

Prince Edward Island, Laws, statutes, etc.
Session laws 48

Oct 4

THE

ACTS

OF THE

GENERAL ASSEMBLY

OF

PRINCE EDWARD ISLAND.

ANNO DECIMO QUARTO VICTORIÆ REGINÆ.



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CHARLOTTETOWN:

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

1851.

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TITLES OF THE ACTS.

THIRD SESSION

OF THE EIGHTEENTH GENERAL ASSEMBLY.

1851.

I. An Act to regulate the laying out and altering of Highways,	697	✓
II. An Act to consolidate and amend the Laws now in force, for the relief of Insolvent Debtors,	730	✓
III. An Act to commute the Crown Revenues of Prince Edward Island, and to provide for the Civil List thereof, as well as for certain Compensations therein mentioned,	733	
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V. An Act for constituting Boards of Health,	745	+
VI. An Act to alter and amend the Laws now in force relating to the Militia,	758	✓
VII. An Act to oblige Husbands and Natural Relatives of Indigent and Impotent persons, unable to maintain themselves, to contribute to their support,	759	+
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X. An Act to continue <i>An Act for the encouragement of Education,</i>	777	+
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XXVII. An Act to extend the provisions of an Act for ascertaining the Standard of Weights and Measures in this Island to Mills therein, and to make other alterations therein,	866	+
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XXIX. An Act to prohibit the playing of certain Games and the use of Fireworks in the Squares and Thoroughfares of Charlottetown,	875	X
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XXI. An Act to provide for the Summary Trial of Common Assaults and Batteries,	883	X
XXII. An Act to enable <i>Abraham Gesner</i> to obtain Letters Patent for the Invention of a new and improved mode of manufacturing Illuminating Gas,	889	X
XXIII. An Act to provide for removing the Post Office of Charlottetown into the Old Court House therein, and for other purposes therein mentioned,	890	✓
XXIV. An Act authorising the Colonial Secretary of this Island to appoint a Deputy,	894	✓
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XXX. An Act to alter the Appropriation of a certain sum of Money raised by the present Land Assessment Act,	918	X
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XXXIII. An Act for establishing the Rates in Currency at which Rents reserved in Sterling shall henceforth be paid in this Island,	924	
XXXIV. An Act for appropriating certain Moneys therein mentioned, for the service of the year of our Lord One thousand Eight hundred and Fifty-one,	925	X

ANNO DECIMO QUARTO

VICTORIÆ REGINÆ.

At the General Assembly of Her Majesty's Island of *Prince Edward*, begun and holden at *Charlottetown*, the Fifth day of *March*, Anno Domini 1850, in the Thirtieth year of the Reign of our Sovereign Lady VICTORIA, by the Grace of God, of the United Kingdom of *Great Britain* and *Ireland*, Queen, Defender of the Faith :

1851.

Sir ALEX-
ANDER
BANNERMAN,
Knight,
Lt. Governor.

R. HODGSON,
President of
Council.

And from thence continued by several Prorogations, to the Twenty-fifth day of *March*, 1851, and in the Fourteenth Year of Her said Majesty's Reign; being the Third Session of the Eighteenth General Assembly convened in the said Island.

ALEXANDER
RAE,
Speaker.

CAP. I.

An ACT to regulate the laying out and altering of Highways.

[Passed April 23, 1851.]

WHEREAS it is deemed expedient to consolidate and reduce into one Act the several Acts of the General Assembly of this Island, relating to the laying out and altering of Highways: Be it therefore enacted, by the Lieutenant

Repeals 10 Geo.
4, c. 10.

Also 3 Will. 4,
c. 9.

Also 4 Will. 4,
c. 16.

Also 5 Will. 4,
c. 8.

Also 1 Vic. c.
16.

Governor, Council and Assembly, That from and after the passing of this Act, the several Acts hereinafter mentioned shall be, and the same are hereby respectively repealed, (*that is to say,*) an Act made and passed in the Tenth year of the Reign of 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;* an Act made and passed in the Third year of the Reign of His late Majesty King William the Fourth, intituled *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;"* an Act made and passed in the Fourth year of the Reign of King William the Fourth, intituled *An Act in further amendment of an Act passed in the Tenth year of His late Majesty's Reign, 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;"* an Act made and passed in the Fifth year of the Reign of King William the Fourth, intituled *An Act for further explaining and amending the Act for regulating the laying out and altering of Highways, and for providing 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;* an Act made and passed in the First year of the Reign of Her Majesty Queen Victoria, intituled *An Act to further amend an Act of 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;" an Act made and passed in the Fifth year of the Reign of Her Majesty Queen Victoria, intituled *An Act to alter and in addition to an Act made and passed in the Tenth year of the Reign of His late Majesty King George the Fourth, relating to the laying out and altering of Highways, and for other purposes therein mentioned;* an Act made and passed in the Sixth year of the Reign of Her Majesty Queen Victoria, intituled *An Act in further amendment of an Act passed in the Tenth year of the Reign of 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;"* an Act made and passed in the Eighth year of the Reign of Her Majesty Queen Victoria, intituled *An Act to continue an Act intituled "An Act to alter and in addition to an Act made and passed in the Tenth year of the Reign of His late Majesty King George the Fourth, relating to the laying out and altering of Highways, and for other purposes therein mentioned;"* an Act made and passed in the Eleventh year of the Reign of Her Majesty Queen Victoria, intituled *An Act further to amend an Act made and passed in the Tenth year of the Reign of His late Majesty 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."*

Also 5 Vic. c. 22.

Also 6 Vic. c. 22.

Also 8 Vic. c. 5.

Also 11 Vic. c. 33.

Preamble.

II. And whereas in the Grants or Patents of the different Townships of this Island, a Reservation was made of all such parts of the said Townships as had been set apart for Public Roads, at the time of passing the same; as also all such other parts of the Lots or Townships as should thereafter be set apart for laying out Highways for the communication between one part of the Island and another: And whereas it daily becomes more and more necessary to open Roads through different parts of Townships, which may and do sometimes interfere with Lands under cultivation, and occasion much loss, injury and expense to the person through whose Lands the same may run, and no remedy having been provided for the same, nor any Law whereby to enable the Lieutenant Governor to alter or change any Road, now made, or hereafter to be made, or to make compensation to the parties who might be injured thereby: For remedy whereof, be it enacted, by the Lieutenant Governor, Council and Assembly, That when and so often as it shall be considered necessary, by the Lieutenant Governor of this Island, for the time being, by and with the advice of Her Majesty's Council, to cause a Highway to be made through cultivated Lands, or to alter or change the direction of the Roads already by lawful authority, made in this Island, for other Roads, the accomplishment of which may be attended with injury and damage to the Proprietors and Tenants of the soil, through which the same may pass, or which may benefit the Lands of the same, it shall and may be lawful for the Lieutenant Governor, for the time being, by and with the advice and consent of Her Majesty's Council, or on the application of any party interested in the said Lands, to order a Writ to be issued out of Her Majesty's Supreme Court of Judicature for this Island, and the said Court is hereby empowered to issue such Writ, directed to the Sheriff of the County wherein the said

Empowers Lt. Governor in Council, to order a Writ to issue out of Supreme Court, on the application of any party interested, directed to the Sheriff or Coroner to summon 12 Freeholders or Leaseholders in his County, who

Lands shall be situate, (or in case he shall be interested therein, to the Coroner,) commanding him to summon Twelve good and lawful men, Freeholders or Leaseholders, who are nowise interested in the said Lands and Tenements, from the County through which the Road contemplated is to run, to meet at such time and place as may be appointed by the said Writ, and the said Jury, so summoned, shall be duly sworn faithfully to appraise the damages, if any, which will accrue to the Proprietor or Tenant through whose grounds the Road is intended to run, which said Jury shall not only take into their consideration the loss or damage that the said Proprietor or Tenant may incur, but also the advantage, if any, that may accrue to him; by the Road or alteration increasing the value of such Lands.

shall be sworn to appraise damages (if any) accruing to persons, through whose Lands Roads may be run; and also to consider the advantage that may accrue by the alteration.

III. And be it enacted, That the Verdict of the said Jury, under their hands and seals, and the hand and seal of the Sheriff or Coroner, shall be duly returned into the Office of the Prothonotary of the Supreme Court, within Forty days days after the teste of the said Writ.

Verdict to be returned into Prothonotary's Office within 40 days after teste of Writ.

IV. And be it enacted, That it shall and may be lawful either for the Lieutenant Governor for the time being, or the Proprietors or Tenants of the Soil, who may think themselves aggrieved by such Verdict, to cause an Appeal to be entered against the same to the Supreme Court of Judicature, at the Term to be holden in the County wherein the Lands are situate, next after the return of the Writ, under which such Verdict shall be found as aforesaid. And it shall and may be lawful for the said Supreme Court, if it shall be of opinion after hearing such Appeal, that justice has been done, to dismiss the same with such Costs, to be taxed to the Appellee as shall seem just and reasonable, which said Costs, if the Appeal shall have been entered by the

Right of Appeal to Supreme Court.

Court may dismiss the same with Costs.

Mode of recovery
of Costs.

Court may order
a new Jury to be
summoned whose
verdict shall be
final.

Proceedings on a
second verdict
being taken.

Lieutenant Governor, shall be paid to the Appellee in the manner prescribed, in the Seventh Section of this Act, as to payment of a Verdict; and if by the Proprietor or Tenant, then the same shall be paid by him to the Government, and in case of neglect or refusal, the same shall be recovered, by and on behalf of the Government, in the same manner in which Costs are recovered in the said Supreme Court, on Appeals being dismissed in cases of Small Debts, and if after hearing such Appeal, it shall appear to the said Court, that justice hath not been done, it shall and may be lawful for the said Court to order and direct, that an alias Writ be issued, and a new Jury summoned, the Verdict found by which said second Jury, shall be final and conclusive, and when returned as aforesaid, shall be entered of record in the said Court. And if on the coming in of such second 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 this 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 pointed out in the Seventh Section of this Act, for the recovery of the Verdict alone, when given in his favor, 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 in this Section before mentioned.

V. And be enacted, That when and so often, as it shall be necessary, to compel the attendance of any Witnesses, to give evidence before any Jury, to be summoned under the provisions of this Act, 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 Subpœna, requiring them to attend, and give evidence before Her Majesty's Supreme Court of Judicature, of this Island, and the Sheriff or his Deputy, or the Coroner, (as the case may be,) is hereby authorised, 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)

Compels the attendance of Witnesses.

Sheriff to administer Oath to each Juror.

“ 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,

Form of Oath.

as directed in the Act of Assembly, in that case made and provided.

So help you God.

Sheriff to administer oath to each Witness.

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

Form of Oath.

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

So help you God.

No more than one Writ shall issue for each County, unless Roads be detached.

VI. And be it 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 contrary directions, and the jury shall give as many several Verdicts under one Writ, as may be required from the number of parties interested.

On payment or tender of the sum found, the right of Highway to be vested in Crown.

VII. And be it enacted, That upon payment or tender to the Tenants, or Proprietors of the Soil, of the sums so found, made by such Person, as may be appointed by the Lieutenant Governor for the time being, for that purpose, the Right of Highway in and over the said Lands, shall be and remain vested in the Crown; and the Lieutenant Governor for the time being, by and with the advice and consent of Her Majesty's Council, is hereby authorised to grant his Warrant, under his Hand and Seal, to the Treasurer of this Island, for the payment of all such Sums of money, as shall be assessed as aforesaid. Provided always, that no such Payment shall be

Mode of payment.

No payment to be made until lands are taken possession of.

made to the Proprietor or Tenant, until the Lands shall have been actually taken possession of, for the said Highway.

VIII. And whereas lines of Road through Wilderness Lands, are often of great benefit to the Lands, through which the same do pass, and tend to increase greatly the value of such Lands, and it is but just and reasonable that the Proprietors thereof should contribute to the formation of such Roads: Be it therefore enacted by the authority aforesaid, That when and so often as the Lieutenant Governor for the time being, by and with the advice of Her Majesty's Council, shall deem it necessary to cause Roads to be opened through unsettled Lands, it shall and may be lawful for him to order a Writ to be issued and the said Sheriff, Coroner, or other Officer to whom such Writ shall be directed, shall and he is hereby required to give Notice thereof, to all parties interested within Ten days after he shall receive any such Writ, by causing Notices to be posted up at three or more of the most public places, in or nearest to the District, through which the new Road is to pass, and shall also cause the same to be inserted in the *Royal Gazette* Newspaper, printed in Charlottetown, for at least four successive Weeks immediately next before the time of executing the said Writ, and which Notices shall be respectively in the following form, and shall be deemed and taken, to be sufficient Notice, to all persons interested in the execution of such Writ, anything to the contrary notwithstanding (that is to say.)

On lines of Road being opened through Wilderness Lands, Lt. Governor by advice of Council, to issue Writ, and Sheriff within Ten days' after receipt thereof, to give Notice to parties interested, by posting Notices at 3 or more public places, and cause the same to be inserted in *Royal Gazette*, 4 successive weeks.

ROAD COMPENSATION ACT, PUBLIC NOTICE.

“Whereas a Writ has been issued, directed to me under and by virtue of an Act passed in the Fourteenth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to*

Form of Notice.

regulate the laying out and altering of Highways; and of the Acts in amendment thereof, whereby I am commanded to summon a Jury to enquire what damage or advantage will accrue to those persons who are interested in the Land through which a certain new Road is intended to be made, commencing at and terminating at and which Road will run through or over

Now I do hereby give Public Notice to all parties, that I will commence the execution of said Writ, by attending with the Jury at on day of at the hour of forenoon (or afternoon, as the case may be,) of the same day, and from thence I will proceed with the Jury along the said new Line of Road, and complete the Inquest according to Law.

Given under my hand this
day of 18
A. B.,

(Sheriff or Coroner as the case may be,) and shall at the expiration of the time mentioned in the said Notice, cause a Jury to be summoned as aforesaid, who shall be sworn well and truly to ascertain and declare, what advantage it may be to the Proprietor, through whose Land the said Road is intended to be opened or pass, and what sum of money shall be paid by him for the same, which said Jury having found such amount, shall then proceed to estimate the value of the Land per acre adjoining such Roads, or through which such Roads shall pass, which Estimate shall form part of the Verdict; and all Verdicts under this Act shall be taken in duplicate, one part of which shall be returned into the Office of the Clerk of Her Majesty's Executive Council of this Island, and the other part into the Office of the Prothonotary of the Supreme Court of Judicature, within the period of Forty Days from the teste of such Writs; and the sum or sums so assessed by the Jury as aforesaid, shall be paid by the Proprietor or Proprietors into the Treasury of this Island, to

Jury to be summoned, who shall declare what advantage the Proprietor may derive therefrom.

Jury shall also estimate the value of land per acre, through which Road may pass.

Mode of taking Verdict, to be returned within 40 days.

Sum assessed by Jury to be applied in making Road.

be applied to the making and repairing the said Road, and to no other purpose whatsoever; subject nevertheless to an appeal to the Supreme Court, in manner and under the regulations in all respects as provided and declared in the Fourth Section of this Act.

Subject to Appeal.

IX. And be it enacted, That before any Proprietor shall be called upon to pay his proportion of the sum adjudged by the Jury to be paid by him, or to surrender the Land in payment, as directed by the provisions of this Act; the Road which is intended to pass through and over such Proprietor's Land, together with the necessary Bridges thereon, shall have been contracted for, to be made and completed.

Proprietor not to be called on to pay Money or surrender Land, until Road and Bridges shall be completed.

X. And be it enacted, That when the Sheriff or Coroner shall have returned the Inquisition, so directed to be made, no such contemplated Roads and Bridges shall be contracted for, until the Commissioner for the District shall have advertised, at least three times in the *Royal Gazette*, that Tenders will be received, at a time and place therein specified, and that the lowest Tender on Security, for the due performance thereof having been given, will be accepted, or that the same will be let at Public Auction, at the time and place therein specified; and if the Contract, upon such Tender, or the bidding at such Auction, shall be for a less sum than that assessed by the Jury on the Inquisition, the Proprietor shall be called upon to pay no greater sum, than that specified in the Tender or Contract, or bid for at such Auction, in the proportion that he has been assessed by the Jury; and if such Proprietor shall be the Contractor or Bidder, and shall perform the Work agreeably to Contract and Specification, to the satisfaction of the Commissioner, he shall not be called upon to pay any Sum or Sums of Money, or to surrender any Lands whatever, but shall receive

Sheriff having returned Inquisition, no Road to be contracted for, until Commissioner shall have advertised for Tenders, or given notice that the same will be let by Auction.

If Contract or bidding be for a less sum than assessed by Jury, Proprietor to pay no greater sum than contract or bidding.

Proprietor being Contractor, to receive the difference between the sum assessed, and that contracted or bid for.

such further or greater sum than that assessed by the Jury, as shall be necessary to complete the amount specified in such Contract or bid for, at such Auction.

Proprietors neglecting or refusing to pay sum assessed, so much of the lands as will amount to Assessment, to be surveyed and Plans returned into the Registrar's and Surveyor General's Offices.

XI. And be it enacted, That in case the Proprietors or their Agents, shall neglect or refuse to pay such sum or sums of Money so assessed as aforesaid, it shall and may be lawful for the Lieutenant Governor for the time being, by and with the advice and consent of Her Majesty's Council, to issue his Warrant under his Hand and Seal, directed to the Surveyor General or other competent Surveyor, commanding him to cause so much of the said Lands as will amount to the sum assessed, at the price estimated to be surveyed, and two Plans and Descriptions thereof made, one of which shall be duly returned into the Office of the Registrar of Deeds, and Conveyances in this Island who shall register the same, and the other shall be kept in the Office of the said Surveyor General.

In making Survey, Surveyor General is to lay off Lands in blocks of 100 acres.

XII. And be it enacted, That in making such Survey, Plans and Descriptions as in the last preceding Clause mentioned, it shall be incumbent upon the Surveyor General or other Surveyor appointed for that purpose, to lay off the said Lands as near as conveniently may be, in Blocks of One hundred Acres each, with the usual front on the Road of Ten Chains, and running back from thence One hundred Chains, and so in proportion for any greater or smaller amount of Land ordered to be laid off. And if the Property of the person through whose Lands the said Road may pass, shall not extend for a sufficient distance from the Road, to admit of a depth of One hundred Chains being given to each Block, then the said Lands shall be laid off as nearly in the above form, and with as nearly the same relative proportion of front and depth, as the circumstances of the case and the position of the Lands will permit.

XIII. And be it enacted, That the said Lands shall be set up at public Auction by the Sheriff or Coroner of the County wherein they shall be situate, at such upset price as the Lieutenant Governor for the time being, by and with the advice and consent of Her Majesty's Council, shall think reasonable, and sold to the highest Bidder, and the Moneys arising therefrom shall be expended upon making, altering or repairing the said Roads, and for no other purposes whatsoever.

Lands to be sold at public auction at upset price, fixed by Lt. Governor in Council.

Proceeds of sale to be expended in making Roads &c.

XIV. And be it enacted, That the Sheriff or Coroner shall, and he is hereby authorised and empowered to make and execute a sufficient Deed or Conveyance of the said Land to the Purchaser or Purchasers, which shall be held and deemed to be good and effectual in the Law for vesting the said Lands in the Purchaser or Purchasers thereof, their Heirs and Assigns for ever, or otherwise, according to the nature of the Estate or Interest in the said Land sold, for which Deed or Conveyance the said Sheriff or Coroner shall be entitled to receive the sum of Ten Shillings Currency, and no more.

Sheriff to execute a conveyance to purchasers.

XV. And be it enacted, That it shall be at the option of the Proprietors to pay the sum so assessed by the said Jury, either in Money or in Land, at the value estimated as aforesaid, and the Lands surrendered in payment shall be vested in the Crown, to and for the purposes of this Act, and none other; and the Lieutenant Governor for the time being is hereby authorised and empowered to grant his Warrant under his hand and seal to the Treasurer of the said Island, for the payment of all such Expenses, Costs and Charges as shall be incurred in carrying into effect the provisions of this Act as hereinbefore mentioned.

Proprietors may pay in money, or land at the estimated value.

Costs how to be paid.

XVI. And whereas it would materially lessen the expense of laying out Highways, under the provisions of this Act hereinbefore mentioned, if a more summary method was adopted, where the Highways sought to be laid out do not exceed Five miles in length: Be it therefore enacted, That when and so often as the Lieutenant Governor in Council shall order the opening of a Highway or Highways, of not more than Five miles in length, and which may run either through Cultivated or Wilderness Land, or both Cultivated and Wilderness Land, it shall and may be lawful to and for the Lieutenant Governor in Council, as often as he shall see fit, to nominate and appoint any Three fit and proper persons, one of whom shall be a Commissioner of Roads, not being interested parties, Commissioners to examine such intended Line of Road, and if, on finding that the Owner or Owners of either or both Cultivated or Wilderness Lands, be injured by the opening of such Road or Roads, to appraise and value the damage that the Owner or Owners, Lessee or Lessees of such Lands may sustain, in consequence of such Road or Roads, so ordered as aforesaid, passing through his or their Land or Lands as aforesaid, and also to ascertain and declare what advantage it may be to the Owner or Owners, Lessee, or Lessees, through whose Land the said Road or Roads is or are intended to be opened or pass, and what sum of money shall be paid by him or them for the same, in case such Land shall be in a wilderness state; the said Commissioners having previously given, in either case, to the party or parties interested therein, at least Thirty days' Notice, in the same manner as required in other cases by the Eighth Section of this Act, and the said Three persons shall, as soon as conveniently may be, submit to the Lieutenant Governor a Statement, in writing, of the appraised value of such damage as the Owner or Owners, Lessee or Lessees may sustain as aforesaid, and which

Lt. Governor in Council may order Highways of not more than five miles in length to be opened.

