudge, not exceeding Ten Pounds, and not less than Two Pounds, to be levied by Warrant of Distress and Sale of the Offender's Goods, under the Hands and Seals of such Justices; and when recovered, one moiety to be paid to the person so prosecuting for the same, and the other moiety into the Treasury of this Island, to and for the use of Her Majesty's Government; and if there be no Goods or Chattels of such Offender, whereon the said penalty may be levied, it shall and may be lawful for such Justices by Warrant under their Hands and Seals, to commit such Offender to the Jail of the County where such offence shall be committed, there to remain for a space of time not exceeding Sixty days, and not less than Ten days, and such Mariner or Seaman who shall desert at any time during the voyage on which he is engaged by written Contract or Articles, shall, over and above the Penalties and Forfeitures to which he is now by Law subject, forfeit all the wages he may be entitled to, on board the Vessel entered by him after such desertion, to be detained by the Master or Owner of such Vessel, to and for the use of the Owner of the Vessel from which he deserted, or to be sued for and recovered from him by such last mentioned Owner, by action of Debt, or on the case, in any Court of Record, or before any Justice of the Peace, if the sum claimed do not exceed Eight Pounds, agreeably to the above recited Act, relating to the recovery of Small Debts.

Penalty.

Appropriation of penalty.

Deserting seaman to forfeit wages earned on board of vessel afterwards entered by him, in addition to the penalties.

Mode of recovery

V. And be it enacted; That if proof be made upon Oath or Affirmation (in the case of persons allowed by Law to Affirm), by the Owner, Agent or Master of any such Ship or Vessel, before any of Her Majesty's Justices of the Peace in this Island, that any Seaman or Mariner belonging to such Ship or Vessel, and who may have deserted or absented himself from the same, be kept or concealed on board of any other Ship or Vessel, within any of the Harbours of this Island, or in any Tavern, Pot-house or other house or place within the County, for which such Justice shall be appointed, or if Oath or Affirmation (in the case of persons allowed by Law to Affirm) be made, that such Owner, Agent or Master hath good reason to suspect, and doth verily believe, that such Seaman or Mariner is so concealed as aforesaid, it shall and may be lawful for such Justice to issue his Warrant, to any of the Constables or Peace Officers within the said County, to make search on board such Ship or Vessel, or in such Tavern, Pot-house or other place, and if such Seaman shall be found in such suspected place, that such Justice shall cause such Seaman to be delivered over to the Owner or Master of the Ship or Vessel, to which such Seaman shall belong, to be carried on board such Ship or Vessel, or be committed to Prison, as directed in the third Section of this Act.

A Warrant to search for deserting seamen may be issued by Justice of the Peace on application made on oath.

If apprehended, deserting seamen to be delivered over to owner, &c.

VI. And whereas the practice of enticing Seamen to desert their Ships, is greatly promoted by the encouragement given to the Tavernkeepers and others, by giving large sums to them for procuring Seamen: Be it enacted, that from and after the passing of this Act, it shall not be lawful for any Owner, Master or Agent of any Ship or Vessel, registered in or belonging to this Island, or other person, either directly or indirectly, to pay or give any money, hire or reward, to any Innholder, Tavernkeeper, Shopkeeper, or other person or persons, for the procuring of any Seaman or Seamen, for any Ship or Vessel, and that it shall not be lawful for any Innholder, Tavern-

The giving or receiving money for procuring seamen for vessels prohibited.

Money so paid to be deemed paid without consideration.

keeper, Shopkeeper, or other person or persons, to receive any money, hire or reward, either directly or indirectly, for the procuring such Seaman or Seamen, and that any money so to be paid, shall be considered as paid without consideration; and may be recovered back by Action or Suit, in any Court having competent jurisdiction, and that all Bonds, Notes, Bills, Agreements, promises or engagements for paying or giving any money, hire or reward, for the above mentioned purposes, shall be absolutely null and void, to all intents and purposes whatsoever.

No seaman to be bound by shipping himself, for any vessel of 40 tons burthen or upwards unless the agreement be in writing.

VII. Provided always, and be it enacted, That no Mariner or Seaman shall be bound, by entering or shipping himself on board of any Ship or Vessel belonging to and registered in this Island, and of the burthen of Forty Tons or upwards, new measurement, unless the Agreement shall be in writing, and declare what wages such Mariner or Seaman is to have, for so long a time as he shall ship himself for, and also shall express the voyage for which such Mariner or Seaman was shipped, any thing hereinbefore contained to the contrary notwithstanding.

Enticing or aiding seamen to desert.

VIII. And be it enacted, That if any person or persons shall aid, entice or assist any Seaman to desert from any such Ship or Vessel, or shall provide or procure, or cause to be provided or procured, for any Seaman, the means or assistance to desert from any such Ship or Vessel, or shall aid or assist any Seaman in the removal of their Hammocks, Clothing or Apparel, from on board of any such Ship or Vessel, or shall convey any Seaman from any such Ship or Vessel, without the sanction of the Master or Commander of such Ship or Vessel, such person or persons so offending for either of the said causes, shall upon conviction thereof, be liable to the same penalties and forfeitures contained in the Second Section of this Act, to be recovered and applied as hereinbefore provided.

Penalty therefor, and how to be recovered.

IX. And be it enacted, That if any person shall detain any Seaman or Mariner's Clothes, Chest, Hammock or other property, it shall and may be lawful for any two of Her Majesty's Justices of the Peace, upon complaint made to them by any such Seaman or Mariner, on Oath or Affirmation (in the case of persons allowed by Law to Affirm), to issue their Warrant, directed to any Constable of the County in which such Justices shall have jurisdiction, requiring the said Constable to bring such Clothes, Chest, Hammock or other property before them, and to Summon the person so detaining the same to appear before them to answer for such detainer, and upon a full hearing of the case on the Oath or Affirmation (in the case of persons allowed by Law to Affirm), of the parties and their witnesses, taken *viva voce*, or on proof that the person required to be summoned could not be found, and that a copy of such Warrant was left at his last place of abode, the said Justices shall and may make such order touching the articles mentioned in the said Warrant, and so brought before them, and the delivery thereof to the party complaining, or the restoration thereof to the party charged with detaining the same, as may be reasonable and just, and in case the articles cannot be found, on proof thereof and on the appearance of the party charged, and hearing all parties as aforesaid, on proof of the service of a copy of the said Warrant as aforesaid, then the said Justices shall and may order payment of the value thereof, together with the costs of prosecution, if the same shall to them appear reasonable and just, to be levied by Warrant of Distress and Sale of the Goods and Chattels of the party upon whom such order shall be made, to the use of the said Seaman or Mariner; and in default thereof, the said persons so detaining the same to be committed to Jail, there to remain until the payment of the sum so ordered and costs aforesaid: Provided always, that no proceedings shall be had, unless the value of the articles alledged to be detained shall not exceed Ten Pounds, and pro-

Proceedings to recover clothes, chest, hammock, &c., of seaman when detained by any person.

Limits the amount in value for which proceedings may be taken under this Section.

vided also, that no Innholder, or Tavernkeeper or other person shall be allowed to make any claim, before the said Justices, for any lien on the said articles mentioned in the said Warrant, or any debt due from the said Seaman or Mariner, if it shall appear that the said Seaman or Mariner was, at the time of such application, a deserter from, or belonging to any Ship or Vessel.

Prosecutions for penalties to be brought in name of master, &c., of vessel to which seaman belonged

X. And be it enacted, That all Prosecutions instituted for the recovery of any of the penalties imposed, for the breach or breaches of any of the provisions of this Act, may be brought in the name of the Owner or Owners, Master, Agent or Consignee of the Ship or Vessel, to which such Mariner or Mariners at the time of such breach or breaches shall belong, on account of whom such penalty or penalties shall be incurred.

Articles of Agreement to be entered into between ship masters and seamen.

XI. And be it enacted, by the Lieutenant Governor, Council and Assembly, That it shall not be lawful for any Master of any Ship or Vessel, registered in and belonging to this Island, of the burthen of Forty Tons or upwards, new measurement, trading to parts beyond the seas or out of this Island, to carry to sea on any voyage from this Island, any Seaman or other person as one of his crew or complement (Apprentices excepted), without first entering into an Agreement in writing with every such Seaman, specifying what monthly or other wages each such Seaman is to be paid, the capacity in which he is to act, and the nature of the voyage in which the Ship is intended to be employed; so that the Seaman may have some means of judging of the probable period for which he is likely to be engaged; and the said Agreement shall contain the day of the Month and Year in which the same shall be made, and shall be signed by the Master in the first instance, and by the Seamen respectively, at the Port or place where such Seamen shall be respectively shipped, and the Master shall cause the same to be by or in the presence of the party who is to attest their respective signatures thereto,

Particulars of such Agreement.

Agreement to be read over previous to execution, &c.

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

XII. And be it enacted, That every such Agreement shall be in the form, and shall contain true entries under their respective heads, of the several particulars, as set forth in the Shedule to this Act annexed marked (A), so far as the same can be ascertained, and that the Owner and the Master of every such Ship, or one of them, shall on reporting his Ship's arrival at her Port of destination in this Island, deposit or cause to be deposited with the Collector of the Customs, at such Port, a true copy of such Agreement attested by the signature of the Master, to the intent that every person who may be interested in any such Agreement, may at all times have the means of knowing the terms and conditions thereof.

Form of Agreement.

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

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

Taking seamen to sea without such Agreement.

