

Prince Edward Island . laws, statutes, etc. Session laws

Oct 4

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ACTS

OF THE

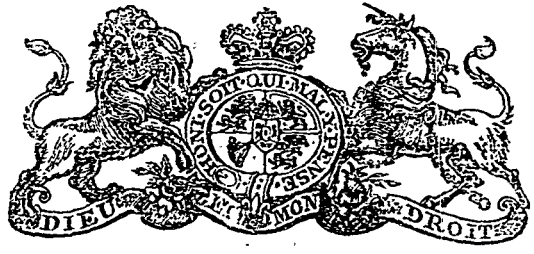
GENERAL ASSEMBLY

OF

PRINCE EDWARD ISLAND,

PASSED IN THE YEAR

1833.



CHARLOTTE-TOWN:

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M,DCCC,XXXIII.

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Anno Tertio Regis GUILIELMI IV.

At the General Assembly of His Majesty's Island of PRINCE EDWARD, begun and holden at Charlotte-Town, on the Third day of February, Anno Domini One Thousand Eight Hundred and Thirty-one, and in the First year of the Reign of our Sovereign Lord WILLIAM the FOURTH, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, and thence continued by several prorogations unto the Second day of January, One Thousand Eight Hundred and Thirty-three, and in the Third year of his said Majesty's reign, being the Third Session of the Thirteenth General Assembly convened in the said Island.

1833.

A. W. YOUNG,
Lieutenant Governor.

E. J. JARVIS,
President of Council.

WM. McNEILL,
Speaker.

C A P. I.

An ACT to repeal two certain Acts therein mentioned for the regulation of STATUTE LABOUR.

[Passed, March 13th, 1833.]

BE it enacted, by the Lieutenant Governor, Council, and Assembly, That an Act made and passed in the Thirty-fifth year of the reign of His late Majesty King George the Third, inti-

Repeals Act of the 35th year of King Geo. the 3d, to alter and amend the High Road Laws;

and an Act of the 1st year of the reign of His present Majesty, for the further regulation of Statute Labour.

tuled "*An Act to alter and amend the High Road Laws,*"—and an Act made and passed in the First year of his present Majesty's reign, intituled "*An Act for the further regulation of Statute Labour, and to amend and continue two certain Acts therein mentioned,*"—be, and the same are hereby respectively repealed.

CAP. II.

An ACT to regulate the performance of STATUTE LABOUR on the HIGHWAYS, and for other purposes therein mentioned.

[Passed, March 13th, 1833.]

Lieut. Governor, &c. with the advice of Council, may appoint a Commissioner of Highways in each District named in the Schedule annexed.

Commissioners to name Overseers, and to receive from them returns of their doings;

and to make a yearly Return to Lt. Governor, &c. in Council, of Statute Labour within their Districts.

All male persons between 16 and 60 years of age, with such implements as may be directed by Overseer,

BE it enacted, by the Lieutenant Governor, Council, and Assembly, That from and after the passing of this Act, it shall and may be lawful for the Lieutenant Governor, or other Administrator of the Government for the time being, by and with the advice and consent of His Majesty's Council, to nominate and appoint a Commissioner of Highways resident in each of the Districts named in the Schedule hereunto annexed, whose business it shall be to appoint Overseers of Statute Labour annually, and to direct such Overseers where and when such Statute Labour shall be performed, and to receive from such Overseers Returns of their doings, in manner hereinafter directed, and to make an yearly Return to the Lieutenant Governor, or other Administrator of the Government, in Council, of all their actings and doings relative to the performance of Statute Labour within the District to which such Commissioner shall or may be appointed.

II. *And be it further enacted,* That every Male person between the ages of Sixteen and Sixty years shall, when appointed or required thereto, either by himself or some sufficient substitute, and provided with such necessary implement or implements as may be directed by the Overseer

of the Precinct, work for the space of Four Days, or Thirty-two Hours, in every year on the Highways, Streets or Bridges.

to work on Highways, &c. 32 hours in each year.

III. *And be it further enacted*, That every such male Person as aforesaid, possessing a Horse and Cart, or possessing a Cart and two Horses, or possessing two working Oxen and a Cart, or possessing one Horse or two Horses, or two working Oxen without a Cart, shall each of them respectively, if so directed by the Overseer of the Precinct within which he resides, bring out or send such Horse or Horses, or such Oxen or Carts, accompanied by one able bodied man, for Three Days in every year, to work on the Highways, Streets or Bridges of the Precinct wherein such male persons as aforesaid shall reside—eight hours being allowed to complete each day's work.

Male persons possessing a horse and cart, or cart and 2 horses, or 2 working oxen and a cart, or 1 horse or 2 horses without a cart,

if directed by Overseer, to send such horse or horses, oxen or carts, with one man, to work for 3 days in each year on Highways, &c.

eight hours being allowed for each day's work.

Provided always, That nothing herein contained shall extend, or be construed to extend, to render liable to Statute Labour any person whomsoever who shall not have been, at the time of appointing the Overseers, a Resident of this Island for at least Six Calendar Months.

Proviso.

Not to render liable to Statute Labour any person who has not been resident for six months within this Island at the time of the appointment of Overseers.

And provided also, That when, in the opinion of the Overseer, the Labour of Men will be more useful than that of Cattle, all persons liable to send two Horses, or two working Oxen, with or without a Cart as aforesaid, shall, instead thereof, send two Men for Three days, or one man for Six days, or Forty-eight hours, to labour on the Roads, which said Labour shall complete their yearly Statute Labour; and a person owning one Horse, with or without a Cart, shall in such case work, or cause to be worked, Five days labour, or Forty hours.

If Overseer shall see fit, he may, instead of horses, &c. call upon the possessor of 2 horses or 2 oxen, to send 2 men to labour for 3 days or 1 man for 6 days,

and persons owning 1 horse to labour 5 days.

IV. *And be it further enacted*, That all persons liable to Statute Labour, but absent from the Island, and all persons neglecting or not attending to perform the said duty faithfully, and to the

Persons liable to Statute Labour, but absent from the Island, or not attending to perform the same,

to forfeit 4d. for each hour's neglect.

Mode of recovery of fine.

Form of Summons for recovery of fine.

Mode of recovery of fine.

Appropriation of fine.

satisfaction of the respective Overseers, shall forfeit Four-pence for every hour's neglect; and any one of His Majesty's Justices of the Peace, nearest to the residence of such Overseer, is hereby impowered and required, on complaint made to him by the said Overseer of the Highways, or any of them, to summon the persons so neglecting to appear before him, to hear and determine the case, and which summons so to be issued shall be under the hand and seal of the said Justice, in the words following:—

“ County.
 “ Esq. one of His Majesty's
 “ Justices of the Peace for the said County.
 “ You are hereby required personally to be and
 “ appear before me at the Dwelling House of
 “ (as the case may be) on the
 “ day of next, at the hour of
 “ o'clock of the same day, then and there to answer wherefor you did not perform your Labour
 “ on according to the tenor of the Act
 “ of the General Assembly, in such case made and
 “ provided, and according to the warning you have
 “ received in that behalf as is said.
 “ Given under my Hand and Seal the
 “ day of ”

And upon proof being made of such person's non-appearance, refusal or neglect, the said Justice or Justices shall cause the said forfeiture to be levied, together with the expenses of levying, by Warrant of Distress and sale of the Offender's Goods and Chattels—and if no Goods and Chattels can be found whereon to levy, then the Offender shall suffer Imprisonment, for a period not exceeding Forty nor less than Eight days—and the Money so levied shall immediately be put into the hands of such Overseer as shall have prosecuted for the same, to be by him applied for and towards the repairs of the Highways

within his Precinct, in such manner as the Commissioner thereof shall and may direct.

V. *And be it further enacted*, That each Commissioner, so appointed as aforesaid, shall, on or before the First day of May in each year, nominate and appoint such number of Overseers within his District as to such Commissioner shall appear to be for the public good, and shall prescribe to each Overseer the limits and boundaries of the Precinct within which such Overseer shall have authority, and Roads and parts of Roads, or the Bridges, where the Statute Labour shall be wrought, and where the Money received in commutation thereof shall be laid out and expended. And each Overseer shall, immediately after notification and acceptance of his appointment, give notice to the Inhabitants of his Precinct of his appointment, by causing a Notice to be posted up in the most public place of such Precinct, to the end that such Inhabitants may know to whom to commute the payment of their Statute Labour, in terms of this Act.

Commissioner shall appoint Overseers on or before the 1st day of May in each year, and in such number as to him shall appear necessary for the public good; and shall limit Overseer's precinct wherein Labour shall be wrought and commutation money expended.

Overseer immediately after appointment to notify the same by posting notices in the most public places of his District.

VI. *And be it further enacted*, That it shall and may be lawful for the Commissioner of each District, whenever he may think it expedient and necessary, to appoint some Person or Persons contiguous to the Bays and Rivers that may be in such District, for the purpose of fixing Bushes in the Ice on the best track generally used by Travellers, as early in Winter as the Ice may become passable; and the Commissioner is hereby required to notify the Overseers of the different Precincts of the persons so appointed; and on such Persons so appointed performing the requisite duty, they are hereby declared to be liable to no other Statute Labour during that year, any Law to the contrary notwithstanding.

Commissioners to appoint persons contiguous to the Bays and Rivers to mark winter roads on the Ice,

and to notify the Overseers of the different Precincts of such appointments.

Persons performing this duty not liable to perform any other Statute Labour.

VII. *And be it further enacted*, That the said Overseers of the Highways shall, and they are

Overseer to give ten

days' notice to the Inhabitants of Precinct

where and when the labour is to be performed.

Overseer exempted from any other labour than the duties imposed by this Act.

Persons refusing to accept the office of Overseer to forfeit £2.

Mode of recovery of fine.

Overseer failing in his duty, to forfeit £5.

Mode of recovery of fine.

Appropriation of fine.

hereby impowered and required, in pursuance of the orders they shall or may receive from time to time from the Commissioner of the District, to summon the Inhabitants residing within their respective Precincts, giving them at least Ten days' notice of the time and place when and where they intend to employ them, and they shall direct and order the persons so summoned to labour in making or repairing the Highways, Streets or Bridges, in the most effectual and advantageous manner, for and during the number of days appointed by this Act for such service or labour—they, the said Overseers, being hereby exempted and excused from any other labour and service on or relative to the Highways, than the issuing the Summons, ordering and overseeing the performance of the Statute Labour within their respective Districts, and making out and returning within the time limited by the orders they receive from the Commissioner of the District as aforesaid, exact and true Reports of their doings on the Highways, such Reports always containing lists of Absentees, and accounts of the Fines levied in consequence of such absence, and of the Money received in commutation of Labour, but without being entitled to wages or any other gratuity for their services—and if any Person liable to Statute Labour as aforesaid shall refuse to accept of the office of Overseer, then he shall be liable to a fine of Two Pounds, to be recovered by the Commissioner before any Justice of the Peace within his District, or nearest thereto, in way and manner provided in the Fifth Section of this Act; and on any Overseer failing or neglecting to perform all or any of the duties herein pointed out to be done by him, he shall forfeit and pay a sum not exceeding Five Pounds, to be recovered in way and manner mentioned in the Fifth Section of this Act, and to be applied in repairing or im-

proving the Highways within the Precinct of such Overseer.

VIII. *And be it further enacted,* That no Overseer shall have power or authority to compel any person to work his Statute Labour at a distance exceeding Five Miles from the place of such Person's residence.

No person to be compelled to work more than 5 miles from his place of residence.

IX. *And be it further enacted,* That each Overseer of Highways in this Island is hereby required and directed, at the expiration of Two Months from the time of performing Statute Labour within his precinct, to account with the Commissioner of the District within which such Overseer shall reside, for his conduct in the execution of his trust as Overseer, and to report to him in writing, and upon Oath, if so required, the work and Labour really done and performed, and the application, accompanied with the proper vouchers of discharge, of the Fines and Forfeitures incurred, whether levied, or if in arrear, why the same have not been levied, how applied in promoting the intentions of this Act; and also to account for all Monies received in commutation of Labour, and the application of the same, and pay whatever may remain unexpended to the said Commissioner.

Overseer two months after performance of Statute Labour to account with Commissioner, and to report to him in writing the work done, and application of fines, and Commutation money, and to pay over any sums unexpended to Commissioner.

X. *And be it further enacted,* That from and after the passing of this Act, the whole of the Statute Labour of this Island shall be performed between the first and last days of July, annually; each Overseer to advertise the Inhabitants to perform the Statute Labour in any six days within the month of July which in his discretion he may judge most convenient to the Inhabitants of the Precinct; the Summons to be by Advertisements, (not less than Three) to be posted in the most public places of the Precinct of such Overseer at least Ten days before the period of performing such Labour, which is to be held a sufficient warning.

All Labour to be performed in July.

Overseer may choose any 6 days within the month of July.

Summons to labour to be by advertisement in three public places of Precinct.

Proviso.

Commissioner for District No. 7, to direct Statute Labour of Inhabitants of Charlotte-Town,

to be performed between 20th May and 20th June annually.

Persons may commute Labour for money.

Time of commutation, and rate of same.

Commissioner to expend money in his District as he sees fit, and within 4 months after performance of labour account with Lt. Governor in Council for monies received and their application, and make a report of all his doings as Commissioner.

And until such account and report be given to receive no salary.

XI. *Provided always, and be it further enacted,* That it shall and may be lawful for the Commissioner to be appointed for District Number Seven to direct that the Statute Labour of such of the Inhabitants of Charlotte-Town as shall be required to perform their Statute Labour upon the Streets or Squares of the said Town, shall be performed between the Twentieth day of May and the Twentieth day of June, annually.

XII. *And be it further enacted,* That all persons liable to Statute Labour as aforesaid shall have the option, instead of such Labour, to pay annually, on or before the First day of June, to the Overseer of the Precinct wherein he resides, the sums of Money following, that is to say—the possessor of two Horses, or two Oxen and a Cart, or two Horses or two Oxen without a Cart, the sum of Ten Shillings; the possessor of one Horse, with or without a Cart, the sum of Eight Shillings; and Persons owning neither a Horse nor a pair of Oxen, the sum of Five Shillings.

XIII. *And be it further enacted,* That each Commissioner shall expend the Money paid to him under the preceding Section of this Act on the Highways within his District, in such way and manner as shall appear to him most conducive to the public interest; and shall, within Four Months after the period for the performance of the Statute Labour, deliver in to the Lieutenant Governor in Council an exact account of all Monies received by him as Commissioner aforesaid, and of the application thereof, and shall at the same time make a full and distinct Report of all his actings and doings as such Commissioner, with an account of the state and condition of the Highways within his District, prior to the performance of Statute Labour, and subsequent thereto; and until such Account and Report shall be given in, such Commissioner

shall not be entitled to receive any Salary or recompence whatever for such services.

XIV. *And be it further enacted*, That when any Commissioner, or other Person or Persons who may be appointed under the provisions of this Act, shall be directed by the Lieutenant Governor, or other Administrator of the Government, to lay out and expend the Public Monies appropriated for the making and repairing of Roads and Bridges, such Commissioner, or other Person or Persons, shall, and they are hereby required and directed to cause Advertisements to be inserted in the Royal Gazette, and shall also cause similar Advertisements to be posted up in the vicinity of the place or places where such work is to be performed, giving one Month's notice thereof, that on the day and hour named in such Advertisement, will be sold or let to the lowest bidder on the spot where such work is to be performed, or to the Person or Persons who shall make the lowest Tender for the same, the Roads or Bridges named in such Advertisement. And the said Commissioner, or other Person or Persons so appointed as aforesaid, are hereby directed to let all such Roads and Bridges on the best and lowest terms, taking good and sufficient Security or Securities for the faithful performance of every Contract or Contracts so entered into or made; and the Commissioner, or other Person or Persons so authorized as aforesaid, shall be allowed and paid for such services the sum of Two Pounds Ten Shillings per Centum upon the amount so laid out and expended as aforesaid.

XV. *And be it further enacted*, That the Money so directed to be expended as aforesaid shall be paid by direction of the Lieutenant Governor, or other Administrator of the Government, to the Person or Persons entitled to receive the same, on the Certificate of the Com-

Commissioner when directed, to lay out all monies appropriated for making and repairing Roads, &c.

Advertisements to be inserted in Royal Gazette, and to be posted up in the vicinity of the place where money is to be expended, giving notice that work will be let to lowest bidder, or to lowest tender.

Commissioner to let all such Roads, &c.

taking security for the performance of the contract.

Remuneration to Commissioner for expenditure of monies.

Monies to be paid to Contractor by direction of Lt. Governor on certificate of Commissioner.

missioner, or other person appointed to expend such Money, that the work has been performed, or partly performed, as the case may be, according to the Contract so made and entered into.

XVI. *And be it further enacted*, That it shall and may be in the power of each Overseer of a Precinct, or Commissioner of a District, to order the removal of any obstruction or nuisance in the Highways within his Precinct or District, and on a summary complaint to any one of His Majesty's Justices of the Peace, to recover from the Person or Persons causing such obstruction or nuisance the expense incurred in removing the same, provided the same shall not exceed Five Pounds—to be levied, together with reasonable Costs, by Warrant of Distress, in way and manner pointed out in the Fifth Section of this Act.

Power of Overseer or Commissioner to order removal of nuisances.

Persons causing nuisance may be fined by any one Justice of the Peace, in a sum not exceeding £5.

Mode of recovery of fine.

Lt. Governor, &c. in Council to cause £10 to be paid to each Commissioner yearly, over and above his commission on monies expended by him.

XVII. *And be it further enacted*, That it shall and may be lawful for the Lieutenant Governor, or other Administrator of the Government, with the advice and consent of His Majesty's Council, to cause to be paid out of the Monies in the Public Treasury raised for the purposes of Highways and Bridges, to each Commissioner, annually, for his services in the execution of this Act, a sum of Money not exceeding Ten Pounds, over and above the Commission or Per Centage to which he may be otherwise entitled, and directed to be paid as aforesaid.

XVIII. *And be it further enacted*, That no Person shall be compelled to serve the office of Overseer more than once in every three years; but if any Person shall accept such office more than once within such period, then he shall be liable to all the rules, regulations, and duties of that office as prescribed in this Act.

No person compelled to serve as Overseer more than once in 3 years.

XIX. *And whereas* the obstruction of the Roads by heavy falls and drifts of Snow during Winter has frequently occasioned serious interruption to the trade, intercourse, and judicial

Preamble.

proceedings of the Colony, and hindered the Farmers from taking their produce to Market— For remedy whereof :

Be it further enacted, That the Overseers of Highways, by direction of the Commissioners, shall have power and authority, and they are hereby required, during the Winter season, to summon so many of the Inhabitants in their respective Precincts as they in their discretion shall think fit, to work at the time and place appointed, on the Highways or Public Winter Roads, by breaking Roads in the Snow, with their Horses, Oxen, or Teams, if possessed thereof, or with such Implements as the Overseer may deem requisite, whenever the depth of the snow shall render the same necessary, not exceeding Three days in each Winter, and at no greater distance than Three Miles from their own houses; and such Inhabitants shall perform the same work over and above that which such Inhabitants are liable to perform upon the Highways, Roads and Bridges, in and by this Act; and each and every Person neglecting or refusing to turn out with his Team or Teams, or with such Implements as may be directed by the Overseer or Commissioner of any Precinct or District, shall be liable to a fine of Five Shillings for every such neglect or refusal, to be recovered in way and manner prescribed by this Act.

Overseers of Highways may in winter

summon Inhabitants to work with Teams, &c. breaking roads—

Not more than three days in each winter or more than three miles from their homes, the same to be over and above such other labour as is required by this Act.

And in case of refusal to be liable to a fine of 5s. for each offence.

XX. And be it further enacted, That if any Person or Persons shall hereafter place any Timber, Wood, Stones, or other weighty Article or Articles, upon any Bridge or Bridges within this Island, or shall fasten any Vessel or Vessels thereto, or shall in any other way injure any such Bridge or Bridges, he or they shall pay a fine not exceeding Five Pounds for every such offence, to be recovered as hererein before directed, over and above any

Persons placing any Timber, Stones, &c. on any Bridge, or fastening any Vessel thereto, or injuring same in any way, to forfeit £5.

Mode of recovery of fine.

damage done to any such Bridge or Bridges, when the same shall exceed Five Pounds.

Every Highway to be 60 feet wide.

Persons encroaching thereon to forfeit £1 for each offence.

Mode of recovery of fine.

Proviso.

Roads already laid off at 40 feet so to remain.

Commissioner of any District may commute Statute Labour for an equal quantity of labour to be performed in Winter.

In case of death &c. of Overseer, Commissioner may appoint another in his stead.

Commissioner neglecting or refusing to expend money under this Act, after signifying his assent so to do,

XXI. And be it further enacted, That from and after the passing of this Act every Highway in this Island shall be of the width of Sixty feet; and that no occupier of ground adjoining the Highways, or any other Person, shall encroach thereon, by Fencing or otherwise, under a penalty not exceeding Twenty Shillings for each and every encroachment, to be recovered as herein before directed.

Provided always, That nothing herein contained shall extend, or be construed to extend, to alter the width of such Roads in the different Royalities as have been already established at Forty feet, but that the same penalties for encroachment shall be applied and extended to the said Roads of Forty feet in width.

XXII. And be it further enacted, That it shall and may be lawful for the Commissioner of any District to commute as much of the Statute Labour as he may deem expedient, for an equal quantity of value of Labour to be performed in the Winter season, in procuring and hauling Timber for the building or repairing of Bridges.

XXIII. And be it further enacted, That in case of the death or absence from his District of any Overseer or Overseers when appointed under this Act, it shall and may be lawful for the Commissioner within such District to appoint some other Person or Persons to perform the duties of such deceased or absent Overseer or Overseers, at any time before the time limited for the performance of such Statute Labour as before directed.

XXIV. And be it further enacted, That if any Commissioner or other Person appointed to expend money under or by virtue of this Act shall, after signifying his acceptance of said office, neglect or refuse to carry the provisions of the same into

effect, so far as they are imposed on him by virtue of his said office, he shall, for every such neglect or refusal, on due conviction thereof, forfeit and pay the sum of Five Pounds, to be recovered before any one of His Majesty's Justices of the Peace, on the Oath of one or more credible Witness or Witnesses, and applied as directed by the next Section of this Act.

to forfeit £5.

Mode of recovery of fine.

XXV. *And be it further enacted*, That all Fines and Forfeitures arising under and by virtue of this Act, the application of which is not herein before directed, shall be paid into His Majesty's Treasury, to be expended on the Roads and Bridges in the Precinct or District in which the Forfeiture or Forfeitures may have been incurred.

Appropriation of fines not herein before appropriated.

DISTRICTS. *SCHEDULE.*

NUMBERS

1. Townships Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, ~~11~~ and 12.
2. Nos. 13, 14, 15, 16, and 17.
3. Nos. 18, 19, and *Princetown Royalty.*
4. Nos. 25, 26, 27, and 28.
5. Nos. 20, 21, 22, 23, 24, and 67.
6. Nos. 29, 30, 31, 32 (*West side of York River, and 65.*)
7. Nos. 33, 32, (*East side of York River, and Charlotte-Town and Royalty.*)
8. Nos. 34, 35 (*North side of the Hillsborough*), 36, and 37.
9. Nos. 48, 49, 50, and 35 (*South side of the Hillsborough.*)
10. Nos. 57, 58, 60, and 62.
11. Nos. 38, 39, 40, and 41.
12. Nos. 42, 43, 56, and 55 (*North of Grand River.*)
13. Nos. 44, 45, 46, and 47.
14. Nos. 55 (*South of Grand River*), 54, 53, 52, 66, 51, and *Georgetown and Royalty.*
15. Nos. 59, 61, 63, and 64.

Schedule.

CAP. III.

AN ACT to revive and continue an Act to prevent the running at large of SHEEP in the Town of CHARLOTTE-TOWN.

[Passed, April 6th, 1833.]

Preamble.

WHEREAS the herein after mentioned Act has expired, and it is deemed expedient to revive and continue the same:

Act of the 5th year of His late Majesty King Geo. the 4th, to prevent the running at large of Sheep in Charlotte-Town

revived and continued for 3 years.

Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That an Act passed in the Fifth year of His late Majesty's Reign, intituled "An Act to prevent the running at large of Sheep in the Town of Charlotte-Town," and every matter, clause, and thing therein contained, be, and the same are hereby revived and continued in full force and effect for and during the term of Three Years, and no longer.

CAP. IV.

AN ACT to continue an Act authorizing the formation of a FIRE ENGINE COMPANY for the Town of CHARLOTTE-TOWN.

[Passed, April 6th, 1833.]

Act of the 8th year of the reign of King Geo. the 4th, authorizing the formation of Fire Engine Company for the Town of Charlotte-Town,

continued for 5 years, and to the end of the next Session of the General Assembly.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the Eighth year of the Reign of His late Majesty King George the Fourth, intituled "*An Act to authorize the formation of a Fire Engine Company for the Town of Charlotte-Town,*" be, and the same is hereby continued in full force and effect, for the space of *Five Years*, and from thence to the end of the then next Session of the General Assembly, and no longer.

CAP. V.

An ACT to continue an Act for regulating the driving of CARTS, CARRIAGES, SLEIGHS, and CARIOLES on the HIGHWAYS.

[Passed, April 6th, 1833.]

BE it enacted, by the Lieutenant Governor, Council, and Assembly, That so much of an Act made and passed in the First year of His present Majesty's Reign, intituled "*An Act to continue an Act intituled An Act to establish an Assize of Bread within the Town and Royalty of Charlotte-Town, and an Act intituled An Act to regulate the driving Carts, Carriages, Sleighs and Carioles on the Highways,*" as relates to an Act made and passed in the Eighth year of the Reign of His late Majesty King George the Fourth, intituled "*An Act to regulate the driving Carts, Carriages, Sleighs and Carioles on the Highways,*" be, and the same is hereby continued in full force and effect for the space of *Five Years*, and no longer.

So much of an Act of the 1st year of His present Majesty, continuing Bread Assize Act,

and the Act regulating the driving of Carts, &c. of the 8th year of King Geo. the 4th,

as relates to the last mentioned Act, continued for 5 years.

CAP. VI.

An ACT to continue an Act made and passed in the Sixth year of the Reign of His late Majesty King George the Fourth, for regulating the Measurement of TON TIMBER, BOARDS and all other kinds of LUMBER.

[Passed, April 6th, 1833.]

BE it enacted, by the Lieutenant Governor, Council, and Assembly, That an Act made and passed in the Sixth year of His late Majesty's Reign, intituled "*An Act to continue an Act made and passed in the First year of His present Majesty's Reign, intituled An Act to regulate the*

Act of the 6th year of King Geo. the 4th, continuing Act of the 1st year of the same King, regulating

the measurement of Ton Timber, Boards, &c., and repealing two Acts of the 14th and 57th years of King Geo. the 3d,

continued for 7 years; and from thence to the end of the then next Session of the General Assembly.

measurement of Ton Timber, Boards, and all other kinds of Lumber, and to repeal two certain Acts made and passed in the Fourteenth and Fifty-seventh years of His late Majesty's Reign, and also for declaring what shall be deemed Merchantable, and for appointing Officers to survey the same," be, and the same is hereby continued for the space of *Seven Years*, and from thence to the end of the then next Session of the General Assembly, and no longer.

CAP. VII.

An ACT for ascertaining the POPULATION of this ISLAND, and for obtaining certain STATISTICAL INFORMATION therein mentioned.

[Passed, April 6th, 1833.]

BE it enacted, by the Lieutenant Governor, Council, and Assembly, That it shall and may be lawful for the Lieutenant Governor, or other Administrator of the Government for the time being, to appoint such and so many persons as he may deem necessary, in each and every County of this Island, to inquire into, and ascertain the number of persons residing within the same, and for the other purposes hereinafter mentioned.

Lt. Governor &c. may appoint so many persons as he may deem necessary in each

County, to ascertain the number of Inhabitants, and for other purposes.

Persons so appointed to visit every house within their district,

and to require the necessary information for filling up their returns.

II. *And be it further enacted*, That it shall and may be lawful for the persons so appointed, and they are hereby required, to visit every House within the County or District for which they shall have been respectively appointed, and to require of all persons such information as may be necessary for filling up accurately the several columns in their Returns, according to the form or schedule to this Act annexed.

III. *And be it further enacted*, That every person who shall refuse to answer, or shall knowingly answer falsely, to any question put by the

Every person refusing to answer, or answer-

person so appointed for the purpose of obtaining the information aforesaid, shall incur a penalty of Twenty Shillings for each and every offence, which shall be recoverable before any one of His Majesty's Justices of the Peace, on the oath of one or more credible witness or witnesses; and in default of payment thereof, when directed by the said Justice, the same to be recovered by Warrant of Distress and Sale of the Offender's Goods and Chattels; and in case no Goods and Chattels shall be found whereon to levy, then the said Justice shall commit the said delinquent to the nearest Jail, there to remain for a time not exceeding *Ten Days*.

ing falsely, liable to a penalty of £1 for each offence.

Mode of recovery of fine.

VI. *And be it enacted*, That each and every person to be appointed for carrying into effect the intentions of this Act, shall visit every Dwelling House within his District, and shall make Returns on Oath of his actings and doings thereunder, to the Lieutenant Governor, or other Administrator of the Government in Council, on or before the first day of July next; and if any person so to be appointed as aforesaid shall knowingly make a false entry, or any Return other than he ought to have made, from actual information received at each Dwelling House within his District, he shall be liable to a penalty of *Ten Pounds*, to be recovered in His Majesty's Supreme Court of Judicature, by Bill, Complaint, or Information.

Each person so appointed, to visit every dwelling-house within his District, and make return on oath of his doings under this Act to Lt. Governor, &c. in Council, on or before 1st July 1833.

And if knowingly guilty of making false return,

liable to a penalty of £10.

Mode of recovery of fine.

V. *And be it further enacted*, That all fines and penalties arising under and by virtue of this Act, shall be paid into the Treasury of this Island, to and for the use of the Government thereof.

Appropriation of fines.

VI. *And be it further enacted*, That it shall and may be lawful for the Lieutenant Governor, or other Administrator of the Government for the time being, by and out of the monies

Lt. Governor, &c. with advice of Council to pay out of the Trea-

sure a fair remuneration to each person appointed to carry into effect this Act.

which may be in the Treasury, to pay, or cause to be paid, to the persons who may be employed in carrying into effect the intentions of this Act, such sum to each respectively as to the said Lieutenant Governor, or other Administrator of the Government, by and with the advice and consent of His Majesty's Council, may appear a fair remuneration for his trouble.

SCHEDULE.

Form of a Return to be used by the persons employed to take the Census.

Township, Island, Town or Royalty.	
Name of the head of each family.	
Proprietor of Real Property.	
Not Proprietor of Real Property.	
Males in each family.	Under 16 years.
	From 16 to 60
	60 and upwards.
Total.	
Females in each family.	Under 16.
	16 and upwards.
	Total.
Number of Insane persons in each family.	
Number of Acres of Land occupied by each family.	
Number of Acres of improved Land occupied by each family.	
Number of Cows owned by each family.	
Number of Oxen owned by each family.	
Number of other kinds of Neat Cattle owned by each family.	
Number of Horses owned by each family.	
Number of Sheep owned by each family.	
Number of Hogs owned by each family.	
Produce raised by each family during the last year.	Number of Bushels of Wheat.
	Number of Bushels of Barley.
	Number of Bushels of Oats.
	Number of Bushels of Potatoes.
Number of Grist Mills in every such place.	
Number of Saw Mills in every such place.	
Number of Schools in every such place.	
Number of Scholars in every such place.	Males.
	Females.

Certified to be a true and faithful Return for the Township, Parish, Town or Royalty (as the case may be) of according to the requirements of an Act passed in the Third year of His Majesty's Reign, intituled "An Act for ascertaining the Population of this Island, and for obtaining certain Statistical Information therein mentioned."

CAP. VIII.

An ACT to repeal two certain Acts therein mentioned, for LICENSING and REGULATING FERRIES, and to make other provisions in lieu thereof.

[Passed, April 6, 1833.]

WHEREAS it is deemed necessary to afford every convenience to Travellers, and make such alteration in the manner of licensing Ferry-men, as well as to enable the Public to cross the different Ferries, with their Baggage and Cattle, at the lowest possible rate of Ferriage:

Preamble.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That so much of an Act made and passed in the Twenty-first year of the Reign of His late Majesty King George the Third, intituled, *An Act for amending and rendering perpetual several Laws near expiring*, as relates to an Act made and passed in the Fourteenth year of the same Reign, intituled *An Act for Licensing and Regulating Ferries*, and an Act made and passed in the Ninth year of the Reign of His late Majesty King George the Fourth, intituled *An Act to alter and amend an Act, intituled an Act for Licensing and Regulating Ferries*, be, and the same are hereby respectively repealed.

Repeals so much of an Act of the 21st year of King Geo. the 3d. as relates to an Act of the 14th year of the same King, for licensing and regulating Ferries—and

an Act of the 9th year of King Geo. the 4th altering and amending said Act of the 14th of King Geo. the 3d.

II. And be it further enacted, That from and after the publication hereof, it shall and may be lawful to and for the Lieutenant-Governor, or other Administrator of the Government for the time being, by and with the advice and consent of His Majesty's Council, from time to time, to let, by Tender or otherwise, as hereinafter mentioned, the several Ferries within this Island, and to appoint such and so many Persons as he, with the advice aforesaid, shall or may judge proper and

Lt. Governor, &c. with advice of Council may let, by tender or otherwise, the Ferries within this Island, and appoint as many Ferry-men as may be necessary.

sufficient, to act as Ferrymen for the several and respective Ferries as aforesaid.

III. *And be it further enacted*, That it shall and may be lawful for the said Lieutenant-Governor, or other Administrator of the Government for the time being, from time to time, to cause the said several Ferries to be Advertised, calling for Tenders for the conveyance of Passengers, their Luggage and Cattle, over the Ferry or Ferries so advertised; and in such Tender or Tenders shall be expressed, by the Person or Persons so tendering, the rate at which he or they will convey Passengers, their Luggage and Cattle, over the respective Ferries so tendered for, subject to such Rules, Regulations and Requisitions as may be fixed and determined by the said Lieutenant Governor, or other Administrator of the Government, with the advice as aforesaid, which said Rules, Regulations and Requisitions, shall be stated in the Advertisement so made; and the said Lieutenant-Governor, or other Administrator of the Government as aforesaid, is hereby authorized to let any such Ferry to the Person or Persons who will convey Passengers, their Luggage and Cattle, at the lowest rate, over the respective Ferries so tendered for, and shall grant Licences for the same, for the term of Three Years—the Person or Persons so licensed to be always subject to be suspended or displaced by order of the said Lieutenant-Governor, or other Administrator of the Government for the time being, for neglect of duty or for misbehaviour. And the said Person or Persons so licensed shall enter into good and sufficient security for the fulfilment of his or their duties, and shall provide such Boats and other conveniences for the accommodation of Passengers, as the said Lieutenant-Governor, or other Administrator of the Government, with the advice as aforesaid, shall specify and set forth in

Lt. Governor, &c. to cause the several Ferries to be advertised for tenders for conveyance of Passengers, &c.

What Tenders are to express.

Lt. Governor, &c. with advice as aforesaid, to make Rules, &c. for the regulation of such Ferries. Advertisement to state Rules, &c.

Ferries to be let to persons who will carry passengers, &c. at the lowest rate;

and Licence granted for 3 years.

Persons licensed subject to be displaced by Lt. Governor, &c. for misbehaviour, &c.

Persons licensed to give security for fulfilment of duties.

Duty of licensed Ferrymen.

the respective Licenses. And every Person so licensed as aforesaid shall, for neglect of duty or non-fulfilment of the Requisitions as stated in such License, be subject for every offence so committed, and for every day he may be deficient of any article as stated in such License, a sum not exceeding *Twenty Shillings*.

Licensed Ferryman liable to a fine of £1 for every offence committed against this Act.

IV. *And be it further enacted*, That in case no Tender or Tenders shall be made as abovementioned, after such Advertisement, then it shall and may be lawful to and for the said Lieutenant Governor, or other Administrator of the Government, with the advice aforesaid, to fix the rate of Ferriage, under and subject to such Rules and Regulations as are hereinafter mentioned, or shall from time to time be made by him and them, by virtue of this Act, for the benefit and advantage of the Public.

If no Tender is made, Lt. Governor, &c. to fix rate of ferriage, &c.

V. *And be it further enacted*, That the said Lieutenant-Governor, or other Administrator of the Government, with the advice aforesaid, shall, in the respective Licenses so to be granted, state and set forth how each and every Licensed Ferry shall be conducted, the number and size of the Boats to be provided, and also the rate at which Passengers, Cattle, Carriages, Goods and Baggage shall be ferried or conveyed at the respective Ferries which shall be so licensed as aforesaid, together with any Regulations for the upholding and keeping in repair the Houses, Slips and Harbours, and other Buildings erected by the Government of this Island, for the convenience of the respective Ferries within the same, and any other Regulations for the convenience of the Public that may be deemed necessary. And every such licensed Ferryman, so to be licensed under this Act, is hereby directed and required to cause a copy of the Requisitions and Regulations of the Ferry for which he is so licensed as aforesaid, to be posted

Contents of License.

Licensed Ferryman to post up in his house a copy of the rules, &c. under which Ferry is granted.

under a penalty not exceeding 5s. for each day's neglect.

Persons not licensed ferrying over any river, &c. at place where ferry is established, any man or beast without consent of person licensed, (except it be done gratis)

to forfeit £1 for each offence.

No licensed ferryman, &c.

to receive any greater sum for ferriage than shall be specified in License.

Licensed Ferrymen or their Servants guilty of any misconduct

to forfeit £5 for each offence.

up, and kept so posted during the continuance of such License, in some conspicuous place in the house occupied by him or them for a Ferry House, under penalty of a sum not exceeding *Five Shillings* for each day's neglect.

VI. *And be it further enacted*, That if any Person or Persons, not being duly licensed, shall from henceforth carry or ferry over any River, Bay or Creek within this Island, at the place where a Ferry is or may be hereafter established, any Man or Beast, except by the desire and consent of the Person or Persons licensed to keep such Ferry or Ferries, or except the same be done gratuitously, such Person or Persons shall forfeit and pay for each offence a sum not exceeding *Twenty Shillings*.