And appoint 3 Commissioners to examine proposed line.

If on finding that the owner will be injured thereby, they will appraise the damage sustained by him.

And also declare what benefit, (if any) it may be to the owner.

30 days' notice to be given by Commissioners.

Commissioners to submit appraisement on oath, in form set forth in Schedule; to be made before a Justice of the Peace.

has been made and fixed by them as aforesaid, on Oath, in the form set forth in the Schedule to this Act annexed marked (A,) which Oath shall be made before any one of Her Majesty's Justices of the Peace, in and for the County where such intended Road or Roads may be situate, and in case such Road shall be required to run through Wilderness Land or Lands, or any other Land which may thereby be rendered more valuable, the said Commissioners shall, as soon as conveniently may be, submit to the Lieutenant Governor in Council a Statement in writing of the sum of money that should, in their opinion, be paid by the Owner or Owners, Lessee or Lessees of such Lands, assessed and fixed by them as aforesaid, on Oath, in the form set forth in the Schedule to this Act annexed, marked (B,) which Oath shall be made before any one of her Majesty's Justices of the Peace as aforesaid, and in case the Lieutenant Governor in Council shall approve of the said Statement, then and in every case where the same shall find compensation to be due or payable to the Owner or Owners, Lessee or Lessees of such Land, the said Lieutenant Governor in Council shall and may, and he is hereby authorised to direct the sum or sums of money, so set forth in the said Statement, to be paid to the party or parties, entitled to receive the same, by Warrant or Warrants on the Treasury of this Island; and the sum or sums of money, so assessed and affixed as aforesaid, to be paid by any Owner or Owners, Lessee or Lessees, as aforesaid, shall be paid by such Owner or Owners, Lessee or Lessees of such Land or Lands into the Treasury of this Island, to be applied to the making and repairing of the said Roads, and should the Owner or Owners, Lessee or Lessees of such Land, neglect or refuse to pay the sum, (approved of by the Lieutenant Governor as aforesaid, to be paid into the Treasury of this Island,) and in case no Writ should be

If wilderness land, &c., be thus made more valuable, Commissioners to submit to Lt. Governor in Council a statement of the sum that should be paid by owners &c., on Oath, &c.

Form of Oath.

Oath to be made before Justice of the Peace.

Lt. Governor, &c., to issue Warrants for all sums awarded as compensation to Proprietors.

Sums paid by proprietors of land to be paid into the Treasury and applied to the making of Roads.

Lt. Governor may cause land of proprietor to be laid out for the Crown, in certain cases.

Land to be valued by Commissioners.

Plan thereof to be returned into the Offices of Surveyor General and Registrar of Deeds, there to be registered.

Damages awarded to owner, may remain in the Treasury, for his benefit, for 3 years from time of appraisement.

applied for, in manner as hereinafter directed, by such party or parties so refusing for the summoning of a Jury, the Lieutenant Governor may, and he is hereby authorised to cause as much Land as may be of the value of the benefit or advantage, the Owner or Owners, Lessee or Lessees of such Land may derive, by the running of any Road, to be laid out for the Crown in the same manner and form, as regards front and depth, as is directed in and by the Twelfth Section of this Act, in the case of other Lands therein mentioned, by the Surveyor General, or other competent Surveyor for that purpose, duly authorised, the same to be valued by the said Three Commissioners as aforesaid, either at the time of making their award, or at any other time or times the Lieutenant Governor shall order, and a Plan of such Land, so laid out by the Surveyor General, or other competent Surveyor, with descriptions thereof, shall be duly returned into the Office of the Registrar of Deeds and Conveyances in this Island, who shall register the same, and the Original shall be deposited in the Office of the said Surveyor General, and the Land so valued, laid off, and surveyed as aforesaid, shall thereupon become vested in fee simple in the Crown, absolutely to all intents and purposes, to be disposed of in such way and manner as the Lieutenant Governor, for the time being, by the advice of Her Majesty's Council, shall think fit.

XVII. And be it enacted, That in the event of no Owner or Owners, Lessee or Lessees, Agent or Agents of any Owner or Owners, Lessee or Lessees of Lands appearing, or being found, to whom such Compensation, ascertained as aforesaid, may be tendered or paid; then, and in every such case, the sum or sums, so ascertained as compensation or damages as aforesaid, shall remain at the disposal of the Lieutenant Governor in Council, to be paid to the party or

parties lawfully claiming the same, at any future time, within Three years from the time such appraisalment may take place.

XVIII. Provided always, and be it enacted, That in case the Owner or Owners of any Land to whom compensation shall be awarded, or who shall be assessed to pay compensation by such Commissioners, under the authority given them as aforesaid, in and by the Sixteenth Section of this Act, shall be dissatisfied with and refuse to accept such Compensation, or pay the sum or sums valued as the benefit such Owner or Owners, Lessee or Lessees of Land, as aforesaid, shall derive by the running of such Roads, every such Owner or Owners, Lessee or Lessees, shall be at liberty, notwithstanding such Award, to cause an Appeal to be entered against the same, at the Term of the Supreme Court which shall be holden in the County wherein the Lands may be situate next after the making thereof; and if, after hearing such Appeal, it shall appear to the said Court that justice hath not been done, it shall and may be lawful for the said Court to order and direct that a Writ be issued, and a Jury summoned, in the way and manner described and for the purposes directed by this Act, in the case of Roads of a greater length than Five miles; and the Verdict found by such Jury shall be final and conclusive, and, when returned as aforesaid, shall be entered of record in the said Court.

Owner dissatisfied with compensation, may appeal to Supreme Court.

Court, in its discretion, may order a Writ to be issued, and Jury summoned, as hereinbefore pointed out.

XIX. And be it enacted, That immediately upon payment to, and receipt by, the party or parties to whom compensation shall be awarded by the Commissioners so appointed as aforesaid, or in case such party or parties shall refuse to receive such Compensation, or in case no person or persons shall appear to claim such Compensation as aforesaid, before the expiration of the

When owner receives compensation, or refuses to receive same, or shall not claim the same within time limited for appeal, the right of way to be vested in the Crown.

time hereinbefore limited for an Appeal against such Award, then, and in every such case, the Right of Way over such Land, or over so much thereof as shall be owned by such party accepting such Compensation, and over so much thereof as shall be owned by such party refusing such Compensation, as also over so much of such Lands as shall not be claimed by any Owner, shall respectively become vested in the Crown, to and for the purposes of such Road.

In case of cultivated land, if verdict should not amount to more than sum previously awarded, the expense of the Jury shall be borne by applicant.

Such expense, how to be recovered.

In case of wilderness land, if verdict be not less in amount than sum assessed, the costs shall be paid by party requiring such Jury.

XX. And be it enacted, That should the Verdict of a Jury that may be summoned as aforesaid, after such Appraisement as aforesaid shall have taken place, in case of cultivated Land, or Land rendered less valuable, so appraised as aforesaid, not amount to a greater sum than the sum so tendered as aforesaid, then, and in every such case, the expenses of the said Jury so ordered shall be borne by the party or parties on whose application the same shall have been granted, and which expense may be levied by Warrant of Distress and Sale of the Goods and Chattels of the party or parties who shall have refused to accept of the appraised Damages, made and approved of as aforesaid; and in case of no Goods or Chattels being found whereon to levy, then by Attachment and Sale, as by Law provided, of the interest in the Land of the party or parties so refusing to accept of the sum or sums so assessed as damages as aforesaid; and should the Verdict of a Jury that may be summoned as aforesaid, after such Appraisement as aforesaid shall have taken place, in the case of Wilderness Land, or of Lands rendered more valuable by the running of such Road, be not less in amount than the sum or sums so assessed as aforesaid, then the Costs of the said Jury shall be taxed against and be paid by the party or parties so requiring such Jury as aforesaid.

XXI. And be it enacted, That each Commissioner, appointed by the Government to value the damages caused by the running of any Road or Roads as aforesaid, shall be entitled to the following sums, (*that is to say:*) For every mile travelled, Six-pence; For estimating Damages, Ten Shillings; To the party drafting and making the Statement or Return to the Governor in Council, Ten Shillings.

Fees of Commissioners.

XXII. Provided always, and be it enacted, That no Writ, for the Summoning of a Jury, for and in respect of Roads not more than Five miles in length, shall be issued, until, as aforesaid, the provisions of this Act, in relation to such last mentioned Roads, shall have been complied with—any thing in this Act to the contrary notwithstanding.

No Writ for Roads of less than five miles to be issued, until provisions of Act shall be complied with.

XXIII. And whereas it has sometimes happened, that by reason of errors, omissions, or irregularities in proceedings taken under the Laws heretofore in force, regulating the laying out and altering of Highways, it has become necessary to issue a Writ *de novo*, and it has happened that such errors, omissions, or irregularities have not been discovered or objected to until the proceedings have been carried on to the final return of the Writ, and until after the Road or Roads therein ordered have been opened and completed at great expense: Be it therefore enacted, That in all cases where it may hereafter become necessary under this Act to issue an *Alias Writ* or a *Writ de novo*, the same shall and may issue, and all proceedings thereupon shall and may be had and taken, notwithstanding the said Road or Roads, so to be ordered, may have been opened, or partly opened, under the first or other preceding Writ or Writs.

Alias Writ or *Writs de novo* may issue in certain cases.

XXIV. And be it enacted, That the Road Commissioner or Commissioners of the District

Road Commissioner to certify to Lt. Governor

in Council, completion of contract.

Lt. Governor, &c., to direct recovery of sum assessed.

Should proceedings be quashed, a Writ *de novo* may issue.

This Act not to interfere with any proceedings prior to the passing thereof.

or Districts, through which any such Road hereafter to be run may pass, shall be bound on the completion of the contracts for opening such Road or Roads, to transmit to the Lieutenant Governor in Council a Certificate or Certificates, each for such part of said Road as shall pass through his District, of the completion of the Contract for such Road, and that thereupon the Lieutenant Governor and Council shall direct, and they are hereby required forthwith to direct, the necessary proceedings for recovering the Sum or Sums assessed against the Proprietor or Proprietors of the Lands through which such Road or Roads may pass.

XXV And be it enacted, That in the event of any Writ, Inquisition or Verdict taken under this Act being quashed, it shall and may be lawful to issue a Writ or Writs *de novo*.

XXVI. Provided always, and be it enacted, That nothing in this Act contained shall extend, or be construed to extend, to prevent or in any manner interfere with the completion of any Road or Roads which shall or may, at the time of the passing of this Act, be opened or partly opened under the authority of any of the above recited Acts hereby repealed, or to affect the validity of any Writ or Writs, Order or Orders, issued by the Lieutenant Governor, prior to the passing of this Act, authorising or directing the laying out of any Road or Roads, part or parts of any Road or Roads, under or by virtue of any of the said recited Acts hereby repealed, or to interfere with any proceeding, matter or thing whatsoever, that may at the time of the passing hereof be incomplete, unfinished, or unperformed in respect to any such Road or Roads, or part or parts of any such Road or Roads, or to any proceeding, matter or thing, that may be then pending or incomplete under any such Writ or Order, and by such Writ or

Order intended to be performed; but that all and every such Road or Roads, part or parts of such Road or Roads, opened, partly opened, or intended to be opened, by virtue of any Writ or Order so issued, prior to the passing of this Act, and all and every matter, proceeding and thing whatsoever necessary and intended to be done and performed under such Writ or Order, shall be completed and finished as fully and effectually, to all intents and purposes whatsoever, as if this Act had not been passed: And for the purpose of fully completing and finishing all and every such Road or Roads, part or parts of such Road or Roads, that may be opened, partly opened, or intended to be opened, under and by virtue of any such Writ or Order, issued as aforesaid, prior to the passing of this Act, and for the recovery of all and every Sum and Sums of money awarded or to be awarded, or due and owing to the Government, in respect to any such Road or Roads, part or parts of such Road or Roads, and for the carrying into effect the intention of the Legislature, in all other respects, in relation thereto, as expressed and declared in and by the said several above recited Acts hereby repealed, the said several above recited Acts, being all those several Acts mentioned in and repealed by the First Section of this Act, shall be and be held, and taken to be in full force and effect, notwithstanding the passing hereof.

And, with respect to such proceedings, the various Acts repealed by the first section thereof shall be in force.

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

Continuance of Act.

XXVIII. And be it enacted, That no person or persons whomsoever shall, either directly or indirectly, demand, take or receive any other or greater Fee or Fees, under this Act, for the

respective services hereinafter mentioned, than is hereunder specified (that is to say:)

Table of Fees.

TABLE OF FEES.

	Currency.
Surveyors' Fees.	Warrant of Survey, £0 5 0
	Surveyor laying out the Road, <i>per diem</i> , 0 11 0
	Chainmen and Labourers, each, <i>per diem</i> , 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, <i>per diem</i> , 0 11 8
Attorney General's Fees.	Retainer to the Attorney General, on each Writ, exclusive of Travelling Charges, 2 6 8
	Instructions, and Præcipe for each Writ, 0 6 8
	Issuing each Writ of Subpœna, 0 2 6
	Each copy to serve, 0 1 0

PROTHONOTARY, *videlicet*.

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 Subpœnas to serve, each, 0 1 0

SHERIFF, *videlicet*.

Sheriffs' Fees.	For summoning each Jury, 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, videlicet.

To the Foreman,	0 10 0	Jurors' Fees.
To each of the other Eleven Jurors,	0 5 0	
Mileage to each Juror, for every mile necessarily travelled,	0 0 6	
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, <i>per diem</i> ,	0 10 0	Commissioners' Fees.
Mileage, for each mile travelled,	0 0 6	
All other necessary Witnesses, per mile,	0 0 4	
For attendance under examination, <i>per diem</i> ,	0 2 0	

Schedules to which this Act refers.

SCHEDULE (A.)

Schedules.

(Form of Oath to be annexed to the return to be made to Government by the persons appointed to value the Damage, to be paid to the Owner or Owners, Lessee or Lessees of Land through which short portions of Road may pass.)

Oath to be made by persons appointed to value Damage, &c.

WE *A. B.*, *C. D.* and *E. F.*, having carefully examined the disadvantage or damage that the Owner or Owners, Lessee or Lessees over whose Land the Line of Road from (*G.* to *H.*, as the case may be), will pass, according to their several and respective Estates and Interests therein, do estimate the said damages as follows: To (*I. K.*, as the case may be), the sum or sums of Pounds. To (*L. M.*, as the case may be), the sum of Pounds.

(Signed)

A. B.,

“ *C. D.*,

“ *E. F.*

Sworn before me, }
this day of }

SCHEDULE (B.)

Oath to be made by persons appointed to assess sum to be paid by owner of wilderness Land, &c.

(Form of Oath to be annexed to the Return to be made to Government by the persons appointed to assess the sum of Money to be paid by the Owner or Owners, Lessee or Lessees of Wilderness Land, through which said Road or Roads do pass.)

WE *A. B.*, *C. D.*, and *E. F.*, having carefully ascertained the advantage that does accrue to the Owner or Owners, Lessee or Lessees of such Land, declare that the Owner or Owners, Lessee or Lessees, do and shall pay, within days from the date hereof, the sum of into the Treasury of this Island, or give to the Crown so much Land as may be of the value of the said sum of Pounds, which said Land is of the value of Pounds per Acre.

Sworn before me,

CAP. II.

An ACT to consolidate and amend the Laws now in force, for the relief of Insolvent Debtors.

[Passed April 23, 1851.]

WHEREAS it is deemed advisable to consolidate the Laws now in force, for the Relief of Insolvent Debtors: Be it enacted, by the Lieutenant Governor, Council and Assembly, That an Act passed in the Twenty-sixth year of the Reign of His Majesty King George the Third, intituled *An Act for the Relief of Insolvent Debtors*; an Act made and passed in the Sixth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to suspend an Act made and passed in the Twenty-sixth year of the Reign of his late Majesty King George the Third, intituled "An Act for the Re-*

Repeals 26 Geo. 3, c. 2.

6 Will. 4, c. 9.

lief of Insolvent Debtors, and to make other provisions in lieu thereof; an Act made and passed 7 Vic., c. 3. in the Seventh year of the Reign of Her present Majesty, intituled *An Act to repeal certain Acts therein mentioned, and to consolidate and amend the Laws for the Relief of Insolvent Debtors*; and an Act made and passed in the Eleventh and 11 Vic., c. 27. year of the Reign of Her present Majesty, intituled *An Act to amend the Laws for the Relief of Insolvent Debtors*, be, and the same are hereby respectively repealed.

II. And be it enacted, That from and after the passing of this Act the Justices of Her Majesty's Supreme Court of Judicature of this Island, or any two of them, of whom the Chief Justice shall be one, shall, and they are hereby empowered and required to commission and appoint four fit and competent persons as Commissioners, two of whom shall be a quorum, in and for each of the Counties of King's County and Prince County, in this Island, to carry into effect the purposes of this Act, as hereinafter mentioned, and who shall reside within the respective Counties for which they shall be appointed, and within twelve miles of the respective Court Houses in the said Counties, and in all cases of the death or resignation of any such Commissioner or Commissioners so to be appointed, or his or their non-residence in, or removal from, the respective County for which he or they were appointed, or in case of his or their six months' absence therefrom, or of malfeasance or mal-administration in his or their respective duties, or his or their other incapacity in the discretion of the said Justices, or of his or their neglect or refusal to accept office, the said Office with respect to such Commissioner or Commissioners, shall be deemed vacant, and it shall be deemed lawful to and for the said Justices, and they are hereby directed, from time to

Mode of appointment of Commissioners under Act.

4 for King's County.
4 for Prince County.

When office shall be vacant,

And how other appointments are to be made.

Powers of Commissioners.

Any prisoner for debt not able to support himself, (except persons confined under Small Debt Act.)

May apply to two Judges in Supreme Court, or to Court in Term time, or to any two Commissioners appointed under this Act, for a weekly support; And such Judges, Court or Commissioners, after notice to creditor, shall examine such prisoner, and if found unable to support himself,

time, and as often as any such vacancy or vacancies shall occur, to appoint other Commissioner or Commissioners in his or their stead, all which said Commissioners so to be appointed by virtue of this Act, shall have and be vested with the same powers and authorities in every respect within the Counties in which they shall respectively reside, as are hereinafter by this Act given and conferred to and upon any two of the said Justices of Her Majesty's Supreme Court of Judicature, as aforesaid.

III. And be it enacted, That whenever any person may be confined within any Jail, or the Limits thereof, within this Island, for any Debt, Damages or Costs, whether on *mesne* or final process, (except such persons as may be so confined by virtue of any *mesne* or final process, issued under any Act or Acts made for the recovery of Small Debts,) and such person, so confined, shall be unable to provide or obtain his or her necessary support, it shall and may be lawful for such person to make application to any Two Judges of the Supreme Court of this Island, or to the said Court in Term time, or to any Commissioners, Two of whom shall be a *quorum*, to be appointed as aforesaid, for a weekly support or maintenance, and such Judges, Court, or Commissioners, (after Fourteen days' previous Notice to the Plaintiff, or person at whose Suit such person may be confined, his or her Attorney,) shall examine, on Oath, such person so confined, as to his or her ability to support him or herself, and if, on examination, to be taken in writing, on Oath, as aforesaid, to be filed in the Office of the Clerk or Prothonotary of the Supreme Court aforesaid, it shall appear to such Judges, Court, or Commissioners, that such person is utterly unable to support him or herself, and has no Property whatever, Real or Personal, of what nature or kind soever, except necessary Bedding, Wearing Apparel, Kitchen Utensils, and necessary

Tools of his or her Trade or Occupation, not exceeding in value in the whole Fifteen Pounds, and that such confined person hath not at any time since he or she was served with the first or *mesne* Process in the Suit in which he or she may have been confined, or since he or she had Notice of the said Suit, having been commenced, made over, assigned, transferred, or put out of his or her possession or power, either directly or indirectly, any property whatsoever, whether Real or Personal, for the purpose of defrauding such Plaintiff, or giving any undue preference to any other Plaintiff or Creditor, that then it shall be lawful for such Judges, Court, or Commissioners to make an Order for the party, at whose Suit such person may be confined, to pay a weekly sum, to be applied for the support of such person, and the first payment to be made at the time such Judges, Court, or Commissioners may in such Order direct, and which sum shall be paid weekly thereafter on such day as such Order shall direct, and from the First day of November until the last day of March shall be Five Shillings per week, and the remainder of the year Four Shillings per week, and after such Order made, it shall be the duty of such party, without any further Notice, to pay such weekly support agreeably to such Order, such allowance to be paid to the Jailer of the County in which such Debtor may be confined at any time during the day, between Sun-rise and Sun-set, on which such allowance becomes due, for the use and support of such confined Debtor; and, in case of failure thereof, it shall and may be lawful for such Judges, Court, or Commissioners, on such failure being made known to them, on Affidavit of the Debtor and the Jailer of the County in which such Debtor may be confined, to make an Order under their hands, directed to the Sheriff or Jailer, or by Rule of Court, to discharge the said person out of confinement, by reason of such Suit: Provided, that nothing in this Act shall

May order detaining creditor to pay a weekly sum for his support.

From 1st of November to the last of March, 5s. per week, and 4s. per week for the remainder of the year.