Penalty on master for so doing.

Penalty on master for not causing Agreement to be read over to seaman before execution, or not depositing same with Collector or depositing a false copy thereof.

XIV. And be it enacted, That the Master or Owner of every Ship, shall and he is hereby re-

Times of payment of seaman's wages.

quired to pay to every Seaman entering into such contract as aforesaid, his wages, if the same shall be demanded within the respective periods following (that is to say) within Three days after the cargo shall have been delivered, or within Ten days after the Seaman's discharge, whichever shall first happen, and in all cases the Seaman shall at the time of his discharge, be entitled to be paid on account, a sum equal to one-fourth part of the estimated balance due to him, and in case any Master or Owner shall neglect or refuse to make payment in manner aforesaid, he shall, for every neglect or refusal, forfeit and pay to the Seaman the amount of Two day's pay, for each day not exceeding Ten days, during which payment shall without sufficient cause be delayed beyond the period, at which such wages or part of wages are hereby required to be paid as aforesaid; for the recovery of which forfeiture, the Seaman shall have the same remedies, as he is by Law entitled to for the recovery of his Wages: Provided always, that nothing in this Clause contained shall extend to the cases of Ships employed on voyages for which Seamen by the terms of their Agreement, are compensated by shares in the profits of the adventure.

Forfeiture incurred by master or owner for non-payment of wages.

Security of seamen's wages against Bills of Sale, &c.

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

Seaman entitled to certificate of service on discharge.

XVI. And be it enacted, That upon the discharge of a Seaman, from the Ship in which he shall have served, he shall be entitled to receive from the Master, a certificate of his service and discharge, specifying the period of Service, and

the time and place of the discharge of such Seaman, which certificate shall be signed by the Master, and if any Master shall refuse to give such certificate to any such Seaman, without having reasonable cause for his refusal, he shall for every such offence, forfeit and pay to him the sum of Five Pounds.

Penalty on master refusing certificate.

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

Payment of wages delayed.

Wages in such case how to be recovered.

Penalty on master, &c., not complying with order of Justice for payment.

XVIII. And whereas Seamen in cases of dispute, may be exposed to great inconvenience, expense and delay in obtaining payment of their wages: for remedy thereof, Be it enacted, that in all cases of wages not exceeding Twenty Pounds, which shall be due and payable to a Seaman for his service, in any such Ship as aforesaid, it shall be lawful for any Justice of the Peace, in any part of this Island, near to the place where the Ship shall have ended her voyage, entered or cleared at the Custom House, or discharged her Cargo, or near to the place where the Master or Owner, upon whom respectively the claim is made, shall be or reside, upon complaint on Oath, to be made to such Justice by any such Seaman, or on his behalf, to Summon such Master or Owner to

Wages claimed by seaman and disputed.

Mode of recovery in such cases.



appear before himself and any other Justice having Jurisdiction therein, to answer such complaint, and upon the appearance of such Master or Owner, or in default thereof, on due proof of his having been so summoned, such Justices are hereby empowered to examine upon the Oath of the parties and their respective Witnesses (if *there be any*) touching the complaint and the amount of Wages due, and to make such order for the payment thereof, as shall to such Justices appear reasonable and just; and in case such order shall not be obeyed within Two days next after the making thereof, it shall be lawful for such Justices to issue their Warrant to levy the amount of the Wages awarded to be due, by distress and sale of the Goods and Chattels of the party on whom such order for payment shall be made, rendering to such party the overplus (if any shall remain of the produce of the sale) after deducting thereout all the charges and expenses incurred by the Seaman in making and hearing of the complaint, as well as those incurred by the distress and levy, and in the enforcement of the Justices' Order, and in case sufficient Distress cannot be found, it shall be lawful for the said Justices to cause the amount of the said Wages and expenses to be levied on the Ship, in respect of the service on board which the wages are claimed, or the tackle and apparel thereof; and if such Ship shall not be within the Jurisdiction of such Justices, then they are hereby empowered to cause the party upon whom the order for payment shall be made, to be apprehended and committed to the Common Jail of the County, there to remain without Bail, until payment shall be made of the amount of the Wages so awarded, and of all costs and expenses attending the recovery thereof, and the award and decision of such Justices as aforesaid, shall be final and conclusive, as well on every such Seaman as on the Owner and Master of the Ship; Provided always that in case such Justices shall differ in opinion as to the amount of, or nature of the Judgment to be given in any such case, then the Judgment of

Decision of Justice in such case to be final.

either of such Justices, made conjointly with any other Justice of the Peace to be by them named, shall be binding and conclusive between the parties.

XIX. And whereas it is necessary, that due provision should be made for the preservation of the health and lives of the Seamen employed in the Merchant Service: Be it further enacted, That every Ship belonging to, and sailing from this Island to any place out of the same, shall have and keep constantly on board the same a sufficient supply of Medicines, suitable to accidents and diseases arising on sea voyages, which shall be renewed from time to time, as shall be requisite, and in case any default shall be made in providing or keeping supplied such Medicines as aforesaid, or in case any of the Seamen shall receive any hurt or injury, in the service of the Ship, the expenses of providing the necessary Surgical and Medical advice and attendance, and Medicines which the Seaman shall stand in need of until he shall have been cured, or shall have been brought back to some port of this Island, shall be borne and defrayed by the Owner and Master of the Ship or one of them, without any deduction whatever on that account from the Seaman's wages.

Vessels to be provided with medicines.

Expense of surgical and medical advice, attendance, &c., by whom to be defrayed.

XX. And be it enacted, That all Penalties and Forfeitures imposed by this Act, and for the recovery whereof no specific mode is hereinbefore provided, shall and may be recovered with costs of suit, in manner following (that is to say), all Penalties and Forfeitures not exceeding Ten Pounds, shall be recoverable at the suit of any person, by information and summary proceedings before any two Justices of the Peace, in any part of this Island, for the County where the offence shall be committed, or where the offender shall be, which Justices shall have power to levy the amount of any such Penalty or Forfeiture and costs, by distress and sale of the offender's Goods, or by commitment of the offender for the non-

Recovery of penalties, &c., where no specific remedy is given therefor by this Act.

Application of penalties, &c., not specially appropriated by this Act.

Court or Justice, &c., may mitigate penalty.

But no penalty below one half.

Limits the period for recovery of penalties, &c.

Wages of seamen in cases of ships lost.

payment of the amount; and all penalties and forfeitures exceeding Ten Pounds shall and may be recovered with costs of suit, in any of Her Majesty's Courts of Record in this Island, at the suit of Her Majesty's Attorney General, and that all penalties and forfeitures mentioned in this Act, for which no specific application is hereinbefore provided, shall when recovered, be paid and applied in manner following (that is to say): one moiety of every such penalty, shall be paid to the Informer, or person upon whose discovery or information the same shall be recovered, and the residue shall be paid over to the Treasury of this Island, to and for the use of Her Majesty's Government: Provided always, that it shall be lawful for the Court before which, or the Justice or Justices before whom, any proceeding shall be instituted for the recovery of any pecuniary penalty imposed by this Act, to mitigate or reduce such penalty, as to such Court or Justice respectively shall appear just and reasonable, in such manner however that no such penalty shall be reduced below one half of its original amount; and Provided also, that all proceedings so to be instituted, shall be commenced within Two years next after the commission of the offence.

XXI. And be it enacted, That no Seaman by reason of any Agreement, shall forfeit his lien upon the Ship, nor be deprived of any remedy for the recovery of his wages, to which he would otherwise be entitled, against any person or person or persons whatever, and no Agreement contrary to or inconsistent with this Act, nor any clause, contract or engagement, whereby any Seaman shall consent or promise to forego, or give up any right or claim to wages in the case of freight earned by a Ship subsequently lost, or any right or claim to salvage, or reward for salvage services, or such proportion of salvage, or reward for salvage services as shall or may be due to him, by decree or award or otherwise, shall be valid or binding on such Seaman, and every copy of an Agreement so certified and de-

livered as aforesaid, shall in all cases, be received and taken as evidence of the contents of the Agreement, for and on behalf of the Seaman, and no Seaman shall in any case be required to produce such Agreement or copy as aforesaid, or to give notice for the production thereof; but in case the Agreement shall not be produced and proved, he shall be at liberty to prove the contents or purport thereof, or to establish his claim by other evidence, according to the nature of the case.

Seamen not bound to produce articles of Agreement in any case.

XXII. And to avoid doubts in the construction of this Act, be it enacted, That every person having the charge or command of any Ship belonging to this Island, shall within the meaning and for the purposes of this Act, be deemed and taken to be the Master of such Ship, and that every person (Apprentices excepted) who shall be employed or engaged to serve in any capacity on board the same, shall be deemed and taken to be a Seaman within the meaning and for the purposes of this Act, and that the term "Ship" shall be taken and understood to comprehend every description of Vessel of the burthen of Forty tons new measurement as aforesaid, and belonging to this Island, and that the term "Owner" shall be taken and understood to comprehend all the several persons if more than one to whom the Ship shall belong.

Definition of terms in this Act.

XXIII. And be it enacted, That all rights, liens, privileges and remedies (save such remedies as are against a Master himself) which by this Act or by any Law, Statute, custom or usage belong to any Seaman or Mariner, not being a Master Mariner in respect of the recovery of his wages, shall in the case of bankruptcy or insolvency of the Owner of the Ship, also belong and be extended to Masters of Ships or Master Mariners, in respect to the recovery of wages due to them from the Owner of any Ship belonging to any of Her Majesty's subjects, and that no suit or proceeding for the recovery of

Lien and rights of Master mariners in case of insolvency or bankruptcy of owners similar to common seaman.