VII. *And be it further enacted*, That no Person or Persons so to be licensed in pursuance of this Act, nor his or their Servant or Servants, nor any other person or persons acting for or under him or them respectively, shall take or receive as a reward for his or their ferriage, any greater sum or sums of money than is or shall be mentioned and specified in the License so to be obtained as aforesaid. And if any Person or Persons so to be licensed as aforesaid, or his or their Servant or Servants, or any other Person or Persons acting for or under him or them respectively, shall use unnecessary delay therein, or give abusive language to, or treat with rudeness, any person or persons whomsoever applying to be ferried over, or during the time he, she, or they may be actually ferrying over, any of the places or bays so to be licensed as aforesaid, then such person or persons so offending shall, for each offence, upon proof made by the oath of one or more credible Witness or Witnesses before any one of His Majesty's Justices of the Peace, forfeit a sum not exceeding *Five Pounds*, and shall be also ordered to satisfy in damages all those who shall or may sustain loss by means of such un-

necessary delay; the said forfeiture and damages to be levied by Warrant of Distress and Sale of the Offender's Goods and Chattels, and paid to the person or persons who may be injured thereby; and for want of Goods and Chattels whereon to levy, then the said Offender or Offenders shall be committed to the common Jail for a term not exceeding *Three Months*, nor less than *One Month*.

Mode of recovery of fine.

VIII. *And be it further enacted*, That it shall and may be lawful for the Person or Persons so to be licensed as aforesaid, or his or their Servant or Servants, to demand and receive pay of all Passengers before he, she or they shall have entered on board such Boat or Boats; and in default of such payment, to accept of a pawn or pledge for the same; nor shall such person or persons be required or obliged to change a greater sum than *One Shilling* when the Fare amounts to no more than *two pence*, nor to change a greater sum than *Five Shillings* when the Fare amounts to *One Shilling* or upwards; but in no case shall it be lawful for any Ferryman to detain any Passenger or Passengers, after he, she, or they are admitted into the Ferry Boat.

Licensed Ferryman may receive pay from passengers before they enter the boat

and accept a pawn or pledge.

Ferryman in no case to detain passengers after admitted into the boat.

IX. *And be it further enacted*, That all Fines, Penalties, or Forfeitures, not hereinbefore provided for, shall be recovered before any one of His Majesty's Justices of the Peace, upon the Oath of one or more Witness or Witnesses, and applied, one half to the person who shall inform and sue for the same, and the other half to be paid into the Treasury of this Island, for the benefit of the Government thereof.

Mode of recovery of fines incurred under this act.

X. *And be it further enacted*, That nothing herein contained shall authorize the collection of any Revenue for Rent or otherwise, under or by virtue of this Act.

This Act not to authorize the collection of revenue for rent, &c.

XI. *And be it further enacted*, That this Act, so far as regards the Ferry on the Hillsborough River between Charlotte-Town and the opposite side of the said River, shall not go into operation until

This act not to extend to Ferry over Hillsborough river opposite Charlotte-Town

until the expiration of the Lease of the present Lessee.

the expiration or other sooner determination of the term thereof granted by the Government of this Island to the present Lessee, any thing herein contained to the contrary thereof notwithstanding.

CAP. IX.

An ACT to explain and amend an Act passed in the Tenth year of the Reign of His late Majesty King George the Fourth, intituled *An Act to regulate the laying out and altering of HIGHWAYS, and to provide a mode of obtaining COMPENSATION for those who may thereby be injured, and to cause those who are benefited thereby to contribute towards their formation.*

[Passed, April 6th, 1833.]

Preamble.

WHEREAS doubts have arisen as to the construction of the third clause of an Act made and passed in the Tenth year of the Reign of His late Majesty King George the Fourth, intituled *An Act to regulate the laying out and altering of Highways, and to provide a mode of obtaining Compensation for those who may thereby be injured, and to cause those who are benefited thereby to contribute towards their formation,* as to the parties by whom costs on appeal are to be borne—For remedy whereof :

I. *Be it enacted, by the Lieutenant Governor, Council and Assembly,* That when either the Governor, Lieutenant Governor, or other Administrator of the Government, or the Proprietor or Tenant of the soil, who may think themselves aggrieved by the finding of any Verdict under and by virtue of the said Act, shall appeal to the Supreme Court of Judicature of this Island, in the manner pointed out by the said Act, it shall and may be lawful to and for the said Supreme Court, if it shall be of opinion, after hearing such appeal, that justice hath been done, to dismiss the same, with such costs, to be taxed, to the Appellee,

When Lt. Governor, &c. or Proprietor, &c. shall appeal against any verdict under Act of the 10th of King Geo. the 4th, to regulate the laying out and altering of Highways,

Supreme Court may, after hearing appeal, dismiss the same, with costs.

as shall seem just and reasonable; which said costs, if the Appeal shall have been entered by the Governor, Lieutenant Governor, or other Administrator of the Government, shall be paid to the Appellee, in the manner described in the fourth section of the said Act, as to payment of a Verdict, and if by the Proprietor or Tenant, by him; and in case of neglect or refusal, the same shall be recovered in the same manner as costs are recovered in the said Supreme Court on appeals being dismissed in cases of Small Debts.

And if said appeal shall have been entered by Lt. Governor, &c. Costs shall be paid to the Appellee as directed by 4th section of before mentioned Act in case of Verdicts. And if by Proprietor, &c. costs shall be recovered against him as in cases of appeal under Small Debt Act.

II. *And be it further enacted,* That if on such appeal having been heard, a new Writ shall be ordered, and the Verdict of a second Jury taken, as is by the said Act permitted, and on the coming in of such Verdict it shall appear that the same is in confirmation of the Verdict appealed from—if such Verdict shall find the Road to be an advantage to the Proprietor of the land, then the said Court shall order the same to be entered of Record together with the Costs incurred on hearing such Appeal, issuing such second Writ, and taking such Verdict, which said Costs, having been duly taxed, shall make part of the said second Judgment, and be paid and recovered in the manner pointed out by the said Act for the recovery of the Verdict alone. And if the said second Verdict shall find the owner of the land to be entitled to any sum beyond what was found in the first Verdict, the Appellant shall have his reasonable costs of appeal and subsequent proceedings taxed and paid in manner before pointed out in the fourth section of the before mentioned Act, for the recovery of the Verdict alone, when given in his favour; but if such second Verdict shall find a lesser sum due to the owner for compensation than the first Verdict, such owner shall pay Costs, to be taxed, in manner mentioned in the last foregoing section of this Act.

If on appeal heard a new Writ be ordered and the second Verdict be in confirmation of the first, and the Jury find the Road an advantage to the Proprietor, the Court to order the same to be entered of Record, with costs, &c.

And the costs are to be made part of second judgment, and to be recovered as pointed out by said Act for recovery of Verdict alone— and if by second Verdict owner is found entitled to a sum beyond that found by first Verdict—costs are to be allowed him, and paid as pointed out in 4th section of said Act.

And if by second Verdict the owner, &c. is found entitled to a lesser sum than that found by the first Verdict, he is to pay costs, to be taxed.

III. *And be it further enacted,* That when and so often as it shall be necessary to compel the attendance of any Witnesses to give evidence before any

Witnesses may be compelled to at-

tend before Juries
summoned under
before mentioned
Act.

Mode of compel-
ling attendance of
Witnesses.

Fees of Witnesses
per mile.

Witnesses refusing to
attend, or give evi-
dence, liable to such
damages and punish-
ment as Witnesses
now are in other
cases before Supreme
Court.

Sheriff &c. to ad-
minister an oath to
each Juror.

Form of Jurors'
oath.

Sheriff, &c. to ad-
minister an oath to
each Witness.

Jury to be summoned as aforesaid, the party requiring the testimony may cause a Subpœna to be issued for the purpose from the Prothonotary's Office, in the same manner as is now practised in cases of inquiries before the Sheriff; and if any witness who shall have been duly served with a Subpœna, and shall also have been at the same time tendered *Eight-pence* currency per mile, for every mile he may have to travel from his place of abode to the place where such evidence is to be taken, shall wilfully neglect or refuse to attend, pursuant to the Subpœna, or to give evidence after attending, he shall be liable to such damages and punishment, by process of contempt and otherwise, as Witnesses now are who disobey the command of any Subpoena requiring them to attend and give evidence before His Majesty's Supreme Court of Judicature of this Island. And the Sheriff, or his Deputy, is hereby authorized and required to administer an Oath to each of the twelve Jurors, who shall be chosen to act on any such inquiry, in the following form, swearing three at a time—that is to say:

' You and each of you shall well and truly inquire what damage, or advantage, will be sustained, or will accrue, to A. B. by the opening of a Public Highway over his (or her) reputed property, and you shall assess the amount in money of such damage, or advantage, according to the evidence and the best of your judgment. And in case you shall find the same to be an advantage to the said A. B. then you shall say what sum shall be paid by him; and shall view, appraise and value the unsettled land of the said A. B. adjoining the said intended Road, and situate in County, as directed in the Act of Assembly in that case made and provided.

“ So help you God.”

And the Sheriff, or his Deputy, is also hereby authorized and required to administer an oath to each Witness who shall attend as aforesaid, in the form following (that is to say),

' The evidence you shall give before this Inquest, shall be the truth, the whole truth, and nothing but the truth, ' So help you God.'

Form of Witness's oath.

IV. *And be it further enacted,* That in no case shall any more than one Writ be issued for the same County, under or by virtue of this Act, relating to new Roads, after the Administrator of the Government for the time being, in Council, shall have determined upon and ordered the laying out or opening of such Roads, although the same may pass over the lands of more than one person, unless such new or intended Roads shall be detached from each other, and run in different or contrary directions; and the Jury shall give as many several Verdicts, under one Writ, as may be required from the number of parties interested.

No more than one Writ to be issued for each County.

Unless Roads be detached, or run in contrary directions, Jury to give as many Verdicts as there are parties interested.

V. *And be it further enacted,* That no person or persons whosoever shall, either directly or indirectly, demand, take or receive any other or greater Fee or Fees for the respective services hereinafter mentioned than is hereunder specified, that is to say:

No person to take any other or greater fees than are specified in this Act.

TABLE OF FEES.

	Currency.	
	£ 3. d.	
Warrant of Survey,.....	0 5 5	
Surveyor laying out the Road, per diem,.....	0 11 8	<i>Surveyor General's Fees.</i>
Chainmen and Labourers, each per diem,.....	0 4 0	
Plan of Road, five chains to an inch,.....	0 11 8	
Surveyor, for all other requisite attendances as a Witness or otherwise, per diem,.....	0 11 8	
Retainer to the Attorney General on each Writ, exclusive of travelling charges,.....	2 6 8	<i>Attorney General's Fees.</i>
Instructions and Præcipe for each Writ,.....	0 6 8	
Issuing each Writ of Subpcena,.....	0 2 6	
Each copy to serve,.....	0 1 0	

PROTHONOTARY, viz :

Prothonotary's Fees.	Writ and Seal,.....	0	6	0
	Entering the record on every Verdict, for every hundred words,.....	0	0	8
	For each Writ of Subpœna,.....	0	2	6
	Copies of Subpœna, to serve, each,...	0	1	0

SHERIFF, viz :

Sheriff's Fees.	For Summoning each Juror,	0	2	6
	Mileage to summon Jury, and to perform every other service under this Act, except holding the Inquisition, for every mile travelled,	0	0	4
	Service of each notice, Subpœna, or other paper,	0	2	0
	Holding inquiry, preparing and filing Inquisition on each Writ,	1	3	4
	Mileage to hold Inquiry, for every mile actually travelled,	0	0	4

JURORS, viz :

Jurors' Fees.	To the Foreman,	0	10	0
	To each of the other eleven Jurors,	0	5	0
	Mileage, to each Juror, for every mile necessarily travelled,	0	0	6

WITNESSES, viz :

Witnesses' Fees.	Commissioners of Highways, when required to attend as Witnesses under this Act, from the time of leaving home until their return, (no unnecessary time to be allowed) each, per diem,	0	15	0
	Mileage, for each mile travelled,	0	0	6
	All other necessary Witnesses, per mile,	0	0	4
	For attendance under examination per diem,	0	2	0

CAP. X.

AN ACT to regulate the REGISTRY of DEEDS and INSTRUMENTS relating to the TITLE to LAND, and to repeal the Laws heretofore passed for that purpose.

[Passed, April 6th, 1833.]

BE it enacted, by the Lieutenant Governor, Council, and Assembly, That all persons now having, or claiming, or who shall or may hereafter have or claim, any right, title, or interest, in or to any Messuages, Lands, Tenements, or Hereditaments, within this Island, or its Dependencies, may register all Deeds or Writings of whatsoever nature or kind relating to, or concerning the same, in the Office of the Colonial Registrar of this Island.

Persons claiming interest in any Lands, &c. in this Island, may register all Deeds, &c. relating to the same in the office of Colonial Registrar.

II. *And be it further enacted,* That the Colonial Registrar for the time being shall keep, for the purpose of registering all such Deeds and Writings therein, a Folio Book, with patent back, strongly bound in leather, and lettered with the words "Register of Deeds, Nos. . . ." and containing at least seven quires of paper, which shall be of a good quality, and proper for Records, with an Index and Alphabet thereto, which shall be kept in the form prescribed in the Schedule No. 1, hereto annexed. And the Registrar shall also make and keep two general Alphabets and Indexes, in two several Books, to be bound as aforesaid, and in the forms prescribed in the Schedules Nos. 1 and 2, hereto annexed, which shall be open to the Public to make searches therein.

Registrar to keep for the purpose of Registering all Deeds, &c. a Folio Book.

Description of Book so to be kept.

III. *And be it further enacted,* That the execution of all such Deeds and Writings as aforesaid, which already have been, or hereafter shall be made, and which shall not have been recorded before this Act shall be in force, shall, before the Registry thereof, be proved on oath, before the said Registrar, by one or more of the subscribing Witnesses thereto, or

All Deeds, &c. not already recorded shall before Registry thereof be proved before Registrar as directed in this section.

by the personal acknowledgment before him of the Grantor or Grantors in such Deeds or Writings— which oath the said Registrar is hereby empowered to administer, and which acknowledgment or proof of due execution shall be endorsed on the back of each and every of such Deeds or Writings so produced and proved, as also signed by the Registrar; and all such Deeds and Writings shall be registered at full length, and the word “sworn” shall be inserted in the Book of Registry, opposite the name of each Witness who shall be sworn before the Registrar as aforesaid.

Proviso.

Lt. Governor, &c. may appoint 3 Commissioners in each County,

to administer oath to Witnesses to the execution of Deeds, &c.

Duty of Commissioners.

Fees of Commissioners.

Registrar to enter Deeds, &c. upon the Registry, certified as proved before Commissioners.

Provided nevertheless, That it shall and may be lawful to and for the Lieutenant Governor, or other Administrator of the Government, from time to time, by writing, under his hand and seal, to appoint at least three Commissioners, who shall be sworn faithfully to discharge the duties of their office, residing in each of the Counties within this Island respectively, whose Commissions shall be registered before they act; and who shall severally be empowered to administer an oath to Witnesses who may come before them to prove the due execution of such Deeds or Writings as aforesaid, or take the personal acknowledgment of the Grantor or Grantors of such Deeds or Writings as aforesaid; and who shall thereupon, and upon the back of each Deed or Writing, certify the proof or acknowledgment so made before them respectively, as hereinafter mentioned; for which services the Commissioner shall receive the sum of *Two Shillings and Sixpence*, and no more; and the Registrar now appointed, or hereafter to be appointed, shall, on receipt of such Deed or Writing, so certified as aforesaid, enter the same upon the Registry, as provided by this Act, as if such proof or acknowledgment of execution had been made before him, any thing herein contained to the contrary notwithstanding.

land, or elsewhere, under the Dominions of His Majesty, then under the Public Seal of some Corporation there, or by the attestation and certificate of some Notary Public, lawfully constituted and resident there, certifying that such Person so subscribing as a Justice of the Peace is really and truly so, and that faith and credit is and ought to be given to all such his attestations. And if any such Deeds or Writings as aforesaid shall be executed in any other place or places out of His said Majesty's Dominions, then the certificate, attestation, or proof of such execution shall be according to the forms generally used in such place or places as last aforesaid, on the like occasions.

V. And be it further enacted, That all such Deeds and Writings as aforesaid shall, immediately upon receipt by the Registrar, be certified by him on the back thereof, (and in presence of the person presenting the same, if required) with the name of the Witness (if any) sworn before him, and the year, month, day of the month, and hour of the day, when the same were presented for Registry, and proved or acknowledged as aforesaid; and shall also enter the same in the margin of the Register Book, opposite to the commencement of the Record; and a copy of which Certificate, and of the Deed or other Writing relating thereto, and duly registered, being extracted from the Book of Registry, and authenticated by the Registrar's signature (in case of the original Deed or Writing being lost, and none of the Witnesses thereto to be found, so as to be examined either *viva voce* or by commission,) shall be admitted and allowed as legal evidence of the due execution of such lost Deed or Writing in any Court of Record in this Island, wheresoever such Deed or Writing may have been executed. And the Registrar shall duly record every such Deed or Writing as aforesaid, in the same manner and order in which they shall come to his hands, and be proved or acknowledged as aforesaid, and without favor or partiality, on pain of answering

All Deeds, &c. to be certified on the back by the Registrar. Certificate to contain the date, &c. when presented for registry.

Registrar to enter the same in margin of Registry Book.

Copy of Certificate, Deed, &c. authenticated by Registrar,

to be admitted as legal evidence of lost Deed, &c.

Registrar to record all Deeds, &c. in the order they come to his hands, without favor or partiality.

the party aggrieved in such damages as he may sustain.

VI. *And be it further enacted,* That in case the Grantors and Witnesses to any such Deed or Writing as aforesaid shall die before the Registry thereof, or cannot be found, so as to obtain the acknowledgment or proof of the due execution thereof, before the Registrar as aforesaid, it shall be lawful to and for the Executor or Administrator of any one or more such deceased Grantors, to execute a Memorial of such Deed or Writing, and require the same to be registered with the original Deed therein referred to, which shall be done accordingly, upon the said Memorial being acknowledged or proved before the Registrar, or otherwise, if executed abroad, in manner aforesaid.

When Grantors and Witnesses shall die before Registry of Deeds, &c.

Executor &c. may execute a Memorial thereof,

which may be registered with the original Deed, &c.

VII. *And be it further enacted,* That if any person shall forswear him or herself before the said Registrar, or before any such Commissioner as aforesaid, or any Deputy Registrar, and be thereof duly convicted, such person shall be liable to the same penalties as if the said oath had been voluntarily and corruptly made in a cause depending in any of the Courts of Record that now are, or hereafter shall or may be, established in this Island.

Perjury before Registrar or Commissioner, how punished.

VIII. *And be it further enacted,* That no Person shall be compelled to attend before the Registrar, as a Witness, to prove the due execution of any such Deed or Writing as aforesaid, unless there shall have been previously tendered to him or her a reasonable compensation for his or her time and trouble, at and after the rate of *Four Pence* per mile, for travelling expenses, for every mile to be travelled, in coming to and returning from such Register Office; and in case the Witness shall refuse to attend before the Registrar, or one of the Commissioners as aforesaid, within *six days* next after such tender as aforesaid, the person or persons requiring the

No person compelled to attend before Registrar as a Witness to prove execution of any Deed, &c. unless travelling charges at the rate of 4d per mile be tendered to him.

Our refusal to attend after such tender.

an oath made before any Justice of the Peace,

such Justice to issue his Warrant to commit offender to prison without Bail, &c. until he agrees to attend before Registrar, and pays the costs incurred in consequence of his refusal.

When Mortgages are paid,

a certificate to the effect herein mentioned to be delivered to Registrar, who shall enter the same on Record.

Form of Certificate.

attendance of such Witness may make oath before any one of His Majesty's Justices of the Peace, and therein set forth the necessity of such Witness's attendance before the Registrar or Commissioner, the making of such tender, and the amount thereof, and refusal to attend; and thereupon the Witness so refusing to attend as aforesaid shall be forthwith committed, by Warrant under the hand and seal of such Justice, to Prison, there to remain, without bail or mainprize, until he or she shall comply with the requisition of this Act, and shall also pay the reasonable costs that may have been incurred in consequence of such his or her neglect or refusal to attend and give evidence before the Registrar or Commissioner as aforesaid.

IX. And be it further enacted, That when any Mortgager or Mortgagers, or their Assigns, shall have paid and satisfied the sum or sums of money secured upon his, her, or their Lands, Tenements, or Hereditaments, then instead of a re-conveyance or re-assignment of the mortgaged Premises being required, there shall be delivered into the Registrar's Office a Certificate to the effect hereinafter mentioned, which shall be entered upon Record, and the same shall have the like force and effect as if the party had actually executed and registered such re-conveyance or re-assignment, as aforesaid.

To the Registrar of Deeds for }
' Prince Edward Island. }

' I A. B. of do hereby certify,
' that C. D. of hath paid and satisfied
' all such sum or sums of money as were due and
' owing upon a Mortgage made by the said C. D.
' to me, bearing date the day of
' and which was granted in consideration of the
' sum of £ in full discharge of the

This Act not to affect certain Records, &c.

contained shall affect, or be construed to impeach, any of the following Records or Instruments, which do by Law, or hereafter may relate to, or in any manner concern the Titles to Lands, Tenements, or Hereditaments within this Island—that is to say, Decrees or Judgments at Law or in Equity, Executions or Attachments levied, or to be levied, on Real Estate, Wills, or Securities for Debts due, or to become due, to the Crown, although the same, or a memorial or entry thereof, may not be recorded in the said Office of the Colonial Registrar of Deeds—but that such Records, Writs, or Instruments, and every of them, shall have the same force and effect, to all intents and purposes whatsoever, as if this Act had not been made.

Fees of Registrar.

XI. *And be it further enacted*, That the Registrar of Deeds shall take and receive for the registering of every Deed or other Instrument, and for all certified copies of the same, at the rate of One Shilling currency for every One Hundred words; and for every Oath to be administered by him, the sum of One Shilling currency; and for every certificate, and every search, the sum of One Shilling currency; and that the Registrar's Office shall be kept open for Public Business from the hour of Ten in the forenoon till the hour of Three in the afternoon (holidays excepted).

Office hours of Registrar.

Proviso.

Registrar not compelled to record any Deeds, &c. unless his Fees be first paid.

Provided always, That nothing herein contained shall require the Registrar to record any such Deeds or Writings as aforesaid, unless the amount of Fees as required by this Act shall have been first tendered or paid immediately on proof of their due execution having been made in terms of this Act.

Registrar authorized to appoint a

XII. *And be it further enacted*, That the Registrar now appointed, or hereafter to be appointed, shall and may, and he is hereby authori-

zed, from time to time, to nominate and appoint any fit and proper person to act as his Deputy, who shall, on receiving such appointment, be invested with all such and the same powers and authorities, as the Registrar now hath, as to taking Proofs, entering Records, giving Certificates, authenticating Copies, and administering Oaths; such Deputy to be appointed by Commission, under the hand and seal of the Registrar, and which shall be duly registered; and the said Deputy shall be sworn faithfully to discharge the duties of his office, before he shall act therein, and the oath shall be recorded with his Commission.

Deputy for the purposes of this Act.

Mode of appointment of such Deputy.

XIII. *And be it further enacted,* That all Deeds which shall hereafter be duly executed, shall in all cases be deemed to be valid as against the Grantor or Grantors, and his, her, or their Heirs, any want of Registry notwithstanding, unless there shall be therein contained a covenant or condition to the contrary.

All Deeds, &c. duly executed to be valid against the Grantor, notwithstanding they are not Registered.

XIV. *And be it further enacted,* That from and after the passing of this Act, all Powers and Letters of Attorney, under and by virtue of which any such Deeds or Writings as aforesaid shall be made and executed, shall be duly recorded at length in the Register Office; and that no Deed or Instrument purporting to be executed in such manner as is last before mentioned shall have any force or effect until such Power or Letter of Attorney shall have been first duly registered.

All Powers of Attorney under which Deeds, &c. are executed, to be recorded in Registrar's Office.

No Deed, &c. so executed to be valid until such Power is recorded.

XV. *And be it further enacted,* That from and after the respective periods when this Act shall become in force, as hereinafter mentioned, an Act made and passed in the Twentieth year of the Reign of His late Majesty King George the Third, intituled *An Act appointing the Recording of all Deeds of Sale, Conveyanc*

When this Act shall become in force. Act of the 20th year of King Geo. the 3d. appointing the recording of all Deeds, &c.

and an Act of the 25th year of the same King, to explain, alter, and amend the first mentioned Act;

and an Act of the 41st year of the same King, to explain and amend the Laws of this Island, appointing the recording of Deeds, &c., and also an Act of the 49th year of the same King, appointing the recording of Letters of Attorney,

to be respectively repealed.

Periods when this Act is to come into operation.

and Mortgages; also an Act made and passed in the Twenty-fifth year of the Reign of His said late Majesty, intituled *An Act to explain, alter and amend an Act made and passed in the Twentieth year of His present Majesty's reign, intituled "An Act appointing the Recording all Deeds of Sale, Conveyances and Mortgages;"* and an Act made and passed in the Forty-first year of the Reign of His said late Majesty, intituled *An Act to explain and amend the Laws of this Island appointing and directing the Recording of Deeds of Sale, Conveyances and Mortgages;* and an Act made and passed in the Forty-ninth year of the Reign of His said late Majesty, intituled *An Act appointing the Recording of Letters or Powers of Attorney, in such cases as are therein mentioned,* shall be, and become respectively repealed.

XVI. *And be it further enacted,* That this Act shall commence and come into operation at the following times, (that is to say)—with respect to such Deeds and Writings as aforesaid as may have been executed within this Island, within Three Calendar Months after the passing thereof, the day of passing, and the last day of the said term, both inclusive; and as to all other Deeds and Writings which may be registered as aforesaid, within Twelve Calendar Months after such passing, the day of the passing of this Act, and the last day of the said term, both inclusive.

SCHEDULE No. 1.

FORM OF ALPHABET AND INDEX.

From	To	Nature of Record.	When Registered.	Book	Page	Description of Premises.
B. A.	D. C.	Conveyance.	1st August, 1833.	36	100	500 Acres on Township No. 32.

SCHEDULE No. 2.

To	From	Nature of Record.	When Registered.	Book	Page	Description of Premises.
D. C.	B. A.	Conveyance.	1st August, 1833.	36	100	500 Acres on Township No. 32.

Schedules.

C A P. XI.

AN ACT to amend an Act made and passed in the Second year of His present Majesty's Reign, intituled *An Act to consolidate and amend the several Acts of the General Assembly therein mentioned, relating to the RECOVERY of SMALL DEBTS*, and to repeal two other Acts hereinafter mentioned.

[Passed, April 6th, 1833.]

Preamble.

WHEREAS the above mentioned Act has been found defective, and it is deemed necessary to amend the same :

Commissioners appointed under Act of the 2d year of His present Majesty, for consolidating and amending Small Debt Acts,

And all Justices and Commissioners authorized to adjudicate under the Summary Capias Act of the same year of His present Majesty's reign,

empowered to issue executions under said Acts for debts amounting to 40s and under; and for want of Goods and Chattels whereon to levy, the Constable may take Defendant and commit him to prison.

I. *Be it enacted, by the Lieutenant Governor, Council, and Assembly, That the Commissioners appointed, or to be appointed, under and by virtue of an Act made and passed in the Second year of His present Majesty's Reign, intituled An Act to consolidate and amend the several Acts of the General Assembly therein mentioned, relating to the Recovery of Small Debts, and all Justices of the Peace and Commissioners who may be called upon to adjudicate under and by virtue of an Act made and passed in the Second year of His present Majesty's Reign, intituled An Act to authorize Justices of the Peace and Commissioners under the Small Debt Act to issue Writs of Summary Capias against persons about to leave this Island, are hereby empowered to issue Executions in manner directed in and by the said above mentioned Acts for the Recovery of all Debts amounting to Forty Shillings and under; and for want of Goods and Chattels whereon to levy the same; then to authorize the Constable to take the Defendant or Defendants to Prison, there to remain, if the original Debts, together with the superaddition of costs, shall not exceed*

Forty Shillings, for the space of One Month, at any time or season of the year—after which Imprisonment, the said Defendant or Defendants shall be released therefrom, and also freed and discharged from the Debt or Debts for which he, she, or they may have been imprisoned; and for the recovery of all sums, where the Debt and Costs together shall exceed Five Pounds, the Imprisonment shall be the same as is mentioned in the said first mentioned Act relating to the recovery of sums above Three Pounds and not exceeding Five Pounds, after which Imprisonment the Defendant shall be discharged from the Debt.

Limits the time of imprisonment according to amount of Debt.

II. *And be it further enacted*, That if on the hearing of any matter of Debt before any of the Commissioners aforesaid, it shall be found that the Defendant or Defendants had never before the issuing of the Summons been furnished with an Account of the Debt or Debts so sued for, and that such Account had been by such Defendant or Defendants demanded of the Plaintiff at his place of residence, but that the Action was vexatiously brought without such Account having been furnished as aforesaid, then it shall and may be lawful for the Commissioner or Commissioners, at his or their discretion, to apportion the Costs as they shall see fit, or to order and cause the Plaintiff to pay the said Costs, or any part thereof, and to recover which, Execution may issue as in cases of Nonsuit, and to give Judgment only for such sum as is sufficiently proved to be due to him or them by such Defendant or Defendants.

If on hearing before any Commissioner it shall appear that the Defendant never had been furnished with an account after demand made by him,

the Commissioner authorized to apportion the costs in his discretion.

Mode of recovery of costs, if directed to be paid by Plaintiff.

III. *And be it further enacted*, That it shall and may be lawful to and for any of the Justices of His Majesty's Supreme Court of Judicature, in all cases where they shall see fit, to vary the Orders or Judgments of any Commissioner or Commissioners, Justice or Justices of the Peace, which may be appealed from, if in favour of the Appel-

Justices of the Supreme Court in all cases of appeal from Commissioners or Justices to vary Judgments, and grant or withhold costs in their discretion.

lant, to grant or withhold Costs, or any part thereof, in their discretion, any thing to the contrary in the said above mentioned Acts notwithstanding.

Repeals Act of the 46th year of King Geo. the 3d, in addition to and amendment of an Act of the 13th year of the same King, for the more easy and speedy recovery of Small Debts; and an Act of the 8th year of King Geo. the 4th, to regulate appeals, in amendment of the said Act of the 13th year of King Geo. the 3d.

IV. *And be it further enacted*, That an Act made and passed in the Forty-sixth 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 for the more easy and speedy recovery of Small Debts*, and an Act made and passed in the Eighth year of the Reign of His late Majesty King George the Fourth, intituled *An Act to regulate Appeals from the Courts of Justices of the Peace in this Island, in amendment of an Act made and passed in the Thirteenth year of the Reign of His late Majesty King George the Third, intituled An Act for the more easy and speedy recovery of Small Debts*—be, and the same are, hereby respectively repealed.

CAP. XII.

AN ACT to regulate and establish the stated Times and Places for holding the SUPREME COURT in King's and Prince Counties, and to constitute the Michaelmas Term of the said Court, in Queen's County, a Term for the TRIAL OF ISSUES, for a limited period.

[Passed, April 6th, 1833.]

WHEREAS it will be a great saving of expense to the Jurors, Suitors, and Witnesses, who are compelled to attend Courts of Justice, if Courts were held in the different Counties:

Preamble.

I. *Be it therefore enacted, by the Lieutenant Governor, Council, and Assembly*, That the

Supreme Court of this Island shall sit at Georgetown, in King's County, and at St. Eleanor's, in Prince County, twice in each year, as soon as Court Houses and Jails shall be erected in the said Counties respectively, and as soon as the Lieutenant Governor, or Commander in Chief for the time being, shall issue his Commission or Commissions to the Chief Justice for that purpose—that is to say, in King's County, at Georgetown, on the Second Tuesday in March, and the Third Tuesday in July; and at Prince County, on the First Tuesday in June, and the Second Tuesday in November.

Supreme Court to sit in King's County and in Prince County twice in each year.

Times of such sittings.

II. *And be it further enacted*, That until Sheriffs shall be appointed for the different Counties, the High Sheriff, or in his absence, the Under Sheriff, shall appoint good and sufficient Deputies—one for King's County, and one for Prince County—who shall reside within the limits of their respective Counties.

Until Sheriffs are appointed for the different Counties, the High Sheriff to appoint Deputies for King's and Prince Counties.

III. *And be it further enacted*, That the Prothonotary and Clerk of the Crown shall appoint good and sufficient Deputies, one for King's County, and one for Prince County, residing within the limits of their respective Counties—who shall have power to sign and seal such Writs as may be purchased out of the said Courts, which Writs shall bear teste as of the last day of the preceding Term in Charlotte-Town, and be returnable on some day of the next Term in which such Courts shall sit in the said Counties respectively, or on one of the days hereinafter mentioned for the return of Writs; and after such Courts shall have gone into operation, the Writs so to be issued in such Counties shall bear teste in the usual manner, as of the last day of the Term so held in the same Counties respectively.

The Prothonotary and Clerk of the Crown to appoint one Deputy for each of said Counties.

Duty and power of such Deputies.

Teste of Writs issued in said Counties.

IV. And whereas Jurors are now summoned

Preamble.

After the establishment of said Courts, no person to be summoned as a Grand or Petit Juror out of the County in which he resides.

by Law from the whole Island, which is highly inconvenient and expensive to many of such Jurors—*Be it therefore enacted*, That from and after the establishment of the said Courts in King's and Prince Counties respectively, no person shall be summoned upon any Jury, whether Grand or Petit, out of the County in which such person shall reside—any other Law, Usage, or Custom to the contrary notwithstanding.

Duty of the Deputy Clerks of the Crown and Prothonotaries.

V. *And be it further enacted*, That the Deputy Clerks of the Crown and Prothonotaries for King's and Prince Counties respectively, shall issue in due form Writs of Venire, directed to the Sheriff, or his Deputy, commanding him to summon a Grand Jury from the persons resident in the said County, to meet at the Times and Places before mentioned; and he shall also issue a Venire, to summon a Petit Jury for each and every Term in the said County, to meet at the same place and at the time hereinafter appointed for all Petit Jurors to meet—which said Grand and Petit Jurors shall be of the like qualifications, and summoned in the same manner, as Grand and Petit Jurors are by Law now summoned.

Preamble.

VI. And whereas it will conduce to the advancement of Justice to make three Issuable Terms in the year for the Supreme Court in Charlotte-Town, and to change the time of the sitting of the Hilary Term, for a limited period:

The Michaelmas Term of the Supreme Court in Charlotte-Town to be an Issuable Term for the trial of Civil Suits only.

Be it therefore enacted, by the authority aforesaid, That the Michaelmas Term shall be an Issuable Term for the Trial only of Civil Suits; and that Petit Jurors shall be summoned at that Term, as Jurors are now summoned at the other Terms; and Civil Causes shall be therein heard, tried, and determined, as at the other Terms; and the time of sitting shall not exceed the number of days as now prescribed by Law for the said Michaelmas Term. And that this Act, with res-

Term not to exceed the number of days as now prescribed by Law for said Term.

pect to Michaelmas Term, shall only be in force for three of those Terms, from and after the passing hereof; and that the Hilary Term shall be holden on the First Tuesday in January, instead of the Third Tuesday in February, any Law, Usage, or Custom to the contrary notwithstanding.

Limitation of this Act as respects Michaelmas Term.

Hilary Term to be holden on the 1st Tuesday in January in future.

VII. *And be it further enacted,* That in future all Petit Jurors shall be summoned to attend each of the said respective Courts on the Second day of each Term, and not on the First day as now practised, except in Michaelmas Term in Queen's County; and that such Petit Jurors shall attend in Hilary and Trinity Terms for Queen's County for such time as they may be required, not exceeding *nine days* in each Term; and in Michaelmas Term for that County, for such time as they may be required, not exceeding *seven days*: and in each of the respective Terms to be held in King's County and Prince County, for such time as they may be required, not exceeding *six days*, exclusive of Sunday; and that the Courts to be held in the said two Counties last mentioned shall sit for a time not exceeding *seven days*, exclusive of Sunday, in each Term, and no longer—any Law, Usage, or Custom to the contrary notwithstanding.

Mode in which Petit Jurors are to be summoned in future.

VIII. *And be it further enacted,* That there shall be allowed and paid as travelling expenses to the Chief Justice of this Island, for his attendance at the said Courts so to be held in Prince County and King's County, the sum of *One Hundred Pounds* per annum.

Chief Justice to be allowed £100 per annum for travelling charges.

IX. *And be it further enacted,* That the Grand Juries to be summoned as aforesaid for the said Terms in King's and Prince Counties, shall, and they are hereby authorized to prepare lists of fit and proper persons to fill the offices of Constables and Fence Viewers, for each of the said Counties respectively; and the said Courts are hereby authorized to choose

Grand Jurors in King's and Prince Counties to prepare Lists of persons to fill the offices of Constables and Fence Viewers.

from the said lists fit and proper persons to fill the said Offices, in the same way and manner as heretofore used for the whole Island.

Return days for Writs.

X. *And be it further enacted*, That at and after each Term of the said Courts, there shall be in future *Twenty successive days* allowed for return of Writs solely, including the First day of each Term, and exclusive of Sundays—any thing in this Act to the contrary notwithstanding.

C A P. XIII.

An ACT to authorize a further Issue of TREASURY NOTES, to the amount of Five Thousand Pounds, and to repeal an Act therein mentioned.

[Passed, April 6th, 1833.]

Preamble.

WHEREAS it is deemed expedient to repeal the Act hereinafter mentioned, and to authorize the Lieutenant-Governor, or other Administrator of the Government for the time being, to order a further Issue of Treasury Notes, to the amount of Five Thousand Pounds :

Repeals Act of the 10th year of King Geo. the 4th, authorizing Lt. Governor, &c. to appoint Commissioners to negotiate a Loan for erecting a Government House and an Academy.

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Assembly*, That an Act made and passed in the Tenth year of the late King, intituled *An Act to authorize the Lieutenant Governor, or Commander-in-Chief for the time being, to appoint Commissioners to negotiate a Loan, for the purpose of erecting a Government House and a Building for an Academy*, and every matter, clause and thing therein, be, and the same are hereby repealed.

Lt. Governor, &c. may order a further Issue of Treasury Notes, to the amount of £5000.

II. *And be it further enacted*, That it shall and may be lawful for the Lieutenant-Governor, or Administrator of the Government for the time being, to order a further Issue of Treasury Notes, to the amount of Five Thousand Pounds—of which One Thousand

Pounds thereof shall be in Notes of the value of Five Pounds each; and Two Thousand Pounds shall be in Notes of the value of Two Pounds each; and One Thousand Pounds shall be in Notes of the value of Twenty Shillings each; and Five Hundred Pounds shall be in Notes of the value of Ten Shillings each; and Five Hundred Pounds in Notes of the value of Five Shillings each—which further Issue shall be in the form and subject to the enactments and provisions of an Act made and passed in the Fifth year of the late King, intituled *An Act to empower His Excellency the Lieutenant Governor, or Commander-in-Chief for the time being, to appoint Commissioners to issue Treasury Notes*—and an Act made and passed in Sixth year of the late King, intituled *An Act to authorize the Commissioners named and appointed under an Act made and passed in the Sixth year of the Reign of His present Majesty, intituled 'An Act to empower His Excellency the Lieutenant Governor, or Commander-in-Chief for the time being, to appoint Commissioners to issue Treasury Notes,' to issue Notes of the value of Ten Shillings each*—and an Act made and passed in the First year of His present Majesty's Reign, intituled *An Act to authorize a further Issue of Treasury Notes.*

Description of Notes to be issued.