In default of payment, debtor to be discharged.

Creditor not barred by default and discharge of debtor from proceeding against debtor's estate and effects, &c.

Weekly allowance, how to be paid when there are two or more detaining creditors.

In default of payment by any creditor of his proportion of weekly allowance, debtor to be discharged from custody at suit of such creditor.

Not to affect the right of other detaining creditors unless they neglect to pay, &c.

prevent any Plaintiff from prosecuting his or her Suit, if on *Mesne Process* to final Judgment, or from taking out *Fieri Facias* or Statute Execution against the Goods and Chattels, Lands and Tenements of such Defendant, or from recovering in any other manner the amount of the Judgment obtained in the Suit, so always that the person of any Debtor so discharged shall be freed from Arrest in any Proceeding or Action upon such Judgment: Provided also, that when Two or more Creditors shall detain any Debtor in Prison, as aforesaid, the said weekly allowance shall be paid in the proportions following, (*that is to say,*) when there are only Two detaining Creditors, then each shall pay half of the said Allowance, and when there shall be Three or more such Creditors, then each shall pay an equal proportion of the weekly allowance ordered, and in case any such detaining Creditor or Creditors shall not make due payment of his, her, or their proportion of such Allowance, then the Debtor, upon proof thereof, made on Oath before any Judge, or other person having authority by this Act for such purpose, shall be discharged, on Oath being made by the Debtor and Jailer as hereinbefore prescribed by this Section, by order of such Judge or other person, from further Imprisonment, at the Suit of such detaining Creditor or Creditors so making default in payment of the Allowance as aforesaid, but such discharge shall not affect the right of any other detaining Creditor or Creditors to continue such Debtor in Prison, unless such other Creditors shall, after Eight days' Notice in writing to each of them, or their authorised Attorneys or Agents, of such default having been proved, and Order of discharge made thereon as aforesaid, neglect duly to pay their proportion of such Allowance or the whole thereof, as is required by this Act.

IV. And be it enacted, That the application of any person to the said Justices, Court or

Commissioners for the relief or benefit afforded by this Act, shall be by Petition, which before any Order is made thereon, shall be verified by the Oath of the applicant sworn before either of the said Justices or Commissioners, or any person legally authorised to take Affidavits for the said Supreme Court.

Application for relief must be by petition on Oath.

V. And be it enacted, That upon the application of any Person to the said Judges, Court or Commissioners for such support, such Judges, Court or Commissioners, are hereby authorised and required to make, and Order under their hands, or by Rule of Court directed to the Sheriff or Jailer, in whose custody such person may be confined, to bring up such person before them, at the time and place in such Order or Rule of Court, to be specified for the purpose of being examined, as provided in the Third Section of this Act, and such Sheriff or Jailer shall not be liable to any action for escape or other suit, for, or on account of obeying such Order or Rule of Court, according to the true intent and meaning of this Act.

On application Judges, Court or Commissioners, to make an order to Sheriff, &c. To bring debtor before them.

Sheriff not liable for escape on obeying such order.

VI. And be it enacted, That in any case where it shall be made to appear to the satisfaction of the said Judges, Court or Commissioners, that such person has the means of providing his or her necessary support, whether from Property possessed at the time, or since obtained, or by any other means, upon application made to them, such Judges, Court or Commissioners shall be, and they are hereby authorised and empowered, by Order or Rule, to suspend the payment of such support for a stated time, or until further Order or Rule is given in that behalf, by the said Judges, Court or Commissioners.

If after order for support, it shall appear that debtor has the means of providing for himself, Judges, &c. May by order suspend the payment thereof.

VII. And be it enacted, That if at any time, it shall appear, or be made out to the satisfaction of the said Judges, Court or Commissioners, that

Debtor having limits, if able to earn his own support, not to be

entitled to support from creditors.

And if order has been made, it may be suspended.

Debtor who may have received allowance for three months, entitled to discharge at the suit of creditor.

Creditor may nevertheless proceed to final judgment, or issue execution.

Judges, &c., may issue Subpœnas to compel attendance of witnesses before them.

How served.

the person so applying for, or having support under this Act, and having the benefit of the Jail Limits, can either by labour or otherwise, earn or procure his or her necessary support and maintenance within such Limits, such Judges, Court or Commissioners shall, and may refuse to make such Order for support, as aforesaid, or in case the same be made to suspend the same.

VIII. And be it enacted; That any person confined either under *mesne* or final process as aforesaid, who may have received such weekly allowance for the space of Three months, shall immediately thereafter be entitled to his or her discharge, from confinement at the suit of the party who may have paid the same, and in such case, the said Judges, Court or Commissioners, are hereby authorised and required to discharge such person from custody, at the suit of the party who may have paid the support: Provided always, that in case of such discharge, the party shall be entitled to the same remedy, by proceeding to final Judgment, or taking out Execution against Goods, Chattels, Lands and Tenements, as is provided in the Third Section of this Act.

IX. And be it enacted, That when any Plaintiff or Defendant shall have occasion to compel the attendance of any Witness or Witnesses to testify or give evidence before the said Judges, Court or Commissioners, to or before whom any application, examination, or other proceedings may be had under this Act, it shall and may be lawful for such Plaintiff or Defendant, to issue a Subpœna, or if need be a *Subpœna Duces tecum*, out of the said Supreme Court, commanding and requiring the attendance of such Witness, and the production of Books and Papers before the said Judges, Court or Commissioners, at the time and place in such Subpœna to be specified, which said Subpœna, shall be served, and the Witness paid or tendered his expenses

in the same manner, as if the said Subpœna had issued from the said Supreme Court, in the ordinary manner, and the Witness, or the person served therewith, shall be subject to the same punishment, by such Court, or liable to the like damages in all respects to the party injured, for wilfully refusing or neglecting to obey such Subpœna, as in any other case he would be liable or subject to.

Duty of witnesses.

Penalty for not obeying Subpœna.

X. And be it enacted, That when any person so confined, shall be possessed of Money or Debts at the time of his or her confinement, or afterwards, and shall have offered to pay or assign the same to the party at whose Suit such person may be confined; or in case there be several parties, to them respectively, in part payment, and in proportion to such demand or demands; or when such confined person shall be possessed of either real or personal Property, (excepting nevertheless, Wearing Apparel, Bedding and Tools, to the value of Fifteen Pounds, as before excepted,) and shall have offered to convey or assign the same to the party or parties at whose Suit or Suits such person may be confined, at a fair price to be agreed upon, in part payment, and in proportion as aforesaid; and in case of disagreement as to the price or value of such Property, shall have offered to pay in manner aforesaid, the proceeds arising from the sale of such Property, which said Property shall be sold at Public Auction by such confined person, after having first advertised the time and place of the sale thereof, for the space of Fourteen Days, and given the party or parties respectively, or their Attorneys, notice of such sale; and if the said party or parties shall have refused to accept and receive the said payment or assignment, or the said proceeds arising from the sale of the said Property as aforesaid, that then it shall and may be lawful for the said person so confined to

Debtor possessed of money or debts who shall have offered to pay or assign the same to the creditor, or if possessed of real or personal property, shall have offered to convey the same to such creditor at a fair price,

On creditor not taking same, such property shall be sold at public auction.

And after refusal of assignment, or of proceeds of sale, the debtor may assign or pay over the same to any other bona fide creditor.

assign or pay over the same to any other *bona fide* Creditor or Creditors.

When creditor receives assignment or payment, or upon refusing the same is paid to another *bona fide* creditor, debtor is entitled to benefit of this Act.

XI. And be it enacted, That when such party or parties may have received such assignment or payment from such confined person as aforesaid, or when the confined person in case of refusal by such party or parties, may have assigned or paid the same to the other *bona fide* Creditors as aforesaid, that then and in either of such cases, the said confined person shall be entitled to the benefit of this Act, in all respects the same as if such person had no such Debt or Property at the time of confinement or application.

Detaining creditor may discharge debtor, without losing benefit of the judgment upon which execution issued.

XII. And whereas it is expedient that Creditors should have power to discharge Debtors, without losing the benefit of Judgments obtained against such Debtors: Be it enacted, That it shall and may be lawful for any Creditor or Creditors, at whose suit any Debtor or Debtors is, or are, or shall be in Prison, and taken or charged in Execution for any sum of money, by writing, signed by such Creditor or Creditors, or by one of them, for or on behalf of himself or herself, and the others of them, (being complainants in the same Action,) or by his, her, or their Attorney, to signify or declare his, her, or their consent to the discharge of such Debtor or Debtors from the Prison in which he, she or they is, are, or shall be confined in Execution, at the suit of such Creditor or Creditors, without losing the benefit of the Judgment upon which such Execution issued, except as is hereinafter provided, and that notwithstanding the discharge of any Debtor or Debtors, in pursuance of such consent as aforesaid, the Judgment upon which such Debtor or Debtors was or were taken or charged in Execution, shall continue and remain in full force to all intents and purposes, except as is hereinafter provided; and it shall be lawful for such Creditor or Creditors at any time to

take out Execution on any such Judgment against the Lands, Tenements, Hereditaments, Goods and Chattels of such Debtor or Debtors, or any of them, (other than except the necessary Apparel and Bedding of him, her or them, or his, her or their families, and the necessary Tools of his, her or their trade or occupation, not exceeding the value of Fifteen Pounds in the whole,) or to bring any Action or Actions on every such Judgment, or to bring any Action, or to use any remedy for the recovery of his, her or their demands, against any other person or persons liable to satisfy the same in such and the same manner as such Creditor or Creditors could or might have had or done, in case such Debtor or Debtors had never been taken or charged in Execution upon such Judgment. Provided always, that no Debtor or Debtors who shall be discharged in pursuance of this Act, shall at any time afterwards, be charged or taken in Execution, or convicted upon any Judgment hereinbefore declared, to continue and remain in full force, or in any Action which may be brought on any such Judgment, and that no proceeding by *Scire Facias* Action or otherwise, shall be had against any Bail in the Action on which such Judgment was obtained.

And such creditor may sue out execution against the lands, &c., of such debtor.

Or bring any action on such judgment, &c.

Person of such debtor never again to be taken in execution on such judgment.

XIII. And be it enacted, That the Executors and Administrators of any such Creditor as aforesaid, shall and may consent to the discharge of any Debtor or Debtors, to their Testator or Intestate, in such and the same manner, and with the same advantages and consequences, in all respects, as such Creditors, if living, might or could have done in pursuance of this Act; and such Executors and Administrators respectively, shall not, by reason of any such discharge, in pursuance of this Act, be deemed guilty of *Devastavit*, or be chargeable with the debt due from the person or persons so discharged.

Executors, &c., of creditor may consent to the discharge of debtor with the same advantages.

And not be guilty of *devastavit*, &c.

Sheriff, &c., to discharge debtor within 24 hours after consent in writing of creditor shall be produced.

Mode of attestation, of such handwriting.

XIV. And be it enacted, That every Sheriff, Jailer or Keeper, in whose Prison, Jail or custody any Debtor or Debtors is, are, or shall be confined or detained in Execution, shall, and every of them is hereby required, within Twenty-four hours next after such consent in writing of any Creditor or Creditors, his, her, or their Attorney, or Executors or Administrators, as is hereinbefore mentioned, shall have been produced to, and left with such Sheriff, Jailer or Keeper, or his Deputy or Agent, at such Prison or Jail; (the handwriting or mark of such Creditor or Creditors, his, her, or their Executors or Administrators, or the handwriting of his, her, or their Attorney to such consent in writing, being duly proved by Affidavit of some credible person to be thereunto annexed, and to be sworn before one of the Judges or Commissioners aforesaid, or before the said Supreme Court, or a Commissioner duly authorised to take Affidavits in the County where such Debtor or Debtors shall be confined,) to discharge and set at liberty the Debtor or Debtors, to whose discharge such consent shall be signified or declared as aforesaid, if he, she or they are in custody, only upon the Execution issued at the Suit of the Creditor or Creditors signifying such consent.

No writ of *feri facias* or statute execution to be levied on apparel or bedding of debtor,

if the same shall not exceed £15 in value.

XV. And be it enacted, That in all cases where a Writ of *Fieri Facias* or Statute Execution shall be issued upon any Judgment obtained, or to be obtained in the said Supreme Court, it shall not be lawful for the Sheriff or other officer executing such Writ, to seize or levy upon the necessary Apparel and Bedding of the Debtor or Debtors against whom such Judgment shall be obtained, or of his, her, or their family or families, or the necessary Tools of his, her, or their Trade or occupation, in satisfaction of such Judgment. Provided always, that such Apparel, Bedding and Tools so to be exempted from being seized or levied upon as aforesaid, shall not exceed the

value of Fifteen Pounds in the whole, to any one Debtor, which value shall be ascertained by the oath of three disinterested Freeholders or Leaseholders in the County, to be appointed by such Sheriff or other officer to appraise the same; which Oath the said Sheriff or other officer is hereby authorised and empowered to administer.

Mode of ascertaining value.

XVI. And whereas it is expedient, in certain cases, to authorise and empower the Supreme Court of Judicature of this Island to grant relief to, or discharge confined Debtors who, by the strict provisions of the foregoing Sections of this Act, may not be entitled to the benefit thereof:

Be it therefore enacted, That when any person shall have been confined in any Jail or Limits thereof in this Island for the space of Three Months, at the suit of any person, for either Debt, Costs or Damages, such confined person may

Any person confined in Jail or Limits for three months, may apply

apply to the said Supreme Court, in Term, on affidavit of the circumstances, for relief or discharge; which said Court, on notice having been given of such application to the adverse party or his Attorney, may inquire into the matter, on affidavit, or otherwise; and if it shall thereupon

to Supreme Court in Term, for relief or discharge,

appear to said Court that the person so confined has no property whatever, Real or Personal, within his possession, power or control, where-with he can satisfy such demand or any part thereof, or support himself in custody, such Court may, in its discretion, make an Order either for the maintenance or discharge of such person so confined, in the same manner as any Judges of such Court, or any of the Commissioners aforesaid, may now do by virtue of this Act, and which Order or Discharge shall, in all respects, have the like force and effect as any Order or Discharge made by any Judges or Commissioners pursuant to the foregoing directions of this Act.

and Court if satisfied that such person has no property, &c.

may order him a maintenance or discharge him.

XVII. And be it enacted, That every person who shall be convicted of making or taking a false

False oath, under this Act, to be

perjury, and
punishable
accordingly.

Oath to any of the matters herein-before described or required to be sworn to, shall be deemed guilty of Perjury, and shall be liable to all the pains and penalties to which persons are liable for wilful and corrupt Perjury.

Indemnifies all
persons against
any actions, &c.,
to be brought by
reason of the dis-
charge of any
debtor under the
provisions of this
Act.

XVIII. And be it enacted, That in case any confined person may have been discharged, in consequence of the weekly support, ordered agreeably to the provisions of this Act, not having been paid, or after 'Three months' confinement agreeably to this Act, all persons whosoever shall be indemnified, and are hereby freed and discharged against and from all Suits, Actions, Prosecutions, Informations or Judgments whatsoever that may be had, moved, prosecuted or adjudged against them, or any of them, for or by reason, or on account of such person having been discharged as aforesaid.

Commissioner's
fees.

XIX. And be it enacted, That there shall be paid to each of the said Commissioners, by the party applying to them for any Order, the following Fees, and no more, for any matters done under the authority of this Act.

For each mile necessarily travelled, to attend any hearing, inquiry or examination required by this Act, Six-pence.

For every Order made, Two Shillings.

This Act is not
to interfere with
any proceedings
had or pending
under the autho-
rity of any of the
Acts hereby re-
pealed.

XX. Provided always, and be it enacted, That this Act shall not affect or be construed, to affect any proceedings heretofore had, or now pending in the Supreme Court of this Island, or before any Commissioners appointed under the authority of any of the above recited Acts, hereby repealed in relation to any Application or Petition for relief under any of the said Acts, at the instance of any person or persons confined within any Jail or the limits thereof in this Island, and in case any such proceedings shall be now pending, or any Order for relief, or a weekly allowance

shall have been made under which the confined person or persons shall be receiving the benefit thereof, at the time of passing of this Act, such Order, or other proceedings shall not be abrogated, or in any manner affected by this Act, and the same shall stand, and be continued and maintained until the final end and determination thereof, in accordance with the provisions of the above recited Acts, and the said confined person or persons as well as the detaining Creditor or Creditors, and the Plaintiff or Plaintiffs generally in all cases, in which relief may have been granted under any of the said recited Acts, to the respective Defendant or Defendants at any time heretofore confined at his, her, or their Suit shall be entitled to the full benefit of all the provisions of the said Acts, in all respects, as if this Act had not been passed.

CAP. III.

An ACT to commute the Crown Revenues of Prince Edward Island, and to provide for the Civil List thereof, as well as for certain Compensations therein mentioned.

[*Passed April 23, 1851.*]

WHEREAS on the Thirty-first day of March, in the year of our Lord One thousand Eight hundred and Forty-nine, that part of the Civil List of Prince Edward Island, which had previously been borne and paid by the Imperial Government, ceased to be so paid, and the House of Assembly of the said Island, by an Act passed on the Twenty-sixth day of March, One thousand Eight hundred and Fifty, agreed to make provision for the payment thereof, provided the Quit Rents, Crown Lands, and Permanent Revenues belonging to the Crown, in Prince Edward Island aforesaid, were surrendered and placed at the

disposal of the Legislature thereof, and all the Moneys arising therefrom paid into the Treasury of this Island, and that a system of Responsible Government, similar to that now in force in the Provinces of Canada, New Brunswick, and Nova Scotia, should be granted to, and established in this Island: And whereas by a Despatch from Earl Grey, Her Majesty's Principal Secretary of State for the Colonies, to His Excellency Sir Alexander Bannerman, the Lieutenant Governor of this Island, bearing date the Thirty-first day of January, One thousand Eight hundred and Fifty-one, the introduction of Responsible Government and the surrender of the Crown Lands and Permanent Revenues belonging to the Crown in this Island, is sanctioned, provided the Legislature thereof agree to and pass a Civil List Bill, embodying, among other things, a fair provision for the present Attorney General and Colonial Secretary, on their retirement from office: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That towards making an adequate and permanent provision, according to the means and ability of the people of this Island, for the support and maintenance of the principal Officers of the Civil and Judicial Establishments necessary to be maintained in this Colony, there shall be granted and paid to Her Majesty, her Heirs and Successors, out of the Public Moneys which from time to time shall be raised and levied, and be in the Treasury of this Island, yearly and every year, such sum or sums of Money as will suffice to pay unto the several and respective persons who now hold or possess or hereafter shall hold or possess the several Offices and Appointments in this Island hereinafter mentioned, or execute the duties thereof, the several Salaries and Allowances following, (*that is to say*.)

Towards making permanent provision for the Civil and Judicial Establishments in this Colony,

grants to Her Majesty a sum sufficient to defray the several Salaries and Allowances in this Act enumerated.

£700 *per annum* to the present Chief Justice, during his incumbency.

Unto the present Chief Justice of Her Majesty's Supreme Court of Judicature of this Island, the sum of Seven hundred Pounds, of lawful current

Money of this Island; *per annum*, for the Salary of that Office, during his incumbency.

Unto any person who shall, after the death, resignation, or removal from Office of the present Chief Justice, be appointed Chief Justice for the time being, of Her Majesty's said Supreme Court of this Island, the sum of Six hundred Pounds, of lawful current Money as aforesaid, *per annum*, for the Salary of that Office.

£600 *per annum*
to any future
Chief Justice.

Unto the present Master of the Rolls in the Court of Chancery, and Assistant Judge of the Supreme Court of Judicature of this Island, the sum of Five hundred Pounds, of lawful current Money as aforesaid, *per annum*, as and for the Salary of that Office.

£500 *per annum*
to present Master
of the Rolls and
Assistant Judge,
during his incum-
bency.

Unto the person who; after the resignation, death, or removal from Office, of the present Master of the Rolls in Chancery, and Assistant Judge of the Supreme Court of Judicature of this Island, shall be appointed to that Office, and to his Successors in Office, the sum of Four hundred Pounds, of lawful current money as aforesaid; *per annum*, as and for the Salary of that Office.

£400 *per annum*
to any future
Master of the
Rolls and Assis-
tant Judge.

Unto the present or any future Attorney General of this Island, as and for the Salary of that Office, the sum of One hundred and Fifty Pounds, of lawful current Money as aforesaid, *per annum*, the same to be over and above all Fees and Allowances, now or at the time of the passing of this Act, allowed by Law to the said Officer.

£150 *per annum*
to the present or
any future Attor-
ney General.

Unto the present or any future Colonial Secretary and Road Correspondent of this Island, the sum of Four hundred Pounds, of lawful current Money as aforesaid, *per annum*, as and for the Salary of that Office, the same to be in lieu of all Fees of Office, Allowances and Emoluments, payable to the Colonial Secretary, or into his Office, or on account of any duties performed by him; such Fees of Office, Allowances and Emoluments to be by him paid into the Public

£400 *per annum*
to the present or
any future Colo-
nial Secretary
and Road Cor-
respondent, in
lieu of all fees,
emoluments, &c.

Fees, &c., to be
accounted for and
paid into the
Treasury.

Treasury of this Island, to and for the use of the Government of this Island, and to be accounted for and paid over in manner and at the time as by Law in that behalf directed, or to be directed.

£120 per annum to any future Clerk of the Executive and Legislative Councils, in lieu of all fees, &c.