No suit to be instituted in Admiralty Court for

recovery of wages if under £20 unless in certain cases.

wages shall, unless they exceed Twenty Pounds, be instituted against the Ship or the Master or Owner thereof, either in any Court of Admiralty or Vice Admiralty Court, unless the Owner of the Ship shall be bankrupt or insolvent, or the Ship shall be under arrest, or sold by the authority of any Admiralty or Vice Admiralty Court.

On complaint made by 3 or more of crew, Collector, &c., authorized to cause survey to be held on provisions, water, &c. on board.

And if condemned or not sufficient in quantity,

Surveying officer to signify the same in writing.

And master to be guilty of misdemeanor if he shall not procure other provisions, &c.

XXIV. And be it enacted, That it shall and may be lawful for any Collector or Comptroller of the Customs, upon complaint made by any three or more of the crew to survey and examine, or cause to be surveyed and examined the provisions, water and medicines, put or supplied on board any Ship for the use and consumption of the crew, and if on such survey and examination, it shall be found that such Provisions, Water or Medicines are of a bad quality or unfit for use, or not appropriate, or there shall not appear to be a sufficient quantity thereof, the Surveying Officer shall signify the same in writing to the Master of the Ship, and if such Master shall not thereupon provide other fit and proper Provisions, Water or Medicines, in lieu of any which may be signified by the said Surveying Officer, to be of bad quality or unfit for use, or not appropriate, or if any such Master shall not thereupon procure the requisite quantity of Provisions, Water and Medicines, or shall use any Provisions, Water or Medicines, which shall have been signified by the Surveying Officer to be of bad quality, or unfit for use or not appropriate, he shall, in each and every of such cases, be guilty of a misdemeanor.

Not to prevent seamen entering Her Majesty's service.

Such entry not to be deemed desertion.

XXV. Provided always, and be it enacted, That nothing in this Act or in any Agreement contained, shall prevent any Seaman or person belonging to any Ship or Vessel whatever, from entering or being received into the Naval Service of Her Majesty, nor shall any such entry be deemed a desertion from the Ship or Vessel, nor shall such Seaman or other person thereby incur any penalty or forfeiture whatever, either of wages, clothes or effects, or other matter or thing, and

no Master or Owner shall insert or introduce, or permit to be inserted or introduced into any Articles or Agreements, any clause, engagement or stipulation, whereby any Seaman or other person shall or may incur any forfeiture, or be exposed to loss in case he shall enter into Her Majesty's Naval Service, and if inserted, the clause, engagement or stipulation shall be void.

XXVI. And be it enacted, That when any Seaman shall quit any such Ship or Vessel as aforesaid, in order to enter into Her Majesty's Naval Service, and shall thereupon be actually received into such service, not having previously committed any act amounting to and treated by the Master as desertion, he shall be entitled immediately upon such entry, to have all his clothes and effects on board such Ship or Vessel delivered to him, and to receive from the Master the balance of the proportionate amount of his wages up to the period of such entry, after deducting therefrom all charges such Seaman may then be liable to under the provisions of this Act, to be paid either in money or by a bill on the Owner, all which clothes, effects, money or bill such Master is hereby required to deliver and pay to him accordingly, under a penalty of Twenty-five Pounds for every refusal or neglect; but in case the Master shall have no means of ascertaining the balance, he shall make out and deliver to such Seaman a certificate, of the period of his service and the rate of wages he is entitled to, producing at the same time to the Commanding or other Officer of Her Majesty's Vessel, the Agreement with the Seaman, and every such Master upon the delivery of such clothes and effects, and the settlement of such wages in manner herein mentioned, shall receive from the Officer in command of the Vessel into which the Seaman shall have entered, a certificate of such entry, endorsed on the Agreement and signed by the said Officer, which such Officer is hereby required to give.

On entering Naval service seamen to be entitled to wages, clothing, &c.

Wages how to be paid.

Penalty on master refusing to deliver up clothes or pay wages, &c.

Continuance of  
Act.

XXVII. And be it enacted, That this Act shall continue and be in force until the First day of May, which will be in the Year of our Lord One thousand Eight hundred and Fifty.

SCHEDULES IN THIS ACT REFERRED TO.

SCHEDULE (A.)

Form of Seamen's  
Articles.

AN AGREEMENT made pursuant to the directions of an Act of the General Assembly of this Island, passed in the Ninth year of the Reign of Her present Majesty Queen Victoria, between the Master of the Ship of the Port of of the burden of tons, and the several persons whose names are subscribed thereto. It is agreed by and on the part of the said persons, and they severally hereby engage to serve on board the said Ship, in the several capacities against their respective names expressed, on a voyage from the Port of to (here the intended voyage is to be described, as nearly as can be done, and the places at which it is intended the Ship shall touch, or if that cannot be done, the nature of the voyage in which she is to be employed) and back to the Port of and the said crew further engage to conduct themselves in an orderly, faithful, honest, careful and sober manner, and be at all times diligent in their respective duties and stations, and to be obedient to the lawful commands of the Master in every thing relating to the said Ship, and the Materials, Stores and Cargo thereof, whether on board such Ship, in boats or on shore, (here may be inserted any other clause which the parties may think proper to be introduced into the Agreement, provided that the same be not contrary to and inconsistent with this Act,) in consideration of which services to be duly, honestly, carefully and faithfully performed, the said Master doth hereby promise and agree to pay to the said crew, by way of

compensation or wages; the amount against their names respectively expressed.

In witness whereof the said parties have hereunto subscribed their names, on the days against their respective signatures mentioned.

SIGNATURES MENTIONED.

Place and time of Entry		Men's Names.	Age.	Place of Birth.	Quality.	Amount of Wages per Calendar Month, Share or Voyagge.	Witness to Execution.	Name of Ship in which Seaman last served.
Day	Month							

SCHEDULE (B.)

You (here insert the name of the Constable) are hereby authorized to execute the within Warrant, within the County of . . . Dated at the . . . day of . . . One thousand Eight hundred and . . .

Form of endorsement on Warrant to enable Constable to execute same in another County.



## CAP. XXVIII.

An ACT relative to Accidents by Fire, and for the improvement of Property in Georgetown, and for the removal of Nuisances from the Streets and Square thereof.

[Passed April 18th, 1846.]

**W**HEREAS it is deemed necessary to make provision for the improvement of Property at Georgetown, and to provide against accidents by Fire, and for the removal of Nuisances from the Streets and Square of the said Town: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That it shall be the duty of the Senior of Her Majesty's Justices of the Peace, resident for the time being, in Georgetown, aforesaid, and such Justice is hereby required yearly, and every year, during the continuance of this Act, to convene a public meeting of the inhabitants of the said Town, for the purposes of this Act, the first meeting to be holden at the Court House on the First Wednesday in May next, after the passing thereof, at the hour of Twelve o'clock, noon, and so on, every First Wednesday in May, in every year during the continuance of this Act, such meetings to be convened by such Justice, giving or causing to be given, at least Eight day's notice thereof in writing, the same to be published, by being posted in three or more public places in the said Town.

Senior Justice of the Peace resident in Georgetown annually to convene a meeting of the Inhabitants on the first Wednesday in May.

Requisites of notice and mode of publication thereof.

Defines qualifications of Inhabitants for the purposes of this Act.

II. And be it enacted, That every person who shall be the owner of any Real Estate, situate in the said Town, being not less than one-half part of either Town or Water Lot, and every person who shall have resided in the said Town, for a period not less than Six calendar months, and shall have occupied during such time a House or Tenement and premises, or two or more Houses or Tenements and premises, in succession, or shall during such time have been a keeper of any Store, each being of the yearly rent of Seven

Pounds, shall be deemed to be an inhabitant of the said Town, for the purposes in this Act mentioned.

III. And be it enacted, That it shall and may be lawful for such inhabitants to assemble at all such meetings, at the time and place aforesaid, and then, and there, by a majority of such inhabitants annually to elect for the then ensuing year, Seven fit and proper persons, Five of whom shall be a quorum to act as Assessors of Lots, and also Five fit and proper persons, three of whom shall be a quorum to act as Fire Wardens for the said Town.

Inhabitants to elect 7 persons, 5 to be a quorum, to act as Assessors.

Also 5 persons, 3 to be a quorum, as Fire Wardens.

IV. And be it enacted, That in case of the death or removal from said Town of any Assessor or Fire Warden so to be elected, or of their becoming incapable of acting, that then, and so often as it shall so happen, it shall be lawful for such Senior Magistrate as aforesaid, upon a requisition in writing, to be signed by any number, being not less than Five of the Inhabitants, to convene a public meeting at the place and in manner hereinbefore prescribed, to meet at such particular hour and time of the year, as may be deemed convenient, for the election of a fit and proper person to fill such vacancy.

Vacancies in office of Assessor or Fire Warden how to be filled up.

V. And be it enacted, That such Assessors and Fire Wardens shall be persons residing in Georgetown, and who shall have been resident therein, for at least Twelve calendar months previous to the time of their election, and in the event of their being no election, either of such Assessors or Fire Wardens at any such meeting or time of meeting, after notice of the same shall have been duly given, or in case such Senior Magistrate shall neglect or make default in publishing or causing to be published, such notice, and also in the event of such Assessors neglecting to conform to and fulfil any of the provisions of this Act, whereby they may become disqualified to perform the duties as directed by this Act, that

Qualifications of Assessors and Fire Wardens.