Subject to the provisions of Treasury Note Act of the 5th year of King Geo. the 4th,

and Treasury Note Act of the 6th year of the same King,

and also of Treasury Note Act of the 1st year of His present Majesty.

Treasurer at the expiration of every 12 months, for 5 years from the passing of this Act, out of the Funds raised by Land Assessment Act of the 11th year of King Geo. the 4th, to pay off £1000 of the Treasury

Notes now in circulation.

III. *And be it further enacted, That the Treasurer of this Island is hereby required and directed, at the expiration of one year after the date of the Notes so to be issued under and by virtue of this Act, to pay off, out of the Monies arising under and by virtue of an Act made and passed in the Eleventh year of His late Majesty's reign, intituled An Act for raising a Fund, by an Assessment on Land, for erecting a Government House, and other Public Buildings within this Island, the sum of One Thousand Pounds of the Notes now in circulation, or to be hereafter circulated, and deliver the same to the Commissioners aforesaid, who are hereby directed and required to*

cancel and destroy the same; and the said Treasurer is hereby directed and required, at the expiration of every succeeding Twelve Months from the date of the Notes so to be issued, and under and by virtue of this Act, to pay off as aforesaid, and deliver to the said Commissioners, the sum of One Thousand Pounds; until the Notes so paid off and cancelled shall amount to the sum of Five Thousand Pounds.

Mode of cancelling Notes so paid off.

Treasury Note Commissioners to keep an account of Notes by them cancelled, to be laid before Lt. Governor in Council.

Notes to be destroyed in presence of Commissioners and Treasurer.

Commissioners' Receipt to Treasurer a sufficient discharge for Notes cancelled.

IV. *And be it further enacted*, That the Commissioners shall keep a specific account of the Notes so received, and lay an account of the number and description of the different Notes so cancelled and destroyed before His Excellency the Lieutenant Governor in Council; and that the Notes so cancelled shall be destroyed in presence of the Commissioners aforesaid and the Treasurer of the Island.

V. *And be it further enacted*, That the Receipts of the Commissioners for the sums so to be cancelled shall be deemed a sufficient discharge to the Treasurer, for the respective amounts which shall be therein expressed.

CAP. XIV.

An ACT appointing the Registration of His Majesty's Orders in Council, and Proclamations signifying the Royal Allowance or Disallowance of Acts of this Island.

[Passed, April 6th, 1833.]

BE it enacted, by the Lieutenant Governor, Council, and Assembly, That from and after the publication hereof, the Colonial Secretary and Registrar of this Island is hereby required to register, in a Book to be kept for that purpose, all Proclamations which may now be in his custody, possession or power, relating to any Laws heretofore passed by the Legislature of this Island, together with the Orders of His Majesty in Council signify-

Colonial Secretary and Registrar to register Proclamations now in his custody relating to any Laws of this Colony, with His Majesty's Orders in Council, signifying his allowance or disallowance of the same.

ing His Majesty's Allowance or Disallowance of the same, which said Proclamations and Orders in Council shall be registered within Six Months from the Publication hereof.

Time limited for such Registration.

II. *And be it further enacted*, That the said Colonial Secretary and Registrar shall, within Thirty Days after the same may come into his custody, possession or power, register in the same Book all Orders of His Majesty in Council signifying His Majesty's Royal Allowance or Disallowance of any Act or Acts which may have passed the said Legislature, but on which the Royal pleasure has not yet been signified, and all such Orders of His Majesty in Council as may relate to the Allowance or Disallowance of any Acts which may hereafter pass the same, together with the Proclamations notifying the said Royal Allowance or Disallowance.

Colonial Secretary, &c. within 30 days after the same comes into his possession, to register all future Orders of His Majesty in Council respecting Laws of this Colony, and all Proclamations thereon.

III. *And be it further enacted*, That the said Registrar shall be paid by the Government of this Island the customary Fees for registering all such Despatches or Documents contemplated by this Act as are allowed and paid for registering Deeds and Papers in the said Office of Registry.

Allowance to Colonial Secretary and Registrar for this duty.

IV. *And be it further enacted*, That in all cases where it may be necessary to give such Proclamations or Orders in Council in Evidence, a certified copy of the same, under the hand of the said Registrar, or his Deputy, shall be taken and deemed to be as good as if the original had been produced and duly proved.

Copies of such Proclamations and Orders, certified under hand and seal of Registrar or his Deputy, to be deemed as good evidence as if original were produced.

CAP. XV.

An ACT for shortening the duration of Colonial Parliaments, from the space of Seven Years to that of Four.

[Passed, April 6th, 1833.]

Preamble.

WHEREAS it is enacted, by a Law which passed the Legislature of this Island in the Forty-seventh year of the Reign of His late Majesty King George the Third, intituled *An Act to repeal an Act made and passed in the Forty-first year of His present Majesty's Reign, intituled An Act for the better regulation of Elections, and to regulate Elections for Members to serve in General Assembly in future*—that every Assembly hereafter to be called for this Island shall continue for the space of Seven Years, from the day of the Return of the Writs; and no longer :

Preamble.

And whereas it would tend to strengthen the confidence of the Public in the Popular Branch of the Legislature, and also prove conducive to the purity and independence of that Body, were the sense of the People, agreeably to ancient usage, more frequently appealed to :

Assembly in future shall only continue in duration for 4 years from the day of the Return of the Writs of Election, subject to be sooner dissolved by Lt. Governor, &c.

I. Be it therefore enacted, by the Lieutenant Governor, Council, and Assembly, That from and after the Publication of this Act, every Assembly shall continue in duration only for the space of Four Years, from the day of the Return of the Writs for the calling of the same, and no longer—subject, nevertheless, to be sooner prorogued or dissolved by the Governor, Lieutenant Governor, or Administrator of the Government for the time being, whenever he may think the same necessary for the benefit of this Island.

Repeals 16th clause of the Act of the 47th year of King Geo. the 3d,

II. And be it further enacted, That the Sixteenth clause of an Act made and passed in the Forty-seventh year of the reign of His late Ma-

jesty King George the Third, intituled *An Act to repeal an Act made and passed in the Forty-first year of His present Majesty's reign, intituled An Act for the better regulation of Elections, and to regulate Elections for Members to serve in General Assembly in future*, be, and the same is hereby repealed.

repealing Act of the 41st year of the same King, for the better regulation of Elections, &c.

III. *And be it further enacted*, That nothing in this Act contained shall have any force or effect until His Majesty's pleasure thereon shall be known.

Suspending clause.

C A P. XVI.

AN ACT to authorize the appointment of COMMISSIONERS to superintend the extending and completing of the PUBLIC WHARF of Charlotte-Town.

[Passed, April 6th, 1833.]

BE it enacted, by the Lieutenant Governor, Council, and Assembly, That it shall and may be lawful for the Lieutenant Governor, or other Administrator of the Government for the time being, to nominate and appoint Five Commissioners, to superintend the extending and completing the Public Wharf of Charlotte-Town; which said Commissioners, or the major part of them, are hereby authorized to make such Contract for the purchase of materials for that purpose, and for workmanship, as they, or the major part of them, shall think proper: *Provided*, that no Contract entered into by such Commissioners shall exceed Five Hundred and Seventy Pounds in amount.

Lt. Governor, &c. to nominate 5 Commissioners to superintend the extending the Public Wharf of Charlotte-Town.

Duty of Commissioners.

Proviso.

II. *And be it further enacted*, That the said Commissioners, or the major part of them, shall without delay procure proper Plans of the said Work, and Estimates of the expense of materials

Further duty of Commissioners.

and workmanship necessary to complete the same, which, together with all Contracts that shall be entered into by the said Commissioners, shall, previous to their being executed, be laid before the Lieutenant Governor, or other Administrator of the Government for the time being, in Council, for approval.

Lt. Governor, &c. in Council to draw Warrants on the Treasury for sums appropriated for the purposes of this Act when requested by the Commissioners, or the major part of them.

III. *And be it further enacted,* That the Lieutenant Governor, or other Administrator of the Government for the time being, in Council, be, and he is hereby empowered to draw Warrants on the Treasury, at the Requisition of such Commissioners, or the major part of them, for the Sum or Sums so appropriated, or any part or parts thereof, at such times and in such proportions as to the Commissioners, or the major part of them, may appear necessary.

In the event of the death, absence, or resignation of any Commissioner, Lt. Governor, &c. may appoint another.

IV. *And be it further enacted,* That in case of the Death, Absence, or Resignation of any such Commissioner or Commissioners, it shall and may be lawful for the Lieutenant Governor, or other Administrator of the Government for the time being, to nominate and appoint a Commissioner or Commissioners in his or their stead, who shall have the like Power and Authority as is conferred by this Act upon the other Commissioners.

CAP. XVII.

AN ACT to incorporate the TRUSTEES of SAINT ANDREW'S COLLEGE, in King's County.

[Passed, April 6th, 1833.]

Preamble.

WHEREAS the Right Reverend Æneas Bernard Maceachern, Roman Catholic Bishop of Charlotte-Town, did, on the Thirtieth day of November, One Thousand Eight Hundred and Thirty-one, open and establish a College at Saint Andrew's, in King's County, which is commonly called the

Saint Andrew's College: *And whereas*, the said Right Reverend Æneas Bernard Maceachern hath, by Lease and Release, bearing date the Eighteenth day of January, One Thousand Eight Hundred and Thirty-three, given up all his individual Claim, Title and Interest in and to the said College, with certain Lands, Tenements and Hereditaments thereunto belonging, as declared and set forth in the said Lease and Release, unto the Right Reverend Æneas Bernard Maceachern, Roman Catholic Bishop of Charlotte-Town; the Right Reverend William Fraser, Roman Catholic Bishop of Tanen; the Reverend Bernard Donald Macdonald, of Charlotte-Town aforesaid; the Reverend Sylvanus Perry, Belle Alliance, in Prince County; John Small Macdonald, of the West River, in Queen's County, Esquire; Daniel Brenan, of Charlotte-Town aforesaid, Esquire; Angus Macdonald, of Three Rivers, in King's County, Esquire; and Donald Macdonald, of Tracadie, in Queen's County, Esquire—their Heirs and Successors, as Trustees of said College, to have and to hold the said Lands, Tenements and Hereditaments, in Fee Simple forever, for the use and benefit of the said College.

Preamble.

And whereas, also, it is necessary, for the better regulation thereof, to render the said Trustees a Body Corporate and Politic, with perpetual succession, as hath been signified and prayed for by the humble Petition of the Right Reverend Æneas Bernard Maceachern aforesaid—

Preamble.

I. *Be it therefore enacted, by the Lieutenant Governor, Council, and Assembly*, That the said Right Reverend Æneas Bernard Maceachern, the Right Reverend William Fraser, the Reverend Bernard Donald Macdonald, the Reverend Sylvanus Perry, John Small Macdonald, Daniel Brenan, Angus Macdonald and Donald Macdonald, and their Successors for ever (which said Successors shall be elected and chosen in way and manner hereinafter mentioned,) shall be, and they are

Incorporates the Trustees named in the Trust Deed of St. Andrew's College in King's County, and their Successors.

Style of Corporation.

Powers of Corporation.

Proviso.

Five Members of Corporation to form a Quorum.

Lands held by the Trustees named in the Trust Deed to be holden by Corporation for the uses and trusts expressed in said Deed.

Corporation may hold real or personal Estate, not to exceed in value a net yearly income of £2000 sterling.

hereby constituted and declared a Body Corporate and Politic, in name and in deed, and by the name and style of 'The Trustees of the Saint Andrew's College,' shall be a perpetual Corporation, and shall have succession for ever, and a common Seal, with power to break, change and alter the same from time to time, at pleasure, and shall be in Law capable of suing and being sued, pleading and being impleaded, defending or being defended, answering or being answered unto, in all Courts of Judicature, in all manner of Actions, Suits, Complaints, Matters and Causes whatsoever; and also of contracting and being contracted with, relative to the Funds of the said Corporation, and the business and purposes for which it is hereby constituted, as is herein after declared; and may make, establish and put in execution, alter or repeal, such By Laws, Rules, Ordinances and Regulations, not contrary to the Laws of this Island, or the Provisions of this Act, as the said Corporation may think necessary and expedient for the better regulation and management thereof. *Provided always*, that Five of the members of the said Corporation shall be a Quorum, for all matters and business to be done or transacted by the said Corporation, not hereinafter provided for.

II. *And be it further enacted*, That the Lands, Messuages and Tenements aforesaid, held by the Trustees named in the before mentioned Lease and Release, shall be holden by the said Corporation, to stand and be possessed thereof forever, to and for the several Trusts and Purposes expressed and set forth in said Lease and Release, so far as this Act shall not alter or affect the same.

III. *And be it further enacted*, That it shall and may be lawful for the said Corporation to purchase any Real or Personal Estate, or accept such as may be gratuitously given, granted or bequeathed for the use and benefit of the said College, which shall not, together with that already holden by the said Trustees as aforesaid, exceed the net yearly value or income

of Two Thousand Pounds sterling; and that the said Corporation shall and may sell, alienate or dispose of the said Real or Personal Estate, so purchased, granted or bequeathed, from time to time, as they may see fit.

IV. *And be it further enacted,* That when a vacancy shall happen in the said Corporation by death, resignation, or other removal of either or any of the before named Right Reverend Æneas Bernard Maceachern, Right Reverend William Fraser, Reverend Bernard Donald Macdonald, Reverend Sylvanus Perry, John Small Macdonald, Daniel Brenan, Angus Macdonald or Donald Macdonald, or either or any of their Successors in office, the said vacancy shall be filled up and supplied by the person who shall be duly elected by the votes of the greatest number of such as may be entitled to vote at the said Election.

Mode of filling up Vacancies that may happen in Corporation, by death resignation, or removal.

V. *And be it further enacted,* That no Person shall be authorized or have power to vote for the election of a Trustee or Member of the said Corporation, except such as shall have subscribed and paid towards the support of the said College the Sum of Three Pounds annually, for at least Two Years previous to such Election; or such Person as shall have given, either by gift or otherwise, the Sum of Forty Pounds, which Sum shall entitle him to vote at the Election of a Member of said Corporation as often as occasion may be during his life; or any one of the before named Trustees and their Successors in Office forever.

Qualification of persons authorized to vote for the Election of Trustees.

VI. *And be it further enacted,* That in case there be no such Subscribers or Donors as aforesaid, then and in such case it shall and may be lawful for any Five of the surviving or remaining Members of said Corporation to choose or elect by their unanimous votes a person to fill up any vacancy that may occur in said Corporation: And

In the event of there being no persons qualified as aforesaid, remaining Trustees may elect others.

Duty of persons so elected.

the person elected in the manner hereinbefore directed shall not have any power or authority to exercise his functions as a Member of said Corporation until his said Election shall be duly registered in the proper Register Office within this Island, which Registry shall be on the production of a Certificate signed by at least Five of the Members of the said Corporation, and on the Oath of one of them, or any other subscribing Witness thereto.

Proviso.

Not more than 4 of the Members of Corporation to be in holy orders.

VII. *Provided always, and be it further enacted,* That not more than Four of the Members of said Corporation shall be Clergymen, or men in Holy Orders.

A Book to be kept by Corporation in which By Laws, &c. are to be entered;

VIII. *And be it further enacted,* That there shall be a Book or Register kept by the said Corporation, in which shall be contained the By Laws, Rules and Regulations that may be made or put in execution from time to time, for the Government and Management of the said College, as well as the Proceedings that may from time to time take place in the filling up of Vacancies, and also a regular list of such persons as may contribute towards the support of the said College, either by Gift, Bequest or Annual Subscription, expressing the exact amount of the same; which Book or Register shall at all times be open to the inspection of His Excellency the Lieutenant Governor, or other Administrator of the Government for the time being, of His Majesty's Council, and the House of Assembly.

and also a list of Donors with amount of their gifts,

which is to be open for the inspection of Lt. Governor, Council or Assembly.

IX. *And be it further enacted,* That the said Corporation shall not have any power or authority, by virtue of this Act, to make any such By Laws, Rules or Regulations as may be considered in any manner whatsoever a religious Test; nor shall interfere with any individual Student thereof in matters of Religion, nor compel or request any of them to attend at Prayers, or any Ceremony of or

Corporation not to impose any religious Test on Students, nor interfere with or request any Student to attend any ceremony of the Catholic Church,

relating to the Catholic Church, except such only as shall belong to said Church.

except such Students as profess the Catholic Religion.

X. *And be it further enacted,* That all Deeds of Gift and Conveyance of Real Estate which shall be made to the said Corporation, shall be enregistered within Twelve Calendar Months after the Execution thereof, respectively, in the proper Office for the Registration of Deeds within this Island—which Registration the proper Officer is hereby required to make, at the request of the Bearer of such Deeds, respectively, on the payment of the usual Fees of said Office; and in default of such Registration as aforesaid, within the time aforesaid, the same shall be absolutely null and void, and of no more force or effect than if the same had not been made and executed.

Deeds of Gift and Conveyances of Real Estate to Corporation to be registered in the proper office of registration of Deeds within 12 Calendar months after execution.

XI. *And be it further enacted,* That nothing herein contained shall affect, or be construed to affect, in any manner or way, the Rights of His Majesty, His Heirs or Successors, or of any Person or Persons, or of any Body Corporate or Politic, such only excepted as are herein named.

Saving the Rights of His Majesty and others.

XII. *And be it further enacted,* That this Act shall be deemed a Public Act, and shall be judicially taken notice of as such, by all Judges, Justices of the Peace, and Ministers of Justice, and other Persons whomsoever, without being specially pleaded.

This Act to be deemed a Public Act.

CAP. XVIII.

An ACT for the Preservation and Improvement of the HERRING and ALEWIVES' FISHERIES of this Island.

[Passed, April 6th, 1833.]

WHEREAS the Herring and Alewives' Fisheries are of great benefit to this Island, and it being the opinion of many concerned therein, that the setting of Nets in the day time, or

Preamble.

leaving Nets set, or Stakes in the Water in the day time for the purpose of fastening Nets thereto, prevents the Herrings and Alewives from coming into the Rivers, Bays, Creeks, and Harbours of this Island, to shole as formerly; and it is highly necessary and proper that a Law should be passed for the Regulation and Preservation of the said Fisheries :

I. Be it enacted, by the Lieutenant Governor, Council, and Assembly, That from and after the passing of this Act, no Person or Persons shall set, or cause to be set, any Net or Nets in the day time, for the purpose of catching Herrings, Alewives, or any other kind of Fish, or shall leave any such Net or Nets set, or any Stakes for the purpose of fastening Nets thereto, in any of the Bays, Harbours, Rivers, or Creeks in this Island, between sunrise and sunset, except as is hereinafter mentioned: And any Person or Persons who may feel aggrieved thereby, may, and they are hereby required to give notice to the Owner or Owners thereof, or to any other person or persons intrusted with or concerned in such Net or Nets, to remove the same forthwith, with the Stakes or Fastenings; and on refusal or neglect; to proceed immediately to take up all such Nets, with all the Fastenings, they shall be subject and liable to a Penalty not exceeding *Twenty Shillings* for the first offence; and for the second offence shall, over and above the said Penalty, forfeit the Net or Nets, together with the Fish that may be therein—the said Fine to be recovered and disposed of as hereinafter mentioned.

Reasons not to set Nets in the day time for the purpose of catching Herrings, &c.

or leave any Nets or Stakes in any of the Bays, &c. in this Island, between sunrise and sunset.

Mode of abating nuisance.

Party offending to forfeit £1 for the first offence, and the Net or Nets, with any Fish therein, for the second offence.

Proviso.

Not to subject any person to a fine when gales of wind prevent the removal of such Nets.

Provided always, That this Act shall not subject any Person to a Fine or Penalty, when gales of wind or stress of weather would render it impracticable, or endanger the life of any Person

or Persons, to remove such Net or Nets in the day time, as may have been previously set.

II. *And be it further enacted*, That it shall and may be lawful for the Lieutenant Governor, or other Administrator of the Government, to appoint fit and proper Persons residing in the vicinity of any River, Bay, or other Fishing Station, for the purpose of regulating and deciding where Nets may be set in the day time for the purpose of catching Herrings when they may have shoed, or when the water may have become turbid or discoloured with spawn; and every such person so appointed shall have power, and is hereby authorized, to permit Nets to be set in the day time, under such circumstances and at such times as aforesaid, any thing in this Act contained to the contrary notwithstanding.

Lt. Governor, &c. may appoint persons in the vicinity of any River, &c. to regulate the setting of Nets, &c.

Duty of person so appointed.

III. *And be it further enacted*, That any Person or Persons who shall wilfully or designedly injure or destroy any Net or Nets set or placed for the purposes aforesaid, and properly buoyed or secured, shall, for every such offence, forfeit and pay to the party injured a Sum not exceeding *Five Pounds*, together with reasonable Costs, to be recovered as hereinafter mentioned.

Persons wilfully injuring any Net

to forfeit £5 and reasonable costs.

IV. *And be it further enacted*, That all Fines and Penalties arising under and by virtue of this Act shall be recovered on the Oaths of two credible Witnesses, before any one of His Majesty's Justices of the Peace, and paid to the Party who may sue for and recover the same: And all disputes which may arise respecting any Nets or Fish so seized and taken under and by virtue of this Act, shall be settled and determined by any Two of His Majesty's Justices of the Peace, on the Oaths of two credible Witnesses, the Party forfeiting the Net or Nets so seized paying all reasonable expenses.

Mode of recovery of all fines under this Act.

All disputes respecting Nets seized, to be settled by 2 Justices of the Peace.

V. *And be it further enacted*, That it shall

Authorizes any 3
Justices of the Peace
near to any Fishery
to make further
Rules, &c.

to prevent disorderly
conduct among
Fishermen.

Limitation of this
Act.

and may be lawful to and for any Three of His Majesty's Justices of the Peace, residing near to any such Fishing Station as aforesaid, to make and enforce such other and further Rules and Regulations as are not mentioned in this Act, as to them, or any Two of them, shall seem most proper, to prevent rioting or disorderly conduct amongst the Fishermen during the Fishing Season, and effectually to insure quiet and good order amongst them while so engaged.

VI. *And be it further enacted*, That this Act shall continue and be in force for Three Years; from and after the passing hereof, and from thence to the end of the then next Session of the General Assembly, and no longer.

CAP. XIX.

An ACT to repeal an Act made and passed in the Thirty-fifth year of the Reign of His late Majesty King George the Third, intituled *An Act for ascertaining the STANDARD of WEIGHTS and MEASURES in this Island*, and to make other provisions in lieu thereof.

[Passed, April 6th, 1833.]

Repeals an Act of
the 35th year of King
Geo. the 3d, for
ascertaining the

Standard of
Weights and Mea-
sures.

Weights and Mea-
sures to be according
to the Standard of
the Exchequer of
England in 1819.

BE it enacted, by the Lieutenant Governor, Council, and Assembly, That an Act made and passed in the Thirty-fifth year of the Reign of His late Majesty King George the Third, intituled *An Act for ascertaining the Standard of Weights and Measures in this Island*, and every matter, clause, and thing therein contained, be, and the same are hereby repealed.

II. *And be it further enacted*, That all Weights and Measures used in this Island shall be according to the Standard of the Exchequer of England, as it was in the year One Thousand Eight Hundred and Nineteen, when the Standard Weights

and Measures now in use here were first imported; and it shall and may be lawful, to and for the Lieutenant Governor, or other Administrator of the Government for the time being, to nominate and appoint a fit and proper person to be Assayer of Weights and Measures in Charlotte-Town, for Queen's County, who shall be duly sworn to the faithful discharge of his duty, and in whose care the present English Standard Weights and Measures, hitherto used for that purpose, shall be deposited; and the person so appointed as aforesaid shall, within One Calendar Month after such appointment, publish the same in the Public Newspapers within this Island, stating where his Office containing the said Standard Weights and Measures is situated.

It. Governor, &c. may nominate a fit and proper person to be Assayer of Weights and Measures for Queen's County, who is to be sworn to the faithful discharge of his duty.

Duty of person so appointed.

III. *And be it further enacted*, That it shall and may be lawful for the said Assayer of Weights and Measures, and he is hereby required, to assay and adjust all such Weights and Measures as shall be brought to his said Office, agreeably to the Standard aforesaid; and shall stamp and mark thereon the letters W. R., or with the Initials of the then reigning Monarch, and shall grant a Certificate of having assayed and stamped the same, for which he shall be entitled to receive the Sum of Sixpence for every Weight and Measure so stamped as aforesaid, and no more.

Further duty of Assayer.

IV. *And be it further enacted*, That from and after the publication hereof, no person or persons shall use any Weights or Measures in the Sale, Barter, or Exchange of any Commodity within this Island, without having the Weights and Measures assayed and stamped as aforesaid, under a Penalty of *Ten Shillings*, to be recovered before any one of His Majesty's Justices of the Peace within this Island, and to be levied by Warrant of Distress and Sale of the Offender's Goods and Chattels.

Persons using Weights or Measures not assayed

to forfeit 10s.

Mode of recovery of fine.

Proviso.

Not to affect persons using Weights, &c. already assayed

or which shall have the English Standard of 1819 marked thereon.

Further duty of Assayer.

Power of Assayer.

Persons using improper Weights, &c. to forfeit £5. and costs.

Mode of recovery of fine.

Lt. Governor, &c. to appoint one or more persons in Prince County and King's County, as Assayers of Weights, &c.

and to direct one or more sets of Weights, &c. to be made,

Provided always, That nothing herein contained shall extend, or be construed to extend, to affect persons using any Measures or Weights which shall have been Assayed and Stamped previously to the passing of this Act, or which shall have the English Standard of One Thousand Eight Hundred and Nineteen marked thereon, and which, when examined by the Assayer, shall be found correct.

V. *And be it further enacted,* That the Assayer of Weights and Measures, appointed as aforesaid, shall have full power and authority, and he is hereby empowered and authorized, to inspect all Weights and Measures, and for that purpose to visit once in every Three Months, or oftener if he shall see cause, the House, Shop, or Office of every person vending, exchanging, or bartering any Commodity by Weight or Measure, and to seize all such Weights and Measures as are not marked or branded as aforesaid, except such as are hereinbefore excepted; and upon proof that the said Weights and Measures, or any of them, are short of the Standard, and have been used by any person or persons in the Sale, Barter, or Exchange of any Commodity, such Person or Persons so using the said Weights or Measures shall, on due conviction thereof, forfeit and pay the sum of *Five Pounds*, together with the Costs of recovering the same—to be recovered before any Two of His Majesty's Justices of the Peace within this Island, to be levied by Warrant of Distress and Sale of the Offender's Goods and Chattels.

VI. *And be it further enacted,* That it shall and may be lawful to and for the Lieutenant Governor, or other Administrator of the Government for the time being, to appoint one or more persons in each of the Counties of Prince County and King's County respectively, to be Assayer of Weights and Measures; and to order and direct one or more additional sets of Weights and Measures to be made, agreeably to the Standard deposited in Charlotte-Town as

aforesaid—one complete set of said Weights and Measures to be furnished to each of the persons appointed aforesaid to be Assayers of Weights and Measures in King's and Prince Counties aforesaid—which persons when so appointed shall have the same power and authority, and be bound by and subject to the same Rules and Regulations as are hereinbefore prescribed respecting the Assayer of Weights and Measures in Charlotte-Town.

one set to be furnished to each person so appointed.

Power and duty of persons so appointed.

VII. *And be it further enacted*, That if any person selling, bartering, or exchanging by Weights or Measures, shall refuse admittance to any Assayer of Weights and Measures appointed as aforesaid for the time being, after he having declared the intent of his coming to execute the duty of his said office, the person or persons so refusing shall, for every such refusal, to be ascertained by the oath of the said Assayer, forfeit and pay the sum of *Forty Shillings*, with Costs of recovering the same, to be recovered in way and manner prescribed in the Fourth Section of this Act.

Persons selling, &c. by Weights, &c. refusing admittance to Assayer,

for every such refusal to forfeit £2 and costs, to be recovered as prescribed in 4th Section.

VII. *And be it further enacted*, That from and after the passing hereof, no person being in command or charge of any Vessel loading with Agricultural Produce to be exported from this Island, shall take or receive any such Agricultural Produce on board of any Vessel as aforesaid, without having first measured the same in a Measure regularly Stamped and Assayed by any Assayer of Weights and Measures within this Island—which said Measure shall be made of good Hardwood, well bound with iron hoops, and in a cylindrical form, and to contain as follows—that is to say, the Measure for Potatoes or Turnips shall contain water measure, or level with the edge or brim, Three Winchester Bushels struck measure, which shall be taken as two and a half Bushels heaped measure; and the Measure for all kinds of Grain shall be agreeable to the present Standard: And any Master or other person having charge of a Vessel receiving Agricul-

Persons in command of any Vessel loading with produce,

to be provided with Stamped Measures.

Description of Measures.

Persons in charge of Vessels receiving

produce without such Measures,

to forfeit for each offence £1 and costs.

Mode of recovery of fine.

Proviso.

Not to extend to prevent any person from loading his own Vessel with his own produce, or any person loading one Vessel to put the Cargo on board without such Measures.

Appropriation of fines under this Act.

tural Produce as aforesaid, without having constantly on board the hereinbefore directed Measure, shall, on proof thereof, before any of His Majesty's Justices of the Peace for this Island, forfeit and pay for every such offence the sum of *Twenty Shillings*, with Costs, to be levied by Warrant of Distress and Sale of the Offender's Goods and Chattels; and in case of no Goods or Chattels whereon to levy, the said Offender shall be imprisoned for *Six Days* in the Common Jail of Charlotte-Town.

IX. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to prevent any person or persons from loading their own Vessels with their own Produce, or any Person loading the whole of any one Vessel to put such Produce on board without the before mentioned Measures, in case it be mutually agreed on between himself and the Master to do so.

X. And be it further enacted, That all Fines and Penalties arising from and by virtue of this Act, shall be paid, one half thereof to and for the use of His Majesty's Government of this Island, and the other half to the person or persons who shall prosecute for the same.

CAP. XX.

An ACT to enable the several Congregations of the Church of England in this Island to choose CHURCH-WARDENS and VESTRIES, and for Incorporating the same, and to repeal the former Act for appointing Vestries.

[Passed, April 6th, 1833.]

Preamble.

WHEREAS the Act passed in the Twenty-first year of the Reign of His late Majesty King George the Third, intituled *An Act appointing Vestries*, is in its operation confined to the Parish of Charlotte: *And whereas* it will be conducive to the good government and interest of the Church

of England in this Island, if the provisions of the said Act extended to the several Counties and Parishes within this Island:

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Assembly,* That from and after the publication of this Act, it shall and may be lawful, to and for the persons composing the Congregation of each and every Church erected and formed, or hereafter to be erected and formed, within this Island, being of the Church of England as established by Law, to meet annually on Tuesday in Whitsuntide week, at such time as the Minister duly licensed and appointed to the said Church of which such Congregation are members shall appoint (notice having been given from the Pulpit at least one Sunday previous to the said day of meeting), and then and there to proceed to the Election of *Eight* fit and proper Persons professing the Faith of the Church of England, to be the Vestry of the said Church, out of which number, the said Vestry so elected, together with the Minister, shall make choice of two fit and discreet Persons to be the Church-wardens of the said Church; which said Church-wardens and Vestry, so elected, chosen and appointed, shall have such powers and authorities for the benefit of the said Church as are usually exercised by the Church-wardens and Vestries in the Parish Churches of England, and shall, together with the Minister of the said Church, be, to all intents and purposes, a Body Politic and Corporate, in Deed and in Name, by the Stile and Title of the Minister, Church-wardens, and Vestry of the Church of _____ according to the name of the Church and of the Parish in which the same may be situate; and by thatname to have perpetual succession, and to sue and be sued, answer and be answered unto, and to sell or let the Pews of their respective Churches; and to ask, demand, sue for, levy, recover and receive the Purchase Monies of the same; and to sue for, levy, recover, and receive all Rates and

Congregations of Churches of England now erected, or hereafter to be erected, in this Island, to meet annually on Tuesday in Whitsuntide week.

Minister to give notice one Sunday previous to the meeting, and may choose a Vestry, &c.

Powers of Vestry, &c.

Incorporates Minister, Churchwardens, and Vestry.

Stile of Corporation.

Powers of Corporation.

May hold and possess gifts of Lands, Goods, &c.

not to exceed £1000 in yearly value.

Minister, &c. may call public meetings after notice given. Purport of notice.

Power of meetings to fix rate of Pews and Assessments for church purposes.

Proviso.

No rate to be valid unless a majority of the Pewholders be present at such meeting.

Congregation may elect Clerk, &c. and fix Salaries, &c.

Proviso.

Clerk to be subject to approval of Minister.

Assessments that may be imposed and made, under and by virtue of this Act; and to take, receive and hold, use, possess, and enjoy, all Gifts and Grants, Public and Private, as well of Lands and Tenements, as of Money, Goods, and Chattels, according to their best discretion, and according to the true intent and meaning of the Donors; provided that the same shall not exceed in yearly value the sum of One Thousand Pounds, for each and every Church, respectively.

II. *And be it further enacted*, That it shall and may be lawful for the Minister, Church-wardens and Vestry of each Church, respectively, from time to time, as they may see fit, to call a Public Meeting of the Congregation thereof—due notice immediately after divine service having been given, at least Three Sundays previous to such intended Meeting, stating the purposes for which the same is called—which Meeting, when so assembled, shall have power to fix the rate of Pews, and to make and order such Levies and Assessments, to and for the necessary purposes of the said Church, as to the majority of them may seem meet, and to cause such repairs, alterations and improvements to be made as to them shall seem necessary.

Provided always, that no Rate, Levy or Assessment shall be deemed valid, unless there shall have been present at the making thereof a majority of the Pewholders, either by themselves, or by some person or persons duly authorized to act for them.

III. *And be it further enacted*, That it shall and may be lawful to and for such Public Meeting of the Congregation to elect and appoint the Clerk, Organist, Sexton, Beadle, Verger, and other Officers, and to fix the rate of salary to be paid to each respectively.

Provided always, that the Clerk so chosen shall be subject to the approval of the Minister of such Church; and on his signifying his disapproval of such choice, the said Congregation shall proceed to elect

another in the room of the Person so disapproved of, which said Person, so last elected, shall be likewise subject to the approval of the said Minister.

IV. And to prevent disputes as to the liability of Persons to be rated and assessed, under and by virtue of this Act,—*Be it further enacted*, that the Congregations of the said Churches, respectively, liable to be rated and assessed for the support of the said Churches, shall be composed of and consist of the Pewholders, and such other Persons who claim to be present and vote at the Election of the Churchwardens, Vestry, and other Officers of the said Church, and none other.

Persons liable to be rated, to be Pewholders and other persons who claim to be present and vote at such meetings.

V. *And be it further enacted*, That it shall and may be lawful to and for the Minister, Churchwardens and Vestry, of their respective Churches, to make such By Laws, Rules and Regulations respecting the good government of such Church, the preservation of the property thereof, and the mode and manner by which persons who may conceive themselves aggrieved by Rate, Levy, Assessment or otherwise, may have redress, and appeal as to them shall seem expedient.

Minister, Churchwardens and Vestry to make By Laws, &c.

Provided always, That no such By Laws, Rules or Regulations, shall have any force or effect until the same shall have been submitted to and approved of by a Public Meeting of the Congregation, to be called for that purpose in manner hereinbefore pointed out.

Proviso.

By Laws not to have any force until approved of at a public meeting.

VI. *And be it further enacted*, That an Act made and passed in the Twenty-first year of the Reign of His late Majesty King George the Third, intitled *An Act appointing Vestries*, be, and the same is hereby repealed.

Repeals Act of the 21st year of King Geo. the 3d, appointing Vestries.

CAP. XXI.

An ACT to regulate the WEIGHT and QUALITY of BREAD within the Town and Royalty of Charlotte-Town.

[Passed, April 6th, 1833.]

BE it enacted, by the Lieutenant Governor, Council, and Assembly, That from and after the passing of this Act, the Weight of all Bread made for sale, or sold or exposed to sale, within the Town or Royalty of Charlotte-Town, except Fancy Bread, shall be made in Loaves of Six Pounds, Four Pounds, Two Pounds, or One Pound avoirdupois, and no other Weights.

II. *And be it further enacted*, That the Bread which shall be sold or made, or exposed to sale, shall always be well-made of good and wholesome Wheaten Flour, to which no other preparation or ingredient shall be added than common salt, pure water, eggs, milk, yeast and barm, on pain that every person, other than a Servant or Journeyman, who shall knowingly offend in the premises, and be convicted thereof by confession, or the oath of one Witness, before any Justice of the Peace, shall forfeit and pay not more than Three Pounds, nor less than Twenty Shillings, or shall be committed to the Gaol of Charlotte-Town for any time not exceeding Fourteen days nor less than Seven days, from the time of such commitment, as such Justice shall think fit; and if any Servant or Journeyman shall knowingly offend, and be convicted as aforesaid, he shall forfeit not more than Forty Shillings nor less than Twenty Shillings, or shall be committed as aforesaid. And it shall be lawful for the Justice before whom any such offender shall be convicted, out of the Money forfeited, when recovered, to cause the offender's name and offence to be published in some Newspaper printed in the said Town or Royalty.

All Bread for Sale within the Town or Royalty of Charlotte-Town, to be made in Loaves of 6lbs. 2lbs. or 1lb.

Bread to be well made of good Wheaten Flour, with no other ingredient than salt, water, &c.

Bakers offending therein to forfeit not more than £3 nor less than 40s.

Journeyman offenders to forfeit not more than 40s. nor less than 20s.

Offenders' names to be published in newspapers.

III. *And be it further enacted,* That if any Person or Persons who shall make any Bread for sale, or who shall send out, sell, or expose to sale, any Bread, shall, at any time, from and after the passing hereof, make, send out, sell, or expose to sale, any Bread which shall be deficient in Weight, he, she or they so offending in the premises, and being convicted thereof, in manner hereinafter prescribed, shall forfeit and pay a sum not exceeding Five Shillings nor less than One Shilling for every ounce of Bread which shall at any time be wanting or deficient in the weight which every such Loaf ought to be of; and for every Loaf of Bread which shall be found to be wanting less than an ounce of the weight the same ought to be, shall forfeit and pay a sum not exceeding Two Shillings and Sixpence, nor less than Sixpence, as such Justice or Justices before whom any such Bread which shall not be of the due weight the same ought to be shall be brought, shall think fit to order, so as such Bread so deficient in weight be brought before such Justice or Justices within Twenty-four hours after the same shall have been baked, sold, or exposed to sale; unless it shall be made out to the satisfaction of such Justice or Justices that such deficiency wholly arose from some unavoidable accident in baking, or otherwise, or was occasioned by or through some accident, contrivance or confederacy.