Unto any person who shall hereafter hold or be appointed to the Office of Clerk of the Executive and Legislative Councils, the sum of One hundred and Twenty Pounds, of lawful current Money as aforesaid, *per annum*, as and for the Salary of that Office, the same to be in lieu of all Fees of Offices, Allowances and Emoluments, now paid to, and received by, the person performing the duties of those Offices.

£200 per annum to any future Registrar of Deeds and Keeper of Plans, &c., in lieu of all fees, &c.

Unto any person who shall hereafter be appointed Registrar of Deeds, and Keeper of Plans and other Documents, now kept by the Surveyor General, and to his Successors in Office, the sum of Two hundred Pounds, of lawful current Money as aforesaid, *per annum*, the same to be in lieu of all Fees of Office, Allowances and Emoluments, payable to the Registrar of Deeds and Surveyor General, or into their Offices, such Fees of Office, Allowances and Emoluments to be paid by him into the Treasury of this Island, to and for the use of the Government of this Island, and to be accounted for in manner, and at the time, as by Law in that behalf, directed or to be directed.

Fees, &c., to be accounted for and paid into Treasury.

Sums now granted to be in lieu of any Salary heretofore granted.

II. Provided always, nevertheless, and be it enacted, That the several sums of Money or Salaries hereinbefore mentioned and granted, shall always be held and deemed to include and comprehend, and to be in lieu of all Salaries or sums voted by any Act of the General Assembly of this Island, to any of the hereinbefore mentioned Officers.

£200 per annum to Hon. R. Hodgson, as a Retiring Allowance.

III. And be it enacted, That so soon as this Act shall come into operation, there shall be annually paid to the Honorable Robert Hodgson, the present Attorney General of this Island, in

case of his retirement from such Office, during the term of his natural life, the sum of Two hundred Pounds, of lawful current Money as aforesaid, as and for a Retiring Allowance.

IV. And be it enacted, That so soon as this Act shall come into operation, there shall be annually paid to the Honorable Thomas Heath Haviland, the present Colonial Secretary of this Island, in case of his retirement from such Office, during the term of his natural life, the sum of Two hundred Pounds, of lawful current Money as aforesaid, as and for a Retiring Allowance: Provided always, nevertheless, that the Retiring Allowances hereinbefore enacted, to be paid to the Honorables Robert Hodgson and Thomas Heath Haviland, are granted under the following condition and restriction, (*that is to say:*) that if either of them, the said Robert Hodgson or Thomas Heath Haviland, shall retain, or at any time hereafter accept, any Office of Emolument under the Government of this Island, then, during such time as he shall continue in such last-mentioned Office, the amount of Annual Retiring Allowance, hereinbefore by this Act enacted to be paid to him, shall be reduced by an annual amount, equal to the amount of the Annual Salary, Fees or Allowance, which he may, for the time being, receive on account of such Office of Emolument: Provided always, nevertheless, that the Office of Surrogate and Judge for the Probate of Wills, now held by the said Robert Hodgson, is expressly excepted from the operation of this Proviso, and the Fees of such Office, whilst held by him, shall not be deducted from his Retiring Annual Allowance aforesaid.

£200 per annum to Hon. T. H. Haviland, as a Retiring Allowance.

Condition and restriction upon which said Retiring Allowances are granted.

Said condition, &c., not to extend to Office of Surrogate and Judge of Probate.

V. And be it enacted, That when this Act shall come into operation, then the said several Salaries and Allowances, and Sums of Money hereinbefore fixed, specified and allowed, shall

Salaries, Allowances, &c., to begin from and after passing of this Act, & shall be

payable Quarterly.

be deemed and taken to begin and commence at that period, and shall be payable from that time to the said several Officers and Persons aforesaid, in and by Quarterly Portions or Instalments of the said Salaries and Allowances respectively, which shall be, and be considered, due on the last day of March, June, September and December—Quarters in every year.

Lt. Governor, &c., to draw Warrants on Treasurer, Quarterly, in favor of Officers, &c.

VI. And be it enacted, That it shall and may be lawful for the Lieutenant Governor, at or immediately after the expiration of any of the said Quarters of the year, to draw Warrants on the Treasury of this Island, by and with the advice and consent of Her Majesty's Council, for or in favor of the respective Officers and Persons aforesaid, or such persons as shall be named therein, for their respective Quarterly Payments of the yearly Salaries and Allowances to them allowed and granted as aforesaid.

£500 to present Chief Justice, as compensation for reduction of his Salary.

VII. And be it enacted, That in order to make compensation to the present Chief Justice of this Island, for the reduction in the amount of Salary from what was formerly paid to him by the Imperial Government, there shall immediately after this Act shall go into operation, be paid unto the said Chief Justice, out of the Moneys which shall be in the Treasury of this Island, the sum of Five hundred Pounds, of lawful current Money of this Island—the same to be paid by Warrant, under the Hand and Seal of His Excellency the Lieutenant Governor, drawn upon the Treasurer of this Island in favor of such Officer.

Proceeds of Casual and Territorial Revenues, &c., to be paid into Treasury of this Island.

VIII. And be it enacted, That after this Act shall come into operation, the Proceeds of all the Casual and Territorial Revenues, Quit Rents, Crown Land Funds, Crown Lands and Permanent Revenues, which, at the time of its coming into operation, shall have theretofore accrued or

be in hand, or which shall thereafter accrue, or be received and collected, shall become payable, and be paid into the Treasury of this Island, to be thence paid or applied for such public uses and purposes as the Public Revenue of this Island is now paid and applied, or shall be made applicable to, under or by virtue of any Act of the General Assembly now or hereafter to be in force.

How appropriated.

IX. And for the more plainly and distinctly declaring the several Casual and Territorial Revenues of the Crown, and the Moneys and Funds and other Rights, which are by the General Assembly, understood and desired to be now severally and respectively surrendered to, and placed at their disposal, for the use of this Island, under and by virtue of this Act: Be it enacted, That all Rents, Sums of Money, Returns, Profits and Emoluments, arising, reserved, due, owing, or in any manner whatsoever, which, at the time when this Act shall come into operation, shall have theretofore accrued, and shall be in hand, or shall be thereafter to be received from, for, or in respect of any Lease, Demise, Sale, License, Grant, Transfer, or Occupation of any of the Crown Lands, Mines, Minerals, Reservations, or Royalties of Her Majesty, within this Island, of whatsoever nature or description, and also all and singular the Fees and Payments, at the Office of the Colonial Secretary of this Island, received or payable for, or in respect of all or any Writings, Licenses, Instruments, Seals, Certificates, Commissions, or Patents, there made or issued, and on which Fees were heretofore payable and established for the Lieutenant Governor or Secretary of this Island, or into his Office, and lastly, all Fines, Penalties and Forfeitures, by or under any Laws or Acts of this Island, imposed and applicable to, or for the use of Her Majesty, shall be, and the said several Rents, Sums of Money, Returns, Profits

Casual and Territorial Revenues, &c., to be surrendered to this Island, defined and set forth.

and Emoluments, Fees and Payments, Fines, Penalties and Forfeitures, respectively above mentioned, and all Proceeds thereof, or therefrom respectively, then collected and in hand, are hereby declared to be the Casual and Territorial Revenues of the Crown, which, from and after the time of this Act coming into operation, be and become surrendered and transferred to this Island, and become and be payable into the Treasury thereof, as hereinbefore mentioned.

Repeals 32d and 36th Sections of the Act 25 G. 3, c. 4;

And also the 2d Section of the Act 35 G. 3, c. 10.

X. And be it enacted, That the Thirty-second and Thirty-sixth Sections of the Act, passed in the Twenty-fifth year of the Reign of His late Majesty King George the Third, intituled *An Act to amend, render more effectual, and to reduce into one Act, the several Laws made by the General Assembly of this Island, relative to the Duties of Impost on Wines, Rum, Brandy and other Distilled Spirituous Liquors, and for allowing a Drawback on all Wines, Rum, Brandy and other Distilled Spirituous Liquors exported from this Island*; and also the Second Section of an Act passed in the Thirty-fifth year of the Reign of the same King, 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 which declare and regulate the mode in which the Moneys arising by virtue of the several Duties imposed by the said recited Acts, shall respectively be applied, laid out and accounted for, be, and the same are hereby severally repealed.

Moneys arising under the Acts recited in preceding Section to be paid into the Treasury of this Island, &c.

XI. And be it enacted, That after this Act shall come into operation, the Moneys arising under the said Acts, in the last preceding Section recited, shall thereafter become payable, and be paid into the Treasury of this Island, and be placed at the disposal of the General Assembly thereof, and shall and may be applied and paid to.

and for such public uses and purposes, as in and by any Act of the General Assembly, in force or hereafter to be passed, shall be ordered and directed.

XII. And be it enacted, That so soon as this Act shall come into operation, all the Right and Title of Her Majesty, whether in reversion or otherwise, or reserved of, in and to all and singular the Lands, Mines of Gold, Silver, Iron, Coal, Iron Stone, Lime Stone, Slate Stone, Slate, Rock, Tin, Copper, Lead, and all other Mines, Minerals and Ores, within this Island, of which the Title is now in Her Majesty, shall be, and the said several enumerated Premises, are hereby respectively assigned, transferred and surrendered to the disposal of the General Assembly of this Island, and shall and may be managed, leased, disposed of, made available, paid and applied in such and the like manner, and to, and by such Officers and persons, and to and for such public uses and purposes, as in and by any Act of the General Assembly, for the time being, shall be ordered and directed.

Right of Her Majesty to all Lands, Mines, &c., to be assigned to this Island, &c.

XIII. And be it enacted, That it shall be lawful, when and so soon as such Transfer, Surrender and Assignment shall take effect as aforesaid, and come into operation, for the General Assembly of this Island, by any Act to be passed for that purpose, to provide for the managing, collecting and receiving of the said Revenues, and other matters hereby surrendered and transferred, and to appoint proper Officers for the said Revenues.

When said Transfer shall take effect, the General Assembly to provide for managing and receiving said Revenues, &c.

XIV. And be it enacted, That for the more easy collection and enforcing payment of any such Revenues, due or to become due as aforesaid, it shall be lawful, for the Officers or persons charged with the collection or management of the Revenue in the name of Her Majesty, Her

How Revenues, &c., are to be collected.

Heirs or Successors, but to the use of this Island, to have and take all such lawful ways and means, by Information, Suit, or Proceeding at Law or in Equity, as by or on behalf of Her Majesty, Her Heirs or Successors, might or could be adopted for or in respect of the said Revenues, or any the Lands, Moneys, or Royalties chargeable therewith, if the Surrender, Transfer and Assignment aforesaid, had never been made to or for the use of this Island.

Separates Offices of Colonial Secretary, Registrar of Deeds, and Keeper of Plans, &c.

XV. And whereas it would be for the Public advantage, and would greatly facilitate and ensure the proper discharge of the duties of the said several Offices hereinbefore provided for, if the same were more generally divided than at present: Be it therefore enacted, That from and after the passing of this Act, the Offices of Colonial Secretary, of Registrar of Deeds and Keeper of Plans, and of Clerk of the Executive and Legislative Councils, shall be separate and distinct Offices, nor shall they, or any two of them, be held together as heretofore they have sometimes been, by one and the same individual, save and except the Offices of Clerk of the Legislative and Executive Councils.

Repeals so much of Act 3 Vic., c. 27, as relates to Salary of Colonial Secretary, &c.

XVI. And be it enacted, That from and after the passing of this Act, so much of an Act passed in the Third year of Her present Majesty's Reign, intituled *An Act to establish the Salary payable by this Island to the Colonial Secretary and Registrar and Clerk of the Executive Council*, as relates to, and fixes and establishes the amount of Annual Salary, to be paid to the Colonial Secretary and Registrar and Clerk of the Executive Council, and also, so much of an Act made and passed in the Eleventh year of the Reign of Her present Majesty, intituled *An Act to authorise the appointment of a Master of the Rolls to the Court of Chancery, and an Assistant Judge of the Supreme Court of Judicature*

Also, so much of Act 11 Vic., c. 6, as relates to Salary of Master of Rolls, &c.

in this Island, as relates to, and fixes the amount of annual Salary to be paid to the said Master of the Rolls, in the Court of Chancery, and Assistant Judge of the Supreme Court in this Island, be, and the same are hereby respectively repealed.

CAP. IV.

An ACT for shortening the Language used in Acts of the General Assembly.

[*Passed April 23, 1851.*]

BE it declared and enacted by the Lieutenant Governor, Council and Assembly, and by the authority of the same, That every Act to be passed after the commencement of this Act, may be altered, amended or repealed, in the same Session of the General Assembly, any Law or Usage to the contrary notwithstanding.

Acts may be altered, &c., in same Session in which they are passed.

II. Be it enacted, That all Acts shall be divided into Sections, if there be more enactments than One, which Sections shall be deemed to be substantive Enactments, without any introductory words.

Acts to be divided into sections.

III. Be it enacted, That in any Act, when any former Act is referred to, it shall be sufficient to cite the year of the Reign, and where there are more Statutes or Sessions than One, in the same year, the Statute or the Session, (as the case may require,) and where there are more Chapters or Sections than One, the Chapter or Section, or Chapter and Section, (as the case may require,) without reciting the Title of such Act, or the provision of such Section so referred to, and the reference in all cases shall be made according to the Copies of Statutes, printed under and by virtue of an Act of the General Assembly of this Island, passed in the Eleventh

Sufficient to cite year of the Reign, Statute or Session, Chapter or Section, &c.

Reference in all cases shall be to copies of Statutes printed under 11 Vic., c. 32, or under any Act

hereafter to be passed.

Proviso.

year of the Reign of Her present Majesty intituled *An Act to provide for Re-printing the Laws of this Island*, or under and by virtue of any Act of the General Assembly of this Island, hereafter to be passed, or by the Queen's Printer: Provided, that where it is only intended to amend or repeal any portion only of such Section, it shall be necessary still, either to recite such portion, or to set forth the matter or thing intended to be amended or repealed.

Words importing Masculine Gender may be deemed to include Females; the Singular to include the Plural Number, &c.

IV. Be it enacted, That in all Acts, words importing the Masculine Gender shall be deemed and taken to include Females, and the Singular to include the Plural, and the Plural the Singular, unless the contrary, as to Gender or Number, is expressly provided; and the word "Month" to mean Calendar Month, unless words be added showing Lunar Month to be intended; and "County" shall be held to mean also County of a Town, or of a City, unless such extended meaning is expressly excluded by words; and the word "Land" shall include Messuages, Tenements and Hereditaments, Houses and Buildings of any Tenure, unless where there are words to exclude Houses and Buildings, or to restrict the meaning to Tenements of some particular Tenure; and the words "Oath," "Swear," and "Affidavit," shall include Affirmation, Declaration, affirming and declaring, in the case of persons by Law allowed to declare or affirm instead of Swearing.

Acts repealing former Acts being repealed, such former Acts shall not be revived.

V. Be it enacted, That where any Act, repealing in whole or in part any former Act, is itself repealed, such last repeal shall not revive the Act or provisions before repealed, unless words be added reviving such Acts or provisions.

Repealed portions of Acts to remain in force until substituted

VI. Be it enacted, That wherever any Act shall be made, repealing in whole or in part any former Act, and substituting some provision or

provisions instead of the provision or provisions repealed, such provision or provisions so repealed, shall remain in force until the substituted provision or provisions shall come into operation, by force of the last made Act.

portions come into operation.

VII. Be it enacted, That every Act made after the commencement of this Act, shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such, unless the contrary be expressly provided and declared by such Act.

All Acts deemed Public Acts, unless the contrary be expressed.

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

Suspending clause.

CAP. V.

An ACT for constituting Boards of Health.

[Passed April 23, 1851.]

WHEREAS the Statutes now in force for constituting Boards of Health will shortly expire, and it is expedient to make provision for the same: Be it therefore enacted, by the Lieutenant Governor, Council, and Assembly, That the Lieutenant Governor, or Administrator of the Government for the time being, in this Island, by and with the advice of Her Majesty's Council, shall have full power and authority at all times, when he may deem it necessary of public alarm, from dread of the approach of any Infectious or Pestilential Distemper, or of the actual appearance or prevalence of any of the said Diseases within this Island, to make, constitute, and establish such and so many Boards of Health for the several Counties in this Island, or for particular Districts in the said Counties, to consist of

Lt. Governor, &c., to constitute Boards of Health for the several Counties, or particular Districts of Counties, when deemed necessary.

Number of such Boards, &c.

Members of Boards must be residents of Counties, &c., for which they are appointed.

Boards may be dissolved & new ones constituted, or additional ones may be established.

Members of Boards may be displaced.

Chairman of Board to be nominated in Commission constituting Board.

Members to be sworn, &c.

Duty of Board.

Majority of votes to decide all questions, &c.

Five Members to be a quorum.

Boards to nominate Clerks.

Orders, how to be signed, &c.

such and so many persons, being residents of the said Counties or Districts, wherein the said Boards of Health shall be constituted, as the said Lieutenant Governor, or Administrator of the Government for the time being, by and with the advice aforesaid, may think proper and suitable, and the said Boards, or any of them, at any time or times, to dissolve, and new ones to constitute in their room, and to add to the numbers of those established, or displace therefrom such and so many of the Members thereof, as he may deem to be necessary.

II. And be it enacted, That for the said several Counties or Districts in this Island, such person as shall be nominated for that purpose in the Commission constituting the Board, shall be Chairman thereof, and immediately after the appointment thereof, the several Members shall be sworn to the faithful discharge of their duty, by and before any Justice of the Peace for the said Counties respectively, and the said Boards of Health, thus constituted and sworn, shall respectively meet from time to time, and at all times when necessary, for the performance of the duties required by this Act, at such places as they may judge most advisable, and then and there, by a majority of votes of those present at any appointed Meeting, decide all questions, and manage all business touching the Public Health, and any Five of the said Board, the whole being duly notified, or in any urgent case without notification, shall be a sufficient number of Members to proceed to business, and the said Boards may nominate a Clerk for each of them respectively, and any Orders made by the said Boards respectively, and signed by their Chairman, and countersigned by their Clerks, shall be sufficient to enforce the power and authority of the said Boards.

III. And be it enacted, That during the continuance of the said Boards, and until they are respectively dissolved, all the Quarantine Laws, heretofore made from time to time, or hereafter to be made by the General Assembly, for the several Counties within this Island, shall be enforced by the said respective Boards of Health for the several Districts, and not by any person or persons in the said several and respective Quarantine Laws, in that behalf mentioned, save and except Medical Officers, Pilots and Constables therein specified, who shall execute their duties under the said Boards respectively, and under the like pains and penalties, as therein prescribed, in case of disobedience; any thing in the said respective Quarantine Laws to the contrary notwithstanding.

Boards to enforce Quarantine Laws.

Medical Officers, &c., to execute duties under direction of Boards.

IV. And be it enacted, That the said Boards, respectively, shall and may have full power and authority, at any and at all times, to make such Rules and Regulations, for the preservation of the Public Health, and the prevention of Infections, Contagious, Pestilential, and Malignant Distempers, with such Penalties and Forfeitures, in case of any breach or breaches thereof, as they may deem necessary for that purpose, but such Penalties and Forfeitures shall not, in any one case, exceed the sum of One hundred Pounds: Provided always, that the Lieutenant Governor, or Administrator of the Government for the time being, by and with the advice of Her Majesty's Council, shall have full power and authority, in case any Rule or Rules, Regulation or Regulations, so made by any of the said Boards of Health, shall be deemed inexpedient or improper to revoke, repeal and annul such Rule or Rules, Regulation or Regulations so deemed inexpedient or improper, but every such Rule or Rules, Regulation or Regulations shall be deemed good and valid until so revoked, repealed, or annulled as aforesaid, and all Penalties and Forfeitures

Boards to make Rules, &c., for the preservation of the public health.

Penalties may be imposed for breach of Rules.

Amount of such Penalties.

Rules, &c., may be revoked.

Rules, &c., deemed good and valid until revoked.

Penalties, &c., may be sued for and recovered, notwithstanding such revocation.

incurred under any such Rule or Rules, Regulation or Regulations, before the same shall have been so revoked, repealed, or annulled, shall and may be sued for and enforced against the person or persons liable thereto, notwithstanding such Rule or Rules, Regulation or Regulations may be so revoked, repealed, or annulled, before such Penalty or Penalties, Forfeiture or Forfeitures may have been sued for or recovered.

Boards, &c., authorised to enter houses, &c., and

V. And be it enacted, That the said Boards, respectively, shall and may have full power and authority, either by themselves or their Committees, or other persons appointed by the said Boards, and any Constable or Constables and person or persons acting in their aid, to enter into and upon all Houses, Buildings, Yards, Enclosures, or Lands not enclosed, within the bounds of their several and respective jurisdictions, and remove, or cause to be removed, therefrom, every thing which may, by the said Boards, or their Committees, or persons appointed by them as aforesaid, be considered offensive, noxious, or likely to cause the spread of any such Diseases or Distempers; or injure the Public Health, and the Houses, Buildings, Goods, and Inclosures, or Lands uninclosed, of the poor, or of persons who will not immediately attend to their directions; to fumigate, cleanse, and use such other means for purifying, as they shall deem necessary to preserve the Health of the Inhabitants, and the said Boards of Health, respectively, may cause any Avenue, Street, or Alley, or other Passage whatever, to be fenced up, or otherwise enclosed, if they shall think the Public safety requires it, and adopt suitable measures for preventing all persons whomsoever from going to any part of the Town, Parish, or District so enclosed.

Remove every thing noxious, &c.

Fumigate Houses.