In] the event of no election of Assessors, &c., after notice or from default, &c., of Justice of the Peace in not giving notice,

And also in the event of Assessors not conforming to this Act.

Lt. Governor in Council to appoint Assessors and Fire Wardens, &c.

then, and in every such case, it shall and may be lawful for the Lieutenant Governor in Council; to appoint fit and proper persons, being residents as aforesaid, Assessors and Fire Wardens, who shall continue in office until others are elected at any such annual meeting aforesaid, and to renew any such appointment as often as the same shall become vacant from any such cause as aforesaid, and no person shall be duly elected to fill such vacancy.

Assessors to assess Lots and parts of Lots in said Town.

Limits the amount of Assessment in each year.

Assessment to be paid within 40 days after notice given in *Royal Gazette*.

Assessors to appoint a Treasurer and Collector.

Collector to act as Clerk.

Duty of Clerk.

Duty of Collector.

Defines what Lots shall be deemed improved.

VI. And be it enacted, That the said Assessors at their first and subsequent annual meeting, respectively, the same to be held within Ten days after their appointment, shall be, and they are hereby empowered to assess the Lots and parts of Lots in the said Town, so that the sums so Assessed shall not in any one year exceed the sum of Six Shillings and Eight-pence, on each unimproved Town Lot, and Three Shillings and Four-pence on each improved Town Lot, and rateably in proportion for parts less than a whole Lot, which Assessment shall be paid within Forty days after due notice thereof, published in the *Royal Gazette* newspaper, and continued therein for five successive weeks.

VII. And be it enacted, That the said Assessors shall, at their first and subsequent Annual meetings, appoint a Treasurer of the Fund contemplated to be raised in pursuance of this Act, and likewise a Collector, who shall also act as Clerk, and keep a Journal of the Assessors' proceedings—which Collector shall, within Ten days after such his appointment, cause notice thereof, and of the sum assessed upon improved and unimproved Lots to be given, as aforesaid.

VIII. And be it enacted, That no Town Lot shall be deemed to be improved unless the same shall be cleared and fenced, or otherwise sufficiently enclosed with or without buildings thereon, or unless such Lot shall have a Dwelling-house,

Store, or Workshop, actually used as such, erected thereon.

IX. And be it enacted, That within Two days next, after the expiration of the said Forty days' notice, hereinbefore directed to be given, the said Collector shall furnish the Treasurer aforesaid, with an account of all moneys paid to him for such Assessment, and pay over to the Treasurer the amount received by him; which Treasurer shall, thereupon, or within Two days next after the receipt of such account and moneys, call a meeting of the Assessors, who being met, shall examine and audit the said account; and should it be found, on the examination thereof, that there is or are any Lot or Lots on which the Assessment has not been paid, the said Assessors are hereby authorized and required to issue to the said Collector a Precept or Precepts in the form marked (A) in the Schedule to this Act annexed, against such Lot or Lots so found in arrear, commanding him to enter upon and take the Goods and Chattels to be found on the Lot or Lots so assessed, and of the same to make Public Sale to pay the said Assessment and costs, and the said Collector having seized the said Goods or Chattels, shall thereupon advertise the same in writing in three public places of the said Town, and at the end of Six days thereafter shall sell the same, or as much thereof as will satisfy the Assessment and costs, and if no Goods or Chattels can be found on the said Lot or Lots in arrear as aforesaid, then and in that case, the said Collector is hereby authorized and directed to make public sale of such Lot or Lots so found to be in arrear as aforesaid, after giving Three Months' notice thereof in the *Royal Gazette* Newspaper, and out of such sale, to pay into the hands of the Treasurer aforesaid, within Ten days thereafter, the amount of such Assessment, and if any amount remains in the hands of the Collector after paying the sum so assessed, together with the expenses incurred for selling the same, after the

Within 2 days after said notice of 40 days, Collector to account to Treasurer.

And within 2 days after such accounting, Treasurer to call on Assessors to audit accounts.

Assessors to issue Precept against Lots in arrear.

Form of Precept.

Goods and Chattels on such Lots to be sold.

Mode of sale of Goods and Chattels.

If no Goods or Chattels can be found, Collector, to sell Lots in arrear after giving 3 months' notice of sale.

Appropriation of proceeds of Lots sold.

Overplus to be paid to owners of Lots.

Collector to execute a Deed to purchaser.

If overplus of money be not claimed by Owner within 3 months after sale, the same to be paid into the Treasury for the use of Owner.

Appropriation of overplus of proceeds of Lots held under license of occupation from the Crown.

Equity of redemption allowed to Owner of Lot sold under this Act.

rate prescribed and fixed in the Schedule marked (B) to this Act annexed, any such balance shall be paid to the Owner or Owner of the Lot or Lots so assessed and sold, and the said Collector is hereby authorized and directed to make and execute a Deed to the purchaser or purchasers, at his, her or their expense, of such Lot or Lots which Deed, when so executed and registered, together with the Precept authorizing the sale of such Lot or Lots, shall be held a good and sufficient Title against the former holder or holders thereof, subject only to the conditions of the original Grant; Provided always, that in case the Owner or Owners of such Lands and premises shall not claim any such surplus Moneys as may arise on any such sale, within Three Months after any such sale as aforesaid, then the same shall be paid to and remain in the hands of the Public Treasurer of this Island, to and for the use of the former Owner or Owners.

X. Provided nevertheless, and be it enacted, That in case any Lot or Lots held by License of Occupation, be sold under the operation of this Act, the money arising therefrom, after deducting the Assessment and costs, shall be paid to the Treasurer of this Island, to and for the use of Her Majesty, Her Heirs and Successors, any thing in this Act to the contrary notwithstanding.

XI. Provided also, and be it enacted, That in case any Lot or Lots shall be sold under the operation of this Act, an equity of redemption, shall nevertheless be open to the former Owner or Proprietor, his Heirs and Assigns, for the space of two years, next after the sale of such Lot or Lots, he or they paying the purchase money and lawful interest, together with the value of the improvements made thereon, the same to be ascertained by the judgment of the Assessors for the time being, or the major part of them, not being parties interested.

XII. And be it enacted, That the Treasurer and Collector of the fund contemplated to be raised in pursuance of this Act, shall give good and sufficient security to the Assessors of the said Town, in a sum not less than Fifty Pounds, for the due performance of their respective duties, which said security or Bonds, shall be lodged in the Colonial Secretary's Office by the Chairman of the Assessors, within Ten days after the Treasurer's and Collector's appointments respectively, under a penalty of Five Pounds, to be recovered by the Senior Justice of the Peace for the Town; and the said Assessors may allow the said Treasurer and Collector, such poundage as they shall see fit, provided the same shall not exceed the sum of Twelve *per centum* apportioned between the two said Officers, and the Assessors shall at their discretion displace either or both of such Officers and appoint others in their place.

Treasurer and Collector to give security for performance of their duties.

To whom given, and amount of security.

Security where to be lodged,

And within what time.

Penalty on Chairman of Assessors for neglect, and how recoverable.

Allowance to Treasurer and Collector.

Limits the allowance to Treasurer and Collector, and apportions the same.

XIII. And be it enacted, That if the Collector so appointed shall neglect to perform the duties enjoined by this Act, or shall not account and hand over the said moneys so received by him, within the time hereinbefore directed, he shall forfeit and pay a sum not exceeding Five Pounds, and such Collector shall also pay over all such sum or sums of money he may have received from time to time, for Fines and Forfeitures under and by virtue of this Act, within Five days after the receipt of the same respectively, under a penalty of Two Pounds; the said Fines to be sued for and recovered by the Chairman of the Assessors, and such suit to be commenced within Ten days after the Collector making default as aforesaid.

Penalty on Collector neglecting his duties or not accounting, &c.

Duty of Collector.

Penalty on Collector, and by whom recoverable, &c.

XIV. And be it enacted, That if any of the said Assessors or Fire Wardens shall refuse to serve in their respective offices as enjoined by this Act, each and every such person so refusing, shall forfeit and pay a fine not exceeding Two Pounds, to be sued for and recovered by the Senior Justice of the Peace for the Town, and

Penalty on Assessors or Fire Wardens refusing to serve as such.

How recoverable.

Collector, Treasurer and Assessors to transmit annually to Colonial Secretary an account of moneys, &c.

such Collector, Treasurer and Assessor shall, and they are hereby required, within Thirty days after such their Annual meeting, to transmit to the Colonial Secretary's Office, a just and true account of the receipts and disbursements of all moneys received and paid under and by virtue of this Act.

At annual meeting Treasurer and Collector for past year to deliver over Books, &c., and pay over balance of moneys, &c.

XV. And be it enacted, That at every annual election as aforesaid, of Assessors or Fire Wardens for the said Town, it shall be the duty of the Treasurer and Collector for the past year, and they are hereby required, severally, to exhibit at such meeting and there deliver up to their successors in office, their several Books of Accounts, to be by them kept in respect of their said Offices, and at the same time to pay over, respectively, to their said successors in office, the balance of moneys in their hands, or with which they shall be respectively chargeable; and in case either or both of said Officers shall refuse to exhibit and deliver up at any meeting, or shall refuse to pay over such balances, as aforesaid, he or they shall be, respectively liable to a fine of Twenty Pounds, to be recovered with costs, in manner by this Act prescribed; by the Senior Justice of the Peace of the Town for the time being.