IV. *And be it further enacted,* That from and after the passing of this Act, every person who shall make, send out, or expose to sale, any sort of Bread whatsoever, except Fancy Bread, shall from time to time cause to be fairly imprinted or marked on every Loaf, in Roman characters, the Initial Letters of the Christian and Surname of the Baker or Manufacturer thereof, together with their respective weight, in figures, agreeably to the First Section of this Act; and that every person who shall make for sale, or shall sell, carry out, or expose to sale, any Loaf allowed to be made by this Act, which shall not be marked

Bakers selling or exposing Bread deficient in weight, to forfeit a sum not exceeding 5s. nor less than 1s. for each ounce deficient.

For Loaves wanting less than one ounce Bakers to forfeit a sum not exceeding 2s. 6d. nor less than 6d.

Complaint of deficiency of weight to be made within 24 hours.

Bakers shall imprint their initials on all sorts of Bread sold or exposed for sale.

Offenders herein to

forfeit a sum not exceeding 20s. nor less than 5s.

Clerk of the Market to visit Bakehouses, Shops, &c. once in each week

under a penalty of 5s. for every neglect. Clerk, &c. to enter in the day time any Shops &c. of any Baker, &c.

to search, weigh and try all Bread there found;

and if deficient in weight, may seize the same.

Any person obstructing such search, to forfeit a sum not exceeding 40s. nor less than 20s.

pursuant to the directions hereof, shall, for every time he, she or they shall offend in the premises, and be convicted thereof, in manner hereinafter prescribed, forfeit and pay a Sum not exceeding Twenty Shillings, nor less than Five Shillings, as any Justice or Justices before whom the Offender shall be convicted shall order, for every Loaf of Bread not marked as is hereby directed.

V. *And be it further enacted*, That the Clerk of the Market within the said Town and Royalty shall visit the Houses, Bakehouses or Shops, and other places, of every Baker or Seller of Bread at least one day in every Week, under pain of Forfeiting the Sum of Five Shillings for every time he shall neglect to do so; and that it shall be lawful for the Clerk of the Market aforesaid, or for any Justice of the Peace, or for any Constable thereto authorized by Warrant of any Justice, to enter in the day time into any House, Shop, Bakehouse or Outhouse, or other place, belonging to any Baker or Seller of Bread, and to search, view, weigh and try all or any Bread which shall there be found; and if any Bread shall, on any such search or trial by any Justice, Clerk or Clerks of the Market, as aforesaid, or on proof made before any Justice by the Oath of one credible Witness, be found to be deficient in Weight, or not truly marked, or deficient in the due Baking or Working thereof, such Justice, Clerk or Clerks of the Market, or Constable, may seize the same, and dispose thereof to poor persons, as such Justice, or any other Justice respectively, shall think fit: And if any Person or Persons whomsoever shall obstruct or oppose any such Search or Seizure of Bread, he, she or they shall forfeit and pay a Sum not exceeding Forty Shillings, nor less than Twenty Shillings each, for every such offence.

VI. *Provided always, and be it further enacted,* That if any Baker shall make it appear to any such Justice, that any offence for which he shall have paid the Penalty was occasioned by the wilful neglect or default of his Journeyman or Servant, the said Justice shall issue his Warrant for bringing such Offender before him, or some other Justice, who, on conviction, shall order what reasonable Sum shall be paid by the said Offender by way of recompense; and if he do not immediately pay the same, the said Justice shall commit him to the Jail of Charlotte-Town, there to remain for any time not exceeding Thirty Days, unless payment be sooner made.

Proviso.

If Baker shall prove that any offence for which he has paid penalty, has been occasioned by wilful neglect of his Journeyman, &c.

Justice may order offender to pay a reasonable recompense,

or commit him to Jail for a period not exceeding 30 days.

VII. *And be it further enacted,* That it shall be lawful for any of His Majesty's Justices of the Peace within the said Town or Royalty, to hear and determine in a Summary Way all Offences against this Act, and for that purpose to summon before them or any of them any Party accused of having so offended; and if the Party accused shall not appear on Summons, then, upon Oath of any credible Witness of any offence committed against this Act, any such Justice or Justices shall proceed to determine the said complaint; and in the event of the party accused appearing on such Summons, any such Justice or Justices is and are hereby authorized to examine any Witness or Witnesses on Oath, who shall be offered on either side, touching the matter complained of; and if any Money or Penalty forfeited for any such Conviction be not paid within Twenty-four Hours after default or conviction, such Justice or Justices shall issue his or their Warrant of Distress against the Goods and Chattels of such Offender or Offenders; and if within Five Days after such Distress taken the Money forfeited shall not be paid, the Goods seized shall be sold, rendering the overplus, if any, after payment

Mode of recovering penalties imposed by this Act.

of the Penalty, and the Costs and Charges of Prosecution, Distress and Sale, to the Owner; and for want of Goods and Chattels on which to distrain, such Offender or Offenders shall be committed to the Jail within the said Town, there to remain for the space of not more than Fourteen Days nor less than Seven Days, unless such Penalty or Forfeiture, Costs and Charges, shall be paid before the expiration of such term of his or their Commitment; and all such Penalties and Forfeitures, when recovered, shall be paid one half to the Informer and the other half be paid into the Treasury of this Island.

Proviso.

Party aggrieved by any decision of Justice, may appeal. Mode of obtaining appeal.

Power of Supreme Court therein.

VIII. *Provided always, and be it further enacted,* That any Person or Persons convicted of any Offence against this Act, who shall think him, her or themselves aggrieved by such Conviction, shall have liberty, from time to time, to appeal to His Majesty's Supreme Court of Judicature at its then next Sitting, and upon due Security given by Recognizance, as in cases for the Recovery of Small Debts, the Execution of such Judgment of Conviction shall be suspended; and the Justices of the said Supreme Court are hereby empowered to hear and determine such Appeal, and to award such Costs as to them shall appear just and reasonable, to be paid by either Party; and if such Conviction shall be affirmed, in default of such Appellants paying the Sum which he, she, or they, shall have been adjudged to have forfeited, with Costs, as aforesaid, he, she, or they shall be committed to the Jail of Charlotte-Town, there to remain for the space of One Calendar Month, unless such Forfeiture and Costs shall be sooner paid; and if the Appellant or Appellants shall make good their Appeal, and be discharged of such Conviction, reasonable Costs shall be awarded against the Informer, to be recovered as

Costs given to Appellants on Appeals in the said Supreme Court are recoverable.

IX. And be it further enacted, That if any Action or Suit shall be commenced against any Justice or Justices, Clerk or Clerks of the Market, Constable or other Person, for any thing done or committed by virtue of or in pursuance of this Act, it shall be commenced within Fourteen Days next after the same shall be alleged to have been committed, and not afterwards; and the Defendant or Defendants in any such Action may plead the general issue, and give this Act and the special matter in evidence, at any trial to be had thereupon, and that the same was done in pursuance and by virtue of this Act.

Any action against Justice, &c. for any thing done in pursuance of this Act to be commenced within 14 days after the same is alleged to be committed.

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

Limitation of this Act.

C A P. XXII.

An ACT for Establishing a COURT OF DIVORCE, and for preventing and punishing INCEST, ADULTERY and FORNICATION.

[Passed, April 6th, 1833.]

WHEREAS it is necessary, in order to the keeping up of a decent and regular Society, that the Matrimonial Union be protected, and that a Court be forthwith constituted for cases of Divorce and Alimony:

Preamble.

I. Be it therefore enacted, by the Lieutenant Governor, Council, and Assembly, That from and after the publication hereof, all Causes, Suits, Controversies, Matters and Questions touching and concerning Marriage, and Contracts of Marriage, and Divorce, as well from

All controversies concerning Marriage and Divorce

to be determined by
Lieut. Governor and
Council,

who are constituted
a Court for that
purpose.

Proviso.

Nothing in this Act
to controul the rights
of any other Court,
and no sentence of
the Court of Lt. Gov-
ernor, and Council
to affect the right of
action of any person.

Terms of holding
Court of Lt. Gover-
nor and Council.

the Bond of Matrimony as Divorce and Separation from Bed and Board, and Alimony, shall and may be heard and determined by and before the Lieutenant Governor, or other Administrator of the Government, and His Majesty's Council; and that the Lieutenant Governor, or other Administrator of the Government, and Council aforesaid, or any Five or more of the said Council, together with the Lieutenant Governor, or other Administrator of the Government, as President, be, and they are hereby constituted, appointed and established a Court of Judicature in the matters and premises aforesaid, with full authority, power and jurisdiction in the same. *Provided*, and it is hereby declared, that nothing herein contained shall deprive, diminish, controul, obstruct or abridge, or be construed, deemed, or extended to deprive, diminish, controul, obstruct or abridge, in any manner, the Rights, Powers, Authority, Judicature or Jurisdiction of the Court of Chancery, or of the Supreme Court of Judicature, or of any Inferior Court of this Island, in and touching the Matters and Premises aforesaid, or of any of them—and that no Sentence, Decree, Judgment or Proceeding of the said Court of Lieutenant Governor, or other Administrator of the Government, and Council, in any Information, Prosecution, Suit or Process, touching and concerning any Marriage or Contract of Marriage, or Divorce, or Alimony, shall take away, annul, bar, suspend, or in anywise alter or affect the right of Action of any Person or Persons for any injury or damage sustained for or by reason of any breach of any Covenant or Contract of Marriage.

II. *And be it further enacted*, That the said Court of the Lieutenant Governor, and Council, for the purposes and causes herein mentioned, shall commence and be held on the Second Mon-

day in May, in each and every year, with power to adjourn from time to time.

III. And whereas the arduous affairs of Government may render it impossible for the Lieutenant Governor, or other Administrator of the Government, at all times to preside in person in the Court aforesaid:

Preamble.

Be it further enacted, That it shall and may be lawful for the Lieutenant Governor, or other Administrator of the Government, by Warrant or Commission, under his Hand and Seal, to depute, constitute and appoint the Chief Justice of the Supreme Court of Judicature to preside in his place and stead in the said Court of the Lieutenant Governor and Council, and to have, hold and exercise all the Powers, Privileges, Authority and Jurisdiction of the Lieutenant Governor, or other Administrator of the Government, in the same Court—and that such Deputy or Vice-President shall have, hold and exercise all such Powers, Privileges, Authority and Jurisdiction, accordingly, as are hereby given and granted to the Lieutenant Governor, or other Administrator of the Government, in the same Court, in all the causes, matters and things therein cognizable by this Act.

Lt. Governor, &c. may appoint Chief Justice to preside in his stead.

IV. And for the more effectually preventing and punishing of Incest, Adultery, Fornication, and all acts of lewdness, and unlawful cohabitation and intercourse between man and woman:

Preamble.

Be it further enacted, That every Person who shall be hereafter lawfully convicted of any of the crimes aforesaid before the Supreme Court of Judicature, or any Court of Oyer and Terminer and Gaol Delivery in this Island, shall be punished by Fine and Imprisonment, or either of them, at the discretion of the Court in which such Offender or Offenders shall be convicted.

Persons convicted of Incest, &c. to be punished in Supreme Court or any Court of Oyer and Terminer and Jail delivery at the discretion of Court by fine or imprisonment.

V. *And it is hereby declared and enacted.* That the causes of Divorce from the Bond of Matrimony,

Causes of Divorce.

and of dissolving and annulling Marriage, are and shall be Frigidity or Impotency, Adultery, and Consanguinity within the degrees prohibited in and by an Act of Parliament made in the Thirty-second year of the Reign of King Henry the Eighth, intituled *An Act for Marriages to stand, notwithstanding pre-contracts*, and no other causes whatsoever.

Proviso.

In case of Divorce for Adultery, the guilty party not to be allowed to Marry again during the natural life of his or her Wife or Husband.

VI. *Provided always, and be it further enacted*, That in all cases of Sentence of Divorce from the Bond of Matrimony, for the cause of Adultery, the party who shall be adjudged to have committed the act of Adultery, shall, and is hereby declared to be debarred and incapacitated from again entering into the Bond of Matrimony, during the natural life of his or her former Wife or Husband, from whom he or she may have been Divorced, as aforesaid, any thing herein contained to the contrary thereof notwithstanding.

Proviso.

In case of divorce for adultery the Issue not be bastardized,

VII. *Provided also, and be it further enacted*, That in case of a Sentence of Divorce from the Bond of Matrimony, as aforesaid, the issue of such Marriage shall not, in any case, be Bastardized, or in any way prejudiced or affected with any disability thereby. *Provided also*, That the Wife, in such case, shall not be thereby barred of her Dower, or the Husband be deprived of any Tenancy, by the curtesy of England, unless it shall be so expressly adjudged and determined in and by such Sentence of Divorce.

nor the wife barred of Dower, nor the husband deprived of tenancy, unless by sentence

Suspending clause.

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

C A P. XXIII.

An ACT to empower the Administrator of the Government to SHUT UP such ROADS; or PARTS OF ROADS, as are no longer required.

[Passed, April 6th, 1833.]

WHEREAS it is deemed necessary and expedient to give the Administrator of the Government of this Colony such Jurisdiction as will enable him to Shut up any Roads, or parts of Roads in this Island, as are no longer required:

Preamble.

I. Be it therefore enacted, by the Lieutenant Governor, Council, and Assembly, That whenever any alteration shall be made in any Highway or Road in this Island, it shall and may be lawful for the Administrator of the Government for the time being, in Council, to order and direct that such Roads as may, in consequence of being altered, have ceased to be used by the Public, be shut up and closed; and also, that any part or parts of such Roads as may be included between the points of such alteration, be likewise stopped up and inclosed by the Proprietor or Proprietors of the Lands between such points of alteration as aforesaid, fronting on such old Road; and if more than one Proprietor, to take share and share alike, and after the aforesaid order or direction, the said old Road shall no longer be considered public. Provided that the altered or new part of the Road shall be made equally as good and as passable as the old Road, before the latter shall be shut up and closed as aforesaid. And provided also, that nothing herein contained shall extend, or be construed to extend, to authorize the Administrator of the Government, in Council, for the time being, to order any Public Road to be closed, until at least Six Months' Notice be given in any one or more of the Public Newspapers published on the Island, that application has been made to the said Administrator

Lt. Governor in Council may order and direct any Road not used by the Public to be closed,

and Proprietors of the soil adjoining to stop up any parts of such Roads as may be between any new line of Road or old Road so ordered to be closed.

Provided, that before old Road be closed the new line be made equally as good;

and Provided, that before any order to close a Road is made, notice shall be given for at least 6 Months in a Newspaper.

Contents of such Notice.

Road not to be closed if it appears the same will prove injurious to any one Person.

Minutes of Council authorizing the closing, altering, &c. of any Road, or a true Copy signed by the Clerk of Council, to be good evidence of such closing, &c. in all Courts in this Colony.

Limitation of this Act.

of the Government, in Council, to close up such Road as has been so abandoned by the Public, and such shall be stated in the Advertisement; and if on the investigating of any such application as aforesaid, one person should make it appear that the closing up of the said Road would prove injurious to him, or any other individual whatever, then and in that case the powers with which the Administrator of the Government in Council has been invested by this Act shall cease, and be of none effect whatsoever, as regards the said Road.

II. *And be it further enacted*, That the Entry or Minutes of Council containing any such Order of the Administrator of the Government of this Island, for the time being, in Council, authorizing and requiring any Road, or part of a Road, to be altered, stopped up, or discontinued as aforesaid, or a true Copy thereof, Certified by the Clerk of the Council, shall be received as Evidence of such alteration, stoppage, or discontinuance of Roads, or parts of Roads, having been made pursuant to Law, and shall be deemed and held as final and conclusive in that respect, by all Courts within this Island.

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

CAP. XXIV.

An ACT appointing Commissioners to superintend the re-printing of the Laws of this Island.

[Passed, April 6th, 1833.]

Preamble.

WHEREAS the Statutes of the Colony are out of Print, and from that circumstance, and the various alterations that have taken place in the numerous Laws now in force, it has become necessary that the Statutes be re-printed:

And whereas it is requisite that this important object should be accomplished without delay—

Preamble.

I. *Be it therefore enacted, by the Lieutenant Governor, Council, and Assembly,* That for the more speedy execution thereof, the Honorable Robert Hodgson, Charles Binns, Esquire, and William Cullen, Esquire, are hereby appointed Commissioners to carry this Act into effect; and in case of the death or absence of any of the said Commissioners from this Island, the Lieutenant Governor is hereby authorized to nominate and appoint a fit and proper Person in his stead, and the Person so appointed shall have the like Powers and Authority as is conferred by this Act upon the Commissioners hereinbefore named.

Commissioners named to carry this Act into effect.

In the event of death or absence, the Lt. Governor, &c. may appoint others.

II. *And be it further enacted,* That the said Commissioners hereby appointed shall have full power and authority, and they are hereby directed, to Agree and Contract with the Person or Persons who will engage, under good and sufficient Security, to Print the Laws of this Colony on the best and lowest terms; having previously given One Month's Notice thereof in the Royal Gazette Newspaper.

Commissioners to have full power to contract for Printing the Laws of this Colony.

III. *And be it further enacted,* That the Persons so appointed Commissioners as aforesaid, or who may hereafter be appointed, are hereby authorized and required to superintend the Printing of the Laws as aforesaid, and shall have full power and authority to cause the same to be done and performed, in such way and manner as to the said Commissioners may seem most desirable. And the said Commissioners are hereby authorized to leave out of the Book so to be printed, all Laws the provisions of which have been executed or repealed. Provided, that nothing herein contained shall authorize the said Commissioners to leave out of the said Statute Book, any Law or Statute from which the Title

Duty of Commissioners, and their power.

of any Lands or Tenements is derived, or which in any manner may affect the same.

Commissioners invested with power to sue for Penalties for breach of Contract,

IV. *And be it further enacted,* That the said Commissioners for the time being, are hereby authorized, in their joint names, to Sue for and Recover the Penalty or Penalties contained in any Agreement entered into by them for the Printing as aforesaid, if the Contract so made shall not be faithfully performed and executed; and the said Commissioners are hereby authorized to Agree and Contract with some other Person or Persons for the completion of such Printing. The Penalty so to be recovered to be paid into His Majesty's Treasury, to and for the use of His Majesty's Government.

and agree with some other Person.

Penalty when recovered, how to be applied.

V. *And be it further enacted,* That it shall be part of the Duty of the said Commissioners, and they are hereby required, to make a proper and full Analytical Index to the said Laws, to be Printed and Bound up therewith, and to cause Three Hundred Copies of the said Laws and Index, with a correct Marginal Epitome to each Act, to be Printed and Bound in Boards, with Leather backs.

Further Duty of Commissioners.

VI. *And be it further enacted,* That the Lieutenant Governor, by and with the advice of His Majesty's Council, is hereby authorized to draw Warrants on the Treasurer of this Island, from time to time, for such Sums as may be required by the said Commissioners, for the purpose of fulfilling on their part the Contract so to be made and entered into as aforesaid.

Lt. Governor, &c. with advice of Council to draw Warrants for sums required by Commissioners for the purposes of this Act.

C A P. XXV.

An ACT to make more effectual provision] for preventing the spreading of INFECTIOUS DISTEMPERS within this Island, by establishing BOARDS of HEALTH.

[Passed, April 6th, 1833.]

WHEREAS it is expedient that all necessary precautions be taken against the spreading of that destructive Pestilence called Asiatic Cholera, in the event of the same being introduced into this Colony:

Preamble.

I. Be it therefore enacted, by the Lieutenant Governor, Council, and Assembly, That it shall and may be lawful to and for His Excellency the Lieutenant Governor, by and with the advice and consent of His Majesty's Council, to nominate and appoint Twelve or more fit and proper Persons, resident in Charlotte-Town, who shall form and be termed the Central Board of Health; and as many fit and proper Persons as can be conveniently appointed in different parts of this Island, who shall form District Boards of Health, and shall report to and correspond with the Central Board.

Lt. Governor, with advice of Council, to nominate 12 or more Persons resident in Charlotte-Town, to be termed "the Central Board of Health;" and as many as can be conveniently appointed in different parts of this Island, to form District Boards.

II. And be it further enacted, That it shall be the Duty of the said several Boards to meet together as often as need may be, and to divide their respective Districts into Wards, appointing one or more of the Members of the Board to each Ward, who shall have power, at all reasonable times, to enter into and inspect the Dwelling Houses, Out Houses, and Premises of the Inhabitants of the District and Ward, notifying the Inmates of such their purpose; and if they shall find any part of the Premises incumbered with Filth, or other matter liable to engender or

Duty of said several Boards.

Persons neglecting or refusing to remove any filth from their Premises when ordered so to do by Board of Health, to forfeit £5.

Mode of recovery of fine.

Proviso.

If Person is not in circumstances to remove nuisance, or if the same arises from causes not under his controul,

Wardens to report the same to the Board;

and if not in the power of Board to remedy, they are to report the same to the Lt. Governor, &c. who, with the advice of Council, is to take such measures as may be expedient to abate the nuisance.

Each District Board to send to Central Board a Report of the state of the Public Health at least once a month, to be delivered to the Lt. Governor, &c.

propagate Infection, they shall give the Inmates, Tenants or Occupants of such Houses or Places Notice to remove the same, within such time as they may judge reasonable; and if such Person or Persons so notified shall neglect or refuse so to do, they shall forfeit and pay, for every neglect or refusal, a Sum not exceeding Five Pounds, to be recovered before any one of His Majesty's Justices of the Peace for this Island, and levied by Warrant of Distress and Sale of the Goods and Chattels of the Offender or Offenders—and the Sum so levied and recovered shall be applied to the removal of such nuisance. *Provided always*, that if the Wardens of such Board of Health shall be of opinion that the Tenant or Occupant is not in sufficient circumstances, and not able to remove the same, or that the same arises from causes not under the controul of the said Tenant or Occupant, then and in such case he or they shall report the same to the Board, who shall take such measures as they may conceive to be necessary and expedient for the removal of the same. And if the same shall not be within the power of such Board, then the said Board shall report the same to the Lieutenant Governor, or Commander-in-Chief for the time being, who, with the advice and consent of His Majesty's Council, shall take such measures for the abatement or removal thereof as may be expedient.

III. *And be it further enacted*, That each District Board shall send to the Central Board a Report of the state of the Public Health within their District, at least once in every Month; which said Reports, together with the Report of the Central Board, shall be delivered to the Lieutenant Governor, or other Commander-in-Chief for the time being.

IV. *And be it further enacted*, That should it

so happen that any part or parts of this Island should be afflicted with the said Disease, then and in such case it shall and may be lawful to and for His Excellency the Lieutenant Governor, or other Commander-in-Chief for the time being, by Proclamation, under his Hand and the Seal of this Island, from time to time, to make such Rules, Orders and Regulations, and prescribe such Penalties, not exceeding Fifty Pounds in any one case, for the neglect or non-performance thereof, as to the said Lieutenant Governor, or Commander-in-Chief for the time being, by and with the advice and consent of His Majesty's Council, may seem imperative and necessary— And such Rules, Orders, and Regulations, during the continuance of the Disease, shall have the force and effect of Law, and be considered and obeyed as such, any other Law, Usage or Custom to the contrary thereof in anywise notwithstanding.

If any part of this Island shall be afflicted with Asiatic Cholera, Lt. Governor may, by Proclamation make Rules, &c.

and prescribe Penalties not exceeding £50 for neglect thereof;

such Rules, &c. to have the force and effect of Law, and to be obeyed as such.

V. *And be it further enacted*, That this Act shall be and continue in force for One Year, and from thence to the end of the then next Session of the General Assembly, and no longer.

Limitation of this Act.

CAP. XXVI.

An ACT for repealing an Act of the Thirty-fifth year of the Reign of King George the Third, intituled *An Act for regulating Servants*, and for substituting other Provisions in lieu thereof.

[Passed, April 6th, 1833.]

WHEREAS the hereinafter mentioned Act has been found insufficient for the purposes intended:

Preamble.

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Assembly*, That an Act made and passed in the Thirty-fifth year of the

Repeals an Act of the 35th year of

King Geo. the 3d.
for regulating Ser-
vants.

Reign of His late Majesty King George the Third, intituled *An Act for regulating Servants*, be, and the same is hereby repealed.

Contracts for the hire of Servants, if for one month or longer to be in writing, or verbally in the presence of one Witness.

II. *And be it further enacted*, That from and after the passing hercof, all Contracts that shall be entered into relative to the Hire of Servants, if for the term of One Month, or for any longer period, shall be made in writing, and signed by the Parties thereto, or shall be made verbally in presence of one or more credible Witness or Witnesses.

Servants so hired neglecting or refusing to perform full time contracted for,

III. *And be it further enacted*, That every Servant who shall or may engage to serve for the term of One Calendar Month, or for any longer period, in manner aforesaid, and who shall neglect or refuse to perform the full time for which he or she hath so contracted to serve, or be wilfully absent from his or her said employment, contrary to the true intent and meaning of his or her said Agreement, or shall be absent from his or her said Master's or Mistress's House, without permission first had and obtained, or shall otherwise misconduct himself or herself, every such Servant shall be subject to the loss of his or her Wages, and be liable, on Conviction, upon complaint made on Oath before any Two of His Majesty's Justices of the Peace of such neglect or misconduct as aforesaid, to be confined for a period not exceeding One Calendar Month in the common Jail.

or wilfully absenting themselves from their employment, or being absent without leave, or otherwise misconducting themselves, to be subject to loss of wages, and on complaint before a Justice of Peace to be confined in Jail for a period not exceeding one month.

Masters, &c. ill-treating any Servant, or refusing to perform Contract, on complaint before any Justice of the Peace, such Justice may either cancel Agreement or direct its fulfillment,

IV. *And be it further enacted*, That all Masters and Mistresses who shall hereafter hire any Servant or Servants in manner aforesaid, and who shall ill use or ill treat any such Servant so hired, or shall neglect to perform all the conditions on their parts in every such Agreement so made or entered into, every such Servant may and they are hereby authorized to make complaint thereof on Oath before any Two of His Majesty's

Justices of the Peace for the County wherein such Servant or Servants has or have been employed; and such Justices shall have power, and they are hereby directed, to inquire into every complaint so made, and to make such order thereon, either by cancelling the Agreement so entered into, or by directing its fulfilment, as to the said Justices shall seem meet; and every Servant so discharged by any Justices as aforesaid, shall be entitled to his or her full Wages for the term so served, to be recovered as hereinafter mentioned; and the Justices are hereby authorized and required to grant a Certificate to every Servant so discharged by them certifying the same, which Certificate shall be considered a sufficient authority for such Servant to be legally hired by any other Master or Mistress; and in case any Servant shall be discharged for ill treatment, the Justices before whom complaint thereof shall be made may order the offending Master or Mistress to pay a Fine to the Servant so ill treated, not exceeding Five Pounds.

and Servant to be entitled to full wages for the time served.

Justice to grant Certificate to Servant of discharge, which is to be deemed sufficient authority for hiring by any other Master, &c. If Servant be discharged for ill treatment, Justice may order Master, &c. to pay a fine not exceeding £5.

V. *And be it further enacted*, That every Servant who shall or may hereafter be hired as aforesaid, and who shall fulfil the term contracted to be performed, or who shall be discharged as aforesaid, shall be entitled to receive his or her full Wages for the time served; and if the same shall not be paid agreeably to Contract so made as aforesaid, or according to the order made by the Justices as aforesaid, every such Servant shall have power to recover the same in a Summary Way—if under the Sum of Five Pounds, before any Two of the Commissioners appointed to adjudicate in matters of Small Debt, or if above that Sum, in His Majesty's Supreme Court of Judicature—in which Action no Imparance or dilatory plea shall be allowed, unless the Court shall especially direct the same, on Affidavit shewing the absolute necessity thereof, in order justly to decide the case on its merits.

Servant performing Contract, or being discharged by Justice, to receive full wages for time served,

and if not paid agreeably to Contract or order,

Servant may recover the same; if under £5 before any two Commissioners appointed to adjudicate in matters of Small Debt; or if above £5, in Supreme Court, where no imparance or dilatory plea shall be allowed.

VI. *And be it further enacted*, That if any Per-

Person hiring the Servant of another, knowing him or her to be such, or hiring any Servant without a written discharge from his or her last Master, &c.

to forfeit a sum not exceeding £5.

Master, &c. refusing to give a written discharge,

to forfeit for each offence a sum not exceeding £5. Appropriation of fines.

Mode of recovery of fine.

son whosoever shall, after the passing of this Act, hire the Servant of another, knowing him or her to be such, or shall hire any Servant without a written Discharge from his or her last Master or Mistress, if resident within this Island, being produced, shall, for every such Offence, forfeit and pay to the injured Party or Informer, as the case may be, a Sum not exceeding Five Pounds; and every Master or Mistress refusing to give a written Discharge to any Servant or Servants, after the term contracted to be performed is fulfilled, shall, on Conviction, upon complaint made to any two of His Majesty's Justices of the Peace on Oath, forfeit, for every Offence, a Sum not exceeding Five Pounds, to be paid to such Servant—all which Fines shall be recovered, with Costs, on the Oath of one or more credible Witness or Witnesses, before any Two of His Majesty's Justices of the Peace, by Warrant of Distress and Sale of the Offender's Goods and Chattels; and for want thereof, the Offender shall be committed to Prison for a period not exceeding Two Calendar Months.

CAP. XXVII.

An ACT to consolidate, amend, and reduce into one Act the several Acts of the General Assembly relating to TRESPASSES, and for other purposes therein mentioned.

[Passed, April 6th, 1833.]

Preamble.

WHEREAS it is expedient to consolidate and amend the several Acts of the General Assembly relating to Trespasses:

Repeals Act of the 16th year of King Geo. the 3d, to prevent Trespasses on Crown Lands—and Act of the 20th year of same King, for preventing Trespasses by Horses, &c.—

*I. Be it enacted, by the Lieutenant Governor, Council, and Assembly, That an Act passed in the Sixteenth year of the Reign of His late Majesty King George the Third, intituled *An Act to prevent Trespasses upon Crown Lands*—and an Act passed in the Twentieth year of the same reign, intituled *An Act for preventing Trespasses by unruly Horses*,*

*Cattle and Sheep, and for preventing the running of Hogs at large through the Town of Charlotte-Town—and an Act passed in the Twentieth year of the same reign, intituled **An Act to prevent the cutting of Pine or other Trees without permission of the Proprietor, and to prevent the cutting down and destroying of Fences**—and an Act passed in the Thirtieth year of the same reign, intituled **An Act to prevent the malicious killing, wounding, or maiming of Cattle**—and an Act passed in the Thirty-fifth year of the same reign, intituled **An Act to amend an Act made and passed in the Twentieth year of His present Majesty's Reign, intituled An Act to prevent Trespasses by unruly Cattle and Sheep, and for preventing the running of Hogs at large through the Town of Charlotte-Town**—and an Act passed in the Thirty-sixth year of the same reign, intituled **An Act to prevent the robbing of Gardens and Orchards, Potato and Turnip Fields, and throwing down of Fences, and for amending an Act made and passed in the Twentieth year of His present Majesty's Reign, intituled An Act for preventing Trespasses by unruly Horses, Cattle and Sheep, and for preventing the running of Hogs at large through the Town of Charlotte-Town**—and an Act passed in the Fiftieth year of the same reign, intituled **An Act to amend an Act intituled An Act to prevent the malicious killing, wounding, and maiming of Cattle**—and so much of an Act passed in the Ninth year of the Reign of His late Majesty King George the Fourth, intituled **An Act for continuing several Laws near expiring**, as relates to an Act passed in the Fifth year of the Reign of His said late Majesty King George the Fourth, intituled **An Act for Summary Punishment in certain cases of persons wilfully or maliciously damaging or committing Trespasses on Public or Private Property**—and an Act passed in the Ninth year of the said last mentioned reign, intituled **An Act***

and an Act of the last mentioned year of same King, to prevent the cutting of Pine or other trees, &c.—

and an Act of the 30th year of same King, to prevent the malicious killing wounding, &c. of Cattle—

and an Act of the 35th year of the same King, to amend Act of the 20th year of said King, to prevent trespasses by Horses, &c.

and an Act of the 36th year of the same King, to prevent the robbing of Gardens, &c.—

and an Act of the 50th year of the same King, to amend Act for preventing the malicious killing, wounding, &c. of Cattle,—

and part of an Act of the 9th year of King Geo. the 4th, continuing an Act of the 5th year of the last mentioned King, for Summary Punishment in certain cases—

and also an Act of the 9th year of King

Geo. the 4th to amend Act of the 6th year of same King, to prevent the running at large of Boars, Pigs, &c.

to continue and amend an Act of the Sixth year of His present Majesty's Reign, intituled An Act to prevent the running at large of Boar Pigs, and to restrain Swine from going at large without Rings, be, and the same are hereby respectively repealed.

Preamble.

II. And whereas sundry Persons have presumed to enter upon and take possession of certain ungranted Lands in this Island, without License duly had and obtained therefor, or being otherwise lawfully authorized thereto:

After publication, Persons in any manner possessing themselves of ungranted Lands,

Be it therefore enacted, by the authority aforesaid, That from and after the publication hereof, all Persons whosoever who shall or may locate, settle, or place any Person or Persons whosoever on such ungranted Lands, or who shall or may occupy any such Lands in any manner whatever, without having first obtained a Grant thereof, or License or Leave in writing for that purpose, from the Lieutenant Governor, or other Administrator of the Government for the time being, shall or may be prosecuted for the same, and shall forfeit and pay a Sum not exceeding Twenty Pounds, together with Costs of recovering the same, to be recovered on the Oath of one credible Witness, and to be sued for in the same manner as Debts of the same amount, and applied to and for the use of His Majesty's Government in this Island.

without License from the Lt. Governor, &c. may be prosecuted for the same, and shall forfeit £20.

Mode of recovery and application of fine.

Preamble.

III. And whereas there has been great waste committed of Pine and other valuable Timber Trees in this Island; to prevent which in future—

After publication, no Person to cut down or bark Trees growing upon Lands in this Island without written License from the Owner,

Be it further enacted, That from and after the publication hereof no Person or Persons shall cut down or fell any Trees or Timber, nor bark or box any Pine or other Trees standing or growing upon any Lands in this Island, nor carry away the same therefrom, without first obtaining a written License from the Owner or Owners thereof, or from their Agent or Attorney, on pain of forfeiting and paying

on pain of forfeiting

a Sum not exceeding Thirty Shillings for every Tree removed, barked or boxed, together with reasonable Costs of recovering the same—the said Fine to be paid to the Owner or Owners of such Trees, and to be recovered before any one of His Majesty's Justices of the Peace in this Island, provided the Forfeiture shall not exceed the Sum of Five Pounds; but if the same should exceed that Sum, then to be recovered by due course of Law in the Supreme Court of Judicature.

30s. for every Tree, and costs.

Mode of recovery of fine.

Provided always, That such Penalties as are last mentioned shall be sued for within Six Calendar Months next after the Offence shall have been committed, and not afterwards.

Proviso.
Penalty last mentioned to be sued for within 6 months after offence.

IV. *And be it further enacted,* That from and after the passing of this Act no Fence shall be deemed sufficient to entitle the Owner to sue for Trespasses committed by any of the animals hereinafter mentioned upon the Lands thereby enclosed, unless the same shall be at least four and a half feet high, and strong and substantial; and the judgment of the Fence Viewers for the District as to its sufficiency shall be conclusive to entitle the Party injured to damages under this Act.

No Fences to be deemed lawful unless 4 & ½ feet high, and strong made.

Fence Viewers opinion thereon to be conclusive evidence of its sufficiency.

Provided always, That when the ground enclosed is in part bounded by a Cape or any inaccessible natural boundary, the decision of the Fence Viewers of the District as to its being sufficient or otherwise shall be deemed conclusive, and no Person shall be liable to any Prosecution for Trespasses committed as last aforesaid, unless the same shall be commenced within Three Calendar Months next after they shall have taken place.

Proviso.
Where ground is bounded by a Cape or other inaccessible boundary, Fence Viewer's judgment also to be conclusive.

Prosecutions for Trespasses to be commenced within 3 months after offence.

V. *And be it further enacted,* That if any Horses, Neat Cattle, Hogs, Sheep, or other Beasts, shall break into any grounds (not being pasture land) enclosed as aforesaid, the Owner or Owners thereof shall, for every such Trespass, make reparation to the party injured to the full amount of the

Owners of Horses, Cattle, &c. breaking into grounds (not being pasture land) lawfully fenced, to be liable to full amount of damage done, and costs.

Mode of ascertain-
ing damage.

Mode of recovery of
damages.

Proof of the con-
dition of the fence to
lie upon the owner
of trespassing Cati-
le, &c.

damages he or they shall have sustained, with Costs of suit; and in order to ascertain the amount of such damages, the Party injured may apply to the next Justice of the Peace, who is hereby impowered and required (upon the Oath of the Complainant, or some other credible Witness, as to the damage being done, and also stating who is or are the supposed Owner or Owners, and the description of the trespassing Beasts,) to grant a Warrant under his Hand and Seal to three of the nearest neighbours, impowering and requiring them to go to the grounds so trespassed upon, and to view and appraise the damages, (also giving Notice to the Owner or Owners of the trespassing Beasts, if known, to attend such appraisalment,) and to cause the said Appraisers, or any two of them, to return a Certificate to him upon Oath of the amount of the damages; and such Justice of the Peace shall have power, and he is hereby authorized and required, to direct and order a reasonable satisfaction to the said Appraisers for their trouble, according to the distance they shall have travelled, and other circumstances; and which allowance to the said Appraisers, it is hereby declared, shall be considered as part and parcel of the damages so done to the injured party, and which the Owner or Owners of the trespassing Beasts hereinbefore mentioned shall be obliged to pay; and if not paid within One Calendar Month, the same, with the assessed Damages as aforesaid and Costs, shall be levied by Warrant under the Hand and Seal of the said Justice, on the Goods and Chattels of the said Owner or Owners; and in order that the condition of the Fence at the time of the Trespass committed as aforesaid may be ascertained, (in case the Owner or Owners of the trespassing Beasts hereinbefore mentioned should allege the same to have been insufficient) the proof thereof shall lie upon such Owner or Owners; and in case of such Fence being proved to be insufficient, then and in such case the Owner or Owners of the trespassing

Beasts shall not be liable to any damages whatsoever.

VI. *And be it further enacted,* That when the Damages so assessed shall have been done or committed by Cattle belonging to several Persons, then the said Appraisers shall apportion the Damages so assessed amongst the Owners of such trespassing Cattle, the same to be recovered from each as herein before directed; and in case any Appraiser so appointed as aforesaid shall neglect or refuse to yield due obedience to such Warrant of Appraisement, he shall forfeit a Sum not exceeding Ten Shillings, to be recovered on the Oath of one credible Witness, before the Justice who may have issued the same, and to be levied on the Goods and Chattels of such Appraiser, and another shall be appointed in his stead.