Fence up Avenues, Streets, &c.

And prohibit persons from visiting District so fenced up, &c.

Boards may prohibit or regulate internal intercourse.

VI. And be it enacted, That the said Boards of Health, respectively, may, in their discretion, prohibit or regulate the internal Intercourse, by

Land or Water, between the Counties or Districts for which they are respectively appointed, and any part or place within this Island, and may direct that all persons who shall come into the said Counties or Districts, contrary to their Prohibitions or Regulations, shall be apprehended and conveyed to the Vessel or place whence they last came, or beyond the confines of their respective Districts, or, if Sick, that they be conveyed to such Hospital, or other place, as the several Boards may appoint, and may adopt prompt measures to prevent the spread of any Contagious or Pestilential Disease, when it shall appear to their satisfaction that any person, within their Districts, is afflicted with a Disease of that character, and may forbid and prevent all communication with the House or Family so infected, except by means of Ministers of the Gospel, Physicians, Nurses, or Messengers, to carry the necessary Advice, Medicines, and Provisions to the Afflicted, and to exercise all such powers whenever a Contagious or Pestilential Disease shall appear in their said several Districts, as, in their judgment, the circumstances of the case and the public good shall require.

Persons infringing Regulations of Board, may be apprehended, &c.

Measures to be adopted, to prevent spread of contagious Diseases.

VII. And be it enacted, That the said Boards of Health, respectively, whenever, in their judgment, the Public Health shall require it, may order any Vessel or Boat, at the Wharfs of any of the Seaport Towns in their Districts, or in any part of the Waters of such Districts, to the Quarantine Ground, or other place of safety, and may require all Persons, Articles, or Things landed, or introduced into any of such respective Districts, from such Vessel, to be seized and returned on board, or removed to the Quarantine Ground, or other place of safe deposit, and in case the Master, or Owner, or Consignee of the Vessel cannot be found, or shall refuse or neglect to obey the Order of Removal, the said Boards of Health, respectively, shall have power to re-

Vessels, &c., may be ordered to Quarantine Ground.

Persons, &c., landed therefrom may be sent back.

Vessel may be removed at the expense of Master, &c.

No Vessel shall be brought back without a Permit.

Putrid matter, &c., may be destroyed or removed.

Boards may hire or build houses, and purchase sites for Hospitals.

How furnished.

Medical attendance, &c.;

Conveyances for diseased persons;

Medicines, &c., to be supplied, & Interment of the Dead to be provided for.

How orders of Board are to be executed.

Committees may sue or be sued.

move the Vessel at the expense of such Master, Owner, or Consignee, and no Vessel or person, or any Goods or Articles, so ordered or sent out, shall return, or be brought back to or within any part of the District from which they were sent, without a written Permit from the said respective Boards of Health, and if any Cargo, or part of a Cargo, or Matter, or Thing, within any of the said Districts, respectively, shall be found putrid or dangerous to the Public Health, the same may be destroyed or removed, and such Removal, when ordered, shall be to the said Quarantine Ground, or to such other place, as the said Boards, for the respective Districts, may order.

VIII. And be it enacted, That the said several Boards of Health shall have full power and authority to hire or build one or more suitable House or Houses, and, where indispensably necessary, to purchase a parcel of Ground for the site of any House, so to be built in their respective Districts for which they may be appointed, for a Public Hospital or Hospitals, for the reception of such diseased persons, as it may be found necessary to send thereto, and to furnish the same with all things necessary for the cure, comfort, and convenience of such persons, and to provide a Physician or Physicians, Nurse or Nurses, and other persons to attend the Sick and Diseased therein, and conveyances or means to carry such diseased persons to and from the said Hospital or Hospitals and Medicines, and all other necessary things for the purposes aforesaid, and also to provide all proper means for the Interment of the Dead, under such Regulations as the Public safety may require, and it shall and may be lawful for the said Boards of Health, respectively, to appoint Committees of any Three Members of each Board, whose particular duty it shall be to carry into execution all the Orders of the Board respecting the matters contained in this Section, and who shall and may sue and be sued jointly,

or the Survivor or Survivors of them, for any Contract or Engagement entered into by them, in fulfilment of their duties hereinbefore in this Section specified, and, in order to defray the expenses incurred by the said several Boards of Health, respectively, or their said Committees, in and about the execution of this Section, or of any part of this Act, the Lieutenant Governor, or other Administrator of the Government for the time being, is hereby authorized and empowered, by and with the advice of Her Majesty's Council, to grant a Warrant on the Treasurer of the Island for the payment thereof, so soon as the same shall be ascertained by the said Committees or Boards respectively, and duly certified to be correct: Provided always, that before any such House or Houses, intended as permanent Buildings, shall be built by any of the said several Boards of Health, the Lieutenant Governor, or Administrator of the Government for the time being, by and with the advice and consent of Her Majesty's Council, shall first consent and approve of the Plan or Plans, by which such House or Houses is or are intended to be built, and of the estimated Cost of the erection and building of the same and of the intended Site or Sites of such House or Houses; and provided also, that the said Lieutenant Governor, or Administrator of the Government for the time being, shall in no case grant a Warrant or Warrants for a larger sum or sums, in the whole, in any one year, in favor of any one Board, than the sum of One hundred Pounds, except for the Central Board, for which any sum, not exceeding Two hundred Pounds, may be so granted.

Expenses of Board, how defrayed.

Approval of Lt. Governor, &c., requisite, before permanent Hospitals shall be built.

Limitation of Grants.

IX. And be it enacted, That the said Boards of Health shall have full power and authority to remove to the said Public Hospital or Hospitals, all Persons found within the Districts for which they shall severally be appointed, who shall be afflicted with any such Contagious or Pestilential

Who may be removed to Public Hospitals, &c.

Diseases as aforesaid, and who shall not be of sufficient ability to provide for themselves, or cannot be provided with such necessary Advice, Medicines, Attendance, Food, Lodging or Clothing, as such Diseases may require, and the same Persons to keep there until they are cured, cleansed and purified, and may be safely discharged.

Violation of Orders of Boards, &c., how punished.

X. And be it enacted, That whosoever shall violate the Orders or Directions of the said Boards of Health, or either of them, or who shall or may refuse, or wilfully neglect, or omit to act in obedience to, or in conformity with such Orders and Directions, or shall resist, oppose or obstruct the lawful execution of any such Orders or Directions as aforesaid, or the Members of the said Boards of Health, their Committees or Persons appointed by them, or any Constable or Constables, or other Person or Persons acting in their aid in the execution of their Duty, shall for every Offence be deemed guilty of, and punishable as for a misdemeanor, and shall incur and become liable to a Penalty not exceeding One hundred Pounds, and not less than Two Pounds for every such Offence.

Penalty in such cases.

Mode of recovery of Penalties.

XI. And be it enacted, That all the Penalties and Forfeitures hereinbefore mentioned, or authorised to be ordained and imposed, may be prosecuted, sued for and recovered in the Supreme Court, or in case of any Penalty being for Twenty Pounds or under, before any Three Justices of the Peace, for the said Counties respectively in this Island, by Action of Debt, Bill, Plaint or Information, by any Three Members of the said Boards of Health respectively, to be appointed by the said Boards for that purpose, who shall prosecute for the same within Forty-five Days after the commission of the Offence, and when recovered shall be paid after deducting the Costs and Charges of Prosecution, into the

Appropriation of Penalties.

Treasury of the Island, for the use and support of the Government thereof, and if no Person shall so sue and prosecute within the said Forty-five Days, that then the said Penalties and Forfeitures shall be sued for and recovered by Information of Her Majesty's Attorney General in the said Supreme Court, and when recovered, to be paid after deducting the Costs and Charges of Prosecution, into the said Treasury for the use aforesaid, and all and every Person and Persons who may become liable to pay any such Penalty or Penalties, Forfeiture or Forfeitures, shall and may be arrested and held to Bail, according to the practice of the said Court, for such Penalty or Penalties, Forfeiture or Forfeitures, at the Suit of the Persons herein before mentioned, and entitled to sue for the same, by virtue of an Order for that purpose, to be obtained under the Hand of any Judge of the said Court, on proper Affidavits being laid before him, satisfactorily establishing the liability to pay the Penalty or Penalties, Forfeiture or Forfeitures aforesaid, which Order any one of the Judges of the said Court is hereby authorised to grant, and in default of giving such Bail, such Person or Persons so as aforesaid, ordered to be held to Bail, shall be committed to Prison, or to such other place as any of the said Boards of Health respectively, for any District where the Offender may be taken, may order, for the Public Safety.

Penalties may be sued for by information of Attorney General, &c.

Persons incurring Penalties, &c., may be arrested, and

in default of bail, may be committed to Prison, &c.

XII. And be it enacted, That the Lieutenant Governor or Administrator of the Government for the time being, by and with the Advice of Her Majesty's Council, is hereby authorised and required to appoint one or more Medical Person or Persons for such Districts as he may see fit; who shall have power and authority to go on board, visit and inspect all Vessel or Vessels arriving at this Island within the District for which he or they shall be Health Officer or Officers, which may be suspected of having on

Health Officers to be appointed by Lieut. Governor, &c.

Their powers.

Their duties.

Further powers,
&c., of Health
Officers.

No Vessel to
proceed into har-
bor until licensed
to do so by Board
of Health.

board, any Infectious, Pestilential or Contagious Disease or Distemper, and who are required at the instance of the said Boards of Health, to go on board such respective Vessel or Vessels, and make full Inquiry and Examination into the state of the Health of all Persons on board, or who may have been on board during any part of the Voyage, and whether the said Vessel or Vessels came from, or touched at any Place infected with any of such distempers, and into and concerning all Circumstances and Matters in anywise touching and concerning the prevalence of any such Distempers, at any place where the said Vessel or Vessels may have touched, or from which the said Vessel or Vessels may have sailed; and the said Health Officer or Health Officers are hereby respectively fully authorised and empowered on going on board any Vessel or Vessels as aforesaid, to examine the Master and any other Person on board such Vessel or Vessels, if he or they may think necessary, on Oath, as to the Health of all Persons on board, or who may have been on board during any part of the Voyage, and into and concerning all Circumstances and Matters in anywise touching or concerning the prevalence of any of the said Distempers at any place where the said Vessel or Vessels may have touched—which Oath the said Health Officers respectively are hereby fully authorised and empowered to administer, and the said Health Officer and Health Officers performing such Duty, shall make Report in Writing to the Boards of Health for the District in which such Vessel shall be, of the result of such Examination and Inquiry, with his or their Opinion and Advice thereon; and no such Vessel shall proceed further into the Harbour until the Board of Health for the District in which such vessel shall be, shall give a License in Writing to the Master or Commander of such Vessel for that purpose—anything in the Act passed in the Second Year of the Reign of His late Majesty King William

the Fourth, to the contrary notwithstanding,—and such Health Officer who shall visit, inspect, and examine any such Vessel as aforesaid and make such Report as aforesaid, shall, for each and every such Visit, Inspection, Examination and Report, be entitled to demand and receive from the Master, Owner, or Consignee of such Vessel so visited, inspected and examined, the Rates following, being proportioned according to the Size of the Vessel; that is to say, for:—

All Vessels under One hundred Tons, Five Shillings. Fees of Health Officer.

Vessels of One hundred Tons, and under One hundred and fifty Tons, Seven Shillings and Sixpence.

Vessels of One hundred and fifty Tons and under Two hundred Tons, Ten Shillings.

Vessels of Two hundred Tons and under Three hundred Tons, Fifteen Shillings.

Vessels of Three hundred Tons and upwards, Twenty Shillings.

Provided always, that in case it shall be found necessary for the said Health Officer or Officers to make more than one visit to any such Vessel or Vessels, every Health Officer so visiting shall be entitled to One-half only of any of the aforementioned Rates, for every second and further visit so made, from the Master, Owner, Consignee, or Commander of such Vessel, together with a reasonable allowance for Medicines furnished and supplied—the said Fees for attendance and allowance for such Medicines to be recovered before any two Justices of the Peace for the County, wherein such Services have been performed.

One-half of such Fees only allowed for every second or further visit, &c.

Made of recovery of Fees.

XIII. Provided also, and be it further enacted, That if such Health Officer or Health Officers shall not deem it proper in the first instance, or necessary, actually to go on board of any such Vessel or Vessels, on account of any Contagious or Malignant Disease which may

Health Officer may refrain from boarding Vessels in certain cases, unless specially ordered to do so.

prevail therein, then it shall not be incumbent upon him to do so, but only to go alongside of such Vessel or Vessels (unless a Special Order to the contrary shall be first made by the Board of Health for the District, for which such Medical Officer shall be appointed) but all the Powers and Authorities by the last preceding Section of this Act, vested in such Health Officer or Officers, and to be exercised by him or them, on going on board of such Vessel or Vessels shall be, and the same are hereby given to and vested in such Health Officer or Health Officers, for the purposes of carrying out the provisions of this Act, in cases where he or they may not deem it proper or necessary to go on board, but only to go alongside of any such Vessel or Vessels.

Powers given to Health Officer in such cases.

Medical Officer not to visit any Vessel unless under special or general order of Board of Health.

XIV. Provided always and be it enacted, That it shall not be the duty of any such Medical Officer as aforesaid to visit, nor shall he be entitled to any Fee for visiting any Vessel arriving from any Port, unless a general or special Order for that purpose shall be first made by the Board of Health for the District for which such Medical Officer shall be appointed—anything in this Act to the contrary thereof notwithstanding.

Any medical men may be employed by master of Vessel, in case of sickness.

XV. And be it enacted, That nothing in this Act contained, shall extend, or be construed to extend, to prevent the Master of any Ship or Vessel, from consulting or employing any Medical Man, other than the Health Officer or Health Officers, in case of any Sickness amongst the Crew of, or Passengers on board of his Ship or Vessel.

Justices of the Peace, &c., authorised to act in certain cases.

XVI. And be it enacted, That in case it shall come to the knowledge of any Justice of the Peace or Collector of Impost, that any Vessel has landed, or is about to land, any Passengers labouring under any Infectious or Contagious Disorder, or reputed so to be, that then

the said Justice or Collector of Impost of himself, and without any authority from any Board of Health, is hereby empowered, directed, and required to act to the best of his knowledge and ability in conformity with the directions here in-before prescribed to the Boards of Health, until the Board of Health, nearest to such Justice or Collector, by some Resolution or Order signed by their Chairman, and delivered to the said Justice or Collector of Impost, shall thereby supersede any Order or Proceeding, so made or taken by any such Justice or Collector; and thereupon such Board shall forthwith require from such Justice or Collector of Impost, an Account of any Expenses incurred by him, or by his orders, in discharging the Duty hereby imposed on him as aforesaid, and shall include such Account in their statement of Disbursements, and when such Disbursements shall be paid, shall then pay to the said Justice or Collector of Impost, when required by him, the amount of his Account, or so much thereof, as shall be allowed by the Executive of this Colony.

Boards of Health may supersede orders made by such Justices, &c.

Justices, &c., to render account to Board, of expenses incurred, &c.

XVII. And be it enacted, That the Fourth Section of an Act made and passed in the Second year of the Reign of King William the Fourth, intituled *An Act to prevent the Importation and spreading of Infectious Diseases within this Island*; and also so much of the Ninth Section of the said Act as relates to the appointment of Health Officers be, and the same are hereby repealed.

Repeals 4th Section and part of 9th Section, 2 W. 4. c. 13.

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

Continuance of Act.

CAP. VI.

An ACT to alter and amend the Laws now in force, relating to the Militia.

[Passed April 23, 1851.]

20 G. 3, c. 1.

3 W. 4, c. 30.

Militia shall not, in future, be called out, except in cases of emergency.

WHEREAS in and by an Act of the General Assembly of this Island, passed in the Twentieth year of the Reign of King George the Third, intituled *An Act for the establishing and regulating a Militia*, and in and by an Act of the said Assembly, passed in the Third year of the Reign of his late Majesty King William the Fourth, intituled *An Act for repealing certain parts of an Act intituled "An Act for the establishing and regulating a Militia, and for substituting other provisions in lieu thereof;"* the Militia of this Island are made liable to be called out, for the purpose of Training and other Military Exercises, by the Lieutenant Governor, or Commander in Chief for the time being, and by the Commanding Officer of the Regiment, once in every year, and in some cases more frequently, as well in times of Peace as of War or Emergency: And whereas the custom of annually calling out and mustering the said Militia, has prevailed since the passing of the above recited Acts, and has caused much loss of time and expense to the Inhabitants of this Colony, and is unnecessary in times like the present, of peace, and it is therefore deemed expedient that the said recited Acts should be amended: Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, the Militia of this Island shall not be liable to be called out, for the purpose of Training or Muster, by the Lieutenant Governor, or Commander in Chief for the time being, or by the Commanding Officers of the Regiments, in manner as in the said recited Acts mentioned, except only in times of War, Civil

Commotion, or other sufficient Emergency, which, in the opinion of the Lieutenant Governor, or Commander in Chief, may call for the actual services of the said Militia, or any part thereof.

II. And be it enacted, That the Person or Officer appointed by the Lieutenant Governor, or other Commander in Chief for the time being, under the provisions of the Act passed in the Third year of the Reign of His late Majesty King William the Fourth, intituled *An Act for repealing certain parts of the Act intituled "An Act for the establishing and regulating a Militia, and for substituting other provisions in lieu thereof,"* to receive the Returns from the Officers commanding Regiments or Battalions, and to inspect the respective Regiments, Companies and Battalions of Militia, (and to whom the sum of Seventy-five Pounds per annum is paid, under the Eighth Section of the last mentioned Act,) shall, from and after the passing of this Act be paid out of the Treasury of this Island, in the usual manner, the sum of Twenty-five Pounds per annum only, and no more, instead of the said annual allowance of Seventy-five Pounds; the same to be also in lieu of the Salary in the said last recited Act mentioned, as being formerly attached to the Office of Adjutant General, and of all Fees, Charges or expenses for travelling to inspect the Militia.

Salary of person appointed under 3 W. 4, c. 30, to receive returns, &c., reduced to £25 per annum.

C A P . V I I .

An ACT to oblige Husbands and Natural Relatives of Indigent and Impotent Persons, unable to maintain themselves, to contribute to their support.

[Passed April 23, 1851.]

WHEREAS the Laws now in force on the above subject will shortly expire, and it

Repeals 9 V. c. 9, and part of 13 V. c. 9.

is deemed expedient, preparatory to the Reprint of the Statutes, to repeal the same, and to enact provisions in lieu thereof: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That an Act passed in the Ninth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to oblige Husbands and other Natural Relatives of Indigent and Impotent Persons, unable to maintain themselves, to contribute to their support*, and also so much of an Act passed in the Thirteenth year of Her present Majesty's Reign intituled *An Act to continue several Acts therein mentioned*, as continue the first above recited Act, be, and the same are severally hereby repealed, save and except, and in so far as the said Acts are declared to be in force, for the purposes hereinafter mentioned.

Husbands, &c. of poor, blind, lame or impotent persons, may be compelled to maintain such persons.

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

Rate of maintenance to be fixed by two Justices.

Justices may order maintenance on complaint of third parties.

III. And be it enacted, That if any such poor, destitute, and impotent person shall, through fear or any other cause, be deterred from personally complaining to any such Justices, and decline seeking relief as aforesaid, then, upon sufficient proof thereof, and of the destitute circumstances and situation of any such person, it

shall be lawful for the Justices to act in the premises, upon the complaint of any stranger or other person, in the same manner as if complaint had been made to them by the party to be relieved.

IV. And be it enacted, That if the Husband, the Father, or the Mother, or any such Children, as aforesaid, of such poor, blind and impotent person, shall neglect or refuse to relieve and maintain him, or her, in such manner as shall be ordered by the said Justices, or pay the amount of the rate specified in the said Order for his or her support, at such time or times as shall be therein set forth and mentioned, it shall and may be lawful to and for the said Justices, from time to time, and as often as default shall be so made, to issue a Warrant of Distress, under their Hands and Seals, for the amount of the said rate, and the costs of issuing such Warrant, directed to any Constable of the County wherein the party shall reside, who shall levy the same upon the Goods and Chattels of any of the said persons neglecting or refusing to comply with said Order, and shall advertise and sell the same in the same manner as prescribed by the Laws now in force, or for the time being hereafter to be in force, for the Recovery of Small Debts, and who shall be entitled to like Fees for Mileage, Levy and Sale, as are, or shall be allowed by the said Acts, for the Recovery of Small Debts, and who shall pay over the rate or Sum, so allowed and levied for, to the said Justices, to be by them disposed of for the support and maintenance of such poor, blind, lame and impotent person, as to them shall seem best.

Mode of proceeding against relatives, on their neglecting or refusing to comply with order for maintenance.

V. And be it enacted, That no Males, of the age of Fourteen years or upwards, or Females of the age of Fourteen years or upwards, unless impotent, or unable to procure a maintenance from sickness, or other physical or mental disabili-

Children of 14 years and upwards precluded from benefit of this Act, unless impotent, &c.

lity, shall be deemed as having any claim for support from their Parents; any thing in this Act to the contrary notwithstanding.

Parties not having visible property, &c., how proceeded against.

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

Witnesses, &c., liable to provisions of 1 W. 4, c. 9.

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

Proceedings commenced under 9 Vic., c. 9, and

VIII. And be it enacted, That for the purpose of prosecuting, carrying on, enforcing and

completing all Proceedings, Orders and Judgments, which may have been taken or made, or may be pending, under and by virtue of the said Act, and parts of an Act hereby repealed, and the same shall be, and are hereby declared to be and remain in full force and virtue, any thing herein contained to the contrary notwithstanding.

part of 13 Vic., c. 9, may be prosecuted and completed.