Penalty on Treasurer or Collector refusing so to do.

Assessors under this Act to cause Treasurer and Collector under Act 5th Vic., Cap. 8, to render accounts, &c.

XVI. And be it enacted, That the said Assessors, or the major part of them, are hereby empowered and required to cause the Treasurer and Collector appointed under and by virtue of an Act passed in the Fifth year of Her present Majesty's Reign, intituled *An Act to consolidate and amend the two several Acts now in force, relative to accidents by Fire and the improvement of property in Georgetown*, to render a Copy of their last annual accounts respectively, to the Colonial Secretary's Office within Fourteen days after demand; and shall also furnish a like Copy to the Assessors appointed under this Act, and pay over to them any balance that may remain in their, or either of their hands, and in case either or both of said persons shall refuse to render Copies of

such Accounts, as aforesaid, and pay over any balances in their hands, he or they shall be respectively liable to a Fine not exceeding Twenty Pounds, besides Costs.

Penalty on Treasurer or Collector refusing.

XVII. And be it enacted, That all sums raised under and by virtue of this Act, after deducting necessary charges, shall be applied by the said Assessors for the purposes of clearing and draining the site of the said Town—erecting Pumps, and procuring such Engines or Implements as may be deemed necessary to prevent accidents by Fire, and in necessary repairs on the Streets, and in all Contracts made for the purpose of sinking Wells, under the authority of persons authorized by this Act to make such Contracts, the work shall not be commenced before the First day of August, nor continue after the First day of November in each year.

Appropriation of moneys raised under this Act.

XVIII. And be it enacted, That whatever Engines or other Implements of any kind, which may be purchased by the said Assessors, with the moneys arising from the said Assessment, shall be placed in charge of the Collector of the Assessment, for the time being, and be at all times available by the Inhabitants, for the purposes contemplated by this Act.

Collector to take charge of Engines, &c., purchased by Assessors.

XIX. And be it enacted, That the Tenant or Occupant of every House in the said Town, of the yearly value of Seven Pounds and upwards, shall be provided with, and keep one Leathern Bucket capable of containing not less than Two Gallons, on which the Owner's name shall be painted; which Bucket shall be kept hung up in the passage or hall of such house, under the penalty of Five Shillings for each and every time the said Bucket shall not be so found hung up in its proper place, as aforesaid, by the Fire Wardens when they shall visit the said House; and the said Tenant or Occupant, within Three months after the passing of this Act, shall provide a Ladder or Ladders corresponding to the

Tenant, &c., of house of yearly value of £7, to keep a leathern bucket with name painted thereon, &c.

Penalty on Tenant, &c., for neglect, &c.

Tenant, &c., to keep a ladder.



Description of ladder.

Penalty for not providing ladder.

Duties of Fire Wardens.

Penalty on Fire Warden for not visiting houses, &c.

Fire Wardens empowered to visit houses once in each month.

Purpose of such visits.

Time when such visits shall be made.

Penalty on house-keeper refusing to produce ladder or bucket.

Chimnies to be swept at certain periods.

Penalty for not having them swept.

Penalty on house-keeper suffering hay, straw, &c., to be kept in his house.

height of the house or houses he or they may occupy, sufficient to enable water to be carried to any part of the same, in the event of Fire; which Ladder or Ladders shall be paid for by the Proprietor, and kept in repair and fit for use at his expense, under a penalty of Five Shillings.

XX. And be it enacted, That Three at least of the said Fire Wardens being the First, Second and Third, in the order of their appointment, shall once in every Six months visit each House within the said Town, and inspect the Buckets and Ladders required by this Act, under a penalty of Five Shillings upon each and every such Fire Warden, for each and every House he and they respectively shall neglect to visit; and it shall and may be further lawful for the said Fire Wardens appointed by virtue of this Act, or either, or any of them, who shall think fit to visit any House or Houses in the said Town, once a month, to inspect the Water Buckets and Ladders required by this Act, which several aforesaid visits shall be made between the hours of Eleven o'clock in the forenoon, and Four in the afternoon, and any Housekeeper refusing to produce such Ladder or Bucket, shall for every such refusal incur a penalty of Five Shillings.

XXI. And be it enacted, That every Chimney which shall or may be used in the Town of Georgetown, shall be regularly swept once between the First day of May, and the Thirty-first day of October, and twice between the Thirty-first day of October, and the Thirtieth day of April, in each and every year, under a penalty of Two Pounds, to be incurred by the party delinquent, for each and every offence.

XXII. And be it enacted, That if any House-keeper in the said Town, shall collect, or keep, or permit to be kept, any Hay, Straw or Flax, in any part of a Dwelling House, or shall collect or keep Ashes on a Wooden floor, or in a Wooden vessel, in the said House, or any Outhouse at-

tached thereto, such Housekeeper shall pay Ten Shillings for every such offence, and likewise forfeit the Hay, Straw or Flax, found in such Dwelling House, excepting always such Hay or Straw as may be in use for Bedding.

XXIII. And be it enacted, That no Stove-pipe within Georgetown aforesaid, shall be passed through any partition of Wood, or of Wood and Lime, or through any Wooden Floor or Roof, unless there shall have been left Five inches clear between the Pipe and Partition or Floor or Roof, and which Pipe shall be surrounded with Stone or Brick, or a sheet of Iron, Tin or Copper, which shall be nailed to every such Partition, Roof or Floor; and close Stoves shall be fixed and set up in such manner as that in all cases, they shall be at least Eighteen inches in every direction (except the bottom) from any Wainscot, Laths, or Wooden Partition, through or alongside of which the same may be placed, or if at a less distance, then the Wall or Partition shall be well and securely protected by Sheet Iron, to the satisfaction of the Fire Wardens; and any person offending in the premises, shall incur a penalty of Twenty Shillings, and the several persons to be elected Fire Wardens, in pursuance of this Act, are hereby required to pay due attention to this clause at the time of the several inspections or visitations hereinbefore mentioned.

Regulates the mode of placing stove pipes.

And also close Stoves.

Penalty on persons offending in the premises.

Duty of Fire Wardens herein.

XXIV. And be it enacted, That on the breaking out of any Fire, all the Inhabitants of the said Town shall be bound to give their assistance to the said Fire Wardens, who are hereby jointly and severally empowered to require the assistance of the said Inhabitants, for the purpose of securing or removing any property that it may be thought necessary or practicable to save, and for extinguishing and putting out any such Fire; and also to require the assistance of the said Inhabitants, or any service calculated to stop or prevent the further spreading of the Fire, and any

Duty of Inhabitants in case of fire.

Duty of Fire Wardens on such occasions.

Penalty on persons refusing, &c. to assist at fires.

person or persons refusing, or wilfully neglecting to assist, shall pay a fine of Ten Shillings.

Appropriation of penalties recovered under this Act.

XXV. And it be enacted, That all fines recoverable under and by virtue of any of the foregoing sections of this Act (except such fine as is imposed upon the Treasurer) shall be paid to the Treasurer of the Assessment for the purposes hereinbefore mentioned, and contemplated by this Act; and shall be recoverable with costs, by any person who may prosecute and sue for the same, except as is herein before directed in the twelfth, thirteenth, fourteenth and fifteenth clauses of this Act to the extent of Eight Pounds, before any one of Her Majesty's Justices of the Peace, residing in Georgetown, and if above that sum, in Her Majesty's Supreme Court of Judicature, in any of its sittings in Georgetown.

And by whom recoverable, except penalties under 12th, 13th, 14th and 15th sections.

And how to be recovered.

Orders, &c., drawn upon the Treasurer to be signed by at least 5 Assessors. When payable by Treasurer.

Penalty on Treasurer for not paying such orders.

XXVI. And be it enacted, That orders for any work, or for any Engines or Implements, which the Assessors may deem necessary to draw on the Treasurer; shall be signed by at least five of the Assessors, and payable by the said Treasurer, if in funds, on demand, under a penalty of Five Pounds, to be recovered as aforesaid.

Commissioner of Highways for District comprising Georgetown to appoint within 14 days after passing of this Act and annually afterwards on or before 1st day of May, not less than 2, or more than 4 persons to keep the streets and square free from nuisances.

Duty of persons so appointed.

XXVII. Whereas the Streets and Square of Georgetown are frequently incumbered with nuisances of various descriptions, for remedy whereof; Be it enacted, That the Commissioner of Highways for the time being, for the District comprising Georgetown, shall have power, and he is hereby authorized and directed to nominate and appoint within Fourteen days after the passing of this Act, and from thence annually, on or before the First day of May, in each and every succeeding year, during the continuance of this Act, any number of persons, in his discretion necessary, not being less than two, nor more than four, whose duty it shall be to oversee the state of the Streets and Square within the particular wards or District, to which they shall be respectively assigned by the said Commissioner and to

cause the Streets and Square therein, to be kept free and clear of all nuisances and obstructions whatsoever.