Where trespassing Cattle, &c. belonging to several persons, made of apportioning damages, to be recovered as aforesaid.

Appraiser neglecting or refusing obedience to Justices Warrant to forfeit 10s.

Mode of recovery of fine.

VII. And whereas it frequently happens that some unruly Beast is in the habit of breaking Fences, and that Herds of other Cattle are admitted in consequence of Fences being so broken down, to the great injury of the Owners of such other Cattle, who may be made liable for Damages occasioned solely by means of one unruly Animal; for remedy whereof—*Be it enacted,* That from and after the passing hereof, when proof shall be made by three credible Witnesses, residing in any Settlement or District within this Island, to any One of His Majesty's Justices of the Peace, that any such unruly Beast is so at large, it shall and may be lawful for such Justice, and he is hereby directed and required, to notify the Owner of such Beast of the proof so made, and to order the said Beast to be confined; and if after such notice the Owner of any such Beast shall refuse or neglect to take up and keep the same confined, he or she shall be liable to a Fine of Five Shillings for every day such Beast shall be seen at large after the notice so given—the said Fine to be recovered as hereinbefore

Preamble.

On proof by three Witnesses that an unruly Beast is at large, any Justice may order to confine the same.

Penalty on Owner for neglecting to obey such order

to be recovered as aforesaid.

Appropriation of fine.

directed; and paid to the Person who shall sue for the same.

Owner neglecting to confine such unruly Beast after notice, to be liable for all damage occasioned by other cattle following same into any enclosed ground.

VIII. *And be it further enacted*, That the Owner of every such unruly Beast shall, if he or she neglect to take up and confine the same after receiving such notice as aforesaid, be liable to all the Damages occasioned by other Cattle following such unruly Beast into any enclosed ground as aforesaid—the same to be recovered as hereinbefore directed.

Horses, Cattle, &c. breaking into any pasture ground Owner to pay 3s. per head for every horse, 2s. for neat Cattle, and for Sheep or Lambs, 6d.

IX. *And be it further enacted*, That if any Horses, Neat Cattle or Sheep, shall break into any Pasture Ground fenced in manner hereinbefore specified, the Owner or Owners thereof shall forfeit and pay to the party aggrieved by the same, as follows—that is to say: For every Horse, Three Shillings—for every head of Neat Cattle, Two Shillings—and for every Sheep or Lamb, Sixpence—to be recovered on the Oath of one or more credible Witness or Witnesses before any One of His Majesty's Justices of the Peace, together with the Costs of recovering the same; and if any Person shall enter into or pass through any enclosed Field or Garden, without the permission of the Occupier thereof, or some Person duly authorized by him to grant such permission, he or she shall be liable to a Penalty of Two Shillings and Sixpence for each offence, over and above the amount of all Damages occasioned thereby—to be recovered in the same way and manner as the other Penalties mentioned in this clause are to be recovered.

Mode of recovery thereof.

Persons passing through enclosed field without permission of Owner, to forfeit 2s. 6d. for each offence, over and above all damages sustained thereby.

to be recovered as the other penalties imposed by this Act.

Preamble.

X. And whereas the running at large of Boar Pigs is found to be highly prejudicial to the breed of Hogs within this Island, and the practice of allowing Swine to go at large without Rings has been found injurious: *Be it therefore enacted*, That from and after the publication hereof, it shall and may be lawful to and for any Person or Persons whomsoever to take up any Boar Pig of Three Months old or upwards, found at large, and upon complaint made by him or

Any person may take up any Boar Pig of 3 months old or upwards, found at large.

them to the nearest Justice of the Peace within the County or District where the said Boar Pig shall be so found at large, the said Justice is hereby authorized and impowered, to cause the same to be Sold by Public Auction, and to pay to the Person or Persons who shall take up the same the proceeds of such Sale, after deducting reasonable Costs and Expenses.

Justice of the Peace may cause same to be sold at Auction. Appropriation of proceeds of sale.

Provided, That no such Pig shall be Sold until the Person who may have taken the same up shall have given at least Three Days public notice in writing of such intended Sale, by Posting the same up at three of the most public places in the District; and if the Owner of such Pig shall claim the same before Sale, he shall be entitled to have the same returned to him, on payment of a Fine not exceeding Ten Shillings, to be determined by the Justice to whom the complaint shall have been made.

Proviso.

3 days notice to be given of such sale. Owner claiming Pig before sale, may have the same on paying a sum not

exceeding 10s. at discretion of Justice.

XI. *And be it further enacted*, That it shall and may be lawful for any Person whomsoever to take and seize all Swine going at large within any Township or Settlement, or on any of the Highways in this Island, without being ringed in the nose, so as effectually to prevent them from rooting or digging, and upon proof thereof on the Oath of one or more credible Witness or Witnesses before any One of His Majesty's Justices of the Peace for the County in which such Township, Settlement or Highway shall be situated, the Owner thereof shall be by the said Justice fined in the Sum of Two Shillings and Sixpence for every Pig so seized as aforesaid; and if the said Fine shall not be paid within Three Days, or if no Owner shall appear to claim the said Swine, after Notices having been posted up for Three Days at three of the most Public places within the District, that then the said Justice shall order the said Swine to be Sold, and shall pay the proceeds of such Sale or Fine to the Person or Persons who shall have taken up such Swine, after deducting reasonable Costs and Expenses.

All Swine going at large in any Township or Settlement, without being ringed so as to prevent their rooting or digging, may be taken up,

and on proof before one Justice, Owner to pay a fine of 2s. 6d. for each Pig.

And if fine be not paid, or no Owner appears to claim Swine so taken up after 3 days notice, Justice may order the same to be sold.

Appropriation of proceeds of sale.

Preamble.

Proprietor, &c. of Land between the 1st and 31st of July in each year may require Owner, &c. of Lands adjoining

to destroy all Thistles growing thereon,

he having first cut down all Thistles on his own Land;

If the same be not cut down in 6 days from time of notice,

Justice of the Peace may order the same to be cut down,

within such period as he may appoint, under a penalty of 5s. per day, for every day such Thistles shall remain standing after time limited in order.

XII. And whereas the Seeds of Thistles growing on the land or ground of one Proprietor are frequently driven by the wind and otherwise conveyed upon the lands and grounds of the adjoining Proprietors: *Be it therefore enacted,* That it shall be lawful for any Proprietor or Occupant of Land at any time between the First and Thirty-first days of July, in each year, by verbal notice in the presence of one Witness, or by notice in writing left at the Dwelling House of the Person to whom it may be addressed, or in case of undivided lands in which several Persons are interested, by Notice to be posted up in the most conspicuous place near to such undivided lands, to require any Proprietor or Occupier of any adjoining Lands or piece of Ground not sown nor being a meadow in crop, or the Persons being interested in such undivided Lands as aforesaid, to destroy or cut down all such Thistles as may be then growing on such adjoining Land or piece of Ground, the Proprietor or Occupier of Land giving such Notice, having himself first destroyed or cut down all Thistles on his own Fields or Grounds adjoining; and if the Thistles so required to be destroyed or cut down are not entirely destroyed or cut down at the expiration of Six Days from the date of such Notice, then it shall be lawful for any Justice of the Peace, upon complaint duly made before him on the Oath of one credible Witness other than the Complainant, or on the confession of the party complained of, to order in writing the Proprietor or Occupier or other Person against whom such complaint shall be made, to destroy or cut down such Thistles within a period to be assigned by such Justice of the Peace, under a Penalty on such Proprietor or Occupier or other Person as aforesaid of Five Shillings for every day such Thistles shall remain standing or growing after the time allowed by the Justice for destroying or cutting the same down, with the Expenses incurred in obtaining such order, and recovering the said Fine—the

same to be recovered before the Justice of the Peace who may have granted the order last aforesaid.

XIII. *And be it further enacted,* That if any Person or Persons shall wilfully or maliciously do or commit any damage, injury, or spoil to or upon any Building, Fence, Hedge, Gate, Stile, Guide-post, Mile Stone, or Post-tree, Wood, Underwood, Orchard, Garden, Nursery Ground, Crops, Vegetables, Plants, Land or other matter or thing growing or being thereon, or to or upon Real or Personal Property of any nature or kind soever, and shall be thereof convicted within Six Calendar Months next after the committing of such injury, before any Justice of the Peace for the County or place where such Offence shall have been committed, either by the confession of the party offending, or by the Oath of one or more credible Witness or Witnesses, or of the party aggrieved in the premises (which Oath such Justice is hereby impowered to administer), every Person so offending, and being thereof convicted as aforesaid, shall forfeit and pay to the Person or Persons aggrieved, such a Sum of Money as shall appear to such Justice to be a reasonable satisfaction or compensation for the damage or injury, or spoil, so committed, not exceeding in any case the Sum of Five Pounds over and above the Costs of recovering the same, which said Sum of Money and Costs shall be paid to the Person or Persons aggrieved; but in case such Conviction shall take place on the sole evidence of the party aggrieved, then and in such case, such satisfaction and compensation shall be paid into His Majesty's Treasury, towards the support of His Majesty's Government of this Island; and in default of payment of the Sum of Money in which the Offender or Offenders shall have been so Convicted as aforesaid; immediately, or within such time as the Justice shall appoint at the time of Conviction, together with all Costs, Charges, and Expenses attending the Conviction, such Justice shall and may commit

Mode of recovery of fine.

If any person shall wilfully or maliciously commit injury on any building, &c.

or on real or personal Property, of any nature or kind, and be thereof convicted before any Justice of the Peace for the County where offence committed,

to forfeit to the party aggrieved a reasonable compensation for the injury so committed,

not exceeding £5 over and above Costs to be paid to injured party, if not recovered on his sole oath.

If recovered on sole evidence of party aggrieved, to be paid into the Treasury.

In default of payment Offender to be committed to Jail for any period not exceeding 3 months.

such Offender or Offenders to the common Jail, for any time not exceeding Three Calendar Months, unless such Penalty, Costs, and Charges shall be sooner paid and satisfied.

Proviso.

If any damage, &c. shall be committed on any Church, Bridge or Building, or any Public Property,

Justice may proceed as aforesaid, at the instance of any person prosecuting.

Appropriation of fine if recovered under this Section. If not paid, Offender may be committed to Jail, for any period not exceeding 3 months.

Provided always, That if any Damage, Injury, or Spoil shall have been done or committed as aforesaid, to or upon any Church, Chapel, Bridge, Building, Common way, or other Property whatsoever, whether Real or Personal, of a public nature, or wherein any public right is concerned, it shall and may be lawful to or for any such Justice to proceed against and convict the Offender or Offenders within the time aforesaid, and in manner aforesaid, in any Sum not exceeding Five Pounds, over and above the Costs of recovering the same, as to such Justice shall seem just and reasonable, at the instance and upon the information of any Person prosecuting such Offender or Offenders, and to order and direct one Moiety of the Sum forfeited for such Offence to be paid to the Person so prosecuting, and the other Moiety for the use of His Majesty's Government as aforesaid; and in default of payment of the Sum in which any such Offender or Offenders shall have been so Convicted as last aforesaid, together with all Costs, Charges and Expenses attending such Conviction as aforesaid, such Justice shall and may commit such Offender or Offenders to the common Jail for any time not exceeding Three Calendar Months, unless such Penalty, Costs and Charges shall be sooner paid and satisfied.

Proviso.

Persons under 16 years of age offending against this Act, in default of payment of fine and costs, may be committed to Jail for

XIV. Provided also, and be it further enacted, That if any Person or Persons under the age of Sixteen years shall offend against either of the last two foregoing clauses of this Act, it shall be lawful for the Justice before whom he, she or they shall have been Convicted, in default of payment of the Sum of Money awarded against him, her or them by the said Justice, together with all Costs,

Charges and Expenses attending such Conviction, immediately, or within such time as the Justice shall appoint at the time of Conviction, to commit such Offender or Offenders to the Common Jail, there to be kept for any term not exceeding Six Weeks.

any period not exceeding 6 weeks.

XV. And for the more easy bringing of Offenders against the Thirteenth and Fourteenth Sections of this Act to Justice—*Be it further enacted*, That it shall and may be lawful to and for any Constable, and to and for the Owner or Owners of any Property so damaged, injured or spoiled, and to and for his, her or their Servants or other Person or Persons acting by or under his or their authority, and to and for such Person or Persons as he, she or they may call to his, her or their assistance, without any Warrant or other authority than by this Act, to Seize, Apprehend and Detain any Person or Persons who shall have actually committed, or be in the act of committing, any Offence or Offences against any of the Provisions contained in the said Thirteenth and Fourteenth Sections of this Act, and take him, her or them before any Justice of the Peace for the County or place where the Offence or Offences shall have been committed; and such Justice is hereby impowered and required to proceed and act with respect to such Offender or Offenders in manner by this Act directed.

Offenders against 13th and 14th Sections of this Act may be seized and detained without Warrant by any Constable or Owner of injured Property, or his Servants,

and carried before a Justice of the Peace.

Justice is impowered to proceed against Offender in manner directed by this Act.

XVI. And for the more easy and speedy Conviction of Offenders against the provisions contained in the Thirteenth and Fourteenth Sections of this Act—*Be it further enacted*, That every Justice of the Peace before whom any Person or Persons shall be Convicted of any Offence against the provisions in the said two Sections of this Act contained, shall and may cause the Conviction to be drawn up in the following form of

Every Justice before whom conviction is had, to draw up conviction in the following words.

words, or in any form of words to the same effect, as the case may happen, viz:

Form of Conviction.

Be it remembered, That on the
 day of in the year of our Lord
 A. B. is Convicted by and before
 me one of His Majesty's Justices
 of the Peace for the County of for that
 the said A. B. (here state the Offence and the
 time and place when and where the same was
 committed) contrary to the Statute made in the
 Third year of the Reign of King William the
 Fourth, intituled (here set forth the Title of this
 Act); and I the said Justice do hereby adjudge
 and determine that the said A. B. shall, for his
 said Offence, forfeit and pay the Sum of
 lawful Money of this Island, together with Costs,
 and do order that the same shall forthwith be
 paid by him (here direct the payment, according
 to the above mentioned Sections of this Act.)
 Given under my Hand and Seal, the day
 and year first above written.

Any Person convicted of any offence against the 13th and 14th Sections of this Act, and having paid penalty or suffered imprisonment may plead conviction in bar of any suit or information prosecuted for same offence.

XVII. Provided always, and be it further enacted, That in case any Person or Persons shall be Convicted of any Offence against any of the provisions contained in the said Thirteenth and Fourteenth Sections of this Act, before any Justice of the Peace, on the complaint or information of any Person or Persons, of Public or Private Property having been so injured, damaged or spoiled, and shall have paid the Penalty, Costs and Charges under such Conviction, or shall have suffered the Imprisonment awarded for non-payment thereof, then and in every such case, such Conviction shall and may be pleaded in bar of any Action, Suit or Information that shall afterwards be commenced, instituted, or prosecuted for such and the same offence in any Court whatsoever.

XVIII. And be it further enacted, That when

any Person or Persons shall be Convicted on the Oath or Oaths of one or more credible Witness or Witnesses, before any One of His Majesty's Justices of the Peace, of having wilfully and maliciously cut, maimed or killed, any Horses, Neat Cattle, Sheep or Swine within this Island, it shall and may be lawful for such Justice, and he is hereby authorized, to Fine any such Offender or Offenders in a Sum not exceeding Five Pounds, over and above the Costs of recovering the same; and as a further punishment, such Justice is hereby required to commit every such Offender to Prison for a period not exceeding Thirty Days, nor less than Ten Days, and further, for any term not exceeding Sixty Days, or until such Fine and Costs shall be paid.

Persons convicted on the oath of one Witness before any Justice of having wilfully or maliciously cut, maimed or killed any Horse, Cattle, &c.

to pay a fine not exceeding £5 over and above costs, and to be committed to prison for a period not less than 30 days, nor more than 60 days.

Provided always, That where the Damages shall exceed Five Pounds, the party aggrieved may proceed to recover the same by Action in His Majesty's Supreme Court of Judicature, and therein full double Damages shall be given; and the Offender may be also proceeded against by Indictment, and upon Conviction shall be liable to imprisonment in the common Jail for a period not exceeding Six Calendar Months.

Proviso.

When damage exceeds £5, party aggrieved may proceed to recover same in Supreme Court. Double damages to be then given—Offender may be indicted, and imprisoned on conviction for 6 months.

XIX. *And be it further enacted,* That it shall and may be lawful to and for any Person or Persons so Convicted by any Justice of the Peace as before mentioned of any Offence or Offences against this Act, to Appeal to the Justices of His Majesty's Supreme Court of Judicature, within Forty-eight hours from the time of such Conviction, in the manner permitted to any Defendant in an Act passed in the Second year of His present Majesty's Reign, intituled *An Act to consolidate and amend the several Acts of the General Assembly therein mentioned relating to the Recovery of Small Debts*, and upon complying with the provisions of that Act in this respect.

Any Person convicted before Justice of the Peace may appeal to Supreme Court.

Mode of obtaining appeal,

as permitted in case of Small Debts.

Supreme Court to hear appeal, &c.

If judgment of Justice be confirmed, the Appellant to pay penalty and costs, or be imprisoned for the same term prescribed on conviction before Justice of the Peace.

If conviction is quashed, Appellant to have his costs as in common Appeal cases from decisions of Justices of the Peace.

If parties convicted before Justices of the Peace do not appeal within the period specified in this Act, not to be entitled to Writ of Certiorari to remove proceedings.

And the Justices of the said Supreme Court of Judicature shall hear and determine the matter of such Appeal, and may either confirm or vary, or quash and annul the Judgment or Conviction appealed from, and award such Costs to either party as to the said Justices shall seem just and reasonable; and if upon the hearing of any such Appeal the judgment of the Justice of the Peace shall be confirmed, such Appellant shall forthwith pay the Penalty and Costs awarded to be paid, or in default thereof shall be committed by the said Court to the common Jail, and shall be subject and liable to the same imprisonment as if no such Appeal had been entered or prosecuted. And in case the Conviction shall be quashed, then the Appellant shall have the like remedy for the recovery of his Costs as is provided in cases where the Judgment below is reversed on Appeal in favour of the Appellant, in the said Act for recovery of Small Debts; and the Sureties in any such Appeal shall be liable to have such proceedings taken against them on their Recognizance, in case the Appellant shall abscond, as is provided in like cases under the last mentioned Act.

XX. *And be it further enacted*, That if any Person or Persons Convicted under the provisions of this Act as aforesaid, shall not Appeal from the Justices' Conviction within the period hereinbefore mentioned and specified, the Judgment of the Justice before whom such Person or Persons shall have been so Convicted, shall be, and is hereby considered absolutely confirmed, and the Person or Persons so Convicted as aforesaid; shall not be entitled to sue out His Majesty's Writ of Certiorari to remove the matter of such Conviction into His Majesty's Supreme Court of Judicature, any Law, Usage or Custom, or any thing herein contained to the contrary notwithstanding.

CAP. XXVIII.

An ACT to continue for One Year an Act regulating the practice of the Supreme Court in cases of REPLEVIN.

[Passed, April 6th, 1833.]

WHEREAS it is necessary to continue the Act hereinafter mentioned:

Preamble.

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That an Act passed in the Eighth year of the late King, intituled An Act to establish and regulate the practice of the Supreme Court of Judicature of this Island in cases of Replevin, and every matter, clause and thing therein contained, be, and the same are hereby continued for One Year, and from thence to the end of the then next Session of the General Assembly, and no longer.*

Act of the 8th year of King Geo. the 4th, establishing and regulating the practice of the Supreme Court in cases of Replevin,

continued for 1 year and to the end of the then next Session of Assembly.

CAP. XXIX.

An ACT to explain and amend an Act made and passed in the Eleventh year of the late King, for raising a Fund by an ASSESSMENT on LAND.

[Passed, April 6th, 1833.]

WHEREAS it is necessary to explain certain parts of the said Act:

Preamble.

I. *Be it therefore enacted, by the Lieutenant Governor, Council, and Assembly, That the Treasurer for the time being shall, and he is hereby authorized, on the First day of June in each and every year during the continuance of this Act, by notice in writing under his hand, to be inserted in the Royal Gazette, in manner provided by the said Act made and passed in the Eleventh year of the Reign of His late Majesty King George the Fourth, intituled An Act for*

Treasurer on the 1st of June in each year to give notice in Royal Gazette as provided in the Act of the 11th year of King Geo. the 4th

for raising a Fund by Assessment on Land, calling on Owners, &c. of Lands in arrear to pay tax into his hands or the hands of his Deputies before a certain day,

if default be made, mode of further proceeding,

to be in accordance with 2d Section of before mentioned Act.

Treasurer to appoint Deputies in each County, not to exceed 3 in each.

Treasurer to be responsible for such Deputies.

Duty of Deputies.

raising a Fund, by an Assessment on Land, for erecting a Government House and other Public Buildings within this Island, to call on the Owners or Proprietors of Lands to pay into the hands of the Treasurer or his Deputies, to be appointed as hereinafter mentioned, the amount of their respective Assessments, on or before the First day of Hilary Term annually then next following; or, that in default thereof, proceedings will be taken on the last day of that Term by Proclamation in open Court; and unless paid, with Costs, at least Ten Days before the next Term of the said Supreme Court, to be holden at Charlotte-Town aforesaid, then that the said Court will proceed forthwith to Judgment, in the same manner as is provided by the Second Section of the said recited Act.

II. And be it further enacted, That it shall and may be lawful to and for the Treasurer of this Island for the time being, by writing under his hand and seal, to nominate and appoint such and so many Deputies for each and every Settlement within this Island, not less than Three for each County, as to the said Treasurer for the time being shall seem meet, and for the faithful discharge of whose Duties he the said Treasurer shall be responsible; and such Deputies shall, and they are hereby required, to open Books of Account for the receipt of the said Assessment; and such Deputies shall, respectively, give Receipts for Assessments, as the Treasurer is directed to do by the said recited Act; and shall keep open their Books until the Fourteenth day next before the First day of the Term at which proceedings, by Proclamation, are to be taken against the Lands of such Defaulter or Defaulters, agreeably to the provisions of the said recited Act, and shall forthwith forward the Assessments received, together with their Books, or true Copies thereof, afterwards to the Treasurer; and the said

Deputies shall be allowed for their trouble, at and after the rate of Seven Pounds Ten Shillings for every One Hundred Pounds collected.

Allowance to Deputies under this Act.

III. *And be it further enacted,* That when the Sheriff or other Officer who shall have Sold any Lands under the provisions of the said recited Act, for non-payment of Assessment, and that such Lands shall have produced more than sufficient for the payment of such Assessment, the Sheriff or other Officer shall, and he is hereby authorized, to pay over into the hands of the Treasurer of this Island for the time being, the overplus of such Monies, for the benefit of the Proprietor or Proprietors of such Lands; and in case of dispute as to the right of any claimant to receive such overplus, the same shall be determined in a Summary Way by the Justices of His Majesty's Supreme Court of Judicature of this Island, and any Costs incurred thereby shall be paid by such claimant.

If Sheriff after sale of Lands under before mentioned Act, hath Monies in his hands after satisfying judgment and costs, he is to pay the same to Treasurer, who is to hold the same for the Owner of Land so sold.

IV. *And be it further enacted,* That this Act shall continue in force during the operation of the said recited Act, and no longer.

Limitation of this Act:

C A P. XXX.

An ACT for repealing certain parts of the Act intituled *An Act for the establishing and regulating a MILITIA*, and for substituting other provisions in lieu thereof.

[Passed, April 6th, 1833.]

WHEREAS it is deemed expedient for the better regulation of the Militia of this Island that certain parts of the above mentioned Act be repealed, and other provisions substituted in lieu thereof:

Preamble.

I. *Be it therefore enacted, by the Lieutenant Governor, Council, and Assembly,* That the

Repeals 2d, 5th,

6th, 10th, 11th,
15th, 20th, & 25th
Sections of Militia
Act of the 20th year
of King Geo. the
3d.

Second, Fifth, Sixth, Tenth, Eleventh, Fifteenth, Twentieth, and Twenty-eighth Sections of an Act made and passed in the Twentieth year of the Reign of His late Majesty King George the Third, intituled *An Act for the establishing and regulating a Militia*, be and the same are hereby repealed.

Militia to be formed into Battalions, &c. and to be trained at such times as Lt. Governor shall appoint,

II. *And be it further enacted*, That the Militia of this Island shall be formed into Battalions, Regiments, Companies, and such smaller Divisions, and shall be called out for the purpose of Training and other Military Exercises, at such times, places, and in such proportions as to the Lieutenant Governor, or Commander-in-Chief for the time being, shall appear best adapted to the conveniency of the Inhabitants enrolled therein,

not to exceed once in each year.

not exceeding once in each year, except in time of War or other emergency; and that no Commissioned Officer shall reside more than Ten Miles distant from the place of Training, and that no non-commissioned Officer or Private in attending Musters or Drills, shall have to march more than five miles from his place of abode, except in case of War or other emergency as aforesaid; and in such last mentioned cases it shall and may be lawful for the Lieutenant Governor, or other Commander-in-Chief for the time being, to issue such further orders to the Commanding Officers of Regiments, Battalions, or Companies, as he may deem requisite, and the safety of the Island may require.

Commissioned Officer to reside within 10 miles of place of training.

Non-Commissioned Officer or Private not to march more than 5 miles to train, except in cases of emergency.

III. *And be it further enacted*, That the Clerk of each Company, once in every year, shall take a List of all Persons liable to be enrolled in the Militia, living within the Precinct of such Company, and present the same to his Captain or Commanding Officer of the Company to which he belongs—the said Return to be given in on or before the last Tuesday in October in each year,

Duty of Clerk of Company.

under pain of forfeiting the Sum of Forty Shillings for each default, to be paid to the Captain or Commanding Officer of the Company; and in case of non-payment, the same to be levied by Distress and Sale of the Offender's Goods and Chattels, by virtue of a Warrant from any Justice of the Peace in this Island, who is hereby impowered to grant the same; and in case of no Goods or Chattels whereon to levy the same Fine, then the said Justice is hereby authorized and impowered to commit the said Offender to the Jail of Charlotte-Town, for a period not exceeding Twenty-one Days. And the said Captains or Commanding Officers of Companies are hereby required to transmit such Returns, within One Month next thereafter, to the Commanding Officer of the Regiment or Battalion to which they belong, under the Penalty of Five Pounds; and the said Commanding Officers of Regiments or Battalions are hereby required, on or before the First day of January in each year, to transmit the same to such Officer as the Lieutenant Governor shall appoint to receive such Returns.

Fine on Clerk for neglect of Duty.

Mode of recovery of fine.

Duty of Captains or Officers commanding Companies.

Penalty on them for neglect of duty.

IV. *And be it further enacted,* That the Commanding Officer of each Company shall order and direct the Clerk thereof to put up Notices in three of the most public places within his Precinct, therein warning the Militia-men of the said Company of the time and place appointed for each Muster; and every Commanding Officer of a Regiment, Battalion, or Company, neglecting to draw forth the Regiment, Battalion, or Company under his command, or to cause the same to be done, or refusing in any way to obey the orders or commands of his Superior Officer, shall, for every such neglect or refusal, forfeit and pay the Sum of Fifty Shillings, and shall also be liable to be dismissed from his situation in such Militia—the said Fine to be levied by Distress and Sale of the Offender's Goods and Chattels, by virtue of a Warrant from the said Superior Officer, directed to the

Mode of warning Militia-men for muster or training.

Commander of any Regiment, Battalion, &c. refusing or neglecting to draw forth the same,

to forfeit 50s. and liable to be dismissed the service.

Mode of recovering of fine.

Clerk of the Regiment, Battalion or Company to which such Offender belongs, in manner as directed by the said Act of which this is an amendment; and in case such neglect or refusal should originate with the Commanding Officer of any Regiment, Corps or Battalion, that then and in such case the Warrant shall issue from the Person who shall be appointed as aforesaid, by the Lieutenant Governor to receive Returns under this Act.

Non-Commissioned Officer or Private to forfeit 5s. for not appearing at any muster.

V. *And be it further enacted,* That every non-commissioned Officer and Private who shall neglect to appear at any Battalion or Company Muster, agreeably to the provisions of this Act, shall be liable to a Fine of Five Shillings for each and every neglect as aforesaid—to be recovered and levied by Warrant of Distress, to be issued by the Captain or other Officer commanding the Company.

Officers commanding Battalions, &c. to be furnished with copy of Militia Laws, and to produce the same at all Musters.

VI. *And be it further enacted,* That all Officers commanding Battalions and Companies shall, upon their appointment, be furnished with a Copy of the Militia Laws, and shall produce the same, together with a Roll of their Battalion or Company, upon all Musters or Inspections.

Men above forty-five years of age to be formed into reserved Battalions.

VII. *And be it further enacted,* That all Militia Men above Forty-five years of age, being Privates, shall be enrolled as reserved Battalions or Corps, and shall not be called out for training or otherwise unless when specially ordered and required.

Duty of Person appointed to inspect Militia.

VIII. *And be it further enacted,* That the Person so appointed by the Lieutenant Governor, or other Commander-in-Chief for the time being, to receive the Returns as aforesaid from the Officers commanding Regiments or Battalions, shall, when directed, inspect the respective Regiments, Battalions or Companies of Militia, at such times and places as the Lieutenant Governor, or Commander-in-Chief for the time being, may appoint under the provisions of this Act—which said Person so appointed as aforesaid, shall be paid out of the Treasury of this Island

Salary of such Person.

the Sum of Seventy-five Pounds per annum, in lieu of the Salary now attached to the Office of Adjutant General, and in place of all Fees, Charges, or Expenses for travelling to inspect the Militia.

IX. *And be it further enacted*, That the Persons hereinafter described, be exempted from all Trainings, Watches and Warding (except such as shall voluntarily receive Commissions in the Militia), that is to say—the Members and Officers of His Majesty's Council—the Members and Officers of the Assembly—the Chief Justice and other Justices of Courts—Justices of the Peace—Attorney General—Treasurer of the Island—Secretary and Registrar, Chief Surveyor of Lands—Ministers of the Gospel—Field Officers—the Collector and Comptroller of His Majesty's Customs—Licensed Schoolmasters—constant Ferrymen—one Miller to each Grist Mill, and lame Persons producing Certificates thereof from a Surgeon or Justice of the Peace.

Persons exempted from Militia trainings.

X. *And be it further enacted*, That all Fines, Penalties and Forfeitures arising by operation of this Act, or of the Act intituled *An Act for the establishing and regulating a Militia* (where the same are not otherwise disposed of), shall be paid to the Commanding Officer of the Regiment or Battalion, to be applied to the contingent Expenses of such Regiment or Battalion, to be accounted for annually to the Commander-in-Chief for the time being.

Appropriation of fines imposed by this Act.

CAP. XXXI.

An ACT to regulate the SALARY of the TREASURER of this Island.

[Passed, April 6th, 1833.]

WHEREAS it is deemed expedient to establish and fix the Salary to be paid to the Person who may hold the Office of Treasurer of this Island: *Be it enacted, by the Lieutenant Governor, Council, and Assembly*, That there shall be allowed

Preamble.

Treasurer of this Island to be paid £500 per annum, in lieu of all percentage, fees, &c.

to commence from 5th January last.

and paid to the Person who now holds, or shall hereafter hold, the Office of Treasurer of this Island, the Sum of Five Hundred Pounds per annum, currency of this Island, in lieu of all Percentage, Fees, or Emoluments whatsoever—which said yearly allowance or Salary shall be deemed to have commenced and shall be computed from the Fifth day of January last past, from and after which period no other Emolument or Allowance shall be paid to the said Treasurer, other than the Salary provided by this Act.

C A P. XXXII.

An ACT for the regulation of the PUBLIC WHARF of Charlotte-Town.

[Passed, April 6th, 1833.]

Lt. Governor, &c. in Council, to appoint a Wharfinger for public Wharf in Charlotte-Town.

Wharfinger to have £40 per annum.

Rates of Wharfage for all Vessels excepting His Majesty's Ships and Government Packet Boat.

BE it enacted, by the Lieutenant Governor, Council, and Assembly, That it shall and may be lawful for the Lieutenant Governor, or other Administrator of the Government for the time being, and he is hereby authorized, by and with the advice of His Majesty's Council, to appoint a fit and proper Person to act as Wharfinger of the Public Wharf of Charlotte-Town, which Wharfinger so to be appointed shall receive and be paid out of the Monies in the Public Treasury of this Island, the Sum of Forty Pounds per annum, for his services during the time he may hold the said appointment.

II. *And be it further enacted*, That it shall and may be lawful for the said Wharfinger to ask, demand, take and receive, for all Vessels, except His Majesty's Ships and the Government Packet Boat, whilst careening, loading, unloading, or lying fast to the said Wharf, the following Rates per diem (Sundays excepted), that is to say:

Vessels of Ten Tons, and under Twenty Tons, One Shilling.

Vessels of Twenty Tons, and under Forty Tons, One Shilling and Sixpence.

Vessels of Forty Tons, and under One Hundred Tons, Two Shillings and Sixpence.

Vessels of One Hundred Tons, and under Two Hundred, Three Shillings and Sixpence.

Vessels of Two Hundred Tons and upwards, Six Shillings.

For Lighters, per load, Eightpence.

Provided nevertheless, That no Vessel shall be subject to the payment of Wharfage so long as the navigation shall remain closed by ice, except when undergoing repairs in the Spring, as hereinafter mentioned.

Proviso.
No Wharfage to be paid after the close of the navigation.

III. *And be it further enacted*, That every Ship or Vessel which shall at any time only be fast to the aforesaid Wharf, and shall be in a condition capable of being removed, shall be obliged to move off from thence, in order to make room for and suffer any other Ship or Vessel to load, unload, or careen thereat; and on refusal or failure so to do, after due notice and request thereof to the Master or Commander, or to any one of the Owners of such Ship or other Vessel, he or they shall forfeit and pay to the Wharfinger a Sum not exceeding Five Pounds for each and every neglect or refusal, upon due proof thereof being made upon the Oath of the said Wharfinger before any One of His Majesty's Justices of the Peace.

Vessels to be removed

on request and notice, to make room for another.

Penalty on Master, &c. refusing to remove.

Mode of recovery thereof.

IV. *And be it further enacted*, That every Ship or other Vessel that shall make fast to any other Ship or Vessel that shall be fastened to the Wharf aforesaid, and shall continue so to be fastened, or shall there load, unload, or careen, or shall be undergoing repairs prior to or subsequent to the opening of the navigation, shall be subject and liable to pay the one half of the Rates that such Ship or other Vessel so fastened should and would have been liable to pay by this Act, in case of being fastened to the said Wharf, and there loaded, unloaded, or careened.

Vessel made fast to another or undergoing repairs only to pay half Wharfage.

V. *And be it further enacted*, That if the said Wharf shall at any time be so encumbered with Lum-

ber, Coals, Bricks, or any other species of Goods, so as to incommode or obstruct the passing or repassing of any Carts or Carriages employed for the purpose of loading or unloading any Ship or other Vessel, then and in that case the Wharfinger shall personally warn, or by notice in writing to be left at the place of residence of the Owner or Owners of such Lumber, Coals, Bricks, or other Goods, their Agent or Agents, requiring him or them to remove the same from thence within a reasonable time; and if the same shall not be removed accordingly, the Wharfinger, by himself or his Agent or Agents, is and are hereby empowered to remove the same, and keep them in his custody until the whole Charges attending the removal be paid by the Owner or Claimant of such Goods; and in case the Owner or Agent is not to be found, the Wharfinger may and shall at his discretion remove the said Goods as is herein before directed.

Duty of Wharfinger.

VI. *And be it further enacted*, That the said Wharfinger is hereby empowered to cause to be removed all obstructions which may be placed on either side of the said Wharf in a line with Queen Street, at the expence of the Person causing such obstruction; and to prevent to the utmost of his power the Master or Owner of any Ship, Vessel, Lighter or Boat, or any other Person, from throwing or unloading any Stones, Gravel, Ballast, Oyster Shells, Rubbish, or any other thing that will not float, into the water within the limits aforesaid; and the said Wharfinger is hereby authorized and required to prosecute any Person so offending, who shall, upon due proof thereof, before any One of His Majesty's Justices of the Peace, forfeit and pay for every such Offence a Sum not exceeding Five Pounds, besides being liable to an Action for the Damage that any Vessel or Cargo may sustain thereby.

Further duty of Wharfinger.

VII. *And it shall and may be lawful to and for* the said Wharfinger, during the time that any Ship or

Vessel shall continue to use the said Wharf for the purposes aforesaid, daily and every day to ask, demand, and recover from the Master or Commander, Owner or Agent of the said Ship or Vessel, the several Rates of Wharfage to which the said Ship or Vessel shall or may be liable. Provided, that such Agent or Agents of such Ship or Vessel shall be liable to pay the same only when an account shall be delivered to, or in case of absence, left at his or their place of residence, and the Money demanded of him or them, or his or their Clerk before the sailing or departure of such Ship or Vessel from port, anything herein contained to the contrary notwithstanding.

Wharfinger to demand Wharfage daily.

Proviso.

Agent of Vessel only liable when account is delivered.

VIII. *And be it further enacted*, That the Wharfinger so to be appointed is hereby required to furnish an Account on Oath, and pay over to the Treasurer of this Island, quarterly, that is to say— on the First Monday in January, the First Monday in April, the First Monday in July, and the First Monday in October, in each and every year, all Monies that may come into his hands, either for Wharfage or Fines imposed by this Act, under a Penalty of Twenty Pounds for each and every neglect or refusal, the same to be recovered by Bill, Plaint, or Information in His Majesty's Supreme Court of Judicature of this Island, and shall also be liable to be displaced from his situation as Wharfinger; which said Wharfage, Fines and Penalties shall be applied towards payment of the said Wharfinger's Salary and the necessary repairs of the Wharf, and to and for such other uses and purposes as shall or may hereafter be authorized and directed in and by any Act or Acts of the Legislature of this Island; and for each and every neglect of the other Duties imposed on him by this Act, he shall forfeit and pay a Sum not exceeding Five Pounds, to be recovered before any Two of His Majesty's Justices of the Peace, to be applied as hereinbefore directed.

Wharfinger to furnish account to Treasurer quarterly, viz. 1st Monday in January—1st Monday in April—1st Monday in July—1st Monday in October, of all Monies by him received.

Penalty for neglecting so to do.

Mode of recovery thereof.

Appropriation of penalty.

Penalty on Wharfinger for other neglect of duty

IX. *And be it further enacted*, That all Fines

Mode of recovery of fines imposed by this Act

and Penalties arising under or by virtue of this Act, except such as may be imposed upon the Wharfinger, shall be recovered, together with Costs, upon the Oath of the said Wharfinger or any other credible Witness, before any One of His Majesty's Justices of the Peace—to be levied by Warrant of Distress and Sale of the Offender's Goods and Chattels; and if no Goods and Chattels can be found whereon to levy the same, it shall and may be lawful for the said Justice to commit the party so offending to the common Jail, for a period not exceeding Two Calendar Months.