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

Continuance of Act.

CAP. VIII.

An ACT for the better prevention of Smuggling.

{Passed April 23, 1851.}

WHEREAS the practice of importing Articles into this Colony without paying the Duties by Law imposed thereon has increased, whereby it has become necessary to give additional powers to the Government to suppress the same: Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Lieutenant Governor, by and with the advice and consent of Her Majesty's Council, and he is hereby required to commission and appoint so many persons to be Landwaiters and Preventive Officers as may be deemed necessary in and near to the different Harbours, Ports and Places where Goods may be landed throughout this Island, who shall have, and be entitled to exercise the same power and authority in making seizures of all prohibited and unlawfully imported Goods, brought or attempted to be brought, imported or landed within this Island, and of all Boats, Vessels, Vehicles, Horses and Cattle fraudulently employed, or used in such

Lt. Governor, &c., to appoint Land Waiters & Preventive Officers at the different Ports, &c., of this Island.

Their powers.

importation, or attempted importation, and also in bringing the same to condemnation and sale; as any Collector of the Duties of Impost within this Island can or may now or hereafter lawfully use or exercise; and such Landwaiters and Preventive Officers shall have further power, and they are hereby authorised, to go on board of any Ship or Vessel that may be anchored, or hovering within the distance of Three Miles of any part of the Sea Coasts of this Island; and it shall be lawful for such Preventive Officers to exercise the same power and authority on board such Ship or Vessel, as is, or may be given to the Collectors of Imposts, under and by virtue of any Act or Acts of the General Assembly of this Island, for raising a Revenue therein.

Collectors of Impost, &c., to furnish Lists of suitable persons to Government, &c.

II. And be it enacted, That the several Collectors of Impost, or Justices of the Peace, are hereby directed, on being so required, by the Executive Government of this Island, forthwith to furnish to the Government a List of the names of such persons within their Districts as they consider most fit and proper to act as Landwaiters and Preventive Officers; and out of such persons the Lieutenant Governor and Council shall, if they see fit, select and appoint so many Landwaiters and Preventive Officers as may be deemed necessary.

Landwaiters, &c., to be selected from such Lists.

Landwaiter, &c., to furnish to nearest Collector of Impost a List of Goods seized, &c., before proceeding to Sale.

III. And be it enacted, That when any Landwaiter or Preventive Officer shall have made a Seizure of any Goods, prohibited or unlawfully imported, or attempted to be imported or landed within this Island, it shall be the duty of such Officer, and he is hereby required to furnish to the nearest Collector of Impost, a List or Account of the Goods so seized, before proceeding to the Sale thereof, and which Sale, if the Seizure is made beyond the Limits of the Port of Charlotte-town, shall be made known by posting a Notice thereof (in the Form prescribed by the Schedule

Sale, how to be published.

to this Act, annexed marked A.) in Twelve of the most public Places at and in the vicinity of the place where such Sale is to take place, at least Fifteen Days previous to such Sale; and if the Seizure is made within the Limits of the Port of Charlottetown, then the Sale of such Goods shall be made known by advertising the same at least Three times in the *Royal Gazette* Newspaper. And the Collector or Collectors of Impost, who may receive such List of Seizures as aforesaid, are hereby required to furnish the same annually to the Treasurer of this Island, who shall lay the same before the House of Assembly, at its then next Session.

List of Seizures to be furnished to Treasurer, &c.

IV. And be it enacted, That each of such Landwaiters and Preventive Officers shall be entitled to receive and take to his own use and benefit, Three-fourth parts of the amount of such Seizures made by him, and the remaining One-fourth part, shall within Thirty Days after such Sale, be paid into the Treasury of this Island, to and for the use of Her Majesty's Government; and such Officer shall also be entitled to receive his fair proportion of the said Three-fourth parts of such Seizures, made jointly with another or others, together with a like proportion of all Fines relating to such Seizures, which shall be sued for and recovered in the joint Names of the said Officers making such Seizures.

Proportion of Seizures, &c., to which Landwaiter, &c., is entitled.

Residue, how disposed of.

V. And be it enacted, That it shall and may be lawful for the Collector of Impost at Charlottetown, and the respective Collectors of Impost throughout the Colony, to place an Officer appointed as aforesaid, during the day, and also where necessary, another Officer during the night, on board of any Vessel he may deem necessary so to do, whilst discharging her Cargo, which Officer shall be paid by the Collector of Impost who employed him, a reasonable sum not exceeding Four Shillings *per diem*, and a like sum for each night

An Officer may be placed on board Vessel during the day, & another during the night.

How remunerated.

when required for such their attendance on board the same, to be paid out of the Moneys in his hands, arising from Rates and Duties collected by him, and who shall also remain on board during the night; if required by the said Collector. And it shall be the duty of such Officer to keep a true Account of all Articles landed, and to compare the same with the Cocket or Manifest of the Cargo, and no part of the Cargo shall be discharged in his absence, under a Penalty of Fifty Pounds, and the Goods so landed being liable to seizure; and a sufficient time shall be allowed by the said Impost Collector for discharging each Cargo, not exceeding Ten Working Days after so placing an Officer on board, each day to be computed from the First Day of April to the First day of October in each year, both days inclusive—to commence at Five o'clock in the Forenoon, and conclude at Seven o'clock in the Afternoon; and between the First Day of October and the First Day of April, to commence at Seven o'clock in the Forenoon, and conclude at Five o'clock in the Afternoon, and if the Cargo shall not be discharged within such time, then the whole charge afterwards, for the Officer's attendance on board, shall be paid and borne by the Master or Owner of the Vessel so discharging.

Officer's duty.

Penalty on persons landing goods in Officer's absence, &c.

Period allowed for discharging cargo.

Computation of such period.

If cargo be not discharged within time limited, charge for Officer's attendance to be paid by Master, &c.

Mode of recovery of compensation to officer.

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

Landwaiters, &c., to be sworn.

VII. And be it enacted, That before any such Landwaiter or Preventive Officer shall enter upon the duties of his Office, he shall take the Oath as prescribed in the Form of the Schedule,

to this Act annexed, marked (B.) which the Collector of Impost for the District wherein the Landwaiter may reside, is hereby empowered to administer.

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

Powers and duties of Collector of Impost, &c.

Not liable to action in certain cases.

Penalty for refusing to stop vehicle, &c.

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

Persons procuring others to land prohibited goods, &c., how punished.

Persons destroying goods to prevent seizure, &c., how punished.

X. And be it enacted, That all Fines and Penalties, by this Act imposed, except the aforesaid Penalty of Ten Pounds, shall be sued for

Mode of recovery of penalties.

and recovered, together with Costs, in Her Majesty's Supreme Court of Judicature of this Island, by Bill, Plaint or Information, and if recovered, then one moiety of such Penalties shall be paid into the Public Treasury of this Island, for the use of Her Majesty's Government, and the other moiety shall be paid to the party or parties who may prosecute and sue for the same, and in case such Fine and Costs be not paid on Conviction, the Offender or Offenders shall be imprisoned, for such time not exceeding Twelve Calendar Months, as the Court shall direct, and the said Penalty of Ten Pounds shall be recovered with Costs, on the Oath of one credible Witness, before any Two of Her Majesty's Justices of the Peace for the County wherein the Offence was committed, and if not paid on Conviction, the Offender shall be imprisoned for a period not exceeding Six Months.

Protection extended to Officers under this Act.

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

Continuance of Act.

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

SCHEDULES to which this Act refers.

SCHEDULE (A.)

Schedule (A.)

Form of Notice of Sale of Goods.

NOTICE.

A Sale of Goods, (*as mentioned below,*) seized Notice of Sale of Goods.
by me, will take place at _____ on _____
the _____ day of _____ next.

A. B., Landwaiter or Preventive Officer.
(*Here insert the List of Goods.*)

SCHEDULE (B.)

Schedule (B.)

Form of Oath to be taken by the Landwaiter or Preventive Officer.

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

So help me God.

CAP. IX.

An ACT for raising a Revenue.

[*Passed May 1, 1851.*]

WHEREAS it is deemed expedient further
to continue and amend the hereinafter
recited Act: Be it therefore enacted, by the
Lieutenant Governor, Council and Assembly,
That an Act made and passed in the Twelfth

12 Vic., c. 10,
continued for one
year, from 1st
May, 1851, to 1st
May, 1852, with
certain amend-
ments.

year of the Reign of Her present Majesty Queen Victoria, intituled *An Act for raising a Revenue*, be, and the same is hereby continued, with certain Amendments hereinafter mentioned, for the space of One year from and after the First day of May, One thousand Eight hundred and Fifty-one, and until the Second day of May, which will be in the year of our Lord One thousand Eight hundred and Fifty-two.

Imposes certain
Rates and Duties
set forth in Table
contained in this
Act.

Table, &c., how
denominated.

Explanation of
1st Column.

Explanation of
2d Column.

Duties, how cal-
culated.

Present Duties to
be in lieu of all
Duties imposed
under 12 Vic., c.
10, or 13 Vic., c.
1, Session 2.

II. And be it enacted, That from and after the commencement of this Act, and until the said Second day of May, One thousand Eight hundred and Fifty-two, there shall be raised, levied, and paid on the several Articles hereinafter mentioned, which shall be brought or imported into this Island from any place or Country whatsoever, the several Impost Duties, Rates and Importations inserted, described, and set forth, in figures, in the Table of Duties hereinafter contained, denominated "Table of Impost Duties," opposite to and against the said respective Articles, as therein mentioned, described and enumerated, and according to the Value, Number, and Quantity thereof, as therein specified; the First Column of Duties, in the said Table denoting the *ad valorem* Duty, or amount payable on every One hundred Pounds' worth of the Articles imported, which shall be in like proportion for any less amount than One hundred Pounds' worth; and the Second Column denoting the specific Duty upon each Article, and the said Duties shall be calculated on the actual value or amount of the Invoice, when reduced into lawful current Money of this Island, which said several Duties, Rates and Impositions shall be in lieu of all Duties, Rates and Impositions imposed by the hereinbefore recited Act, or by an Act passed in the Thirteenth year of the Reign of Her present Majesty, intituled *An Act for raising a Revenue, and Appropriating part of the same*.

TABLE OF IMPOST DUTIES,

Referred to in the preceding clause of this Act:

ARTICLES :	1st Column.		2d Column.		Table of Duties.
	Per centage ad valorem duty on every £100 currency value per Invoice.		Other Duties.		
	£	s. d.	£	s. d.	
Blocks and Deadeyes,	5	0 0			
Crackers, the cwt.,			0	6 6	
Butter, the cwt.,			0	9 0	
Boots and Shoes,	10	0 0			
Boards, per thousand feet,			0	2 6	
Buffalo Robes,	10	0 0			
Books, being the re-printing of British Authors, under the Imperial Act of 11 Vic., cap. 28,	20	0 0			
Canvass Sail Cloth,	2	0 0			
Cordage,	2	0 0			
Cheese, the cwt.,			0	8 0	
Coffee, the lb.,			0	0 1½	
Chocolate, or Cocoa Paste			0	0 1	
Cigars,	30	0 0			
Cider, per gallon,			0	0 2	
Clocks,—on all Clocks, costing under Twenty Shillings each,			0	5 0	
— All other descriptions of Clocks,			0	10 0	
— All Wheel Machinery, and materials for manufacturing Clocks,	25	0 0			
Carriages,	15	0 0			
Cattle, (Neat,) except Cows and Calves,			1	0 0	
Dye Wood, and Dye Stuffs of all kinds,	5	0 0			
Flour, (Wheaten,) for every 196 lbs.,			0	5 0	
Horses, Mares, and Geldings, each,			2	0 0	
Leather, (Sole,) per lb.,			0	0 1	
— (Upper and Trimming,) per lb.,			0	0 3	
— (Harness,) per lb.,			0	0 1	
Lard, the cwt.,			0	8 0	
Meat, (salted or cured,) the cwt.,			0	6 0	
Molasses, per gallon,			0	0 1½	

ARTICLES:	1st Column.			2d Column.		
	Per centage ad valorem duty on every £100 currency value per Invoice.			Other Duties.		
	£	s.	d.	£	s.	d.
Porter, (including the Duty imposed by Act 35 George 3, cap. 10,) per gallon,				0	0	3
Pitch,	2	0	0			
Rigging,	2	0	0			
Rum, or other Distilled Spirituous Liquors imported into this Island, (including the sum of Ten-pence per gallon, as imposed by Act of 25 Geo. 3, cap. 4, and by 35 Geo. 3, cap. 10,) per gallon,				0	2	6
Sails,	2	0	0			
Spirituous Liquors, on all manufactured or distilled in this Island, per gallon,				0	0	8
Sugar, (refined,) per lb.,				0	0	2
— (Brown or Muscovado,) per cwt.,				0	6	0
Tar,	2	0	0			
Tea, per lb.,				0	0	4
Tobacco, (manufactured,) per lb.,				0	0	3
— (unmanufactured,) per lb.,				0	0	1½
Wrecked Ship Stores and Materials, Duty-payable on account of Sales,	5	0	0			
Wine, imported into this Island, (including the sum of Ten-pence per gallon, as imposed by the Act of 25 George 3, cap. 4, and the Act of 35 George 3, cap. 10,) per gallon,				0	3	3
Beer, (strong,) as imposed by the Act 35 Geo. 3, cap. 10, per gallon,				0	0	2
Spirits, viz.: Brandy, Gin, and Cordials, imported into this Island, (including the sum of Ten-pence per gallon, as imposed by the Act 25 Geo. 3, cap. 4, and also by Act 35 Geo. 3, cap. 10,) per gallon,				0	3	6

ARTICLES:	1st Column.	2d Column.
	Per centage ad valorem duty on every £100 cur- rency value per Invoice. £ s. d.	Other Duties. £ s. d.
Articles manufactured of Wood, (ex- cept Brushes, Planes and Musical Instruments,) and such Articles as Wood forms the principal part of, not hereinbefore mentioned,	10 0 0	
On all kinds of Goods, Wares, and Merchandise whatsoever, not above enumerated, except as hereinafter excepted,	5 0 0	

III. And be it enacted, That all Articles in the following Table shall be exempted from any Duty.

TABLE OF EXCEPTIONS:

Anchors,
 Baggage of Emigrants,
 Barley,
 Books, (printed,) of all kinds, not prohibited to
 be imported into the United Kingdom,
 Chain Cables,
 Copper,
 Engine, (Fire,)
 Flax,
 Fish,
 Gypsum,
 Hemp,
 Implements of Husbandry, imported by any
 Agricultural Society, to be sold or used by
 such Society,
 Iron, (unwrought or Pig Iron,)
 Lime,
 Lumber, except Boards,
 Manures,
 Oats, Oakum,
 Oil, (Fish,) except Seal Oil,
 Salt,

Table of Exemptions.

Seeds of all kinds, imported by any Agricultural Society, to be sold or used by such Society,
 Staves,
 Stone, (Lime,)
 Stone, for Building,
 Stone, Burr,
 Tallow,
 Teasels,
 Trees, (Fruit,) Plants and Shrubs,
 Blocks, Rigging and Sails, which may have been used in taking any new Vessel from this Island to a Market for Sale, if such Blocks, Rigging and Sails shall be returned forthwith, after the Sale of the Vessel, direct to this Island, by the Exporter thereof, and shall have previously paid or been charged with the Duty imposed thereon, by this or any former Act, on the first Importation thereof into this Island.

12 Vic., c. 10,
 &c., to be in full
 force for the pur-
 poses of this Act.

IV. And be it enacted, That the said recited Act, and all and every other Act and Acts of the General Assembly of this Island, now in force in relation to the securing, levying, collecting and recovering the Duties granted by the said recited Acts, shall severally be and remain in full force and effect, for the purpose of securing, levying, collecting, and recovering the Duties hereby granted and imposed, and all and every the Powers, Authorities, Rules, Regulations, Directions, Penalties, Forfeitures, Clauses, Matters, and Things contained in the said Acts, or any of them and in force as aforesaid, shall severally and respectively be duly observed, practised, applied and put in execution, in relation to the said Duties thereby and hereby granted and imposed, as well during the Term hereby limited, as after the expiration thereof, for securing, levying, collecting and recovering the said Duties, and all arrears thereof, and all Penalties and Forfeitures that may have heretofore been incurred, under and by virtue of any of the hereinbefore recited

Acts, and for suing for, and recovering all such Penalties, which shall have been, or may be incurred, in relation to the said Duties, as fully and effectually to all intents and purposes, as if the same Powers, Authorities, Rules, Regulations, Directions, Penalties, Forfeitures, Clauses, Matters and Things, were particularly repeated and re-enacted, in the Body of this Act, with reference to the said Duties hereby or thereby granted and imposed.

V. And be it enacted, That the Third, Thirty-fifth and Fiftieth Sections of the above recited Act intituled *An Act for raising a Revenue*, passed in the Twelfth year of the Reign of Her present Majesty, and also the Sixth and Seventh Sections of the above recited Act, intituled *An Act for raising a Revenue and appropriating part of the same*, passed in the Thirteenth year of the Reign of Her present Majesty, be, and the same are hereby respectively repealed.

Repeals 3d, 35th, and 50th Sections of 12 Vic., c. 10, and 6th and 7th Sections 13 Vic., c. 1, Session 2.

VI. And be it enacted, That when and so soon as the Lieutenant Governor or other Administrator of the Government, for the time being, shall issue his Proclamation, declaring that the Articles hereinafter enumerated, being the growth or production of this Island, are admitted into the British North American Provinces of Canada, Nova Scotia, New Brunswick and Newfoundland, or either of them, free of Duty, that on and after the day when such Proclamation shall be published, and during the continuance of this Act, the like Articles, being the growth or production of Canada, Nova Scotia, New Brunswick, or Newfoundland, or of either of them, shall be exempted from the Duties hereby imposed upon them, and shall be admitted into this Island free of Duty, (any thing in this Act contained to the contrary notwithstanding) when imported direct from the said Provinces or either of them, so long as the said Articles are admitted into Canada,

Lt. Governor, in certain cases, may issue Proclamation, declaring that certain productions of Canada, Nova Scotia, &c., may be admitted, free of Duty, into this Island, &c.

Articles enu-
merated.

Nova Scotia, New Brunswick, and Newfoundland; or either of them, free of Duty, *videlicet*:— Grain and Breadstuffs of all kinds and descriptions, Vegetables, Fruits, Seeds, Hay and Straw, Animals, Salted and Fresh Meats, Butter, Cheese, Lard, Tallow, Hides, Horns, Wool, undressed Skins and Furs of all kinds, Ores of all kinds, Iron in Pigs and Blooms, Copper, Lead in Pigs, Grindstones and Stones of all kinds, Earth, Coal, Lime, Ochres, Gypsum (ground and unground), Rock Salt, Wood, Timber and Lumber of all kinds, Firewood, Ashes, Fish, Fish Oil, *videlicet*, Train Oil, Spermaceti Oil, Head Matter and Blubber, Fins and Skins, the produce of Fish or Creatures living in the Sea.

Goods imported
into Charlottetown
to be entered
in Duplicate,
&c.

Duplicate Copy
to be filed in
Treasurer's Of-
fice.

Treasurer to
countersign Per-
mit.

Returns of
Spirits, &c., to
be made in dupli-
cate, and filed in
Treasurer's Of-
fice.

VII. And be it enacted, That when any Goods or Articles shall be imported into the Port of Charlottetown, in this Island, the Person or Persons importing the same shall make an Entry thereof, in Duplicate, and after a Permit to land the same shall have been made out, and granted to him or them, by the Collector of Impost for the Port of Charlottetown, in the manner and subject to the restrictions and regulations contained in any of the Acts of the Legislature of this Island, now or hereafter to be in force, relating thereto, the Person or Persons making the Entry, shall take the Duplicate Copy thereof, certified by the said Collector, together with the Permit, to the Office of the Treasurer of this Island, and there file the said Duplicate Copy; and the Treasurer shall thereupon sign his name on the Back of the Permit, and it shall not be lawful for any Person or Persons to land any Goods or Articles in the Port of Charlottetown, until the said Permit thereof shall first have been countersigned by the Treasurer as aforesaid. And the Returns and Accounts of Spirits distilled, extracted and manufactured in this Island, or any other Dutiable Article, and of the Duties to be paid thereon, shall also be made with the said

Collector of Impost, (where by Law they are required to be made with him), in Duplicate, and the Duplicate Copy of such Returns and Accounts signed by the said Collector, shall immediately after the same has been made, be filed with the Treasurer, by the Person or Persons making or returning the same.

VIII. And be it enacted, That the Treasurer shall after each Duplicate, Entry, Return or Account, shall have been filed with him as aforesaid, enter a particular minute thereof in a Book, to be by him kept for that purpose, and shall on every occasion, when the said Collector of Impost for Charlottetown, accounts with him, as by Law directed, produce the said Book and Duplicate, Entries, Returns and Accounts, and check, and compare the same with the Account rendered by the said Collector, and the Moneys and Securities paid over by him.

Treasurer to enter minute of all Duplicates, Entries, &c., in Book, to be kept for the purpose, &c.

Such Entries, &c., to be compared with Accounts of Collector of Impost, &c.

C A P. X.

An ACT to continue *An Act for the Encouragement of Education.*

[Passed May 1, 1851.]