**XXVIII.** And be it enacted, That any person an inhabitant of Georgetown, or a proprietor therein, shall be obliged to keep the Gutters and Street before the Houses, Buildings or Land inhabited, occupied or possessed by him, her, or them, clear and free from Nuisances of every kind; and every person being the occupier of the House or Premises, nearest to which any such Nuisance or obstruction shall be thrown or deposited, and who shall suffer the same to continue for the space of six hours, between sun-rise and sun-set, shall forfeit and pay for every day he, she or they shall suffer such Nuisance, so to continue, a sum not less than Five Shilling nor more than Ten Shillings; and every person who shall put or place any Nuisance on any Street, or the Square of the of the said Town, shall be subject to a penalty of not less than Five Shillings, nor more than Twenty Shillings, together with the expense of the Overseer in removing or causing the same to be removed: Provided always, that nothing herein contained shall extend or be construed to extend, to prevent any person or persons who may be erecting or repairing any Building whatever, from placing or causing to be placed on the Street or Streets next the site of such Building, any such necessary materials as are to be used either in the construction, or in the repairing of such Building, so that the same do not extend further than thirty feet from the line of the Street or Streets, and shall be enclosed within a fence of not less than four feet in height, and that such materials, shall in no manner obstruct the free course of the water in the Gutters of the said Street or Streets.

Inhabitants to keep street and gutters before their premises free from filth, &c.

Occupier of house nearest nuisance liable to a fine if nuisance is suffered to remain over a limited period.

Amount of penalty in such case.

Penalty on person placing nuisance on street, &c.

Not to prevent persons building or repairing, from placing materials &c., on street.

Limits the extent to which street may be used for such purposes.

Materials in such cases to be enclosed within a fence, &c.

And not to obstruct the course of water in gutters, &c.

**XXIX.** And be it enacted, That any carriage of whatsoever description, which may be left or placed in any Street or the Square in the day time, without any Beast of Burthen being attached

Penalty on owner of any unyoked carriage, &c., left in street for 2 hours after sun-set.

thereunto, and which shall have been suffered to remain in that situation for the space of Two hours, or shall be left in any Street or the Square after sun-set, the Owner or Owners of any such Carriage, shall for each offence forfeit and pay a sum not exceeding Five Shillings.

Persons breaking up street either for public or private purposes to enclose the same within a fence not less than 4 feet high.

XXX. And be it enacted, That all persons breaking up any portion of the Streets of the said Town, either under a Public Contract with the Road Commissioner of the District, or by directions of the Assessors of the Town, or at their own private cost, for the purpose of opening, laying down or making Sewers or Drains, below the surface of the Street, shall be obliged to enclose such Sewer or Drain, and the materials thrown up or deposited for the said work, within a Fence not less than Four feet in height, under a penalty not exceeding Two Pounds and the costs of recovery, besides being liable to an Action by any person who may sustain any injury or damage from a neglect to comply with the provisions of this clause; and any person or persons, removing the earth from the Square or any of the Streets of the Town (unless directed so to do, by the Road Commissioner of the District, or Assessors of the Town, for the purpose of improving or clearing the said Square or Streets,) shall be liable to the like amount of Penalty with costs, as before imposed by this clause.

Penalty on persons not so doing.

Penalty on persons removing earth from streets or square without authority.

Overseers appointed to keep streets and squares free from nuisances to be exempt from Statute Labor.

Penalty on such overseers refusing appointment or for neglect of duty, &c.

Mode of recovery thereof.

XXXI. And be it enacted, That the Overseers aforesaid shall, during their continuance in office be exempt from performing or contributing to their yearly labour on the Streets and Highways, required by the Statutes of this Island, and that in case any of the said Overseers shall refuse to accept his appointment, or shall wilfully neglect or delay to prosecute, for any of the foregoing Penalties, or in any other respect to perform his duty under this Act, each and every Overseer so offending, shall forfeit and pay a fine of Twenty Shillings, for every such neglect, to be recovered on the Oath of any one credible Witness, in man-

ner hereinafter directed, and paid to the Treasurer of the Assessors of the Town, to be applied towards keeping in repair the Streets of said Town.

Appropriation of such penalty.

XXXII. And be it enacted, That all penalties and forfeitures imposed by the Twenty-ninth and Thirtieth clauses of this Act, shall be sued for by the Overseer for the District or Ward, in which the penalty shall be incurred, and before any one of Her Majesty's Justices of the Peace residing in Georgetown, and shall be recovered together with costs, by distress and sale of the Goods and Chattels of the Offender, and in default thereof the Offender shall be imprisoned for a period not exceeding One Calendar Month, which Fines when recovered shall be applied, one half to the Overseer who shall sue for the same, and the remainder to the Assessors of the Town towards keeping in repair the Streets or Square, and the Fire Engine which may belong to the said Town.

Penalties imposed by 29th and 30th sections of this Act how to be recovered.

Appropriation of penalties.

XXXIII. And be it enacted, That should any party or parties conceive himself or themselves to be aggrieved, by any Judgment given by any Justice of the Peace under the provisions of this Act, an Appeal from such Judgment, if required by such party or parties, shall be allowed and granted in manner and form prescribed under and by virtue of the Act, intituled *An Act relating to the recovery of Small Debts, and to repeal certain Acts therein mentioned*, on payment of the Fees prescribed by said Act.

Gives the right of Appeal to persons deeming themselves aggrieved in the same way as Small Debt Act.

XXXIV. And be it enacted, That this Act shall continue and be in force for the space of Three years, and from thence to the end of the then next Session of the General Assembly, and no longer.

Continuance of Act.

## SCHEDULES TO WHICH THIS ACT REFERS.

## SCHEDULE (A.)

Form of Precept  
to Collector to  
sell goods, &c.,  
or real Estate.

**FORM OF PRECEPT TO COLLECTOR, TO SELL, GOODS AND CHATTELS, OR REAL ESTATE.**

Prince Edward Island, to wit :

To *A. B.* the Collector appointed under the Act, intituled *An Act relative to Accidents by Fire, and for the improvement of Property in Georgetown, and for the removal of Nuisances from the Streets and Square thereof.* Whereas, we the undersigned, Assessors appointed for carrying into effect the provisions of the said Act, having assessed [*here describe the property*] situate in Georgetown aforesaid, pursuant to the said Act, and the said Assessment together with costs amounts to the sum of                      Pounds currency, and the Notices required by Law having been duly given, and the amount of the said Assessment remaining still unpaid, these are therefore to authorize and require you, the said Collectors, to take such Goods and Chattels as may be found on the said Lot, and sell the same, failing thereof to take the said Lot, to satisfy the said Assessment and costs, and the same to advertise, sell and dispose of according to Law, and you are to give this Precept to the party purchasing, and pay the money as directed by the said Act.

Given under our hands and Seals, this day of            One thousand Eight hundred and            and in the            year of the Reign of Her Majesty

## SCHEDULE (B.)

Table of fees to  
be taken under  
this Act by Jus-  
tice of the Peace,  
Collector and  
Assessors.

TABLE OF FEES TO BE TAKEN BY THE MAGISTRATES, COLLECTOR AND ASSESSORS APPOINTED BY THIS ACT.

Precept, Five Shillings.

Levying the Goods and Chattels, Two Shillings and Six-pence.

Levying the Real Estate, Two Shillings and Six-pence.

Advertising Real Estate, when only one Lot in arrear, Twenty Shillings; for every additional Lot, the sum of Six-pence, together with an equal proportion of the said Twenty Shillings, and in like manner for every proportional part of a Lot.

Selling Real Estate, the sum of Five Pounds, per centum on the purchase money received.

For Advertising Goods and Chattels, Five Shillings.

For Notices of Public Meetings and posting, Five Shillings.

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CAP. XXIX.

An ACT for appropriating certain Moneys therein mentioned, for the Service of the Year of Our Lord One thousand Eight hundred and Forty-Six.

[Passed April 16th, 1846.]

May it please Your Excellency;

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

And be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That by or out of such Moneys, as from time to time, shall be and remain in the Public Treasury of this Island, there shall be allowed and paid for the Services herein mentioned, the several Sums following, that is to say:

A sum not exceeding Two thousand Eight hundred and Fifty Pounds, for the general service of Roads, Bridges and Wharfs, to be expended agreeably to the Report of the Committee of the House of Assembly, appointed for the consideration of all matters relating to Roads, Bridges

£2850 for Roads and Bridges, &c. for the 3 Counties.



and Wharfs, and that such sum be equally divided between each of the three Counties.

Proportion for  
each County.

To King's County, £950,  
Queen's County, £950,  
Prince County £950;

agreeably to the Schedule hereunto annexed.

£150 for contin-  
gent expenses for  
Roads and  
Bridges.

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

£100 for open-  
ing new Roads  
under Road Com-  
pensation Act.

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

£500 to defray  
the Treasurer's  
salary.

And a further sum of Five hundred Pounds, to defray the Salary of the Treasurer of this Island, for the present year.

£400 to defray  
salary of Colo-  
nial Secretary,  
&c.

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

£700 to defray  
travelling char-  
ges of the Chief  
Justice.

And a further sum of One hundred Pounds to defray the Travelling Charges of the Chief Justice, for the present year.

£260 to defray  
salary of Collec-  
tor of Impost for  
Charlottetown.

And a further sum of Two hundred and Sixty Pounds to defray the Salary of the Collector of Impost at Charlottetown, for the present year.

£160 to defray  
salaries of 4 sub-  
Collectors of  
Customs.

And a further sum of One hundred and Sixty Pounds to defray the Salaries of Four Sub-Collectors of Customs, for the present year.

£20 to defray  
salary of 1 sub-  
Collector of  
Customs.

And a further sum of Twenty Pounds to defray the Salary of one Sub-Collector of Customs for the Port of Cascumpeque, for the present year.

£300 to defray  
salaries of Mas-  
ters of Central  
Academy.