Persons incumbering Wharf contrary to directions of Wharfinger

X. *And be it further enacted,* That if any Lumber or other Goods shall be laid or left upon the Wharf contrary to the directions of the Wharfinger for the time being, the Party so offending shall be liable to a Fine not exceeding Forty Shillings, with Costs, to be recovered as last hereinbefore mentioned, over and above the Charges of removing the same therefrom, in case the Wharfinger shall cause the same to be removed, as he is hereinbefore authorized to do.

to forfeit £2 and costs.
Mode of recovery thereof.

Wharfinger to give directions respecting Vessels.

XI. *And be it further enacted,* That the Person in charge of any Vessel lying at the said Wharf, when directed by the Wharfinger so to do, shall cause the Gib Boom and Main Boom of such Vessel, or either of them, to be struck or taken on board of the said Vessel, under a Penalty not exceeding Twenty Shillings; and if the Owner, Master, or Person in charge of any Vessel shall allow such Vessel, through neglect or otherwise, to injure the said Wharf, such Person shall be liable, for every such Offence, to a Fine not exceeding Twenty Shillings, over and above the amount of Damage thereby done to the said Wharf—the said Fines to be recovered, together with Costs, before any One of His Majesty's Justices of the Peace—and the Damage so done to the Wharf, if exceeding Five Pounds, shall be recovered at the suit of the Wharfinger by Action in His Majesty's

Penalties on Persons refusing to comply therewith.

Mode of recovery thereof.

Supreme Court of Judicature of this Island; and if under that Sum, then to be recovered before any One of His Majesty's Justices of the Peace.

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

Limitation of this Act.

C A P. XXXIII.

An ACT to repeal the several Acts relating to LICENSES for Retailing Strong and Spirituous Liquors, and to make other Provisions in lieu thereof.

[Passed, April 6th, 1833.]

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 Inn-keepers and Store-keepers, 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

Repeals Act of the 13th year of King Geo. the 3d, prohibiting the sale of Spirituous Liquors by retail without License. &c.

and an Act of the 25th year of the same King, in addition to, and amendment thereof.

and an Act of the 11th year of King Geo. the 4th, for granting Licenses to Tavern-keepers. &c.—

and also an Act of the 1st year of His

present Majesty's
Reign, in amend-
ment of said last
mentioned Act.

the present King, 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 Ser-vants,'* be, and the same are hereby respectively repealed.

After the 1st July,
1833, Licenses grant-
ed to Tavern-keep-
ers on certain con-
ditions, and to be
inserted in such Li-
censes,

conditions required
for License in Char-
lotte-Town.

Conditions required
for License in the
Country.

Proviso.

Persons applying
for License to pro-
duce a Certificate
from 2 Justices of
the Peace of their
having the accom-
modation required,
and that they had
made an affidavit.

Form of Affidavit.

Persons neglecting
to keep the accom-

II. *And be it further enacted,* That from and after the First day of July next, 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 Charlotte-Town, four good and sufficient Feather Beds and Bedding, for the accommodation of Travel- lers, with good Stalled Stabling and necessary and wholesome Provender for Six Horses; and if in the Country, two 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 neigh- bouring Justices of the Peace, verifying that he, she or they, hath or have, in all respects, the accommo- dations herein before required, and also hath or have taken and subscribed the following Affidavit:

' I of in the Town or County
(as the case may be) of do swear, that
' the Beds and Stable accommodations now exhibited
' are for the use of Travellers who may stop at this
' Tavern: So held me God.'

And any Person or Persons obtaining such License, and neglecting to keep the said accommodations, or

shall refuse to accommodate Travellers to the extent thereof, shall, upon Conviction, on every complaint thereof made on Oath before any One of His Majesty's Justices of the Peace, forfeit and pay the Sum of Forty Shillings.

modation required, to forfeit £2.

III. *And be it further 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 Charlotte-Town, having the accommodations herein before 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 Twelve Pounds—all which Sums respectively shall be paid into the Treasury of this Island for the use of His Majesty's Government (over and above the usual Fees of Office), the same to be appropriated as may hereafter be directed in and by any Act of the Legislature of this Island.

After the 1st July, 1833, Lt. Governor authorized to grant retail Licenses.

Rate of License duty for Tavern keepers in Charlotte-Town.

Rate of License Duty payable by Tavern-keepers in the Country.

Rate of License Duty payable by Retailers of not less than 1 quart.

Rate of License Duty payable by Retailers of less quantities than 1 quart.

Mode of appropriation of License duty.

IV. *And be it further enacted*, That it shall and may be lawful to and for the Lieutenant Governor, or other Administrator of the Government, from time to time, to grant Licenses at any period of the year to Storekeepers only for the term of Six Calendar Months, at a rate proportionable to that on which similar Licenses are granted for one year; but that if

Lt. Governor, &c. may grant Licenses to Store-keepers for 6 months.

Termination of such Licenses.

any such License or Licenses do not otherwise terminate, the same shall respectively expire on the First day of July in every year, any thing in such License contained to the contrary notwithstanding.

Penalty on unlicensed Retailers for first, second, and every other offence.

V. And be it further 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 any Person who shall have obtained License to Sell in quantities not less than One Quart, contrary to the true intent and meaning of this Act, or shall suffer any Fermented or Distilled Spirituous Liquors Sold by him, her or them, to be drank in his, her, or their House, Shop, or Store, shall forfeit and pay, for the first Offence, the Sum of Five Pounds, and for the second Offence, the Sum of Ten Pounds, with the forfeiture of his, her, or their License.

Penalty on licensed Retailers of not less than 1 quart, selling less than that quantity, or suffering any Liquor to be drank in their Houses, &c. Penalty for second offence.

VI. And be it further 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 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 herein before 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

Persons paying, deducting, or setting off all or any part of the wages of Artificers Servants, &c. in Spirituous Liquors.

to be deemed unlicensed Retailers,

and to be proceeded against as such.

Artificers, Servants, &c. so aggrieved, to be entitled to the whole of their wages or hire.

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 manner satisfied.

VII. *And be it further 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 Spirituous 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.

Pludges for payment of debts contracted for Spirituous Liquors to be restored.

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

Complaint to be exhibited within three months.

VIII. And whereas much inconvenience and loss of Property has heretofore been sustained by Travellers with Sleights, Carioles, Carts, and other Carriages, from Pigs, Sheep, Cattle, and other animals running at large about Houses of Entertainment:

Preamble.

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

Tavern-keepers in the Country to provide an enclosed place for the use of

Travellers on pain of forfeiting £1 for each offence.

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.

Persons selling Fermented or Spirituous Liquors by themselves, Servants, &c. in other place than where they reside, although possessing a License,

IX. And be it further 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 indirectly, 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, upon pain that, on Conviction thereof, he, she, or they 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.

liable to the fine imposed on unlicensed Retailers.

No Licensed Tavern-keeper or Retailer to sell Spirituous Liquors on a Sunday except to Lodgers.

X. And be it further 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 Twenty Shillings, and for every succeeding Offence the Sum of Two Pounds.

Penalty for first and second offence.

Licensed Tavern-keepers to have Sign Boards.

XI. And be it further 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 for neglecting so to do.

XII. And be it further 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, his Wife, or Children, who may so Sell or supply Liquor against its enactments, or his, her, or their confidential Clerk; 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.

Imposes a penalty for refusing to give evidence when required.

XIII. *And be it further 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 His Majesty's Justices of the Peace, on view, or on the Oath of the Informer, or any other credible Witness or Witnesses; 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.

Mode of recovery of fines imposed by this Act.

XIV. *And be it further enacted,* That one half of the Monies arising from the several Penalties, Fines and Forfeitures inflicted by this Act, shall be paid into the hands of the Treasurer of this Island, to and for the use of His 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.

Application of fines recovered under this Act.

XV. *And be it further enacted,* That all Prosecutions in pursuance of this Act, for Penalties, Fines and Forfeitures, shall be commenced within Three Months after the same shall have been incurred.

Prosecutions for fines under this Act to be commenced within 3 months.

XVI. *And be it further enacted,* That no Licensed Retailer shall be deprived of his License except by Judgment rendered by Two or more

Licensed Retailers not to be deprived of License except by judgment of 2 or

more Justices of the Peace.

of His 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.

Suits brought against Justices, &c. for any thing done in pursuance of this Act, Defendant may plead the General Issue and give special matter in evidence.

XVII. *And be it further 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 any thing in pursuance of this Act, the Defendant in such Actions may plead the general issue, and give the special matter in evidence.

Penalty on Justices omitting their duty.

XVIII. *And be it further 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 Informer, and the other Moiety to be paid into the Treasury of this Island, to and for the use of His Majesty's Government.

Application of penalty.

Appeal allowed from Judgment of Justices of the Peace.

XIX. *And be it further enacted,* That all Persons deeming themselves aggrieved at the sentence or determination of any of the said Justices, relative to any of the Offences before mentioned, may Appeal therefrom to His Majesty's Supreme Court—provided such Appeal be prayed in Forty-eight Hours, and Security given in manner as the Law in such cases directs in regard to the Recovery of Small Debts.

Proviso.

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.

Not to prevent Lt. Governor, &c. from granting free Licenses.

XX. *And be it further 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 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, 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 Charlotte-Town, 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.

Mode of proceeding against Persons convicted before Justices of the Peace under this Act.

XXI. *And be it further 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,

Licensed Retailers allowing Servants or Apprentices to drink within their houses without the leave of their Masters, &c.

to forfeit £1 for each offence.

to be recovered, together with Costs, upon Conviction before any one of His 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 is hereinbefore directed, and which fines shall be paid into the Treasury of this Island to and for the use of His Majesty's Government.

Mode of appropriation of fines.

No action to be maintained for the price of any Spirituous Liquors sold in quantities less than 2 Gallons.

XXII. *And be it further 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.

CAP. XXXIV.

An ACT to continue for one year an additional Duty imposed on WINES and SPIRITUOUS LIQUORS imported into this Island.

[Passed, April 6th, 1833.]

WHEREAS it is considered expedient and necessary that the Duties now payable on all Wines, Gin, Brandy, Rum, and other distilled Spirituous Liquors, imported into this Island, should be continued for a further term of one year:

Preamble.

I. *Be it enacted, by the Lieutenant Governor, Council, and Assembly*, That from and after the Seventh day of May next ensuing, the following Duties shall be paid on the several articles hereinafter mentioned—that is to say, on all Wines of every denomination, and on all Gin, Brandy and Rum imported into this Island, and on all other Distilled Spirituous Liquors, except as hereinafter mentioned, Five-pence per Gallon, over and above the sum of Ten-pence per Gallon payable on all such Liquors imported into this Island under two several Acts, one made and passed in the Twenty-fifth year of the Reign of

On all Wines, Gin, &c. imported into this Island (except as hereinafter excepted). 5d. per Gallon to be paid over and above the sum of 10d. per Gallon imposed by Permanent Revenue Acts.

His late Majesty King George the Third, intituled *An Act to amend, render more effectual, and to reduce into one Act the several Laws made by the General Assembly of this Island relative to the Duties of Impost on Wines, Rum, Brandy and other Distilled Spirituous Liquors, and for allowing a Drawback upon all Wines, Rum, Brandy, and other Distilled Spirituous Liquors exported from this Island*; and the other made and passed in the Thirty-fifth year of the same Reign, intituled *An Act for raising a Duty on Wine, Rum, and other Distilled Spirituous Liquors, and for imposing a Duty on Porter, Ale, and Strong Beer*—which said several Duties shall be secured and collected, in manner and form, and subject to the rules and regulations mentioned and expressed in the first of the before mentioned Acts, and as hereinafter expressed and set forth.

Provided always, that all Rum imported into this Island from the West Indies or South America direct, shall be liable only to the payment of an additional Duty of Two-pence per Gallon, if the same shall have been purchased by, bartered or exchanged for, articles growing, raised, produced or manufactured within this Island, or with Fish caught on its shores or cured in the said Island, and loaded in any of its Ports, and carried or shipped from the said Island. *And provided also*, that every Owner or other Person who shall import into this Island any Rum, as last hereinbefore mentioned, in order to obtain the benefit of this Act shall, within Twenty-four hours after such importation, deliver to the Collector of Impost for the Port where the said Vessel shall enter, an Invoice specifying therein the quantity of such Rum, and shall, at the foot of such Invoice, make and subscribe the following affidavit or affirmation—

‘I A. B. do swear (or affirm), that the foregoing Invoice is just and true, and that the said

to be paid and secured and collected under the rules of the Act of the 25th year of King Geo. the 3d, first mentioned.

Proviso.

Rum imported from West Indies, &c. direct, only to pay 2d. per gallon, if the same shall have been bartered or exchanged for articles the growth or produce of this Island, or for Fish caught on its Shores, or cured therein or landed in its Ports, or shipped therefrom.

Proviso.

Importer within 24 hours after importation, to deliver Collector an Invoice specifying quantity, and to swear the following oath.

Form of Importer's oath.

‘Rum, and every part thereof, was actually purchased in the West Indies or South America, with the proceeds of certain articles the growth, produce or manufacture of this Island, or with Fish caught or cured on its shores, and loaded in one of its Ports, and carried from the same; or bartered and exchanged for articles the growth, produce or manufacture of the said Island, or for Fish caught on its shores, or cured on the said Island, and loaded in one of its Ports, or carried from the same.’

Persons swearing oath with intent to defraud, on conviction to suffer the pains inflicted on persons guilty of perjury.

And if any Person or Persons shall, with intent fraudulently to take advantage of the benefits and provisions of this Act, make or affirm the foregoing affidavit falsely, such Person or Persons, on due conviction thereof, shall suffer the pains and penalties by Law appointed for Persons guilty of wilful and corrupt perjury.

If any Rum be falsely represented by Importer as having been bought or bartered with produce, &c. of this Island, the same to be forfeited

II. *And be it further enacted*, That if any Rum shall be imported into this Island, and shall be falsely represented by the Person importing the same as having been purchased with, or bartered or exchanged in the West Indies or South America for, articles the growth, produce, or manufacture of this Island, or for Fish caught on its shores, or cured thereon, and loaded in any of its Ports, and carried or shipped from the same, then the whole of the said Rum, so falsely represented to have been purchased, bartered, or exchanged as aforesaid, shall be forfeited, and the Master of the Vessel importing the same, or Owner, or other Person, so falsely representing the same to have been purchased, bartered, or exchanged as aforesaid, shall be liable to a penalty of Fifty Pounds, one half of such forfeiture and penalty to be paid to His Majesty, to and for the use for which the said rates and duties are granted, and the other half to the Person who shall and may sue for the same; and that any Verdict or

and the Master of Vessel or Owner or other Person making such false representation, to be liable to a penalty of £50.

Appropriation of penalty.

Conviction for such Penalty shall be over and above all Costs of suing for the same, to which the Informer shall be, and is hereby entitled.

Provided always, That this Act or any thing therein contained, shall not extend, or be construed to extend, to interfere with the provisions and regulations of any Act of the Imperial Parliament in force in this Island, so far as the same relates to the Collection and Appropriation of any Duties upon any of the Articles specified and charged with Duties in this Act, or in any of the Acts hereinbefore mentioned.

Proviso.

Nothing in this Act to interfere with any Act of the Imperial Parliament in force in this Island relative to the collection and appropriation of duties.

III. *And be it further enacted,* That from and after the Seventh day of May next, there shall be allowed and paid a Drawback on Wines, Gin, Brandy, Rum, and other Distilled Spirituous Liquors which shall be imported into this Island, on the exportation of the same therefrom, a Sum equal in amount to Seven-eighths of the Duties imposed by this Act, or the said before mentioned Acts, on such Articles, on the arrival of the same in this Island.

Drawback on all Wines, &c. equal in amount to 7/8ths of duties, to be allowed on exportation.

IV. *And be it further enacted,* That such Drawback on all Wines, Gin, Brandy, Rum, or other Distilled Spirituous Liquors so exported, shall be paid to the Exporter or Exporters thereof, if the Duties imposed thereon, as last aforesaid, shall have been *bona fide* paid prior thereto; and in the same currency or description of Money as Warrants shall then be payable at the Treasury; and if only secured to be paid, credit shall be given on the back of the Security for the Drawback hereby allowed on the quantity exported. *Provided,* that before the exportation of any of the before mentioned articles from this Island, on which a Drawback is allowed as aforesaid, the Collectors of Impost within this Island are hereby required, on request made to them respectively for that purpose, to grant Permits for such Ex-

If duties have been paid prior to exportation, drawback to be paid to Exporter

and if only secured, credit to be given on back of security.

Proviso.

Before exportation, Collector to grant Permit to ship Wines, &c.

portation to be made therein, stating the names of the Importers and Exporters, and the quantity permitted thereby to be exported; and no Drawback shall be paid or credited to any such Exporter, until he shall have obtained and produced to the Treasurer of this Island a Certificate endorsed on the back of the said Permit from the principal Officer of His Majesty's Customs at the port to which the same shall or may have been carried, or from some Officer or Officers there, duly authorized to grant the same, expressing such Wines, Brandy, Gin, Rum, or other Distilled Spirituous Liquors to have been there actually landed, and the Duties thereon duly paid, or secured to be paid, according to the Law of the place to which the same may have been exported from this Island, pursuant to such Permit; and for the better and more effectually preventing frauds herein, the Exporter or Exporters of all or any such Liquors shall take and subscribe the following Oath, which Oath the said Collector and Receiver, or Collectors and Receivers, are hereby empowered and directed to administer:

No drawback to be paid or credited until certificate be produced to the Treasurer, indorsed on permit, of the landing of the same at some Port not in this Colony.

Exporter also to take an oath, to be administered by Collector.

Form of Exporter's Oath.

' I A. B. do swear, that the quantity of
' by me Shipped for Exportation on board the
' Ship or Vessel called the whereof
' is Master, bound for the Port of in
' was *bona fide* imported in the Ship or
' Vessel Master, from the Port of
' in since the day of and that
' the Duties for the same have been paid, or secured to be paid, as by Law is required; and that
' the same is not intended to be fraudulently re-
' landed in or at any port or place within this
' Island, or any of the Territories thereunto belonging.'

Any Wines, &c. fraudulently re-landed

V. *And be it further enacted*, That if any Wine, Rum, Brandy, Gin, or other Distilled Spirituous Liquors, shall be fraudulently re-landed

in or at any Port or place within this Island, after the same shall be Shipped for Exportation, the same shall be forfeited; and all Persons concerned in such fraudulent relanding shall also be liable to a Fine of Fifty Pounds, to be recovered by Bill, Plaint, or Information in His Majesty's Supreme Court of Judicature of this Island.

ed after being shipped for exportation, to be forfeited,

and Persons concerned in such relanding to be liable to a fine of £50.

Mode of recovery of fine.

VI. *And be it further enacted*, That nothing herein contained shall entitle any Exporter or Exporters, in any respect whatsoever, to a Drawback on a less quantity of such Wine, Brandy or Gin, than Fifty Gallons, or on a less quantity of Rum, or other Distilled Spirituous Liquors, than One Hundred Gallons.

No Exporter to be entitled to drawback on a less quantity than 50 gallons of Wine, &c.

VII. *And be it further enacted*, That the Duties payable under and by virtue of the before mentioned Acts, and this Act, shall be secured in way and manner prescribed by an Act made in the Fifty-second year of the Reign of His late Majesty King George the Third, intituled *An Act to alter and amend Two several Acts of the General Assembly of this Island, viz: an Act intituled 'An Act to amend, render more effectual, and to reduce into one Act the several Laws made by the General Assembly of this Island relative to the Duties of Impost on Wines, Rum, Brandy, and other Distilled Spirituous Liquors, and for allowing a Drawback on all Wines, Rum, Brandy, and other Distilled Spirituous Liquors exported from this Island'—and an Act intituled 'An Act for raising a Duty on Wine, Rum, Brandy, and other Distilled Spirituous Liquors, and for imposing a Duty on Porter, Ale, and Strong Beer'*—and by an Act made in the Eleventh year of the Reign of His late Majesty King George the Fourth, intituled *An Act for the further security and recovery of Monies due to His Majesty upon Duties of Impost and Excise, and*

Duties payable under before mentioned Acts, and this Act, to be secured as prescribed in Act of the 52d year of King Geo. the 3d, altering and amending Laws of Impost on Wines, &c.

And an Act of the 11th year of King Geo. the 4th, for the further security and recovery of Monies due to His Majesty, &c.

for regulating the Offices of Treasurer and Collector of Impost.

Persons importing any Wines, &c. liable to Duty, to make an Entry in writing,

VIII. *And be it further enacted,* That all Persons importing into this Island any Wines, Gin, Brandy, Rum, or other Distilled Spirituous Liquors, liable to Duty of Impost, or any other article or articles liable to such Duty, before paying or securing the Duties thereon, shall make his or their Entry in writing, stating the quantity and description of such Dutiable article or articles, the Vessel's name in which the same was imported, together with the Master's name: and every Importer making such Entry shall swear to the same, before the Collector and Receiver, or Collectors and Receivers, of Impost and Excise, in the following words:

and also to swear to the same before Collector, &c.

Form of Importer's Oath.

I do swear, that I verily believe the Entry now made by me is a correct and true account of all Casks, Packages, number of Gallons, and weight of Dutiable articles imported by me in the Ship or Vessel called the
Master. So help me God.
A. B.,
Importer.

All Duties imposed by this Act, or other Revenue Acts, to be over and above all duties imposed by Imperial Parliament.

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

All Spirituous Liquors manufactured in Great Britain or Ireland, exempted from the payment of any duty.

X. *And be it further enacted,* That all Spirituous Liquors, of what nature or kind soever, manufactured in any part of the United Kingdom of Great Britain and Ireland, be, and the same shall be imported into this Colony duty free—any thing in this Act, or in the hereinbefore mentioned Acts, to the contrary notwithstanding.

XI. *And be it further enacted,* That the

Collector and Receiver, or Collectors and Receivers, that now are, or hereafter shall be appointed by the Lieutenant Governor, or other Administrator of the Government, by and with the advice and consent of His Majesty's Council, to secure and collect the Duties payable under the herein before mentioned Acts, or this Act, shall only be paid and have five per centum on all Monies paid or secured under and by virtue of the herein before mentioned Acts, and this Act, except the Collector and Receiver for the District of Charlotte-Town, who is already provided for by Salary.

Allowance to Collectors, &c. under this Act.

XII. *And be it further enacted,* That all Monies arising from the Rates and Duties imposed by this Act, shall be Appropriated by an Act hereafter to be passed, and laid out in such manner as in and by the said Act shall be directed and appointed: And if the Treasurer of this Island shall issue or pay any of the said Monies for any other purpose than shall be therein declared and expressed, he shall forfeit and pay the Sum of Five Hundred Pounds, and be rendered incapable of holding the said Office of Treasurer; the said Forfeiture to be applied to and for the uses which shall be expressed in the said Act, and be recovered by Bill, Plaint, or Information in His Majesty's Supreme Court of Judicature of this Island.

Mode of appropriating Monies raised under this Act.

XIII. *And be it further enacted,* That when from henceforth the Duty to be paid by any Importer or Importers of any Wine, Rum, Brandy, Gin, or other Distilled Spirituous Liquors, shall amount to the Sum of One Hundred Pounds, and under Two Hundred Pounds, the said Collector and Receiver, or Collectors and Receivers, is or are hereby authorized to give Credit for the Payment thereof for the space of Twelve Months; and for any greater amount, the space of Fifteen Months; provided that sufficient Security be given for the payment of the said Duty within the said time so as aforesaid limited for the

If Duty amounts to £100, and is under £200, credit to be given in the payment thereof for 12 months;

and for any greater amount, 15 months' credit to be given. Proviso. That security be given for the same.

payment thereof—any thing in the said Acts to the contrary notwithstanding.

Suspends the 20th, 21st, 22d, & 23d Sections of the Act of the 25th year of King Geo. the 3d, relating to the Duty on Wines, &c.

XIV. *And be it further enacted,* That from and after the passing hereof, the Twentieth, Twenty-first, Twenty-second and Twenty-third Sections of the first herein before mentioned Act, be, and the same are hereby suspended during the continuance of this Act.

Limitation of this Act.

XV. *And be it further enacted,* That this Act shall continue and be in force for One Year from the Seventh day of May next, and no longer.

C A P. XXXV.

An ACT for continuing for One Year an ad-valorem Duty on all Goods, Wares and Merchandise imported into this Island; with certain exceptions.

[Passed, April 6th, 1833.]

A Duty of Impost to be levied on all Goods, &c. (except as hereinafter excepted) brought into this Island,

BE it enacted, by the Lieutenant Governor, Council, and Assembly, That a Duty of Impost shall be levied, paid and received, on all kinds of Goods, Wares and Merchandise, of what kind and nature soever, except as hereinafter excepted, which shall be imported or brought into this Island from any place or country whatsoever, after the passing hereof, and which shall be used, sold, expended or consumed within this Island; which said Impost Duty shall be levied, paid and collected at the following rate—that is to say, a Duty of Impost of Two Pounds Ten Shillings on every One Hundred Pounds worth of Goods of any kind which shall be imported for Sale or consumption as aforesaid by any Person or Persons whomsoever; which said Duty of Impost shall be calculated on the Invoice price of each One Hundred Pounds' worth of such Goods as aforesaid, and so in proportion for a greater or less quantity thereof.

and consumed within the same,

at the rate of £2 10s. on every £100 worth of Goods.

Duty to be calculated on Invoice price.

Masters of Vessels, &c. before

II. *And be it further enacted,* That all Masters of Ships, coasting, fishing, and all other Vessels

whatsoever, coming into any Harbour, Port, River, Creek, or any part of the Coasts of this Island, having on board Goods, Wares, or Merchandise, shall, before breaking bulk, and within Forty-eight Hours after their arrival, make report in writing upon Oath to any of the Collectors and Receivers within this Island, of all Goods, Wares, and Merchandise on board any such Ship or Vessel, specifying therein the kind of Casks, Packages, Parcels, Boxes, Trunks, Bales, and all other manner of things, in which they shall or may be contained, together with the marks and numbers thereof, and that they have not landed, nor suffered to be landed; sold, bartered or exchanged, any Goods, Wares, or Merchandise, at any port or place within this Island, or on the Coasts thereof, since their sailing from the port or place where the same were laden on board any such Ship or Vessel for exportation; which Oath the said Collector and Receiver, or Collectors and Receivers, is or are empowered to administer in the form following:

breaking bulk, and within 48 hours after arrival, to report on oath their cargoes particularly, to Collectors or Receivers; which oath the Collector, &c. is empowered to administer in the form following:

‘You A. B. do swear, that the report which you have made, read, or heard read, and subscribed, contains a just and true account of all the Goods, Wares, and Merchandise laden on board the
 at and that you have not landed,
 nor suffered to be landed, sold or delivered, bartered or exchanged, any Goods, Wares, or Merchandise,
 at any port or place within this Island, or on the Coasts thereof, since your sailing from
 ‘So help you God.’

Form of oath of Master.

III. *And be it further enacted*, That all and every Person or Persons whosoever who shall import or bring into this Island any Goods, Wares or Merchandise, of any kind whatsoever, such Person or Persons shall immediately produce to the Collector and Receiver of Impost for the District wherein such importation shall be made, an Entry containing the particulars of the Articles imported, and the total amount of the original Invoice of the Goods, Wares

Importer to produce to Collector, &c. an Entry containing particulars of Articles imported, and amount of Invoices;

and shall make and subscribe the following oath, to be administered by Collectors, &c.

Form of Affidavit of Importer.

and Merchandise, which shall be so imported as aforesaid; and the Owner or Owners of such Goods shall make and subscribe the following Affidavit, which the said Collector is hereby empowered to make and administer the Oath thereon, that is to say:

I A. B. of _____ in the County of _____ do swear, that the Entry now by me made is just and true, and is according to the original Account or Invoice, by me imported in the _____ from _____ whereof _____ is Master, which are made subject to an Impost Duty, in and by an Act passed in the Third year of the Reign of His present Majesty King William the Fourth, intituled (Here insert the Title of this Act); and I do further swear, that I am the Owner (or part Owner, or Consignee, as the case may be) thereof, and have the principal care, disposal and management of the same.

When the Owner of the Goods, &c. is not a resident in this Island, the Person making the Entry only to swear to the value and ownership.

And if the Goods so imported shall belong to any Person or Persons not residing in this Island, then the Person producing to the Collector or Collectors the Entry thereof as aforesaid, shall only be obliged to swear to such part of the said Affidavit as relates to the value and ownership of such Goods.

If any Goods, &c. liable to Duty arrive at any Port in this Island before Consignee shall receive an Invoice, Collector, &c. may grant a Permit to land same, and on an appraisal thereof by two persons on oath,

IV. *And be it further enacted,* That when any Goods, Wares or Merchandise, liable to the payment of the Duty of Impost, shall have arrived at any Port within this Island before the Consignee thereof shall have received an Account or Invoice of the same, the Collector for the District where the said Goods shall be, is hereby required, on request of such Consignee, to grant a Permit for the same to be landed or inspected on board, and the same being appraised as to the prime cost thereof when landed, by two competent and disinterested Persons, on Oath made before such Collector, shall pay Duty according to such appraisal.

Duty to be paid according to appraisal.

Proviso. If Importer is entitled to any Draw-

Provided always, That if for any Goods so imported the Importer shall be entitled to a Drawback

of any Duties imposed on such Goods in Great Britain or Ireland, or any British Colony, the amount of such Drawback shall be deducted from the amount of such Invoice, and the said Duty of Two and One-half per centum be imposed on the residue of the Invoice after such deduction. And all Goods, Wares or Merchandise that shall be imported or brought into this Island after the passing hereof, as aforesaid, and shall be found in the custody or possession of any Person or Persons whomsoever, during the operation of this Act, without having been entered and accounted for as aforesaid, and the Duties thereon paid or secured in the manner hereinafter mentioned, the whole, and every part thereof, shall be seized, forfeited, condemned, and distributed in the manner hereinafter mentioned. *Provided always*, that in case of the absence of the Importer of such Goods, Wares, and Merchandise, it shall and may be lawful for the principal Clerk or Agent of such Importer to make Oath agreeably to the tenor of the above Affidavit.

back on such Goods, &c. in Great Britain, &c. duty only to be paid on the amount of Invoice, after deducting such drawback therefrom.

Goods, &c. liable to forfeiture if the foregoing provisions be not complied with, and the duty paid or secured,

and distributed as hereinafter mentioned.

Proviso.

In the absence of the Importer, his Clerk or Agent to make the oath of Entry.

V. *And be it further enacted*, That all the Rates and Duties before mentioned shall be paid by the Importer or Importers of any such Goods, Wares or Merchandise unto the Collector and Receiver, or Collectors and Receivers, for the time being, appointed for collecting and receiving the same, at or before the landing thereof. *Provided nevertheless*, that when the Duty to be paid by any Importer or Importers of such Goods, Wares or Merchandise shall amount to a Sum exceeding Five Pounds, and not more than Ten Pounds, the said Collector and Receiver, or Collectors and Receivers, of the said Duties is or are hereby authorized to give Credit for the Payment thereof for the space of Three Months; and in like manner if the said Duties shall exceed the Sum of Ten Pounds, and not amount to more than Thirty Pounds, the said Collector and Receiver, or Collectors and Receivers, is or are hereby authorized to give Credit for Payment thereof for the space of

Duties to be paid to the Collector, &c. before landing.

Proviso.

Collector, &c. authorized to give credit for 3 months, when duties exceed £5, and are not more than £10.

If above £10, and not more than £30, credit to be given for 6 months.

If above £50, and not more than £100, credit to be given for 9 months.

If above £100, and not more than £200, credit to be given for 12 months;

and for any greater amount, credit to be given for 15 months, provided security be given as after directed.

Proviso.

Collector, &c. to include in one Bond all Duties payable by any Importer for all Goods, &c. liable to any Duty imported in one Vessel, and to give credit as hereinbefore set forth.

Collector, &c. to take Bond or Recognizance to the King, payable as before mentioned,

with one good Surety.

Six Months; and if the said Duties shall exceed the Sum of Thirty Pounds, and not amount to more than One Hundred Pounds, then he or they are hereby further authorized to give Credit for the Payment thereof for the space of Nine Months; and when the said Duties shall exceed the Sum of One Hundred Pounds, and not amount to more than Two Hundred Pounds, he or they are hereby further authorized to give Credit for the Payment thereof for the space of Twelve Months; and for any greater amount, the space of Fifteen Months—provided sufficient Security is given for the Payment thereof, in way and manner herein-after directed. *And provided also*, that when the Importer or Importers of such Goods, Wares or Merchandise shall have in the same Ship, Vessel or Boat, imported any other Article liable to Duty, it shall and may be lawful for the Collector and Receiver, or Collectors and Receivers, to include, and they are hereby required to include, the whole in one Bond or Security, and allow and give the Importer or Importers such Credit as is hereinbefore mentioned and set forth.

VI. *And be it further enacted*, That when and so often as any Collector and Receiver, or Collectors and Receivers of the said Duties, is or are authorized and shall be required to give Credit for Payment of the said Duties, in manner herein before mentioned, every such Collector and Receiver shall in every such instance cause the Person or Persons so requiring such Credit to enter into Bond or Recognizance to the King's Most Excellent Majesty, payable at such time or times as is herein before mentioned; and which Bond or Recognizance shall be signed and acknowledged by the Person or Persons so entering into the same, together with one One good and sufficient Surety, before such Collector and Receiver, who is hereby authorized and required to take and

subscribe such acknowledgment in the same manner and form as is mentioned and set forth in an Act made in the Fifty-second year of the Reign of His late Majesty King George the Third, intituled *An Act to alter and amend two several Acts of the General Assembly of this Island, viz: an Act intituled An Act to amend, render more effectual, and to reduce into one Act, the several Laws made by the General Assembly of this Island, relative to the Duties of Impost on Wines, Rum, Brandy, and other Distilled Spirituous Liquors, and for allowing a Drawback on all Wines, Rum, Brandy, and other Distilled Spirituous Liquors exported from this Island—and an Act intituled An Act for raising a Duty on Wine, Rum, and other Distilled Spirituous Liquors, and for imposing a Duty on Porter, Ale, and Strong Beer,* and also an Act made in the Eleventh year of the Reign of His late Majesty King George the Fourth, intituled *An Act for the further Security and Recovery of Monies due to His Majesty upon Duties of Impost and Excise, and for regulating the Offices of Treasurer and Collector of Impost.*

Collector, &c. to take same in the form set forth in Act of the 52d year of King Geo. the 3d, altering and amending Revenue Acts.

VII. *And be it further enacted,* That if the Sum in the condition of the said Bond or Security respectively mentioned, shall not be paid at the time and in manner therein specified and appointed, the same shall bear lawful interest from the day appointed for the payment thereof, and such interest shall be received by the Treasurer of this Colony for the time being, which, together with the principal, shall be accounted for in the manner hereinafter mentioned; and the amount of the Sum in the condition of such Bond or Security mentioned, and Interest, if any, shall nevertheless be payable and recoverable at such time, and in such manner, after the day therein specified for the payment thereof, as the Lieutenant Governor, or other Administrator of the Government for the

Bond, &c: to carry Interest from time of payment.

to be received by Treasurer and accounted for with principal.

time being, by and with the advice and consent of His Majesty's Council, shall direct and appoint.

All Goods, &c. not duly entered, found on board any Vessel, &c. declared forfeited,

VIII. *And be it further enacted*, That if any Goods, Wares, or Merchandise, not being duly entered, be found on board any Ship, Vessel or Boat after such Entry made, the same shall be and is hereby declared forfeited; and it shall and may be lawful for the said Collectors and Receivers, or either of them; or any Landwaiter or Guager, to seize the same as forfeited Property.

and may be seized.

No Post Entry of any Goods, &c. to be made except by Master, and that within 3 days after arrival.

IX. *And be it further enacted*, That no Post Entry of any Goods, Wares, or Merchandise shall be permitted to be made by any Collector and Receiver of the said Duties by any Person whatever except the Master of such Ship, Vessel or Boat, and that within Three Days after the same shall have arrived.

Collector, &c. may enter on board any Vessel, &c. to search for Goods, &c. not duly entered,

X. *And be it further enacted*, That upon information made to the said Collectors and Receivers, or either of them, that any Goods, Wares, or Merchandise remain on board of any Ship, Vessel or Boat, the same not being duly entered, it shall and may be lawful for the said Collectors and Receivers, or either of them, or either of the said Landwaiters or Guagers, by his or their orders, to enter on board such Ship, Vessel or Boat, and there to search for, and seize, as forfeited, all such Goods, Wares, and Merchandise, so remaining on board the same, not being duly entered as aforesaid.

and seize the same as forfeited.

If any Goods, &c. be landed from any Vessel, &c. after report made, other than is specified therein,

XI. *And be it further enacted*, That if any Goods, Wares, or Merchandise shall be landed from on board any such Ship, Vessel or Boat, after report shall have been made, other than such as shall have been specified and contained in such Report or Manifest so as aforesaid directed by this Act to be made, then and such case all such Goods, Wares, or Merchandise, or the value

the same, or the value thereof, at the

thereof (the same to be estimated at the highest Price such Commodities shall or may then respectively bear), shall be, and the same are hereby declared to be forfeited, and shall and may be seized by any or either of the said Collectors and Receivers of the Duties for the time being, or by any or either of the Land-waiters or Guagers; and if such Goods, Wares, or Merchandise shall be concealed or destroyed so as that seizure cannot be made of the same, then the Master of the said Ship, Vessel or Boat, or the Owner or Owners thereof, or the Receiver or Receivers of such Article so concealed, shall, on being duly convicted thereof, pay the value of the same, according to the aforesaid estimate.

highest estimated price to be forfeited.

Collector, &c. may seize Goods, &c.,

if concealed or destroyed, the Master of the Vessel, &c. Owner or Receiver to pay the value thereof at the aforesaid estimation.

XII. *And be it further enacted,* That if any Goods, Wares, or Merchandise shall be found on board any Ship, Vessel or Boat, which shall not have been duly entered, or which shall be proved to have been landed, sold, delivered, bartered or exchanged, contrary to the true intent and meaning of this Act; or if any Master of such Ship, Vessel or Boat shall refuse or neglect to conform strictly to the directions prescribed in and by this Act; in either of such cases, he shall, on Conviction thereof, by the Oath of one credible Witness, forfeit and pay a Sum not exceeding Fifty Pounds.

Goods, &c. (not being entered) found on board any Vessel, &c. or landed, bartered or exchanged; or if any Master of Vessel shall refuse or neglect to conform to this Act, in either case he shall forfeit £50.