WHEREAS the hereinafter mentioned Act will shortly expire, and it is deemed expedient to continue the same: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the Tenth year of the Reign of Her present Majesty intituled *An Act for the Encouragement of Education*, be, and the same is hereby continued for the space of One year from the passing hereof.

10 Vic., cap. 9, continued for one year.

CAP XI.

An ACT relating to Emigrants.

[Passed May 5, 1851.]

WHEREAS the Laws now in force relating to Emigrants, will shortly expire, and it is deemed expedient to make other provisions in lieu thereof: Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, there shall be levied, paid, collected and raised, in the manner hereinafter prescribed, from the Master, Owner, or Person in charge, or command of any Vessel, hereafter arriving in any of the Ports of this Island, with Passengers or Emigrants, a pecuniary Rate or Head Duty, of Twelve Shillings Currency, for every Emigrant Passenger, landed between the First Day of April and the First Day of October in every year, and of Eighteen Shillings Currency, (being the additional sum of Six Shillings) for every Emigrant Passenger landed in any year subsequent to the First Day of October, such Duty to be paid by the said Master or Owner, to the Collector of Impost of the Port at which such Vessel shall have first entered, at the time of making her first Report and Entry, when it shall also be the duty of the said Master, or Owner, or Commander; to furnish to the said Collector a true and correct list and description of every Emigrant and Passenger on board such Vessel, in the manner and form, as is hereinafter directed by this Act, together with the Manifest or List of Emigrants, made out at the time of clearing such Vessel, from the Port from which such Vessel sailed; and at the time of delivering such List, produce to, and deposit, the Register of such Ship or Vessel, with the Collector of Impost, who shall, and he is hereby authorised to retain the same in

Imposes a tax of 12s. per head on Emigrants landed between the first April and first October, and 6s. additional per head, if landed subsequent to 1st October &c.

List and description of Passengers, &c., to be furnished by master, &c.

Register of vessel to be deposited with Collector of Impost, &c.

his possession, until such Master, Owner or Commander, shall produce a Certificate from the Chairman of the District Board of Health, stating, that the Provisions of this Act have been complied with, by such Master, Owner or Commander, and directing such Collector to deliver up the Register to him, and no such Report or Entry shall be deemed to be valid, or shall have any legal effect whatsoever, unless such Rates or Duties be thereupon paid as aforesaid. Provided always, that if upon the arrival of any such Emigrant Vessel, it shall be deemed necessary by any Board of Health, or other competent jurisdiction, by virtue of the Laws of this Island, made for preventing the spreading of Infectious Distempers, or relating to Quarantine, that such Vessel be kept at Quarantine for a period not less than Five Days, then, and in such case, the Rates of Head Duty hereinbefore imposed, shall be severally increased, and there shall be levied, paid, and collected in the manner and form above directed, the additional sum of Five Shillings Currency, for every such Passenger or Emigrant, as aforesaid; and further, that if it be deemed requisite by the said Board of Health, or other competent jurisdiction, as aforesaid, that such Vessel be kept at Quarantine, for a period not less than Ten Days, then, and in such case, in addition to the said original Rates or Head Duties, hereinbefore imposed, there shall be levied, paid, and collected in the manner and form hereinafter directed, the further sum of Ten Shillings Currency, for every such Passenger or Emigrant.

No report or entry be deemed valid unless tax be paid.

If vessel be kept at quarantine for 5 days, 5s. additional, per head, to be paid.

If for 10 days, 10s. additional.

II. And be it enacted, That upon the refusal or neglect of the Master or Person having charge of any Ship or Vessel, arriving with Passengers and Emigrants, as aforesaid, to pay the sum or sums, for each and every Passenger and Emigrant, as aforesaid, it shall and may be lawful to and for the Collector of Impost, to sue for, and

Tax may be sued for before two Justices.

prosecute the same before any Two of the Justices of the Peace of the County where the Vessel may be, and on Conviction, the said Justices shall and may levy the same by Warrant of Distress, under their Hands and Seals, directed to the Sheriff or Constable, at or near the place where the said Vessel may be, and by sale under the said Warrant, of the Guns, Boats, Tackle, Apparel and Furniture, of such Ship or Vessel; and the overplus, (if any,) of such Distress and sale, after deducting the Cost, shall be paid to the Master or Person having charge of such Ship or Vessel.

Mode of recovery.

Overplus, how disposed of.

Vessel arriving subsequent to 1st October, Master, &c., may give Bond.

Form of Bond.

Requisites of Bond.

Penalty.

Fee to be paid for Bond.

III. Provided always nevertheless, and be it enacted, That it shall be lawful for the Master, Owner, or Commander of any Vessel, arriving in any of the Ports of this Island, with Passengers and Emigrants as aforesaid, subsequent to the First Day of October in any year, instead of paying the said additional Rate or Head Duty of Six Shillings, by this Act in such case imposed, over and above the original Rate or Head Duty of Twelve Shillings, to give and execute to the Collector of Impost at such Port (before permitting any such Passengers or Emigrants to land) with one good and sufficient Surety, to be approved of by such Collector, a Bond in substance and effect, according to that in the Schedule to this Act annexed, marked (A.) in which said Bond there shall be set out, a list of the names of all the Passengers, and their respective ages, as aforesaid, which list shall mention the heads of families and the Children of each, Males and Females, and the Penalty of the Bond shall be in the sum double the aggregate amount of Rates or Duties, by this Act imposed on the Passengers named therein, such Bond being conditioned as in the said Schedule marked (A.) is mentioned, and the sum of Ten Shillings and no more, shall be paid by the said Master, Owner or Commander, to the said Col-

lector of Impost, for taking such Bond, and the entering into such Bond, shall obviate the necessity of paying the said additional Rate or Head Duty of Six Shillings, and shall be taken in lieu thereof, at the option of the Master, Commander or Owner.

IV. And be it enacted, That before the Master, Owner or Commander of any such Ship or Vessel, shall permit any Passenger to leave such Vessel, on her arrival at any Port or Place in this Island, or on the Coast or Islands thereof, he shall deliver to the said Collector of Impost a correct List and Return of all the Emigrants or Passengers on board such Vessel at the time of her arrival, which shall contain the Name of each Passenger, and shall mention therein the Heads of Families and the Children of each, Males and Females, which said List shall be in form according to that in the Schedule to this Act annexed, marked (B.), and which form shall be furnished to the said Master, Owner or Commander, by the said Collector, free of charge, and the said Master, Owner or Commander, having exhibited his said Manifest, and furnished such correct Return of his said Passengers, and having deposited his Register in the hands of the said Collector, as herein before directed, he shall attest to the same on Oath, before the said Collector, which said Oath such Collector is hereby empowered to administer, and having paid or secured all the Rates and Duties by this Act imposed, and having received his Receipts and Vouchers therefor, and also a permit or authority from the said Collector to land his said Passengers, it shall and may be lawful for him, to allow the said Passengers or Emigrants to leave the Vessel; and should the said Master, Owner, or Commander, land or permit, or attempt to land, any of his said Passengers without having strictly fulfilled all the conditions required by this Act, he shall forfeit and pay a Penalty of

Immigrants, not permitted to land until list of Passengers shall have been deposited with Collector of Impost, &c.

Form of List.

Master, &c., shall attest to manifest, &c., on Oath.

Penalty for neglecting to comply with the conditions of this Act.

Five Pounds, for every Passenger leaving his Vessel, contrary to the Provisions of this Act.

Cabin Passengers liable to Head Duty.

Master may sue for the same before Two Justices.

Rules of liability of such Passengers.

V. And be it enacted, That the Master, Owner or Commander of any Packet, Ship or Vessel, arriving from any part of the World, after payment of the several Rates and Head Duties imposed by this Act, or any of them, shall be entitled to demand and receive from each and every of the Cabin Passengers on board of such Ship or Vessel, the sum or Amount of Rate or Head Duty paid for him, or her, under the Provisions of this Act, or which he, or she, may be liable to pay, in manner as hereinafter mentioned; and if any such Cabin Passenger, shall after demand, refuse or neglect to pay the same, it shall and may be lawful for the said Master, Owner or Commander, thereupon to sue for and recover the same, before any two of the Justices of the Peace of the County, where the Vessel may be, and on Conviction, the said Justices shall and may levy the same, by Warrant of Distress or Execution, under their Hands and Seals, directed to any Sheriff or Constable, against the Goods and Chattels of the Party convicted, and in the event of no Goods and Chattels being found, whereon to levy, then to imprison the Party against whom the Warrant of Distress or Execution shall be issued, for the Term of Ten days, unless the amount of such Execution and Costs be sooner paid. And for the purposes of this section, the following shall be the Rules of the liability of such Passengers, to pay the amounts of the several Rates and Head Duties, paid by the Master, Owner or Commander of any Vessel, (that is to say) each Person above the age of Twenty-one years, shall be liable to pay for himself or herself—the Husband shall be liable to pay for himself and his Wife, and the Parent of a Family, shall be liable to pay for himself, or herself, and also for all his or her Children, under the age of Twenty-one years.

VI: And be it enacted, That notwithstanding anything in this Act contained to the contrary, whenever any such Vessel shall arrive at any Port in this Island, having Passengers or Emigrants on board, and who are not intended to be landed in this Island, then no Rate or Duty whatsoever, shall be exacted or paid for any such Passenger, provided the Master or Owner of any such Vessel, do, and shall, upon reporting and entering his Ship with the Collector of Impost, for the Port or District, at which he shall have arrived, and after first having delivered into the hands of such Collector, the Register of such Ship or Vessel, in manner aforesaid, give and execute to such Collector a Bond, according to the Form in the Schedule to this Act annexed, marked (C.) with one or more good and sufficient surety or sureties, to be approved of by the said Collector, in a penalty of double the amount of the Rate or Duty, which by this Act would be imposed in case such Passengers were landed with a condition, that if none of the said Passengers shall either directly, or indirectly, be landed or escape on shore on this Island, before all and every the Rates, Taxes and Duties imposed by this Act, shall be fully paid and satisfied, in the manner and form aforesaid, then that the same shall be void, and the sum of Ten Shillings, and no more shall be paid by the said Master for such Bond— which said Bond shall afterwards be delivered up to be cancelled, on the said Obligors or any person on their behalf, filing with such Collector, a Certificate properly authenticated by any Collector of Customs or Imposts, for any place out of this Island, that such Passengers have been landed, and left there by the said Master or Owner, or his Consignee. And provided also, that nothing in this Act contained, shall prevent the Master, Owner, or Person having the command of any Vessel, so having on board Passengers or Emigrants as aforesaid, from permitting any Passenger to leave the Vessel at the request of

No tax to be paid for Immigrants not intended to be landed in this Colony.

Bond to be given in such cases.

Form of Bond.

Penalty.

Condition.

Fee to be paid for Bond.

Bond, how to be cancelled.

Immigrants permitted to land at any Port not within this Island.

Duty of Master,
&c., in such case.

such Passenger, before the arrival of the Vessel at this Island, or the Coasts thereof, but in every such case the Names of the Passengers who may have so left, shall be entered in the Manifest or List of Emigrants' Names, made out at the time of clearing the Vessel from the Port from which she has so sailed, and the same shall be certified, under the signature of the Passenger or Passengers, so having left the Vessel; and if the number of Passengers remaining on board, on the arrival of the Vessel at this Island, do not correspond with that mentioned in such Manifest, after deducting those who shall have so left the Vessel, and also any that may have died on the Voyage, the Master or person having the command, shall forfeit and pay a Penalty of Five Pounds, for each and every Passenger, short of the Number not found on board, unless he can account for the same, to the satisfaction of the said Board of Health; but Infants born on the Voyage, shall not be included in the account for this purpose to be taken.

Penalty on Master,
&c., offending herein.

Infants, under 18
months, exempt
from Taxes.

VII. And be it enacted, That all Infant Emigrants and Passengers, who have not attained the age of Eighteen Calendar Months, at the time of their arrival at this Island, as aforesaid, shall be free and exempt from all the Taxes and Duties imposed by this Act.

Immigrants may
remain on board
Vessel 48 hours
after completion
of Entry.

VIII. And be it enacted, That every Passenger on board any Ship or Vessel arriving in any harbour of this Island, to which the Master or Person commanding such Vessel shall have engaged to convey him, shall be entitled to remain and keep his Baggage on board, during Forty-eight hours after the Master shall have duly made and completed his Entry, and complied with the provisions of this Act, relating thereto, and every such Master, who shall compel any Passenger to leave his Vessel, before the expiration of the said term of Forty-eight hours, shall

incur a Penalty not exceeding Two Pounds Currency, for every Passenger he shall so compel to leave his Vessel, nor shall any Master or Person commanding such Vessel remove or cause to be removed, before the expiration of the said Forty-eight hours, any Berthing or Accommodation used by his Passengers, under a like Penalty.

Penalty on Master compelling Immigrants to leave Vessel.

IX. And be it enacted, That any Pilot who shall have had charge of any Vessel, having Passengers on board, and who shall know that any Passenger has been permitted to leave the Vessel, contrary to the Provisions of this Act, and shall not within Twenty-four hours after the arrival of such Vessel in any Harbour of this Island, to which he may have engaged to pilot her, inform the Collector of Impost at such Port or Place, that a Passenger or Passengers has, or have, so left the Vessel, shall incur a Penalty not exceeding Five Pounds, Currency, for every Passenger with respect to whom he shall have wilfully neglected to give such Information.

Duty of Pilot in charge of Immigrant Vessel.

Penalty on Pilot offending herein.

X. And be it enacted, That the Moneys levied under the authority of this Act, shall be paid by the Collector of Impost, by whom they shall have been received, into the Treasury of this Island, for the purposes hereinafter mentioned.

Moneys collected under this Act, how applied.

XI. And be it enacted, That it shall be lawful for the Lieutenant Governor, or other Administrator of the Government for the time being, by and with the advice of Her Majesty's Executive Council, by Order, under his Hand, at any time after the passing of this Act, to advance to the Boards of Health in the several Counties, such sums of Money as may be required, for the purposes of this Act, out of the Moneys paid into the Treasury, under the authority of this Act, to be applied and expended under the direction of the said Boards of Health.

Sums of Money may be advanced by Lt. Governor, &c., and expended under the direction of Boards of Health.

Money advanced
by Government,
how to be appro-
priated.

XII. Provided always, and be it enacted, That no part of the said Money, paid and received by the said respective Boards of Health, shall by them be employed in making advances in Money to any Emigrant, but shall be expended in forwarding poor and destitute Emigrants to the place of their destination, in this or the adjacent Provinces: And in no case, shall any grown person in good health, and unincumbered with a Family, except unmarried Females, who may be unable otherwise to join their Friends and Relatives, receive assistance out of the said Moneys. Provided nevertheless, that Medical Aid, House Rent, Fuel, and other unavoidable Expenses, may be paid out of the said Moneys so received, by the said Boards of Health, as aforesaid, together with a reasonable allowance to the Secretaries to the said Boards of Health respectively, to be determined by the Lieutenant Governor in Council.

Boards of Health
to render an Ac-
count of their
Expenditure to
the Legislature
within 15 days
after time of
Meeting.

XIII. And be it enacted, That the said Boards of Health, into whose Hands the Moneys shall be paid, under the authority of this Act, shall within Fifteen Days after the Meeting of each Session of the Legislature, during the continuance of this Act, lay before each of the Branches thereof, a faithful and detailed Account of the Expenditure of such Moneys, and a correct List of the Emigrants by them respectively relieved, distinguishing the Nation and Country of each Emigrant, the place to which he or they shall have been forwarded, and his or her age, and the amount expended in affording such Relief, and in what manner expended, to every grown person, and his or her Name and Trade.

How Accounts
are to be made
up.

XIV. And be it enacted, That the persons composing the Board of Health, to whom shall be entrusted the expenditure of any portion of the Moneys hereby appropriated, shall make up detailed accounts of such Expenditure, shewing the

sum advanced to the Board of Health, the sum actually expended, the Balance, if any, remaining in their Hands, and every such Account shall be supported by Vouchers therein distinctly referred to, by Numbers corresponding to the numbering of the items in such Account.

XV. And be it enacted, That all the Penalties and Forfeitures in this Act mentioned or imposed, may be prosecuted, sued for, and recovered in the Supreme Court of this Island, or in case of any Penalty being for Twenty Pounds, or under, before any Three Justices of the Peace for the Counties respectively in this Island, by Action of Debt, Bill, Plaint or Information, by the Chairman of any Board of Health in this Island, who shall prosecute for the same, within Forty-five days after the Offence, and when recovered, shall be paid after deducting the Costs and Charges of the Prosecution into the Treasury of this Island; for the use and support of the Government thereof; and if no person shall so sue and prosecute, within the said Forty-five days, then the said Penalties and Forfeitures may be sued for, and recovered by Information of Her Majesty's Attorney General, and when recovered, to be paid after deducting the Costs and Charges of Prosecution, into the Treasury of this Island, for the use aforesaid; and all and every person and persons who may become liable to pay any such Penalty or Penalties, Forfeiture or Forfeitures, shall and may be arrested and held to Bail, according to the practice of the said Court, for such Penalty or Penalties, Forfeiture or Forfeitures, at the Suit of the Persons herein before mentioned, and entitled to sue for the same, by virtue of an Order for that purpose, to be obtained under the Hand of any Judge of the said Court, on proper Affidavits being laid before him, satisfactorily establishing the liability to pay the Penalty or Penalties, Forfeiture or Forfeitures aforesaid—which Order, any one of the

All Penalties, &c., may be sued for in Supreme Court.

Penalties to be prosecuted for within 45 days after offence, &c.

Penalties may be sued for by Information of the Attorney General, &c.

Persons liable to Penalties may be arrested, and in default of Bail, may be committed to Prison.

Judgment of Justices of the Peace may be appealed from.

Security required in such cases.

Taxes, &c, declared a specific Lien on Vessel.

Master, &c., may be held to bail,

or Vessel attached, to answer the same.

Judges of the said Court is hereby authorised to grant; and in default of giving such Bail, such person or persons so as aforesaid ordered to be held to Bail, shall be committed to Prison as in other cases is accustomed. Provided always, that any Judgment given by the said Justices of the Peace, may be appealed against to the Supreme Court, in like manner and subject to the like Rules and Regulations as are prescribed by the Laws relating to the Recovery of Small Debts; and where the Judgment of the said Justices appealed from shall exceed the sum of Ten Pounds, no person shall be admissible as Sureties, on any such Appeal, until they shall have duly justified, each in double the amount and Costs, upon Oath, before some one or more of the Justices before whom such Judgment shall be given, in like manner as Special Bail in the Supreme Court now justify.

XVI. And be it enacted, That for the better effectuating the purposes of this Act, the several Taxes, Duties and Penalties imposed by this Act, shall be, and the same are hereby declared a specific Lien on the said Ship or Vessel, notwithstanding the Master or Owner's general liability therefor. And the said Supreme Court, in Term time, or any Two Justices thereof, in Vacation, also any Three Justices of the Peace as hereinbefore mentioned, are hereby empowered on the application of the said Board of Health, for that purpose, and on Affidavit of the Chairman thereof, for the time being, or on the application and Affidavit of any Collector of Impost for the Port at which such Vessel shall arrive, that the said Master or Owner, has, in the opinion of the said Board or Collector of Impost, become liable for any of the said Taxes, Duties or Penalties, to issue a Process to arrest the person of the said Master or Owner or Owners, and require Bail for his or their appearance, to answer the said Suit, or to attach the Ship or

Vessel, by any Process of Attachment, in their discretion, until Security be given to the satisfaction of the said Court or Justices, for the forthcoming of the said Vessel, to answer the said Suit, or to proceed as above directed, against both Master or Owner or Owners and Ship, at the same time, at the discretion of the said Board or Collector of Impost, with power to the said Courts, to hear and determine said Suits, and to enforce their Judgments therein, by all lawful and customary means; and no Plea or Exception taken to the Jurisdiction of the said Courts, or either of them, in proceeding as hereinbefore directed, shall be held valid or tenable.

No exception taken to the jurisdiction of Courts deemed valid.

XVII. And be it enacted, That no Tax or Duty imposed by this Act shall be paid by any Master or Owner of any Ship or Vessel, for and on account of any Native or Inhabitant or Person belonging to any of the neighbouring British Colonies, coming to, or returning from this Island, or by any person who shall have previously resided in this Island, on his returning to the same; but all such persons are hereby declared exempt from the Duties and Taxes aforesaid.

Exempts certain parties from payment of Tax.

XVIII. And be it enacted, That for the purposes of this Act, no person shall be deemed an Inhabitant of any other Colony, unless such person shall have resided in such Colony for a period of Twelve Months, or shall have been a Housekeeper therein for the space of Six Months, next before his or her departure from this Island, or unless such person shall have resided or kept House for any periods of time in more than one Colony, which periods of time shall amount together to either of the said terms of Twelve Months or Six Months respectively, as aforesaid.

Who shall be deemed an inhabitant of any other Colony.

XIX. And be it enacted, That printed Copies of this Act, shall be furnished by the Government of this Colony, to all Licensed Pilots

Printed Copies of Act to be furnished to all Licensed Pilots.

Penalty on Pilot
for neglect of
duty.

in the respective Harbours of this Island; and it shall be the duty of such Pilots, on boarding or calling alongside of any Vessel having Emigrants on board, to deliver to the Master or person in command of such Vessel, one of the said Copies of this Act, free of charge; and any Pilot having had such Copies duly furnished him, shall be liable to a Penalty of Two Pounds, if he neglect or refuse to deliver a copy as aforesaid.

Continuance of
Act.