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

£1000 for gener-  
al Education.

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

£75 to defray  
salary of Inspec-  
tor of Militia.

And a further sum of Seventy-five Pounds to defray the Salary of the Inspector of Militia, for the present year.

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

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

And a further sum of Five Pounds to defray the Salary of the Market Clerk, Georgetown, for the present year. £5 to defray salary of Market Clerk for Georgetown.

And a further sum of Sixty Pounds to defray the Salaries of three Sheriffs, for King's, Queen's and Prince Counties, for the present year. £60 to defray salaries of 3 Sheriffs.

And a further sum of Twenty-five Pounds to defray the Salary of the Master of the National School, for the present year. £25 to defray salary of master of National School.

And a further sum of Forty Pounds to defray the Salary of the Messenger of the Executive Council, Crier of the Supreme Court, and Tipstaff in Chancery, for the present year. £40 to defray salary of Messenger, &c., of Executive Council, &c.

And a further sum of Forty Pounds to defray the Salary of the Jailer of Charlottetown Jail, for the present year. £40 to defray salary of Jailer for Charlottetown.

And a further sum of Ten Pounds to the Medical Attendant of the Charlottetown Jail, for his services, and for Medicine, for the present year. £10 to Medical Attendant for Charlottetown Jail.

And a further sum of Fifteen Pounds to defray the Allowance to the Matron of the Charlottetown Jail, for the present year. £15 to Matron of Charlottetown Jail.

And a further sum of Sixty Pounds to defray the Salaries of the Jailers of King's and Prince County Jails, at Thirty Pounds each, for the present year. £60 for salaries of Jailers for King's and Prince Counties.

And a further sum of Five Pounds to defray the Salary of the Assayer of Weights and Measures for Charlottetown, for the present year. £5 for salary of Assayer for Charlottetown.

And a further sum of Thirty Pounds to the Deputy Post Master General, for conducting the business of the Inland Mails, for the present year. £30 to Deputy Post Master General for managing Inland Mails.

And a further sum of Forty Pounds, to defray the Salary of the Road Correspondent, for the present year. £40 for salary of Road Correspondent.

£250 to defray  
expense of con-  
ducting Inland  
Mails.

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

£180 to defray  
expense of winter  
Mails.

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

£350 to defray  
expense of sup-  
porting Lunatic  
Asylum.

And a further sum of Three hundred and Fifty Pounds at the disposal of His Excellency the Lieutenant Governor in Council to defray the expenditure of the support and maintenance of the Lunatic Asylum and House of Industry, for the present year, should the same be required.

£175 for repairs  
at Government  
House, &c.

And a further sum of One hundred and Seventy-five Pounds for repairs in and about Government House, for the present year, out of the unexpended sum of Two hundred and Twenty Pounds of last year's appropriation.

£300 for public  
printing.

And a further sum of Three hundred Pounds to defray the expense of Public Printing and Stationary, should the same be required.

£400 for Crown  
Prosecutions.

And a further sum of Four hundred Pounds or as much thereof as may be necessary to defray the cost of Crown Prosecutions, for the present year.

£50 for Crown  
Officers for other  
services.

And a further sum of Fifty Pounds for Crown Officers' Fees for other services, for the present year.

£300 for fuel and  
bread for Jails of  
3 Counties.

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

£4 each for Me-  
dical Attendance  
for Jails of King's  
and Prince  
Counties.

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

£250 for contin-  
gent expenses of  
Government.

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

Sufficient for con-  
tingent expenses  
of Legislative  
Council and As-  
sembly.

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

And a further sum of Ten Pounds to defray the Salary of the Librarian to the Legislative Library, for the present year.

£10 to defray salary of Librarian to Legislature.

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

£14 for Assessment on Government Pews.

And a further sum of Six Pounds to the Trustees of the Wesleyan Methodist Chapel for the use of a Pew for the Legislature.

£6 for pew for Legislature in Wesleyan Chapel

And a further sum of Sixty Pounds to defray the proportion of expense payable by the Government of this Island for the Light Houses on Saint Paul's and Scatarie.

£60 to defray proportion payable by this Colony for Light Houses of St. Paul's and Scatarie.

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

£1800 for Interest on Treasury Warrants.

And a further sum of Sixty Pounds to defray the Salary of the Harbor Master and Wharfinger for the Port of Charlottetown, for the present year.

£60 for salary of Harbour Master for Charlottetown.

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

£20 for public plans and estimates.

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

£20 for premium for destruction of Bears and Loupcerviers.

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

£40 to Speaker and £20 to each Member of Assembly, and also travelling charges.

And a further sum of Six hundred Pounds, to be placed at the disposal of His Excellency the Lieutenant Governor in Council, for the conveyance of the Mails between this Island and the neighbouring Provinces of Nova Scotia and New Brunswick by Steam, for the present year, should a Steamboat be placed on the station and perform

£600 for conveyance of Mails by steam.

similar service with the Boat late under the Directors of the Prince Edward Island Steamboat Company; but in the event of no Steamboat being employed on the station, then such portion of this grant as may be required, for the conveyance of the Mails by a sailing Vessel to be engaged by public Tenders.

A sum for the person licensed to run a Packet between Bedeque and Shediac, and for person licensed to run a Packet between Georgetown and Pictou.

And a further sum to be placed at the disposal of the Administrator of the Government, sufficient to defray the amount allowed by law to the person having a license to run a Packet between the Harbour of Bedeque in this Island, and the Port of Shediac in the Province of New Brunswick; and a further sum as allowed by law, to the person licensed to run a Packet between Georgetown, in this Island, and Pictou, in the Province of Nova Scotia.

£10 to Trustees of Georgetown Grammar school.

And a further sum of Ten Pounds to the Trustees of the Georgetown Grammar School, in addition to the sum of Twenty-five Pounds, granted to such School under the Act of 7th Victoria, cap. 28.

£113 19s. 7d. to defray expense of fitting up Light House at Point Prim.

And a further sum of One hundred and Thirteen Pounds Nineteen Shillings and Seven-pence to be placed at the disposal of the Lieutenant Governor in Council, to pay the amount of several Accounts, as furnished the Government, for expenses incurred in fitting up the Light House at Point Prim, for the present year.

£50 for Keeper of Light House at Point Prim.

And a further sum of Fifty Pounds to defray the Salary of the Keeper of the Light House at Point Prim.

£10 to Catherine Brown.

And a further sum of Ten Pounds to Catherine Brown, widow of the late Alexander Brown, Esquire, Master in the Central Academy, in consideration of the services of her late husband, as Teacher for the period of Twenty years in this Colony.

Sufficient to defray expense of lighting Light House at Point Prim.

And a further sum to be placed at the disposal of His Excellency the Lieutenant Governor in Council, sufficient to defray the necessary expenses, of lighting the Light House at Point Prim, for the present year.

And a further sum Thirty Pounds to Thomas Owen, William Cundall and Charles I. Hensley, for their services in investigating the Accounts and dealings of the Honorable J. Spencer Smith, Treasurer of this Island, including Stationary and other expenses incurred by them.

£30 to Commissioners for auditing Treasurer's Accounts, &c.

And a further sum of Twelve Pounds to John Mooney, Patrick Mooney and Daniel Bradley, for extra work to the Wharf opposite Cranberry Point, the same being part of the unexpended balance of Forty Pounds, appropriated for the said Wharf, in 1843, and to be paid on the completion of the Contract.

£12 to John Mooney and others for extra work at wharf near Cranberry Point.

And a further sum of Twelve Pounds to Benjamin Davis, Merchant, Charlottetown, in lieu of any Bounty claimable by him, under the Act of 7 Victoria, cap. 25, for the encouragement of the Seal and Cod Fisheries of this Island, for the exportation of 481 quintals of Codfish to the West Indies during the year 1845.

£12 to Benjamin Davis for fish bounties.

And a further sum of Five Pounds to Fidele J. Gaudet, an Acadian Teacher, in addition to the sum to which he will be entitled under the provisions of the present School Act.

£5 to Fidele J. Gaudet an Acadian teacher.

And a further sum of Ten Pounds in aid of the funds of the Charlottetown Infant School.

£10 for Charlottetown Infant School.

And a further sum of Two Pounds Ten Shillings, to be placed at the disposal of the Ladies' Benevolent Society, towards the education of two Females of the Aborigines of this Colony, under the tuition of Miss Jane Douglas of Saint Peter's.

£2 10s. to Ladies' Benevolent Society for education of 2 female Aborigines.

And a further sum of Five Pounds Two Shillings and Six-pence to William Henry Nelis, to reimburse him in the amount laid out in repairs in and upon the National School House.

£5 2s. 6d. to W. H. Nelis for repairs on National School.

And a further sum of Ten Pounds to John Arbuckle, third Master of the Central Academy, to aid him in defraying the expence of publishing an elementary treatise on English Grammar; Practical and Mental Arithmetic, illustrating the improved method of teaching those branches, as now in use in the Central Academy, the said work

£10 to John Arbuckle to aid expence of publishing elementary treatise on English Grammar:

being particularly intended for the use of District School Teachers.

£20 in addition to £30 limited by 8th Vic., cap. 16, for repairs of Queen's Wharf.

And a further sum of Twenty Pounds, or as much thereof as may be necessary, at the disposal of His Excellency the Lieutenant Governor in Council, over and above the sum of Thirty Pounds, as limited by the Act 8th Victoria, Cap. 16, to defray the expenses of contingent repairs to the Queen's Wharf for the present year.