XIII. *And be it further enacted,* That if any Goods, Wares or Merchandise shall be landed from on board any Ship, Vessel or Boat, contrary to the Rules prescribed in and by this Act, and found in the custody, possession, care or keeping of any Person or Persons whatever on shore, not having a Permit therefor, the same shall be forfeited, and the Person or Persons with whom the same shall or may be found, shall forfeit the Sum of Twenty Pounds, unless he, she or they shall

Goods, &c. landed contrary to this Act and found in possession of any Person not having a Permit, to be forfeited,

and the Person so in possession to forfeit £20.

be able to prove the same to have been legally entered and landed.

Persons assisting in the clandestine landing of Goods, &c. to avoid payment of Duty, to forfeit £20, or suffer 3 months' imprisonment.

XIV. *And be it further enacted,* That if any Person or Persons whosever shall knowingly be aiding or assisting in the clandestine landing or concealing of any Goods, Wares, or Merchandise, in order to evade the payment of the Duties to which the same shall be liable by this Act, he, she or they shall, upon Conviction thereof, by the Oath of one or more credible Witness or Witnesses, forfeit and pay the Sum of Twenty Pounds, or suffer Three Months' imprisonment, without bail or mainprize.

Goods, &c. liable to Duty, not to be landed except between sunrise and sunset, unless in the presence and with the consent of Collector, &c.

XV. *And be it further enacted,* That no Goods, Wares, or Merchandise, which by this Act are made liable to a Duty, shall be landed or delivered from on board any Ship, Vessel or Boat, or afterwards put into any Warehouse or other place, except between sunrise and sunset, unless the same be done in the presence and with the consent of the Collector and Receiver for the District or Place where the same shall be landed, on pain of forfeiting all such Goods, Wares and Merchandise, and all and singular the Lighters, Boats, or other Vessels which shall or may be employed in landing the same, together with the Trucks, Carts, Sleds, and Horses or Cattle employed in conveying the same away.

on pain of forfeiting such Goods, &c. and all Boats, &c.

Master of any Vessel, &c. to be liable to pay Duties for Goods, &c. in his Report not duly entered, or the Duties paid by the Owner, &c.;

XVI. *And be it further enacted,* That the Master of any Ship, Vessel, or Boat importing any Goods, Wares, or Merchandise, as aforesaid, shall be, and he is hereby made liable, to pay the Duties for so much thereof as may be contained in his said Report, not being duly entered, nor the said Duties paid by the Person or Persons to whom the same shall belong, or be consigned unto; and it shall and may be lawful to and for the Master of any Ship, Vessel, or Boat, to detain in his hands or possession, or to deliver to

and Master, &c. may detain such Goods,

any of the said Collectors and Receivers, for the Security of such Duties, all such Goods, Wares, and Merchandise as shall not have been duly entered—which said Collector and Receiver is hereby empowered and directed to receive and keep the same at the Owner's risk, until the Duties due thereon, with the Charges, shall have been paid; and if the Duties due and payable on such Goods, Wares and Merchandise shall not be paid, or secured to be paid, by the Owner or Owners thereof, within Three Months, then and in such case, the said Collector and Receiver is hereby empowered to sell and dispose of so much thereof as shall be sufficient to pay the Duties due thereon, and also all Freight, Charges for Storage and Sale thereof.

§c. and deliver same to Collector, §c.,

and if Duties due thereon be not paid or secured within 3 Months, Collector, §c. to sell the same and pay Duties and Charges.

XVII. *And be it further enacted,* That in case any Master of any Ship, Vessel, or Boat shall be prosecuted for a violation of this Act, the said Goods, Wares, and Merchandise so imported shall be subject and liable to be attached, to answer the final judgment which shall or may be given in such prosecution, unless the Master shall enter into Recognizance, with sufficient securities, to answer such final Judgment.

Goods, §c. liable to be attached, unless Master finds Security to answer final Judgment.

XVIII. *And be it further enacted,* That in case any Goods, Wares or Merchandise shall be landed in any Port or Place within this Island, without being regularly entered, and the Duties paid or secured thereon as above directed, and the Importer or Importers of the same shall have left this Island before any Collector and Receiver of such Rates and Duties shall have had notice thereof, then and in such case, the Purchaser or Purchasers thereof (knowing the same not to have been regularly entered, nor the Duties thereon paid or secured) shall be liable to the payment of the Duties payable thereon, and of a further sum, being equal to the amount of such Duties, as a penalty for purchasing the same before

If Goods, §c. be landed without entry, or Duties paid, and the Importer, §c. have left this Island before Collector has had notice thereof, the Purchaser (knowing the same not to have been regularly entered, and the Duties paid) to be liable to duty, and a further sum equal in amount to Duty.

entry with an intent to elude the payment of the said Duties.

Drawback of $\frac{3}{8}$ ths of the whole Duty paid, to be allowed on exportation.

XIX. *And be it further enacted,* That there shall be allowed and paid on all Goods, Wares and Merchandise which shall hereafter be imported into this Island, on exportation of the same therefrom, a Drawback equal in amount to Seven-eighths of the whole Duty paid or secured to be paid on the importation thereof.

Drawback to be paid to Exporter, &c. if Duties have been paid prior thereto,

XX. *And be it further enacted,* That such Drawback on all Goods, Wares and Merchandise so exported, shall be paid to the Exporter or Exporters thereof, if the Duties imposed thereon as last aforesaid shall have been *bona fide* paid prior thereto, and in the same currency or description of money as Warrants shall be payable in at the Treasury; and if only secured to be paid, credit shall be given on the back of the security for the Drawback hereby allowed on the quantity exported.

and if only secured, credit to be given on the Bond.

Proviso.

Collector, &c. to grant Permit for exportation.

Contents of Permit.

No Drawback to be paid until Permit be produced to Treasurer with a Certificate indorsed by principal Officer of Customs, &c. at Port where Goods, &c. are landed,

that such Goods, &c. have been landed and Duties paid.

Provided, That before the exportation of any of the before mentioned Articles from this Island, on which a Drawback is allowed as aforesaid, the Collectors and Receivers of Impost within this Island are hereby required, on request made to them respectively for that purpose, to grant Permits for such exportation to be made, therein stating the names of the Importer and Exporter, and the quantity thereby to be exported: and no Drawback shall be paid or credited to any such Exporter, until he shall have obtained and produced to the Treasurer of this Island a Certificate, endorsed on the back of the said Permit, from the principal Officer of His Majesty's Customs at the Port to which the same shall or may have been carried, or from some Officer or Officers there duly authorized to grant the same, stating such Goods, Wares and Merchandise to have been actually landed there, and the Duties thereon duly paid, or secured to be paid, according to the Law of the Country or Place to which the same may have been exported from

this Island. And for the better and more effectually preventing frauds herein, the Exporter or Exporters of all or any such Goods, Wares and Merchandise shall take and subscribe the following Oath, (which Oath the said Collectors and Receivers are hereby empowered and directed to administer,) viz:

Exporter, &c. to take an Oath, as follows:

“I A. B. do swear, that the Goods specified in the foregoing Invoice were imported by me (or as the case may be), and are charged therein at the Invoice price, and that I have actually paid or secured the Duty of Impost directed to be levied thereon by the Law of this Island, agreeably to the value in such Invoice; and I have shewn and exhibited the Packages in which the said Goods are contained to the Officer appointed to examine the same, who has attended the reshipment thereof; and the whole of the said Goods have been regularly entered at this Office, and are now actually laden on board the bound to and the same are not intended to be again landed, brought back, sold, bartered or exchanged, or consumed in any part of this Island. “So help me God.”

Form of Exporter's Oath.

And the Master of the Vessel in which such Goods, Wares and Merchandise shall be exported shall likewise make and subscribe the following Affidavit, which shall be annexed to the said Invoice:

Master of Vessel, &c. to make the following Affidavit to be annexed to Invoice.

“I A. B. do swear, that, to the best of my knowledge and belief, the Packages marked and numbered as follows, with the Goods therein contained, are now actually laden on board the bound to And I do further swear, that, unless prevented by danger of the seas, winds, or other unavoidable accidents, I will truly land or put on shore at the said Packages, with the said Goods therein contained. “So help me God.”

Form of Master's Affidavit.

XXI. *And be it further enacted,* That if any such Goods, Wares or Merchandise shall be fraudu-

Goods, &c. frau-

fraudulently relanded, to be forfeited,

and Master of Vessel, &c. to forfeit £50.

lently relanded in or at any Port or Place within this Island, after the same shall have been shipped for exportation, the same shall be forfeited, and the Master of such Ship, Vessel or Boat out of which such Goods, Wares or Merchandise shall have been so fraudulently relanded, shall be liable to a Penalty of Fifty Pounds.

No Drawback to be allowed unless the Goods, &c. exported in one Vessel, exceed £50 and application to be made for same within 12 months from the time of reshipment.

XXII. *And be it further enacted,* That nothing herein contained shall entitle any Exporter in any respect whatsoever to any Drawback, unless the Invoice Price of the Goods shipped at one and the same time, and owned by one and the same Person, in one and the same Vessel, shall exceed the sum of Fifty Pounds, and unless application be made for the Drawback to be allowed, and the several Proofs requisite for allowing thereof made within Twelve Months, to be computed from the time of such reshipment, any thing herein contained to the contrary notwithstanding. *And provided also,* that the time limited for such reshipment shall be from sun-rising to sun-setting.

Articles exempted from the payment of Duties under this Act.

XXIII. *And be it further enacted,* That it is the true intent and meaning of this Act, that nothing herein contained shall extend, or be construed to extend, to the levying, imposing or collecting any Duty whatsoever by virtue of, or under the authority of this Act, from or upon the several articles following, that is to say—Salt, Lime or Limestone, Wines, Rum, Brandy, Gin, or other Distilled Spirituous Liquors, Porter, Ale, Tobacco, Tea, Sugar, Molasses, Fish, Fish Oil, Lumber or Staves, the Baggage of Emigrants, Wheat or Grain, or Grass Seeds of every description, Live Stock, and such Implements of Husbandry as may be imported by any Agricultural Society, for the purpose of being sold or used by such Society, and all Sails, Rigging, Cables and Anchors which may have been used in taking any new Vessel from this Island to market for sale, if such Sails, Rigging, Cables and Anchors shall be returned forth-

with, after Sale of the Vessel, direct to this Island by the Exporters thereof, and shall have previously paid or been charged with the Duties imposed thereon by this Act, or any former Act, on the first importation thereof into this Island.

XXIV. *And be it further enacted,* That on the re-importation into this Island of any Sails, Rigging, Cables or Anchors which may have been used in taking Vessels to market as aforesaid, the Person re-importing the same shall make Oath before one of the Collectors and Receivers aforesaid, that such Articles are the identical Sails, Rigging, Cables or Anchors as were so previously exported in such Vessel as aforesaid.

On the re-importation of any Sails, Rigging, &c. used in taking any Vessel to market, Owner to mak Oath that such Articles are the identical Sails so used.

XXV. *And be it further enacted,* That if any Contractor or Contractors, Commissioner or Commissioners, or any other Person or Persons whosoever in His Majesty's service or employment, shall import and bring within this Island for the use of His Majesty's Navy or Army, any Goods, Wares or Merchandise, or Ordnance Stores, or War Munitions of any kind whatsoever, or Officers' Baggage, the same shall not be considered in any manner liable to any Duties imposed by this Act—any thing herein contained to the contrary notwithstanding.

Articles imported for the use of the Army and Navy, exempted from Duty:

also, Officers' Baggage.

XXVI. *And be it further enacted,* That the Collectors and Receivers now appointed, or who may hereafter be appointed, shall in every respect have full power and authority to execute this Act in all the Duties thereby enjoined upon them; and all such Collectors and Receivers for the time being shall render a just and true Account of, and pay into the hands of the Treasurer of this Island, all such Monies as shall or may be by them respectively received, by virtue of this Act, within Thirty Days next after the end of each Quarter, on pain of forfeiting the sum of Twenty-five Pounds for every neglect.

Collectors to have power to perform the duties imposed by this Act,

and to render a true Account to Treasurer of all Monies, &c. within 30 days after expiration of each Quarter, under penalty of £25 for each neglect.

XXVII. *And be it further enacted,* That

Rate of Fees allowed Collector, &c.

every such Collector and Receiver now appointed, or hereafter to be appointed (the Collector for the District of Charlotte-Town excepted), shall be allowed and paid at and after the rate of Five Pounds for every One Hundred Pounds received or secured by them respectively in payment of the Duties imposed by this Act.

Mode of recovery of all Fines imposed by this Act.

XXVIII. *And be it further enacted,* That all Causes or Trials for Forfeitures and Penalties inflicted for breaches of this Act shall and may be commenced and prosecuted by Bill, Plaint or Information, in any of His Majesty's Courts of Record, which now are or which hereafter may be established in this Island; and the Defendant or Defendants in any such Suit shall be subject to pay all Costs, if the Verdict therein be given against him or them.

Appropriation of fines imposed by this Act.

XXIX. *And be it further enacted,* That all the Penalties and Forfeitures arising from breaches of this Act shall be paid to the Treasurer, and applied in way and manner following; that is to say—One half to His Majesty, and one half to him or them who shall inform, seize or sue for the same; and that all Prosecutions in pursuance of this Act shall be commenced within the space of Twelve Months from the time of the Offence being committed.

Monies arising from this Act to be appropriated by Bill hereafter to be passed.

XXX. *And be it further enacted,* That all Monies arising from the Rates and Duties imposed by this Act shall be appropriated by an Act hereafter to be passed, and laid out in such manner as in and by the said Act shall be directed and appointed; and if the Treasurer of this Island shall issue and pay any of the said Monies for any other purpose than shall be therein declared and expressed, he shall forfeit and pay the sum of Five Hundred Pounds, and be rendered incapable of holding the said Office of Treasurer—the said Forfeiture to be applied to and for the uses which shall be expressed in the said Act, and to be recovered by Bill, Plaint or Information, in His Majesty's Supreme Court of Judicature of this Island.

Treasurer to forfeit £500 if he pays any Money secured under this Act for any other purpose than shall be declared by said Bill, and be incapable of holding Office.

XXXI. *And be it further enacted,* That all Goods, Wares and Merchandise, of whatsoever kind, hereafter imported into this Island, which are subject and liable to Duty under any Act of the Imperial Parliament in force in this Island, shall be subject to the Duty imposed by this Act, over and above any Duty payable under and by virtue of any Act of the said Imperial Parliament.

All Goods, &c. subject to any Imperial Duty, to be liable to Duty under this Act over and above the Imperial Duty.

XXXII. *And be it further enacted,* That all Goods, Wares and Merchandise as aforesaid which shall or may be imported in Boats from any Port or Ports of the neighbouring Colonies, shall be subject to the same Duties, Fines and Forfeitures as if the same were imported in Vessels of greater burthen.

Goods, &c. imported in Boats from neighbouring Colonies, subject to same Duties, &c. as if imported in large Vessels.

XXXIII. *And be it further enacted,* That the Collectors and Receivers appointed, or hereafter to be appointed, shall and they are hereby required to attend and keep open their respective Offices from Ten o'clock in the forenoon, until four o'clock in the afternoon every day (Sundays excepted), for the purpose of collecting and receiving Duties of Impost imposed by this Act or any other Act of the Legislature of this Island.

Collectors, &c. required to keep open their respective Offices from 10 o'clock in the forenoon until four o'clock in the afternoon.

XXXIV. *And be it further enacted,* That it shall and may be lawful for the Collectors and Receivers now appointed, or who may hereafter be appointed, for collecting and receiving the Duties of Impost payable to His Majesty in this Island, under and by virtue of any Act of the Legislature thereof, and they are hereby respectively directed, to take and receive the amount of Duties payable under and by virtue of this Act, or secure and include such Duties along with the amount due on other dutiable Articles, as hereinbefore directed, and to grant a Permit for the landing thereof, on Entry being made as hereinbefore directed; and if it should so happen, on the landing of any Wine, Gin, Brandy, Rum, or any other Distilled Spirituous Liquors liable to Duties of Impost, the amount of which has been included with the Duties imposed by this Act in the same Security,

Collectors, &c. to receive payment of duties or secure the same as before declared.

If on landing any Gin, Rum, &c. on which Duties have been paid or secured,

it shall be ascertained by guaging, that the Casks, &c. contain a less quantity than supposed, Importer to have credit, &c. for the deficiency.

that on guaging such Wine, Gin, Brandy, Rum, or other distilled Spirituous Liquors, a difference in the quantity should appear, the Collectors and Receivers are hereby directed and required to endorse on the back of such Security the difference either way so ascertained after such guaging as aforesaid, and the Endorsement so made shall be signed by the Collector and Receiver before whom the Entry has been made, and also by the Importer entering into such Security if he thinks fit; and such Endorsement shall be, and it is hereby declared to be, part of the De-feazance or Condition to every such Bond or Security which may be so endorsed as aforesaid.

Limitation of this Act.

XXXV. *And be it enacted*, That this Act shall be and continue in force for One year, from the Seventh day of May next, and no longer.

CAP. XXXVI.

An ACT for levying a DUTY on TOBACCO and TEA.

[Passed, April 6th, 1833.]

Importers of Tobacco and Tea to pay the following Duties:

Be it enacted, by the Lieutenant Governor, Council, and Assembly, That from and after the Seventh day of May, next there shall be paid by the Importer or Importers of Tobacco and Tea which shall or may be imported or brought into this Island, the several Rates and Duties following, viz:—

For every Cwt. of Tobacco 18s. 8d.— and for every lb. of Tea 4d.

For every Hundred-weight of Tobacco, either manufactured or unmanufactured, the Sum of Eighteen Shillings and Eight-pence; and for every Pound of Tea, the Sum of Four-pence.

To be paid at landing if the sum does not exceed £5.

II. *And be it further enacted*, That all the Rates and Duties before mentioned shall be paid by the Importer or Importers of any such Tobacco or Tea unto the Collector and Receiver, or Collectors and Receivers, for the time being, appointed for collecting and receiving the same,

at or before the landing thereof. *Provided nevertheless*, that when the Duty to be paid by any Importer or Importers of such Tobacco and Tea shall amount to a Sum exceeding Five Pounds, and not more than Ten Pounds, the said Collector and Receiver, or Collectors and Receivers, of the said Duties is or are hereby authorized to give credit for the payment thereof for the space of Three Months; and in like manner if the said Duties shall exceed the Sum of Ten Pounds, and not amount to more than Thirty Pounds, the said Collector and Receiver, or Collectors and Receivers, is or are hereby authorized to give credit for payment thereof for the space of Six Months; and if the said Duties shall exceed the Sum of Thirty Pounds, and not amount to more than One Hundred Pounds, then he or they are hereby further authorized to give Credit for the Payment thereof for the space of Nine Months; and when the said Duties shall exceed the Sum of One Hundred Pounds, and not more than Two Hundred Pounds, he or they are hereby authorized to give Credit for the Payment thereof for the space of Twelve Months; and for any greater amount the space of Fifteen Months—*Provided* sufficient Security is given for the Payment thereof in way and manner as hereinafter is directed. *And provided also*, that when the Importer or Importers of such Tobacco or Tea shall have in the same Ship, Vessel or Boat imported any other article liable to Impost, it shall and may be lawful for the Collector and Receiver, or Collectors and Receivers, to include, and they are hereby required to include, the whole in one Bond or Security, and allow and give the Importer or Importers such Credit as is hereinbefore mentioned and set forth.

Proviso.

If above £5, and not more than £10, credit to be given for 3 months.

If above £10, and not more than £30, credit to be given for 6 months.

If above £30, and not more than £100, credit to be given for 9 months.

If above £100, and not more than £200, credit to be given for 12 months;

and if above £200, credit to be given for 15 months. *Provided* security be given as hereinafter directed. And also provided, that Collectors, &c. shall include in one Bond all Duties payable by any one Importer on any other Goods by him imported in same Vessel with Tobacco and Tea.

III. *And be it further enacted*, That when and so often as the Collector and Receiver, or

Collectors and Receivers to take z

Bond or Recognizance for the payment of Duties for which credit is allowed,

with one Surety,

in manner and form as is prescribed in Act of the 52d year of King Geo. the 3d, amending Impost Laws—

and an Act of the 11th year of King Geo. the 4th, for the further security of Monies due to His Majesty, &c.

Collectors and Receivers, of the said Duties is or are authorized, or shall be required to give Credit for Payment of the said Duties in manner hereinbefore mentioned, the said Collector and Receiver, or Collectors and Receivers, shall, in every such instance, cause the Person or Persons so requiring such Credit to enter into Bond or Recognizance to the King's Most Excellent Majesty, payable at such time or times as is hereinbefore mentioned, and which Bond or Recognizance shall be signed and acknowledged by the Person or Persons so entering into the same, together with one good and sufficient Surety, before the said Collector and Receiver, or Collectors and Receivers, who is and are hereby authorized and required to take and subscribe such acknowledgment, in the same manner and form as is mentioned and set forth in an Act made and passed in the Fifty-second year of the Reign of His late Majesty King George the Third, intituled *An Act to alter and amend two several Acts of the General Assembly of this Island, videlicet: An Act intituled An Act to amend, render more effectual, and to reduce into one Act, the several Laws made by the General Assembly of this Island relative to the Duties of Impost on Wines, Rum, Brandy, and other Distilled Spirituous Liquors, and for allowing a Drawback on all Wines, Rum, Brandy, and other Distilled Spirituous Liquors exported from this Island—and an Act intituled An Act for raising a Duty on Wine, Rum, and other Distilled Spirituous Liquors, and for imposing a Duty on Porter, Ale, and Strong Beer;* and 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 the further Security and Recovery of Monies due to His Majesty upon Duties of Impost and Excise, and for regulating the Offices of Treasurer and Collector of Impost.*

IV. *And be it further enacted, by the authority aforesaid,* That if the Sum in the Condition of the said Bond or Security respectively mentioned shall not be paid at the time and in manner therein specified and appointed, the same shall bear lawful Interest from the day appointed for the payment thereof, and such Interest shall be received by His Majesty's Treasurer of this Colony for the time being, which, together with the principal, shall be accounted for in the manner hereinafter mentioned; but the amount of the Sum in the Condition of such Bond or Security mentioned, and Interest, if any, shall nevertheless be payable and recoverable at such time and in such manner after the day therein specified for payment thereof as the Lieutenant Governor, by and with the advice and consent of His Majesty's Council, shall direct and appoint.

Sum mentioned in the condition of Bond to be on Interest if not paid at the day appointed. Duties to be recovered as Lt. Governor, &c. with advice of Council, may direct.

V. *And be it further enacted, by the authority aforesaid,* That all Masters of Ships, Vessels or Boats coming into any Harbour, Port, River, Haven or Creek or Place within or on any part of this Island, and its Dependencies, shall, before breaking bulk, and within Three Days after his or their arrival, make a Report in writing, and upon Oath, to the Collector and Receiver, or Collectors and Receivers, of the Duties for the time being, of all such Tobacco or Tea on board the said Ship, Vessel or Boat, specifying therein the kinds of Casks, Chests, Cases or Packages in which the same be contained, together with the Importer's marks and numbers thereof, and that they have not landed, nor suffered to be landed, sold, bartered or exchanged, any Tobacco or Tea, at any Port, Harbour, River, Haven, Creek or Place within this Island, or on the Coasts thereof, since their sailing from the Port or Place where the same was laden on board the said Ship, Vessel or Boat for Exportation—which Oath the

Masters of Vessels, &c. to report their Cargoes to Collectors, &c. within 3 days after arrival, and before breaking bulk, and to take the following oath.

said Collector or Receiver, or Collectors and Receivers, is or are hereby empowered to administer, in the Form following :

Form of Master's Oath.

' I A. B. do swear, that the Report which I have made, read and subscribed, contains a just and true account of all Tobacco and Tea laden on board the at and that I have not landed, nor suffered to be landed, sold or delivered, bartered or exchanged, any Tobacco or Tea, at any Port or Place within this Island, or on the Coasts thereof, since my sailing from

Importers, &c. before paying or securing duties, to make an Entry in writing and swear to the same before Collector, &c.

VI. *And be it further enacted*, That all Persons importing into this Island any Tobacco or Tea as aforesaid, or any other article or articles liable to Duty of Impost, shall, before paying or securing the Duties thereon, make his or their Entry in writing, stating the quantity and description of such Dutiable article or articles, the Vessel's name in which the same was imported, together with the Master's name; and every Importer making such Entry shall swear to the same before the Collector and Receiver, or Collectors and Receivers, of Impost and Excise, in the following words :

Form of Importer's oath.

' I do swear, that I verily believe that the Entry now made by me is a correct and true account of all the Casks, Packages, number of Gallons, and weight of Dutiable Articles imported by me in the Ship or Vessel called the Master.

' So help me God.

' A. B. Importer.'

All Tobacco and Tea not duly entered and found on board any Vessel, &c. after entry of such Vessel, &c. to be forfeited.

VII. *And be it further enacted*, That if any Tobacco or Tea (not being duly entered) be found on board any Ship, Vessel or Boat after such Entry made, the same shall be and is hereby declared forfeited; and it shall and may be lawful for the said Collector and Receiver, or Collectors

and Receivers, or either of them, or any of the Land Waiters or Guagers, to seize the same as forfeited property.

VIII. *And be it further enacted*, That no Post Entry of any Tobacco or Tea shall be permitted to be made by such Collector and Receiver, or Collectors and Receivers, of the said Duties, by any Person whatever, except by the Master of such Ship, Vessel or Boat, and that within Three Days after the same shall have arrived.

No Post Entry to be made but by Master of Vessel, &c.

IX. *And be it further enacted*, That upon Information made to the said Collector and Receiver, or Collectors and Receivers, or to any of them, that any Tobacco or Tea remain on board of any Ship, Vessel or Boat (the same not being duly entered), it shall and may be lawful for the Collector and Receiver, or Collectors and Receivers, or any of them, or any of the said Land Waiters or Guagers, by his or their orders, to enter on board such Ship, Vessel or Boat, and there to search for and seize as forfeited, all such Tobacco and Tea so remaining on board the same, not being duly entered as aforesaid.

Upon information, Collector, &c. to search for and seize Tobacco and Tea remaining on board Vessel, &c. not duly entered, and the same declared forfeited.

X. *And be it further enacted*, That if any Tobacco or Tea shall be landed from on board any such Ship, Vessel or Boat after Report shall have been made, other than such as shall have been specified and contained in such Report or Manifest so as aforesaid directed by this Act to be made, then and in such case all such Tobacco and Tea, or the value thereof (the same to be estimated at the highest Price such Commodities shall or may respectively then bear), shall be and the same are hereby declared to be forfeited, and shall and may be seized by any or either of the said Collectors and Receivers of the Duties for the time being, or by any or either of the Land Waiters or Guagers; and if such Tobacco or Tea shall be concealed or destroyed so as that seizure

All Tobacco and Tea landed after entry, and not contained in Master's Report, forfeited, or the value thereof;

and if concealed or destroyed to prevent

seizure, the Master, or Owner, or Receiver, to pay the value of the same.

cannot be made of the same, then the Master of the said Ship, Vessel or Boat, or the Owner or Owners thereof, or the Receiver or Receivers of such Articles so concealed, shall, on being duly convicted thereof, pay the value of the same, according to the aforesaid estimate.

Masters of Vessels not conforming to the directions of this Act

XI. And be it further enacted, That if any Tobacco or Tea shall be found on board any Ship, Vessel or Boat which shall not have been duly entered, or which shall be proved to have been landed, sold, delivered, bartered or exchanged, contrary to the true intent and meaning of this Act; or if any Master of such Ship, Vessel or Boat shall refuse or neglect to conform strictly to the directions prescribed in and by this Act; in either of such cases he shall, on Conviction thereof by the Oath of one credible Witness, forfeit and pay a Sum not exceeding Fifty Pounds.

to forfeit £50.

All Tobacco and Tea landed contrary to this Act, and found in the custody of any Person on shore (not having a Permit) to be forfeited, and such Person to forfeit £20.

XII. And be it further enacted, That if any Tobacco or Tea shall be landed from on board any Ship, Vessel or Boat, contrary to the Rules prescribed in and by this Act, and found in the custody, possession, care or keeping of any Person or Persons whatever on shore (not having a Permit therefor), the same shall be forfeited; and the Person or Persons with whom the same shall or may be found shall forfeit the Sum of Twenty Pounds, unless he, she or they shall be able to prove the same to have been legally entered and landed.

Persons assisting in clandestinely landing any Tobacco or Tea,

XIII. And be it further enacted, That if any Person or Persons whatsoever shall, knowingly, be aiding or assisting in the clandestine landing or concealing any Tobacco or Tea in order to avoid Payment of the Duties to which the same shall be liable by this Act, he, she or they shall, upon Conviction thereof by the Oath of one or more credible Witness or Witnesses, forfeit and pay

the Sum of Twenty Pounds, or suffer Three Months' imprisonment, without Bail or Mainprize.

to forfeit £20 or suffer 3 months' Imprisonment.

XIV. *And be it further enacted,* That no Tobacco or Tea, which by this Act is made liable to a Duty, shall be landed or delivered from on board any Ship, Vessel or Boat, or afterwards put into any Warehouse or other place, except between sunrise and sunset, unless the same be done in the presence and with the consent of the said Collector and Receiver, or Collectors and Receivers, for the time being, on pain of forfeiting all such Tobacco and Tea, and all and singular the Lighters, Boats or other Vessels which shall or may be employed in landing the same, together with the Trucks, Carts, Sleds and Horses employed in conveying the same away.

Tobacco and Tea not to be landed but in the day time, unless in the presence and by consent of Collector, &c. on penalty of being forfeited, with Boats, &c. used or employed in landing the same.

XV. *And be it further enacted,* That the Master of any Ship, Vessel or Boat importing any Tobacco or Tea as aforesaid, shall be and he is hereby made liable to pay the Duties for so much thereof as may be contained in his said Report, not being duly entered, nor the said Duties paid by the Person or Persons to whom the same shall belong or be consigned unto; and it shall and may be lawful to and for the Master of any Ship, Vessel or Boat to detain in his hands or possession, or to deliver to the said Collector and Receiver, or Collectors and Receivers, for the Security of such Duties, all such Tobacco and Tea as shall not have been duly entered; which said Collector and Receiver, or Collectors and Receivers, or any or either of them, is or are hereby empowered and directed to receive and keep the same at the Owner's risque until the Duties due thereon, with the Charges, shall have been paid; and if the Duties due and payable on such Tobacco and Tea shall not be paid, or secured to be paid, by the Owner or Owners thereof within Three Months, then and in such case the said Collector

Masters of Vessels, &c. liable to duty on Tobacco, &c. if not duly entered, or duties paid,

May detain same or deliver it to Collector, &c. to secure duties.

Collector, &c. to receive the same,

and if duties be not paid within 3 months

to sell so much thereof as shall be sufficient to pay the duties, &c.

and Receiver, or Collectors and Receivers, is or are hereby empowered to sell and dispose of so much thereof as shall be sufficient to pay the Duties due thereon, and also all Freight, Charge for the Storage and Sale thereof.

Tobacco, &c. may be attached unless Master finds Security to abide judgment in prosecutions for penalties.

XVI. *And be it further enacted*, That in case any Master of any Ship, Vessel or Boat shall be prosecuted for a violation of this Act, the said Tobacco or Tea so imported shall be subject and liable to be attached to answer the final Judgment which shall or may be given in such Prosecution, unless the Master shall enter into Recognizance with sufficient Securities to answer such final Judgment.

Lt. Governor, &c. with advice of Council, to appoint Collectors, &c.

XVII. *And be it further enacted*, That it shall and may be lawful for the Lieutenant Governor, or other Administrator of the Government, by and with the advice and consent of His Majesty's Council, to nominate and appoint fit and proper Persons to be Collectors and Receivers of the several Rates and Duties hereinbefore mentioned, at the several Ports, Harbours or Places within this Island, where he and they shall or may deem expedient or necessary for carrying into execution this Act—each and every of which Person or Persons so to be appointed as aforesaid is or are to give Security in such amount as he and they shall from time to time judge sufficient for the faithful performance of his or their duty herein; and also in like manner to appoint Surveyors or Landwaiters for such Ports, Harbours and Places as may by him and them be judged necessary for the purposes aforesaid: and all Tobacco and Tea which shall or may be landed in this Island contrary to the intent and meaning of this Act, shall be forfeited, and shall and may be seized and prosecuted by such Collector and Receiver, or Collectors and Receivers, or any of them, or by any of the said Surveyors or Landwaiters.

Persons so appointed to give security.

Lt. Governor, &c. in like manner to appoint Surveyors or Landwaiters,

who may seize all Tobacco, &c. landed contrary to this Act.

XVIII. *And be it further enacted*, That in

case any Tobacco or Tea shall be landed in any Port or Place within this Island without being regularly entered, and the Duties paid or secured thereon as above directed, and the Importer or Importers of the same shall have left this Island before the Collector and Receiver, or Collectors and Receivers, of such Rates and Duties shall have had notice thereof, then and in such case the Purchaser or Purchasers thereof, knowing the same not to have been regularly entered, nor the Duties paid or secured, shall be liable to the payment of the Duties payable thereon, and of a further Sum (being equal to the amount of such Duties) as a Penalty for purchasing the same before Entry, with an intent to elude the Payment of the said Duties.

Tobacco and Tea landed without being regularly entered, and Duties paid, and the Importer having quitted this Island before the Collector, &c. had notice thereof, the Purchaser of such Tobacco, &c. to be liable for the Duties on the same,

also, a penalty equal in amount to the Duty.

XIX. *And be it further enacted,* That there shall be allowed and paid on all Tobacco and Tea which shall hereafter be imported into this Island, on Exportation of the same therefrom, a Drawback equal in amount to Seven-eighths of the whole Duty paid, or secured to be paid, on Importation thereof.

Drawback of $\frac{7}{8}$ th of the full amount of Duty to be allowed on Tobacco and Tea exported.

XX. *And be it further enacted,* That such Drawback on all Tobacco and Tea so exported shall be paid to the Exporter or Exporters thereof, if the Duties imposed thereon as last aforesaid shall have been *bona fide* paid prior thereto, and in the same Currency or description of Money as Warrants shall be payable in at the Treasury; and if only secured to be paid, Credit shall be given on the back of the Security for the Drawback hereby allowed on the quantity exported.

If Duties have been paid prior to exportation, Drawback to be paid to Exporter,

and if only secured to be paid, credit to be given on the back of security for Drawback.

Provided, That before the exportation of any of the before mentioned Articles from this Island on which a Drawback is allowed as aforesaid, the Collectors and Receivers of Impost within this Island are hereby required, on request made to them respectively for that purpose, to grant Permits for such Exportation to be made, therein stating the Importer and Exporter's name or names, and the quantity

Proriso. Before exportation, Collector to grant Permit for same.

No Drawback to be paid or credited until a Certificate be produced to the Treasurer endorsed on the back of such Permit, of the landing of Tobacco and Tea therein mentioned, at some Port not in this Island.

Exporter also to take an Oath to be administered by Collector.

Form of Exporter's Oath.

thereby to be exported; and no Drawback shall be paid or credited to any such Exporter until he shall have obtained and produced to the Treasurer of this Island a Certificate endorsed on the back of the said Permit from the principal Officer of His Majesty's Customs at the Port to which the same shall or may have been carried, or from some Officer or Officers there duly authorized to grant the same, expressing such Tobacco and Tea to have been actually landed there, and the Duties thereon duly paid, or secured to be paid, according to the Law of the Place to which the same may have been exported from this Island: and for the better and more effectually preventing Frauds herein, the Exporter or Exporters of all or any such Tobacco or Tea shall take and subscribe the following Oath, which Oath the said Collector and Receiver, or Collectors and Receivers, are hereby empowered and directed to administer, videlicet:—

‘ I A. B. do swear, that the quantity of
 ‘ (Tobacco or Tea) by me shipped for Exportation
 ‘ on board the Ship or Vessel
 ‘ Master, bound for the Port of _____ in
 ‘ _____ was *bona fide* imported in the Ship or
 ‘ Vessel _____ Master, from the
 ‘ Port of _____ since _____ Day of
 ‘ _____ and that the Duties for the same
 ‘ have been paid, or secured to be paid, as by Law is
 ‘ required; and that the same is not intended to be
 ‘ fraudulently relanded in or at any Port or Place
 ‘ within this Island, or any of the Territories there-
 ‘ unto belonging.’

Tobacco or Tea fraudulently re-landed, to be forfeited, and Master of Vessel, &c. liable to a penalty of £50.

XXI. *And be it further enacted*, That if any Tobacco or Tea shall be fraudulently relanded in or at any Port or Place within this Island, after the same shall be shipped for Exportation, the same shall be forfeited, and the Master of such Ship, Vessel or Boat out of which such Tobacco or Tea shall have been so fraudulently relanded shall be liable to a Penalty of Fifty Pounds.

XXII. *And be it further enacted,* That nothing herein contained shall entitle any Exporter or Exporters in any respect whatsoever to a Drawback on a less quantity than Three Hundred Weight of Tobacco, and Eighty Pounds of Tea.

Exporter not to be entitled to Drawback on a less quantity than 3 cwt. of Tobacco and 80lbs. of Tea.

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

Collector, &c. to account quarterly, under a penalty of £50.

XXIV. *And be it further enacted,* That the said Collector and Receiver, or Collectors and Receiver, to be appointed by His Excellency the Lieutenant Governor, by and with the advice and consent of His Majesty's Council, to secure and collect the Rates and Duties payable by this Act, shall have and be paid Five Pounds per centum on all Monies paid or secured by him or them, under and by virtue of this Act, and no more, except the Collector for the District of Charlotte-Town.

Allowance to Collectors under this Act.

XXV. *And be it further enacted,* That all Fines, Penalties and Forfeitures incurred by operation of this Act shall be recovered by Bill, Plaint or Information, in His Majesty's Supreme Court of Judicature of this Island, over and above all Costs of Prosecution, and be appropriated in manner following— (that is to say) one half thereof to His Majesty for the uses for which the said Rates and Duties are granted, and the other half to the Person or Persons who shall inform, sue and prosecute for the same.

Mode of recovery of penalties imposed by this Act.

Appropriation of such fines.

XXVI. *And be it further enacted,* That the Duty imposed on Tobacco by this Act shall be levied, collected and paid over and above such Duties (if any shall be payable thereon) imposed by any Act

Duties imposed by this Act to be over and above all Duties imposed by

the Imperial Parliament.

of the Imperial Parliament which may be in force in this Island during the operation of this Act.

Application of Monies received under this Act.

XXVII. *And be it further enacted,* That all Monies arising from the Rates and Duties, and other Sums imposed by this Act, shall be appropriated by Act hereafter to be passed, and laid out in such manner as in and by such Act shall be directed and appointed; and if the Treasurer of this Island shall issue and pay any of the said Monies for any other purpose than shall be therein declared and expressed, he shall forfeit and pay the Sum of Five Hundred Pounds, and be rendered incapable of holding the said Office of Treasurer—the said Forfeiture to be applied to and for the uses which shall be expressed in such last mentioned Act, and to be recovered in manner aforesaid.