£10 in aid of sinking a well in Court yard at St. Eleanor's.

And a further sum of Ten Pounds to be placed at the disposal of the Sheriff of Prince County, in aid of individual subscription, for sinking a Well and placing a Pump therein, in the Court Yard at St. Eleanor's.

£100 to defray bounties on Cod fishery.

And a further sum of One Hundred Pounds, or as much thereof as may be necessary to be placed at the disposal of His Excellency the Lieutenant Governor in Council for the purpose of paying Bounties to encourage the Cod Fishery of this Island, in the present year, under the regulations and provisions of an Act passed in the Seventh year of the Reign of Her present Majesty, intituled *An Act for the encouragement of the Seal and Cod Fisheries*, any thing in any other Act to the contrary notwithstanding.

£30 to Ladies' Benevolent Society.

And a further sum of Thirty Pounds to the Ladies' Benevolent Society, in aid of the Funds of that institution.

£300 to relieve necessitous Inhabitants to be sub-divided between 3 Counties agreeably to report of Assembly.

And a further sum of Three hundred Pounds to be placed at the disposal of His Excellency the Lieutenant Governor in Council, for the purpose of relieving the most necessitous of the Inhabitants of this Colony, during the ensuing Summer, should it be found indispensable to afford them relief from the Public Funds; and such amount to be subdivided between the three Counties in the same proportion as already agreed on by the House of Assembly, in the sum voted for Seed Grain, and for the general service of Roads and Bridges: Provided that no applicant shall be relieved out of such sum, unless such application be recommended by a Majority of the Committee appointed in the District where he resides.

And a further sum of Twenty Pounds to Mary Tanton, widow of the late George Tanton, who was killed in the execution of his duty as a Peace Officer.

£20 to Mary Tanton.

And a further sum of Seven Pounds to William Dingwell, Esq., for the relief of the following persons:—

£7 to William Dingwell, Esq., for relief several poor persons.

Robert Main,	-	3	0	0
Thomas Fallow,	-	2	0	0
Mrs. Brown,	-	2	0	0

And a further sum of Four Pounds to Hector M'Donald, Point Prim, towards defraying the funeral expenses and other advances made by him on account of Laughlan M'Donald, deceased.

£4 to Hector M'Donald.

And a further sum of Seven Pounds to Allan Fraser, Esq., for the relief of the following persons:—

£7 to Allan Fraser, Esq., for relief of several poor persons.

Mary Gallant, Lot 17,	-	3	0	0
Michael Long, Lot 16,	-	2	0	0
Thomas Condon, Lot 19,	-	2	0	0

And a further sum of Thirty-seven Pounds to the Hon. J. S. M'Donald, towards the relief of the following persons:—

£37 to Hon. J. S. M'Donald for relief of several poor persons.

John M'Donald, Lot 37,	-	3	0	0
James Conway,	-	2	0	0
Mary Britt,	-	3	0	0
Jane Heir,	-	2	0	0
Adelaide Murphy,	-	2	10	0
John Hynes,	-	3	0	0
Patrick M'Carren,	-	3	0	0
Peirce Walsh,	-	2	0	0
Anne M'Lean,	-	2	10	0
Widow M'Leod, Fort Augustus,	-	3	0	0
Catherine M'Donald,	-	3	0	0
Three Orphan Children, named				
M'Swaine,	-	3	0	0
Patrick Keily,	-	3	0	0
Widow Barrett, West River,	-	2	0	0



£12 to James Simpson for relief of several poor persons.

And a further sum of Twelve Pounds to James Simpson, towards the relief of the following persons:—

Two blind persons named			
M <sup>c</sup> Kay,	-	10	0 0
Henry Windsor,	-	2	0 0

£15 to James Arthur for relief of several poor persons.

And a further sum of Fifteen Pounds to James Arthur, towards the relief of the following persons:—

Robert Winter,	-	12	0 0
Pierre Doucette,	-	3	0 0

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

And a further sum of Ten Pounds to John Dalziel, Esq., towards the relief of the following persons:—

John Griffin and Sisters,	-	5	0 0
Anne M <sup>c</sup> Gregor,	-	2	0 0
Mrs. Cody, Lot 63	-	3	0 0

£7 10s. to Alexander Rae, Esq. for relief of several poor persons.

And a further sum of Seven Pounds Ten Shillings to Alexander Rae, Esq., towards the relief of the following persons:—

Daniel Quigley,	-	1	0 0
Benjamin Perry,	-	2	0 0
Sarah M <sup>c</sup> Donald, Lot 18,	-	2	0 0
James Gillis,	-	2	10 0

£2 to John Jardine, Esq., for Catherine Partridge a poor person.

And a further sum of Two Pounds to John Jardine, Esq., for the relief of Catherine Partridge.

£16 10s. to James Yeo, Esq. for relief of several poor persons.

And a further sum of Sixteen Pounds Ten Shillings to James Yeo Esq., towards the relief of the following persons:—

Elizabeth Ruth	-	2	10 0
William M <sup>c</sup> Neill,	-	2	0 0
James Adams,	-	3	0 0
Sally Francis,	-	1	0 0
George Murray,	-	4	0 0
Jane Cotton,	-	3	0 0
Anastasia Corrigan,	-	1	0 0

£20 to W. B. Aitken, Esq., for relief of several poor persons.

And a further sum of Twenty Pounds to W. B. Aitken, Esq., towards the relief of the following persons:—

Louisa Watling.	-	4	0 0
Catherine Walsh,	-	3	0 0

Mary M'Phee, - - -	2	10	0
Henry Prouse, - - -	4	0	0
Richard Cochran, - - -	2	0	0
John M'Leod, towards the sup- port of his idiot child, - - -	1	10	0
Mrs. Gardiner, Lot 61, - - -	1	10	0
Roderick M'Neill, Lot 61, - - -	1	10	0

And a further sum of Twenty-eight Pounds Ten Shillings to Alexander M'Lean, Esq., towards the relief of the following persons :—

£28 10s. to Alexander Maclean, Esq., for relief of several poor persons.

James Maddox, - - -	3	0	0
Margaret Finlayson, towards the support of her son, - - -	5	0	0
Mary M'Aulay, towards the support of her son, - - -	8	0	0
John M'Leod, - - -	1	10	0
Flora M'Leod, - - -	2	0	0
Christy Curry, - - -	1	10	0
Malcolm M'Aulay, - - -	1	10	0
Angus Gordon, - - -	1	10	0
Mary M'Swain, towards the support of her son, - - -	2	10	0
Allan M'Lellan - - -	2	0	0

And a further sum of Forty-seven Pounds to the Benevolent Irish Society, towards the relief of the following persons :—

£47 to the Benevolent Irish Society for relief of several poor persons.

Thomas Pendergrast, - - -	5	0	0
Patrick Keiffe, - - -	2	10	0
Jeremiah Kehoe, - - -	3	0	0
Nathaniel Gibbs, - - -	3	0	0
Mary Shore, - - -	2	10	0
Richard Whealan, - - -	2	0	0
Patrick Corrigan, - - -	3	0	0
Margaret M'Carthy, - - -	8	0	0
Elizabeth Lallow, - - -	3	0	0
William Purcell, - - -	8	0	0
William Maher, - - -	5	0	0
Mary Morrison, - - -	2	0	0

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

And a further sum of Fifteen Pounds to John M'Intosh, Esq., for the relief of the following persons:—

Richard Coughlan, towards the support of his son	-	1	10	0
Angus Wilson,	-	1	10	0
Thomas Devereux,	-	4	0	0
John M'Mullen,	-	2	0	0
Michael O'Neill,	-	2	0	0
Nancy M'Eachren	-	2	0	0
Nancy M' Donald,	-	2	0	0

A sufficient sum to the Speaker of the Assembly to defray board of Matthew Flinn a poor person; and also small sums for 3 other poor persons.

And a further sum to the Honorable Speaker of this House sufficient to defray the board and lodging, of Mathew Flinn, from the First day of December last, until such time as he can be admitted into the Lunatic Asylum and House of Industry. To Hannah Maria Baker, Two Pounds; Margaret Snow, Two Pounds; John Rice, Three Pounds; Flora Nicholson, Lot 67, Two Pounds.

SCHEDULE TO WHICH THIS ACT REFERS.

Schedule of Appropriation for Roads & Bridges referred to in this Act.

PRINCE COUNTY.

District No.1,	-	£200	0	0
“ 2,	-	190	0	0
“ 3,	-	210	0	0
“ 4, including part of } Queen's County. }		209	0	0
“ 5, including part of Lot 67,		193	0	0
		<u>1002</u>	<u>0</u>	<u>0</u>

## QUEEN'S COUNTY.

District No. 6.	-	-	£177	0	0
" 7.	-	-	150	0	0
" 8.	-	-	77	3	0
" 9, comprising Townships Nos. 35, 36 & 37.	-	-	86	15	1
" 10.	-	-	123	18	0
" 11.	-	-	153	0	11
Charlottetown and Royalty in- cluding Poplar Island Bridge.	-	-	130	0	0
			<hr/>		
			898	0	0

## KING'S COUNTY.

District No. 12.	-	-	£170	0	0
" 13.	-	-	170	0	0
" 14.	-	-	170	0	0
" 15.	-	-	160	0	0
" 16, including a special sum for Montague Bridge of £120,	-	-	280	0	0
			<hr/>		
			£950	0	0