Limitation of this Act.

XXVIII. *And be it further enacted,* That this Act shall be and continue in force for One Year, from the Seventh day of May next, and no longer.

C A P. XXXVII.

An ACT to make and keep in REPAIR the PUMPS and WELLS of Charlotte-Town, and for other Purposes, and to repeal a certain Act therein mentioned.

[Passed, April 6th, 1833.]

Representatives of Charlotte-Town to advertise a meeting of Inhabitants

BE it enacted, by the Lieutenant Governor, Council, and Assembly, That the Representatives in General Assembly of the Town and Royalty of Charlotte-Town for the time being, are, and each of them is, required to publish an Advertisement in the Royal Gazette Newspaper, printed in Charlotte-Town; and also to post Advertisements, calling together the Inhabitants and Landholders of and in the said Town, to assemble at the Court-House in Charlotte-Town, on the First Tuesday in May next, after the passing of this Act, at noon; and also in each and every succeeding year

to assemble on the 1st Tuesday in May next after the passing of this Act.

during the continuance of this Act the said Representatives are, and each of them is, hereby required, in like manner to call a Meeting of such Inhabitants and Landholders on the First Tuesday in May, at noon, at the Court-House aforesaid—Eight Days notice of all such Meetings being previously given in manner aforesaid—at which Meetings of the Inhabitants and Landholders so to be held, the said Inhabitants and Landholders then present shall elect a Chairman; and at each of such Meetings shall proceed to chose Nine Inhabitants of the said Town (any Five of whom to be a Quorum), who are hereby required to assess the Inhabitants and Landholders of the said Town for such Sums as shall be granted, voted and agreed upon by the Majority of Inhabitants and Landholders present at such Meetings respectively.

Representatives in like manner to call similar meeting on same day annually. A Chairman to be elected at such meetings—Inhabitants to choose 9 Persons, 5 to be a quorum, to assess such Inhabitants.

II. *And be it further enacted*, That the said Inhabitants and Landholders, at each and every of their respective Meetings, shall, and they are hereby empowered to vote such Sum of Money as they shall judge necessary for the then current year, for the making or repairing of Pumps and Wells in Charlotte-Town; and such further Sum, as in the discretion of the Majority of such Inhabitants and Landholders at any such Meetings shall appear necessary, for the purchasing of Hose, Leather Buckets, Ladders, Saws, Axes, Fire Hooks, Ropes and Chains, for the Fire Engine Company of Charlotte-Town; and the said Assessors are hereby required to pay the said last mentioned Sum into the hands of the Captain of the said Fire Engine Company for the purposes abovementioned, and who shall account to the Assessors for the Expenditure thereof.

Inhabitants to vote such sum as they judge necessary for Pumps, Wells, &c.

III. *And be it further enacted*, That the Inhabitants so to be elected at the respective Meetings herein directed to be held, or any Five of them, shall be and are hereby empowered to assess the Landholders and Inhabitants of Charlotte-Town, in just and equal proportions, as near as may be, for the Monies

Assessors elected at such Meetings to assess the Inhabitants, &c. in equal proportions for the sum voted,

to be paid to Collector, appointed to receive the same. Real Estate unoccupied also to be assessed.

voted as aforesaid; and each particular Person being assessed according to the fair value of the Real Estate in his or her actual possession in the said Town, shall pay the same to such Person or Persons as shall be appointed to collect and receive the same by the said elected Inhabitants, or any Five of them; and the said elected Inhabitants, or any five of them, are hereby empowered to assess all unoccupied Real Estate in the said Town, in manner aforesaid—the same to be recovered as hereinafter directed.

Any 5 of Assessors to appoint Treasurer and Collector of the fund to be raised,

IV. *And be it further enacted,* That the said elected Inhabitants, or any Five of them, are hereby empowered and required, at such their Meetings, to choose and appoint fit and proper Persons to be Treasurer and Collector of the Fund to be raised in pursuance of this Act, (taking sufficient Security for the due performance of such Offices), and at their pleasure to displace either or both of such Officers, and to appoint others, in case of misbehaviour; and to allow the said Collector and Treasurer respectively such Poundage as the Majority of the said elected Inhabitants shall direct.

and to settle allowance for both these Persons.

V. *And be it further enacted,* That if any Person so assessed shall, on demand made by the Collector, refuse or neglect to pay his or her proportion of the Assessment on the Real Estate so in his or her actual possession as aforesaid, the Collector shall and may, after the expiration of Ten Days from the time of making such demand, in case the same shall then remain unpaid, levy the amount of such Assessment on the Goods and Chattels of such Defaulter, which Chattels shall be irreplevisable, and may be sold at Auction, by the Collector, after he has given at least Six Days public notice of such Sale.

Duty of Collector where Persons neglects or refuses to pay Assessment.

VI. *And be it further enacted,* That the Person so assessed may, within the said Ten Days last mentioned, give to the said Collector a written notice of his or her intention to appeal from the said Assessment; and the said Collector shall thereupon notify

Person assessed may appeal, and Assessors are to revise their proceeding after hearing the party.

the said Assessors of every such Notice of Appeal being served on him, within One Week after the same shall have been served; and the said Assessors, or any Five of them, shall appoint a time and place to revise the said Assessment so appealed from, allowing the Appellant at least Fourteen Days notice thereof—and their determination, after such revision, shall be final and conclusive; and the Collector shall give the Appellant at least Ten Days notice in writing of the time and place of Meeting of the said Assessors to revise the said Assessment and finally determine the same. And in case such revised Assessment shall not be paid to the Collector within Twenty Days after such determination of the Assessors thereon as aforesaid, then the Collector shall and may *ex officio* levy the same by Distress and Sale of the Goods and Chattels of the Defaulter, as hereinbefore mentioned.

Mode of proceeding on Appeal.

VII. *And be it further enacted*, That in case sufficient Goods and Chattels cannot be found whereon to levy such Assessment as last aforesaid, or that the same shall have been made upon unoccupied Real Estate within Charlotte-Town, then it shall and may be lawful for the said Assessors, or the major part of them, and they are hereby required, to award a Precept to the Collector in the Form hereinafter prescribed, commanding him to make public Sale of such Estate so in arrear for the said Assessment, after giving Six Months' notice thereof in the Royal Gazette Newspaper; and out of such Sale to pay into the hands of the Treasurer appointed by the said Assessors the amount of such Assessment; and if any amount remains in the hands of the said Collector after paying the Sum so assessed, together with the amount of Expenses incurred for advertising and selling the same, and other incidental Charges, such Balance or Difference shall be paid to the Owner or Owners of such Real Estate so assessed and sold;—and the said Collector is hereby authorized and directed to

If Goods, &c. cannot be found whereon to levy the sum assessed,

Assessors to award a Precept to Collector, as hereafter prescribed to sell Real Estate of Defaulter —6 months' notice of sale to be given.

Appropriation of proceeds of Real Estate sold.

Collector to execute

a Deed to Purchaser, to be Registered with Precept, and to be valid Title to Purchaser.

make and execute a Deed to the Purchaser or Purchasers, at his, her, or their expense, of such Real Estate; which Deed, when so executed and registered, together with the Precept authorizing the Sale of such Real Estate, shall be held a good and sufficient Title against the original Holder or Holders thereof, subject only to the conditions of the original Grant.

Proviso.

Equity of Redemption for 2 years to be allowed to former Owner, &c.

VIII. *Provided always, and be it further enacted,* That in case of any Real Estate being sold under the operation of this Act, an Equity of Redemption shall nevertheless be open to the former Owner or Proprietor, his Heirs or Assigns, for the space of Two Years next after the Sale of such Real Estate—the Purchaser accounting to the former Owner for the Rents, Issues and Profits, and the former Owner repaying the Purchase Money and lawful Interest thereon, and allowing for such Improvements as shall or may be 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.

Collector, once in 3 months, to account with Treasurer for Money received by him, and on his neglecting so to do, to forfeit £10.

Mode of recovery of fine.

Treasurer & Collector each liable to a fine not exceeding £5 for neglect of duty.

IX. *And be it further enacted,* That the Person or Persons appointed to collect the Assessment aforesaid shall, once in every Three Months, account with and pay into the hands of the Treasurer all such Sums of Money as he or they may have received; and upon his or their neglect or refusal to account and pay in the same as aforesaid, such Person or Persons shall and may be prosecuted by the said Treasurer for the time being, by Bill, Plaint, or Information, in the Supreme Court of Judicature, and shall also forfeit and pay a Fine of Ten Pounds; and any Treasurer or Collector to be appointed as aforesaid (and who shall accept of such appointment), not complying with the Duties hereinbefore and after set forth, shall, for each Offence, forfeit and pay a Fine not exceeding Five Pounds, as the Assessors, or the major part of them, at any of their Meetings, shall direct and

appoint—such Fine to be recovered before any Justice of the Peace, and applied in aid of the Fund to be raised under this Act. Mode of recovery of last ment'oned fine.

X. *And be it further enacted*, That if any of the Nine Inhabitants to be chosen as Assessors at the Meetings to be held respectively, shall refuse to serve in their respective Offices, each Person so refusing shall forfeit and pay the Sum of Forty Shillings, to be recovered by the Collector before any Justice of the Peace, and paid to the Treasurer in aid of the Fund to be raised by virtue of this Act. *Provided*, that no Person shall be compelled to serve as an Assessor oftener than once in Three Years. Assessors refusing to serve, to forfeit £2. Mode of recovery thereof. Proviso. No Person to serve as Assessor more than once in 3 years.

XI. *And be it further enacted*, That the said Assessors so to be appointed shall, and they are hereby authorized and required to cause such Improvements to be made in the said Town, by sinking Wells, procuring Pumps, and repairing others, as they in their discretion shall think necessary; and shall render an account of the Expenditure of all Monies received by them in pursuance of this Act, together with proper Vouchers in support thereof, to the Inhabitants of the said Town of Charlotte-Town, at their next Meeting or Meetings; and the outgoing Assessors, Treasurer, or Collector shall then pay over to the incoming Assessors or Treasurer any Balance remaining in their or his hands. And any Assessor, Treasurer, or Collector offending herein, shall incur a Penalty of Five Pounds, to be recovered before any Two Magistrates, and applied in aid of the Fund to be raised under and by virtue of this Act. Duty and power of Assessors. Assessors to render account on going out of Office, and pay over any balance in their hands, under a penalty of £5. Mode of recovery thereof.

XII. *Provided nevertheless, and be it enacted*, That no Wells shall be sunk in any of the Streets of Charlotte-Town within Twenty Feet of either side of such Streets.

XIII. *And be it further enacted*, That in order to enable the said Assessors to carry the provisions of this Act into execution, the Treasurer to be appointed in pursuance thereof is hereby authorized and Treasurer to supply Money to Asses-

sors, taking Receipts for the same.

Any overplus in hands of Treasurer to be accounted for by him.

Overplus of Monies from sales of Real Estate to be paid to Treasurer of this Island for the use of the Owner.

Assessors & Collector may recover arrears due under this Act before their appointment.

Representatives of Charlotte-Town, when requested by 12 Householdors, to call a Meeting after 1st Tuesday in May.

Such Meeting may add to the former rate.

Mode of recovery

directed, from time to time, as he shall be required by the Majority of the said Assessors, to supply the said Assessors, or either of them, with Money, taking his or their Receipt for the same; and if any overplus shall remain in the hands of the said Treasurer out of the Monies arising by virtue of this Act, the same shall continue in the hands of the said Treasurer, and be accounted for at the next Meeting of the said Assessors.

XIV. *And be it further enacted,* That the overplus of any Monies which shall be raised by any Sales which shall or may take place in consequence of the non-payment of Rates to be levied under this Act, shall be paid to and remain in the hands of the Public Treasurer of this Island, to and for the use of the Person or Persons whose Lands or Premises shall be sold.

XV. *And be it further enacted,* That the Assessors and Collector for the time being shall have power to sue for and recover all Arrears of Assessments due under this Act before they came into Office, the same as if such Assessments had been made after their appointment; and to punish, or cause to be punished, any Treasurers or Collectors who may be delinquents, although out of Office.

XVI. *And be it further enacted,* That it shall and may be lawful for the Representatives of Charlotte-Town, at the Requisition of any Twelve Householdors, to call a Meeting of the Inhabitants of Charlotte-Town, at any time after any of the said Annual Meetings of the First Tuesday in May, giving at least Eight Days' public notice thereof, in manner aforesaid; which said Meeting, when convened, shall have power to add to the Rate so laid on the First Tuesday in May, and shall be held in the same manner and governed by the same regulations as are hereinbefore prescribed for the Annual Meetings.

XVII. *And be it further enacted,* That the Fines and Penalties hereby directed to be sued for

before one or more Justices of the Peace, shall be recovered, together with reasonable Costs, by Warrant of Distress and Sale of the Offender's Goods and Chattels—and for want of sufficient Goods and Chattels whereon to levy the same, then the Offender shall be committed to prison for a period not exceeding One Calendar Month, nor less than Six Days.

of fines before Justices of the Peace.

XVIII. *And be it further enacted*, That notwithstanding any thing in this Act contained no Public Buildings or Land in Charlotte-Town aforesaid shall be assessed under or by virtue of this Act.

No Public Building or Land to be assessed under this Act.

XIX. *And be it further enacted*, That an Act made and passed in the First year of the Reign of His present Majesty, intituled *An Act to amend an Act made and passed in the Tenth year of the Reign of His late Majesty, intituled An Act to continue an Act made and passed in the Eighth year of His present Majesty's reign, intituled An Act to continue an Act made and passed in the Sixth year of His present Majesty's Reign, intituled An Act to revive, alter, and continue an Act made and passed in the Fifty-second year of His late Majesty, intituled An Act for raising a Fund to make and keep in repair the Pumps, Wells, and Streets of Charlotte-Town, and for other purposes therein mentioned*, be and the same is hereby repealed.

Repeals Act of the 1st year of the reign of His present Majesty, amending Act of the 10th year of King Geo. the 4th, continuing the Pump and Well Assessment Act relating to Charlotte-Town.

XX. *And be it further enacted*, That this Act shall continue and be in force for Five Years, from and after the passing hereof, and from thence to the end of the then next Session of the General Assembly, and no longer.

Limitation of this Act.

FORM OF PRECEPT.

Prince Edward Island, }
to wit:

Form of Precept to Collector to sell Real Estate.

To A. B. the Collector appointed under the Act intituled *An Act to make and keep in repair*

‘ the Pumps and Wells of Charlotte-Town, and
‘ for other purposes, and to repeal a certain Act
‘ therein mentioned;’

Greeting :

‘ Whereas we, the undersigned Assessors ap-
‘ pointed for carrying into effect the provisions of
‘ the said Act, having assessed (here describe
‘ the Property), situate in Charlotte-Town afore-
‘ said, pursuant to the said Act, and the said
‘ Assessment, together with Costs, amounts to
‘ the Sum of £ Currency, and the
‘ Notices required by Law having been duly given,
‘ and the amount of the said Assessment remain-
‘ ing still unpaid—These are, therefore, to
‘ authorize and require you the said Collector to
‘ take so much of the said Real Estate as will
‘ satisfy the said Assessment and Costs, and the
‘ same to advertise and sell and dispose of, ac-
‘ cording to Law; and you are to make due Return
‘ of this Precept unto us, and also have the said
‘ Money ready as directed by the said Act.

‘ Given under our Hands and Seals, this
‘ day of in the year of our Lord One
‘ Thousand Eight Hundred and , and
‘ in the year of the Reign of His
‘ Majesty

(To be signed by a majority of the Assessors.)

C A P. XXXVIII.

AN ACT for APPROPRIATING certain MONIES
for the service of the year One Thousand Eight
Hundred and Thirty-three.

[Passed, April 6th, 1833.]

May it please Your Excellency;

Preamble.

WE His Majesty’s dutiful and loyal Subjects
the House of Assembly of His Majesty’s
Island Prince Edward, towards Appropriating

the Supplies granted to His Majesty by the General Assembly in this present Session, and for Supplying the Exigencies of His 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 Monies as from time to time shall be and remain in the Public Treasury of this Island, arising from said Supplies, there shall be paid—

The Sum of Five Hundred and Ninety Pounds, for the Encouragement and Support of Schools, in the proportions, and in manner specified in an Act intituled *An Act for the Establishment and Support of Schools, and to repeal the Acts heretofore passed for that purpose.*

L. 590 for the encouragement and support of Schools.

And a further Sum of One Thousand Pounds, for the Contingent Expenses of the Government, for the present year—to be drawn for, from time to time, by Warrant of the Lieutenant Governor, by and with the advice and consent of His Majesty's Council.

L. 1000 for the Contingent Expenses of the Government.

And a further Sum of Two Thousand Five Hundred Pounds, to be placed at the disposal of the Lieutenant Governor, to be applied and expended for the service of Roads and Bridges, agreeably to the Report of the Committee of the House of Assembly for the consideration of all matters relating to Roads and Bridges.

L. 2500 for Roads and Bridges for the present year.

And a further Sum of Two Hundred and Sixty Pounds, to defray the Salary of the Collector of Impost and Excise for the District of Charlotte-Town, for the present year, agreeably to an Act passed in the last Session, intituled *An Act to regulate the Salary of the Collector of Impost and Excise for the District of Charlotte-Town.*

L. 260 for the Salary of the Collector of Excise for the District of Charlotte-Town, for the present year.

And a further Sum of Two Hundred Pounds, to pay the Salaries of the Sub-Collectors of His Majesty's Customs, for the present year.

L. 200 for the Salaries of the Sub-Collectors of Customs.

L. 150 for the Rent of Government House.

And a further Sum of One Hundred and Fifty Pounds, to defray One Year's Rent of Government House.

L. 150 for incidental Expenses of Roads and Bridges for the present year.

And a further Sum of One Hundred and Fifty Pounds, to be placed at the disposal of the Lieutenant Governor, for the Incidental Repairs of Roads and Bridges, for the present year.

L. 150 for Salaries of Commissioners of Highways.

And a further Sum of One Hundred and Fifty Pounds, to be paid to the Commissioners of Highways, for their Services for the present year.

L. 50 to such Person as may be appointed by the Lt. Governor to correspond with Road Commissioners.

And a further Sum of Fifty Pounds, to be paid to the Person who may be appointed by the Lieutenant Governor to correspond with the Road Commissioners, for the present year.

L. 570 for completing the Public Wharf of Charlotte-Town.

And a further Sum of Five Hundred and Seventy Pounds, to be placed at the disposal of the Lieutenant Governor, for further extending and completing the Public Wharf of Charlotte-Town.

L. 80 for extending the Wharf at Georgetown.

And a further Sum of Eighty Pounds, to be placed at the disposal of the Lieutenant Governor, to be applied in extending the Georgetown Wharf.

L. 100 to the Central Agricultural Society, for the importation of Seeds.

And a further Sum of One Hundred Pounds, to the Central Agricultural Society, for the Importation of Seeds.

L. 25 to each of the different Agricultural Societies in King's and Prince Counties, not exceeding two such Societies in each County.

And a further Sum of Twenty-five Pounds to each of the District Agricultural Societies in King's and Prince Counties, in aid of these Institutions, for the Importation of Seeds or Agricultural Implements, or for other purposes—provided the number of such Societies shall not exceed Two in each County.

L. 15 to Bazil and Mary Porrier, for the Support of a Lunatic:

And a further Sum of Fifteen Pounds, to be paid to Bazil and Mary Porrier, of Belle Alliance, Lot Seventeen, for the Support of a coloured Woman, a Lunatic.

L. 60 for the safe keeping of Lunatics.

And a further Sum of Sixty Pounds, to be placed at the disposal of the Lieutenant Governor, to be applied, if necessary, for the care and safe

keeping of Insane Persons during the present year.

And a further Sum of Twenty Pounds, to be paid in Quarterly Payments to James Symondson, a destitute and aged blind Person.

L. 20 to James Symondson, a blind person.

And a further Sum of Eighteen Pounds, to be placed at the disposal of the Lieutenant Governor, for the support of William Purcell, a blind Person.

L. 18 to William Purcell, a blind person.

And a further Sum of Twenty Pounds, to be paid to Richard Chappell, Postmaster, for conducting the Inland Mails.

L. 20 to Richard Chappell, Postmaster.

And a further Sum of Fifteen Pounds, to be placed at the disposal of the Lieutenant Governor, and paid to James Breading, Schoolmaster, should he continue to conduct the National School for the current year.

L. 15 to James Breading, Schoolmaster.

And a further Sum, sufficient to purchase a Bill of One Hundred Pounds Sterling, to be remitted to John Bainbridge, Esquire, Colony Agent, for his Services as such for the past year.

A sum sufficient to purchase a Bill on England for 100l. sterling for Colony Agent.

And a further Sum of Fifteen Pounds, to be placed at the disposal of the Lieutenant Governor, for the purpose of sinking and completing a Draw-well at the North Cape, for the benefit of Shipwrecked Seamen.

L. 15 for sinking a Draw Well at the North Cape.

And a further Sum of Sixty Pounds, for the purpose of extending the Slips or Hards on each side of Ellis River Ferry.

L. 60 for extending the Hards on each side of Ellis River.

And a further Sum of One Hundred and Fifty Pounds, to be placed at the disposal of the Lieutenant Governor, for the conveyance of the Inland Mails for the present year.

L. 150 for the conveyance of the Inland Mails.

And a further Sum of Fifty Pounds, to the Trustees of Saint Andrew's College, in aid of the Funds of that Institution.

L. 50 to Trustees of St. Andrew's College.

And a further Sum of Sixty Pounds, to the Speaker of the House of Assembly, for his Services this Session.

L. 60 to the Speaker of the House of Assembly.

L. 30 to to each of the Members of the House of Assembly.

And a Sum not exceeding Thirty Pounds to each of the other Members of the House of Assembly, for their Services this Session, deducting from the said Sum Ten Shillings per diem for every day any of them have been absent from business during the present Session; the same to be determined by the Certificate of the Speaker.

L. 200 for Surveys of new Roads under Road Compensation Act.

And a further Sum of Two Hundred Pounds, to be placed at the disposal of the Lieutenant Governor, to defray the Expenses contemplated to be incurred for Surveys of new Roads under the Road Compensation Act, as recommended to His Excellency by the House during its present Session.

L. 40 to Wharfinger of Public Wharf of Charlotte-Town.

And a further Sum of Forty Pounds, to be paid in Quarterly Payments to the Person who may be appointed Wharfinger of the Public Wharf of Charlotte-Town, as his Salary for the year One Thousand Eight Hundred and Thirty-three.

L. 500 to the Treasurer of this Island for his Salary for the present year.

And a further Sum of Five Hundred Pounds, to be paid in Quarterly Payments to the Treasurer of this Island, for his Salary for the year One Thousand Eight Hundred and Thirty-three.

L. 150 for completing Jail and Court-House at St. Eleanor's, in addition to sum before granted.

And a further Sum of One Hundred and Fifty Pounds, to be placed at the disposal of the Lieutenant Governor, for the purpose of erecting and completing a Jail and Court-House at Saint Eleanor's, in addition to the Sum already granted for that purpose.

L. 145 for completing Jail and Court-House at Georgetown, in addition to sum before granted.

And a further Sum of One Hundred and Forty-five Pounds, to be placed at the disposal of the Lieutenant Governor, for the purpose of erecting and completing a Jail and Court-House at Georgetown, in addition to the Sum already granted for that purpose.

L. 50 to William Crosby for extra work at Poplar Island Bridge.

And a further Sum of Eighty Pounds, to William Crosby, for extra Work performed in order to complete Poplar Island Bridge.

L. 200 for re-

And a further Sum of Two Hundred Pounds,

to be placed at the disposal of the Lieutenant Governor, for reprinting the Statutes of this Island, under the direction of Commissioners appointed to superintend the same, under an Act of this Session, intituled *An Act appointing Commissioners to superintend the reprinting of the Laws of this Island.*

printing the Statutes of this Island, under Act of the General Assembly.

And a further Sum of Eighteen Pounds, to be paid in Half-yearly Payments to John Ready, of Tracadie, a blind Person in indigent circumstances.

L. 18 to John Ready, a blind person.

And a further Sum of Twenty-five Pounds, to Joseph Ball, as a remuneration for preparing a Plan of the Island on a large scale, agreeably to the order of the House of Assembly.

L. 25 to Joseph Ball, for a Plan of the Island.

And a further Sum of Five Pounds, to Mr. Theophilus Chappell, senior, in addition to the Sum already paid, as a remuneration for his Services in superintending the Addition lately made to the Public Wharf of Charlotte-Town.

L. 5 to Theophilus Chappell, senior, for public services.

And a further Sum of Three Hundred Pounds, to Messrs. Samuel Cunard & Co. for the Conveyance of the Mails last Summer by means of a Steam Vessel.

L. 300 to Messrs. Samuel Cunard, & Co. for the conveyance of the Mails last season by a Steam Vessel.

And a further Sum of Two Hundred Pounds, to be placed at the disposal of the Lieutenant Governor, for the purpose of defraying the expense of taking the Census of the Island, agreeably to an Act of the present Session of the Legislature.

L. 200 for defraying the expense of taking a Census of the Island, agreeably to Act of the General Assembly.

And a further Sum of Seventy-five Pounds, to be paid to such Person as may be appointed to receive the Returns from the Commanders of Regiments and Battalions, and for Inspecting the Militia when directed, subject to the provisions of an Act of this Session, intituled *An Act for repealing certain parts of the Act intituled 'An Act for establishing and regulating a Militia,' and for substituting other provisions in lieu thereof.*

L. 75 to Inspecting Field Officer of Militia.

L. 10 to Mrs. Hannah Bullpitt, Schoolmistress.

And a further Sum of Ten Pounds, to Mrs. Hannah Bullpitt, as a reward for her meritorious conduct in conducting a preparatory School in Charlotte-Town, of a description not included in the provisions of the School Acts.

L. 30 to Colonial Secretary and Registrar, to defray expense of a new Index for Books of Registry.

And a further Sum of Thirty Pounds, to be placed at the disposal of the Lieutenant Governor, and paid to the Colonial Secretary and Registrar, as a remuneration for his trouble in preparing an additional Index from all the Registry Books to the end of the present Session, and to pay for the Books requisite for the purpose, on the said work being performed.

C A P. XXXIX.

An ACT to provide for the CIVIL ESTABLISHMENT of the Colony, and to repeal two certain Acts therein mentioned.

[Passed, April 6th, 1833.]

Preamble.

WHEREAS by a Despatch from the Right Honorable Viscount Goderich, His Majesty's Principal Secretary of State for the Colonial Department, dated the Twenty-fifth day of November, One Thousand Eight Hundred and Thirty-two, it is intimated that when and so soon as the financial condition of this Colony may be such as to enable its Legislature to make a moderate but permanent provision for the necessary Expenses of its Government, His Majesty will be advised to place the whole Revenue within the Island at the disposal of its Legislature:

Preamble.

And whereas His Majesty and His Royal Predecessors having been graciously pleased to defray the charge for the Civil Government of the Colony to the present period, it is considered to be just and equitable that the Expenses to be

incurred for that purpose, after this Act shall go into operation, should be borne by the Colonial Government of the Island, if the resources of the Colony shall be placed at the disposal of its Legislature:

I. May it therefore please Your Majesty, that it be enacted, and *Be it enacted, by the Lieutenant Governor, Council, and Assembly of this Island,* That from and after the First Monday in September which will be in the year of Our Lord One Thousand Eight Hundred and Thirty-seven, there shall be paid annually into the hands of the Treasurer of this Island the Sum of Four Shillings and Sixpence of lawful Money thereof for every One Hundred Acres of Land contained in the several Townships within this Colony, and in the several Islands belonging thereto; and the Sum of Two Shillings for every Town Lot, Pasture Lot, Common Lot and Water Lot, granted in the Town and Royalty of Charlotte-Town; and the Sum of One Shilling and Four-pence for every Town Lot, Pasture Lot, Common Lot and Water Lot, granted in the Towns and Royalties of Georgetown and Princetown respectively—the said several Sums of Money to be paid by the several and respective Owners, Proprietors or Occupiers of the said Lands, in each and every year as aforesaid, within Six Calendar Months next after the day hereinbefore mentioned.

From and after the 1st Monday in September, 1837, there shall be paid annually 4s. 6d. for every 100 acres of Land in the Townships and small Islands:

and 2s. for every Town Lot, Pasture Lot, Common Lot and Water Lot in Charlotte-Town and Royalty; and 1s. 4d. for every Town Lot, Pasture Lot, Common Lot and Water Lot in the Towns and Royalties of Georgetown and Princetown—

within 6 months after the day before mentioned.

II. *And be it further enacted,* That the Treasurer of this Island shall, and he is hereby directed, on the First Monday in the Month of September, in the said year One Thousand Eight Hundred and Thirty-seven, and annually on the same day thereafter, to cause Advertisements to be posted in Charlotte-Town, and in Six of the most public places in King's, Queen's, and Prince Counties respectively; and also to be inserted in the Newspapers which may be published

Treasurer on the 1st Monday in September, 1837; and annually thereafter, to cause Notices to be posted,

calling on Proprietors or Occupiers of Lands for Payment.

Treasurer at next sitting of Supreme Court, and annually at same Term,

on the last day of the Term, to make Proclamation of

Lands in arrear, and cause further Notices to be posted, &c. notifying that if sums in arrear be not paid 10 days before the then next Term,

application will be made for one Judgment.

Supreme Court to give Judgment, and direct a Sale of Lands at Public Auction,

and issue one Fieri Facias.

Sheriff or Coroner after having given 30 days' notice shall proceed to sale, and execute a Conveyance to Purchaser. Coroner or Sheriff not to put up for sale Lands in larger quantities than 100 Acres in one Lot.

in the Island, calling on the respective Owners, Proprietors or Occupiers of Lands charged by this Act as aforesaid, to pay the Sums thereon respectively charged within the time limited by this Act; and the said Treasurer is hereby directed and required annually, during the continuance of this Act, at the next sitting of His Majesty's Supreme Court of Judicature of this Island, to be holden at Charlotte-Town; after the expiration of Six Months as aforesaid, on the last day of the Term, to make Proclamation of all such Lands as shall then be in arrear of payment of the Sums charged thereon by this Act; and immediately thereafter to cause further Notices and Advertisements to be posted and published as aforesaid, notifying the Owners, Proprietors or Occupiers of the said Lands so in arrear, that in case the Sums charged on them by this Act shall not be paid Ten Days at least before the next Term of the Supreme Court of Judicature, application will be made for one Judgment against all the Lands so in arrear; and the said Supreme Court shall give Judgment accordingly, and shall order and direct that so much of the several Lands so in arrear as shall be sufficient to pay the Sum charged thereon by this Act, together with reasonable Costs, to be Sold at Public Auction to the highest bidder, and thereupon issue one Writ of *Fieri Facias* directed to the Coroner or Sheriff for that purpose, who, after having given Thirty Days previous Notice, shall proceed to the said Sale, and shall thereupon execute a Conveyance thereof to the respective Purchasers, and his or her Heirs and Assigns for ever, which shall be good and valid in Law to all intents and purposes whatsoever; and the Coroner, Sheriff, or other Officer, shall in no case put up for Sale in one Lot any Lands so in arrear, in larger quantities than Tracts of One Hundred Acres each.

III. *Provided always, and be it further enacted,* That in case of any Lands being sold under the authority of this Act, an Equity of Redemption shall nevertheless be open to the former Owner or Owners, Proprietor or Proprietors, Occupier or Occupiers, his, her or their Heirs or Assigns, for the space of Two Years next after the levying of the *Fieri Facias* thereon—the former Owner or Owners, Proprietor or Proprietors, Occupier or Occupiers, his, her or their Agents, Heirs or Assigns repaying the Purchase Money, with lawful Interest thereon, and also all Expenses attending the same, and a fair allowance for such Improvements as shall or may be made thereon, the same in case of a dispute to be ascertained by the Supreme Court.

Proviso.

Equity of Redemption for 2 years allowed to original Owners.

The former Owner repaying the purchase Money with lawful interest, and all expenses, and a fair allowance for improvements made; the same in case of dispute to be ascertained by Supreme Court.

IV. *And be it further enacted,* That it shall and may be lawful to and for the Treasurer of this Island for the time being, by writing under his hand and seal, to nominate and appoint such and so many Deputies for each and every Settlement within this Island, not being less than Three for each County, as to the said Treasurer for the time being shall seem meet, and for the faithful discharge of whose Duties he the said Treasurer shall be responsible; and such Deputies shall and they are hereby required to open Books of Account for the Receipt of the said Assessment; and such Deputies shall respectively give Receipts for Assessments as the Treasurer ought to do, and shall keep open their Books until the Fourteenth day next before the First day of the Term at which proceedings by Proclamation are to be taken against the Lands of Defaulters, and shall forward the Assessments, together with their Books, or true Copies thereof, forthwith afterwards to the Treasurer; and the said Deputies shall be allowed for their trouble at and after the rate of Five Pounds for every One Hundred Pounds collected by them respectively. *Provided also,* That nothing herein contained shall be construed to require any Person whatever to

Treasurer to nominate not less than 3 Deputies for each County,

for whom he shall be responsible.

Deputies to keep Books of Account for Receipt of Assessment, and give Receipts therefor.

Books to be kept open until the 14th day next before the first day of Term, at which Proclamation is to be made, and to be forwarded with Assessment to the Treasurer.

Allowance to Deputies under this Act.

Proviso.

No Person required to travel

more than 20 miles to pay Assessment.

travel a greater distance than Twenty Miles from his or her farm or place of residence, to the Collector or Collectors so appointed, to pay the Assessment charged on any Lands under and by virtue of this Act.

Coroner or Sheriff to pay any overplus of sale of Lands after payment of Judgment and Costs,

V. And be it further enacted, That when the Coroner, Sheriff, or other Officer who shall have sold any Lands under the provisions of this Act for non-payment of Assessment, and such Lands shall have produced more than sufficient for the payment of such Assessment, the Coroner, Sheriff, or other Officer shall, and he is hereby authorized to pay over

into the hands of the Treasurer, who is to retain the same for the benefit of the Owners.

into the hands of the Treasurer of this Island for the time being, the overplus of such Monies, who shall retain the same in his hands for the benefit of the Person or Persons who may be legally entitled to receive the same; and in case of dispute as to the

Right of party claiming the same, to be determined by Supreme Court.

right of any Claimant to receive such overplus, or part thereof, the same shall be determined in a Summary Way by the Justices of His Majesty's Supreme Court of Judicature of this Island; and any Costs which may be incurred thereby shall be paid by such Claimant; and any such Order of the said Court shall be a sufficient Warrant to the Treasurer to pay over such overplus, or any part thereof, accordingly.

Order of Court sufficient Warrant to Treasurer to pay over the same.

Preamble:

VI. And whereas it may happen that Proprietors of Parts or Shares of undivided Lots of Land may be willing to pay a just proportion of the Assessment charged thereon by this Act, and payable for the same parts or shares, and the other Proprietors thereof may not be willing to contribute thereto—in order therefore to prevent the Proprietors who shall be ready to pay a just proportion from being injured by the operation of this Act, *Be it enacted, by the authority aforesaid,* That upon application of any one or more

On application of any Proprietor,

of such Proprietors to the Supreme Court, setting forth the particular state of the case, it shall and may be lawful to and for the respective Judges of the said Court to direct a Survey to be made, in such man-

Court may direct a survey, to ascertain

ner and by such Persons as they shall think fit, of the Lot of Land so circumstanced, in which Survey the said Lot shall be fairly and impartially divided into such Shares to be held in severalty as bear a just proportion to the Interest which each of the several Proprietors thereof shall be previously entitled to in the said undivided Lots, regard being had in making such division to the appropriating to such Proprietor the improved Land which he before held in such Lot; and the said Supreme Court shall order and direct, by an Order to be entered of Record in the Office of the Registrar of Deeds in the said Island, that such Shares shall from thenceforth belong to each of the said Proprietors in severalty.

the just bounds of Lands held in common, in order that payment may be made by the Applicant of his Assessment under this Act.

Supreme Court to direct Order to be entered of Record in the Office of Registrar of Deeds.

VII. *And be it further enacted,* That out of the Monies to be raised under and by virtue of this Act, it shall and may be lawful for His Most Gracious Majesty, his Heirs and Successors, at all times after the commencement of this Act, to defray the necessary Expenses of the Civil Government of this Island, the same to be drawn for by Warrant under the Hand of the Administrator of the Government of this Island for the time being, directed to the Treasurer thereof.

Out of Monies to be raised by this Act, the Civil List of this Island to be paid, and drawn for by Warrants under the Hand of the Administrator of the Government.

VIII. *And be it further enacted,* That no Quit Rent payable to His Majesty, his Heirs and Successors, and arising out of any Lands in this Colony, during the continuance of this Act, shall be demanded, and that the aforesaid Assessment shall be deemed and taken to be paid in lieu thereof, when such Assessment shall have been paid to the Treasurer of this Island, according to the true intent and meaning of this Act.

No Quit-Rent to be paid during the continuance of this Act.

Assessment to be in lieu thereof.

IX. *And be it further enacted,* That the Treasurer of this Island shall keep a separate Account of all Monies raised under and by virtue of this Act; and in case any surplus shall remain after providing for the payment of the Civil Government of the Colony, such surplus shall be appropriated by Act or

Treasurer to keep a separate Account of Monies raised by this Act, and any surplus, after defraying the Civil List, to be appropriated

by Act hereafter to be passed.

Acts of the Legislature of this Island hereafter to be passed for that purpose.

From and after the first Monday in September, 1837, an Act of the 25th year of King Geo. the 3d, to amend, render more effectual and reduce into one Act the Impost Laws—

X. *And be it further enacted*, That from and after the said First Monday in September which will be in the year of our Lord One Thousand Eight Hundred and Thirty-seven, an Act made and passed in the Twenty-fifth year of the Reign of His late Majesty King George the Third, intituled *An Act to amend, render more effectual, and to reduce into one Act, the several Laws made by the General Assembly of this Island relative to the Duties of Impost on Wines, Rum, Brandy, and other Distilled Spirituous Liquors, and for allowing a Drawback upon all Wines, Rum, Brandy, and other Distilled Spirituous Liquors exported from this Island*—and an Act made and passed in the Thirty-fifth year of His said late Majesty's Reign, intituled *An Act for raising a Duty on Wine, Rum, and other Distilled Spirituous Liquors, and for imposing a Duty on Porter, Ale, and Strong Beer*—be and the same shall be respectively repealed.

and an Act of the 35th year of the same King, for raising a Duty on Wine, Rum, &c.

to be respectively repealed.

Suspending Clause.

XI. *And be it further enacted*, That nothing herein contained shall have any force or effect until His Majesty's pleasure thereon shall be known.

Ex. G. M.
7/29/10