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

SCHEDULES to which this Act refers.

Schedule (A.)

SCHEDULE (A.)

Bond to be given
after 1st October
in lieu of paying
increased Duty.

KNOW all men by these Presents, that we *A. B.* and *C. D.*, at present of in Prince Edward Island, are held and firmly bound unto *E. F.*, Collector of Impost for the Port of in the said Island, in the sum of Current Money of Prince Edward Island, to be paid to the said *E. F.*, his Heirs or Successors in Office, for which payment, well and truly to be made, we bind ourselves jointly and severally, and our respective Heirs, Executors and Administrators, firmly by these Presents, sealed with our Seals and dated this day of in the year of our Lord One thousand eight hundred and

Whereas the above bounden *A. B.*, the Captain (or Owner, *as the case may be*;) of the Ship or Vessel called the has received permission from the said Collector, to land, from the said Ship or Vessel, the following Passengers, (who arrived therein, at the said Port of in the

present year, subsequent to the First day of October, and for whom the said *A. B.* is liable to pay an increased Rate or Head Duty, or to enter into the above-written Bond or Obligation, with condition as hereunder stated, by virtue of the provisions of the Act, 14 Vic., cap. 11, intituled *An Act relating to Emigrants.*)

[Here follow the Emigrants' Names, and whether over or above Eighteen Calendar Months, or Fourteen Years of age.]

Now, the condition of the above obligation is such, that if the above bounden *A. B.* and *C. D.*, their Executors and Administrators, do, and shall, well and truly pay, or cause to be paid to the said *E. F.*, or his Successors in Office, all such sum or sums of Money as shall or may, at any time or times within the space of Twelve Calendar Months from the date hereof, be paid, laid out, or expended by the Government of this Island, or any of the competent local authorities, now, or at any time hereafter authorised to afford aid or assistance to the Emigrants or persons above named, either for supplying them, or any of them, with Food, Clothing, House Rent, Fuel, Medical Aid, or means to defray their Travelling Expenses to any place for which, at the time of their embarking in such Vessel, they may have been destined, and do and shall further save harmless, and indemnify the said Government or Authorities, from and against all other Charges, Damages, Expenses, and Outlays, which may have been incurred by the said Government or Authorities, for the space of Twelve Calendar Months, aforesaid, for or in respect of the said Emigrants or persons above named, then this obligation to be void, otherwise to be and remain in full force.

A. B. (L. S.)

C. D. (L. S.)

Signed, sealed, and delivered }
in the presence of }

Schedule (B.)

SCHEDULE (B.)

List of Passengers.

Number of Heads of Families.	Names of all Passengers or Emigrants on board.	Trades or Occupations.	Ages.	Number of Impotent persons.	Total Number.

Oath.

the Captain (or Owner, *as the case may be,*) of the Ship or Vessel, called the _____ maketh Oath and saith, that the foregoing is a true and Correct List and Return of each and every the Passengers or Emigrants on board the Ship or Vessel called the _____ of which Deponent is Master, and that no other Passenger or Passengers hath, or have been landed in this Island, or on the Coasts thereof, from the said Vessel, with Deponent's knowledge and consent.

Sworn before me

Schedule (C.)

SCHEDULE (C.)

Bond to be given when it is not intended to land Immigrants in this Colony.

Know all men by these Presents, that we _____ at present of _____ in Prince Edward Island, are held and firmly bound unto _____ Collector of Impost for the Port of _____ in the said Island, in the sum of £ _____ current Money of Prince Edward Island, to be paid to the said

his Heirs or Successors in Office, for which payment well and truly to be made, we bind ourselves, jointly and severally, and our respective Heirs, Executors and Administrators, firmly by these Presents, sealed with our Seals, and dated this day of in the year of the Reign of Her Majesty Queen Victoria, and in the year of our Lord One thousand Eight hundred and

Whereas the above bounden the Captain (or Owner, *as the case may be,*) of the Ship or Vessel called the now arrived from the Port of in having on board Passengers or Emigrants, and now bound for the Port of as appears, has stated, that it is not his intention to land his said Passengers, or any of them, on this Island, or the Coasts thereof, but intends proceeding with his said Vessel and Passengers to the said Port of

Now the condition of the above Obligation is such, that if none of the said Passengers or Emigrants, on board the said Vessel, shall, either directly or indirectly, be landed or escape on shore, in this Island, or the Coasts thereof, before the respective Rates and Duties, imposed by the Act of the 14th Victoria, cap. 11, shall have been fully paid and satisfied, then the above Obligation shall be void, and of none effect, otherwise it shall be and remain in full force and virtue.

Signed, sealed, and delivered } (L. S.)
in the presence of } (L. S.)

CAP. XII.

An ACT to provide for the Transfer of the management of the Inland Posts within Prince Edward Island.

[Passed May 15, 1851.]

WHEREAS, by an Act of the Imperial Parliament, passed in the Twelfth and Thirteenth years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for enabling Colonial Legislatures to establish Inland Posts*, authority is given to the Legislature of this Island, to make such Provisions as may be deemed expedient for the establishment, maintenance, and regulation of Posts or Post communication within the same, and for charging Rates of Postage for the conveyance of Letters, by such Posts or Post communications, and for appropriating the Revenue to be derived therefrom: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the time this Act shall go into operation, the exclusive right of establishing Posts, and of conveying and delivering Letters, and collecting Postage within this Island, and the power and authority heretofore vested in the Lords of Her Majesty's Treasury, under and by virtue of the Acts of the Imperial Parliament, passed in such behalf, to order and establish Rates of Postage in this Island, shall be, and they are hereby vested in the Lieutenant Governor and Council.

Right of establishing Posts, &c., vested in the Lt. Governor and Council.

Lt. Governor may establish Posts, &c., and may appoint or suspend Postmaster General, &c.

II. And be it enacted, That the Lieutenant Governor in Council may establish, alter, discontinue, or extend any Posts or Post communication, or Post Offices within this Island, and may appoint, suspend, or remove, or displace a Postmaster General, and all or any Postmasters, Officers, Deputies, Servants, and Agents connected therewith.

III. And be it enacted, That the Lieutenant Governor may, by Orders in Council, make such Rules and Regulations in conformity with this Act, as may be necessary for carrying out the same, and for promoting the objects thereof, and all such Orders, Rules, and Regulations so made, shall be valid and binding as if in this Act contained. Provided always, that no higher Penalty than the sum of One hundred Pounds, shall be imposed by any such Order in Council, for the violation thereof.

Lt. Governor, by orders in Council, may make Rules, &c., for the regulation of all Posts within this Island.

Limitation of Penalties.

IV. And be it enacted, That every such Order in Council shall be published in the *Royal Gazette*, and the Rates of Postage then established shall be demanded and taken immediately after such publication, and every such Order, within Eight days after it is made, shall be laid before the Legislature, if then sitting, or otherwise within Fourteen days after it shall meet.

Order in Council to be published in the *Royal Gazette*, &c.

Order in Council to be laid before the Legislature.

V. And be it enacted, That in conformity with the agreements made between the local Governments of British North America, the Colonial Postage on Letters and Packets, not being Newspapers or printed Pamphlets, Magazines or Books entitled to pass at the lower Rates hereinafter referred to, shall not exceed the Rate of Three-pence Currency per half-ounce for any distance within this Island; and the increase of charge on Letters weighing over half an ounce shall be regulated according to the British Rule and Scale of Weights; that no transit Postage shall be charged on any Letter or Packet passing through this Island, or any part thereof, to any other Colony in British North America, unless it be posted in this Island, and the sender choose to pre-pay it, nor on any Letter nor Packet from any such Colony, if pre-paid there, and that Two-pence Sterling the half-ounce shall remain in operation as regards Letters by British Mails,

Rates of Postage on Letters and Packets.

Increased charge, how regulated.

No transit Postage to be charged on Letters, &c., passing through this Island, to or from any other Colony, &c.

Rates on Letters by British Mails.

to be extended to Countries having Postal communication with the United Kingdom, unless Her Majesty's Government in the United Kingdom shall see fit to alter the Rate thereon to be charged to Three-pence Currency.

Pre-payment of Colonial Postage optional to sender.

VI. And be it enacted, That the pre-payment of Colonial Postage shall be optional to the sender; that all Colonial Postage received within this Island, shall be retained as belonging to it; and that all Colonial Postage received within any other of the British North American Colonies, may be retained as belonging to such Colony.

Colonial Postages, how disposed of.

British Packet Postage, collected in this Island, how accounted for, &c.

VII. And be it enacted, That the British Packet Postage collected in this Island, shall be accounted for, and paid over to the proper Authorities in the United Kingdom, but the Colonial Postage, on the same Letters or Packets, shall belong to the Colony collecting it, or, if pre-paid to the British Post Office, it shall be credited and belong to the Colony to which such Letters or Packets are addressed.

Disallows Franking Privilege.

VIII. And be it enacted, That no Privilege of Franking shall be allowed, as regards Colonial Postage.

Newspapers exempt from Postage.

IX. And be it enacted, That all Newspapers published in this Island, whether addressed to persons resident herein, or to Residents in the United Kingdom, or other Colonies, shall pass through the Post Office in this Island free of charge, that printed Books, periodical Publications and Pamphlets may be transmitted by Post within this Island, at the rate of Two-pence, Currency, per ounce, up to Six ounces in weight, and Three-pence for each additional ounce, up to Sixteen ounces in weight, beyond which weight, no printed Book, Publication or Pamphlet, shall be transmitted by Post: Provided

Rates of Postage on Printed Books, &c.

always, that the Lieutenant Governor in Council may, by Orders, alter, modify and reduce the Rates of Postage on such printed Books, periodical Publications or Pamphlets, as may be deemed fit and necessary.

Lt. Governor, &c., may alter & modify such Rates.

X. And be it enacted, That the Packet Postage for Letters shall be One Shilling, Sterling, the half-ounce; Ten-pence of which shall belong to the English Post Office, and Two-pence, Sterling, to the Prince Edward Island Post Office.

Packet Postage: 10d. to belong to the English, and 2d. to the P. E. Island Post Office.

XI. And be it enacted, That all Moneys received on account of Packet Postage, to and from the United Kingdom, be carried to a separate Account, by the Postmaster General of this Island, and paid by him, at the end of every Quarter, into the Treasury of this Island, and the same shall be remitted by the Lieutenant Governor not less than once every year, to the Postmaster General in England; and that all other Moneys received by the Postmaster General of this Island, shall be paid by him also, at the end of every such Quarter, into the Treasury of this Island; and he shall also return to the Office of the Colonial Secretary, at the end of every such Quarter, a Quarterly Account of the Revenue received by him as aforesaid—the same to be laid before the Lieutenant Governor and Council.

Packet Postage to be carried to a separate Account; paid Quarterly into the Treasury of this Island; and

remitted to Postmaster General in England annually.

Other moneys, how disposed of.

Return to be made to the Colonial Secretary's Office, Quarterly—to be laid before Lt. Governor, &c.

XII. And be it enacted, That the Rate of remuneration for the transport of British or other Mails by Express through this Island, or through, to, or from Nova Scotia, New Brunswick, or Canada, shall be paid from time to time by agreement, to be made between the Government of this Island, and the other Governments or Provinces concerned.

Express Mails, how paid for.

Rate of Inland
Postage, &c.

XIII. And be it enacted, That in no case shall the Rate of Postage, for the Inland conveyance, within this Island, of Letters and Packets, not being Newspapers, printed Pamphlets, Magazines, or Books, entitled to pass at lower Rates as herein mentioned, exceed the Rate of Two-pence, Currency, per half-ounce; and the increase of charge on Letters, weighing over half-an-ounce, shall be regulated according to the British Rule and Scale of Weights.

Increase of
charge on such
Letters over half-
an-ounce, how
regulated.

Governor in
Council may alter
and modify fore-
going conditions,
in certain cases.

XIV. Provided always, and be it enacted, That if it shall appear to the local Governments or proper Authorities of the other Colonies, and of the United Kingdom, and to the Governor in Council, that the foregoing Conditions and Provisions are not in accordance with the said arrangement, so made or agreed upon with the other Colonies, then it shall be lawful for the Governor in Council to alter and modify such Conditions and Provisions, so as to carry out and complete such arrangement.

Parliamentary &
other Papers to
be transmitted
free of Postage.

XV. And be it enacted, That all Papers ordered to be printed by either House of Parliament, or by Her Majesty's command, or by the Legislative Council or House of Assembly of this Island, or by virtue of an Address of the Legislative Council or House of Assembly, shall be transmitted by Post within this Island free of Postage.

Conditions to be
observed, to se-
cure free trans-
mission of News-
papers, &c.

XVI. And be it enacted, That no printed Paper, whether Newspaper, Book, Pamphlet, or other Paper, permitted by this Act to be sent by Post, shall be transmitted either free or at a reduced Rate of Postage—unless the following conditions shall be observed: First—It shall be sent without a Cover, or in a Cover open at the sides or ends. Second—There shall be no Words or Communications printed on the Paper after its publication, or upon the Cover thereof, nor any

Writing or marks upon it, or upon the Cover of it, except the name and address of the sender and of the person to whom it is sent. Third, There shall be no Paper or thing enclosed in or with any such Paper or Publication.

XVII. And be it enacted, That the Postmaster General or any of his Officers, may examine any printed Paper or Packet which shall be sent by the Post, either with or without a Cover, open at the sides or ends, in order to discover whether it is contrary in any respect to the conditions hereby required to be observed; and in any case, if the required conditions be not fulfilled, the whole of every such Paper shall be charged with Postage as a Letter, and as to every such Printed Paper going out of the Island, the Postmaster General or his Officers, may either detain the same, or forward it by Post, charged with Letter Postage as aforesaid.

Postmaster General, &c., may examine printed Papers, &c., sent by Post.

Conditions not being complied with, to be charged Letter Postage.

XVIII. And be it enacted, That in all cases where a question shall arise—whether a printed Paper is entitled to the privileges of a Newspaper or other publication, as regards its transmission by Post under this Act, the question shall be referred to the Postmaster General of this Island, whose decision, with the concurrence of the Lieutenant Governor in Council, shall be final.

Decision of Postmaster General, &c., to be final in certain cases.

XIX. And be it enacted, That in case any printed Newspaper, or other printed Paper, privileged to go by Post, and brought into this Island, shall be directed to a person who shall have moved from the place to which it is directed, before the delivery thereof at that place, it may, provided it shall not have been opened, be re-directed, and forwarded by Post to such person, at any other place within this Island, free of charge for such extra conveyance; but if such Newspaper or other printed Paper shall have

Newspapers, &c., in cases of removal, may be re-directed and forwarded free of charge.

Such News-papers, &c., having been opened, to be charged with Letter Postage.

been opened, it shall be charged with the rate of a single Letter, from the place of re-direction, to the place at which it shall be ultimately delivered.

Masters of Vessels entitled to 2d. Currency for every Letter delivered to the Post Office, &c., when either inward or outward bound.

XX. And be it enacted, That for encouraging Masters of Vessels, not being Post Office Packets, to undertake the conveyance of Letters between places beyond the British North American Colonies and this Island, and for regulating the conveyance and delivering of such Letters, the Postmaster General may allow to the Masters, Two-pence Currency for each Letter they shall deliver to the Post Office at the first port they touch or arrive at in this Island, or with which they shall communicate when inward bound, and Two-pence Currency, for each Letter which they shall deliver to the Post Office when outward bound, and if from unforeseen circumstances, the Master cannot, upon delivering his Letters at an Out-port, receive the Money to which he is entitled, he shall be paid by means of an order on the Postmaster General at such other place as may be convenient, and every Master of a Vessel inward bound shall, at the Port or place of arrival, sign a Declaration in presence of the person authorised to take the same at such Port or Place, who shall also sign the same, and the Declaration shall be in the form or to the effect following:

Upon delivering Letters at an Out-port, master how remunerated.

Master of Vessel inward bound to sign a Declaration, &c.

Form of Declaration.

“ I *A. B.* commander of [*state the name of the Ship or Vessel,*] arrived from [*state the place,*] do as required by the Post Office Act, solemnly declare, that I have to the best of my knowledge and belief, delivered, or caused to be delivered to the Post Office, every Letter, Letter Bag, Package, or Parcel of Letters that was on board the [*state the Name of the Ship,*] except such Letters as are exempted by the said Act.

XXI. And be it enacted, That no Officer of the Customs or Excise in this Island shall permit

such Vessel to enter or report, until such Declaration shall be made and produced, and no Vessel shall be permitted to break bulk, or make entry in this Island, until all Letters on board the same shall be delivered to the Post Office, where Posts are, or may hereafter be established, except such Letters as are exempted by this Act, and also, except all such Letters as shall be brought by a Vessel liable to the performance of Quarantine—all which last mentioned Letters, shall be delivered by the persons having the possession thereof to the persons appointed to superintend the Quarantine, that all proper precautions may be by them taken before the delivery thereof, and when due care has been had therein, the said Letters shall be by them despatched in the usual manner by Post, and the Officers of the Impost and Excise, at every Port or Place in this Island, shall search every Vessel for Letters, which may be on board contrary to this Act, and may seize all such Letters, and forward them to the nearest Post Office, and the Officer who shall so seize and send them, shall be entitled to a moiety of the Penalties which may be recovered for any such offence, and the Postmaster General may appoint Agents to demand from the Masters of Vessels arriving in this Island, all Letters on board the same, not exempted by this Act; and the Master of any such Vessel shall forthwith deliver all Letters on board, to such person on his demanding the same.

No Vessel permitted to enter or report until Declaration shall be made, &c.; or to break bulk, &c., until Letters are delivered to the Post Office.

Vessel liable to Quarantine, Letters how disposed of.

Officers of Impost to search for and seize Letters, and forward the same to the nearest Post Office—such Officers to receive one-half the penalties recoverable in such cases.

Postmaster General may appoint agents to demand Letters, &c.

XXII. And be it enacted, That the Postmaster General, with the approbation of the Lieutenant Governor and Council, shall establish new Way Offices and Post Offices, over and above the regular Post Offices and Way Offices now established; and every person employed at such Way Offices or Post Offices, shall be liable to all the Penalties imposed by this Act on Post-

Postmaster General to establish new way offices, &c.

Persons employed therein, liable to penalties imposed on Postmasters, &c.

Remuneration.

masters, and other Officers of the Post Office, and shall be entitled to such remuneration for their services as shall be allowed by the Lieutenant Governor and Council.

Postmaster General may enter into agreements, &c., to extend post accommodation.

XXIII. And be it enacted, That the Postmaster General, with the concurrence of the Lieutenant Governor in Council, may enter into an Agreement with, and take Security from any person applying to him, to extend the accommodations of the Posts to any place for indemnifying the Revenue against the expenses which shall be incurred thereby, beyond the amount of Postages received.

Lieut. Governor may enter into arrangements with other N. A. Colonies, &c., for transmission of Newspapers, &c.

XXIV. And be it enacted, That the Lieutenant Governor in Council, may enter into arrangements or Conventional Agreements with any other of the North American Colonies, or with any Foreign Country, for the transmission of Colonial or Foreign Newspapers, or other printed Papers, within, to, or from, or through this Island, upon such terms or conditions as shall be just or reasonable, and shall be empowered to carry out such arrangements or conventional agreements by Order in Council duly published as herein directed.

Post marks conclusive evidence of Postage payable in respect of any Letters brought into this Island, &c.

XXV. And be it enacted, That the Postage Marks, whether British, Foreign, or Colonial, on any Letter brought into this Island, shall in all Courts of Justice, and elsewhere, be received as conclusive evidence of the amount of British, Foreign, or Colonial Postage, payable in respect of such Letter, in addition to any other Postage chargeable thereon; and all such Postage shall be recoverable in this Island, as Postage due to Her Majesty.

Postmaster General, &c., exempt from serving on juries, &c.

XXVI. And be it enacted, That no Postmaster General, nor any Officer of the Post Office throughout this Island, shall be compelled

to serve on any Jury or Inquest, or in the Militia, or as Town or Parish Officer.

XXVII. And be it enacted, That whoever shall be employed to convey or deliver a Post Letter Bag, or a Post Letter, and who shall, whilst so employed, or whilst the same be in his care, custody or possession, leave a Post Letter Bag, or a Post Letter, or suffer any person to ride upon a Horse used for the conveyance on Horseback of a Post Letter Bag, or a Post Letter, or if any such person shall be guilty of an act of drunkenness, or of carelessness, negligence, or other misconduct, whereby the safety of a Post Letter Bag, or a Post Letter, shall be endangered, or shall collect, receive, or convey, or deliver a Letter, otherwise than in the ordinary course of the Post, or who shall give any false Information of an attempt at Robbery upon him, or who shall loiter on the Road or Passage, or wilfully misspend his time, so as to retard or delay the progress or arrival of a Post Letter Bag, or a Post Letter, or who shall not use due and proper care and diligence safely to convey a Post Letter Bag, or a Post Letter, at the rate of speed appointed by, and according to the Regulations of the Post Office for the time being, and being thereof convicted, shall forfeit the sum of Ten Pounds.

Persons employed to deliver Letter Bags, &c. subject to a penalty of £10, for neglect of duty, &c.

XXVIII. And be it enacted, That no person in the employ of the Post Office, travelling with a Mail, shall pay for passing or repassing a Ferry within this Island, but the Ferryman at every such Ferry, shall forthwith convey over every such person travelling with a Mail, without payment for the same, on pain of forfeiting, for every Offence, Five Pounds.

Ferryman to convey over persons travelling with a Mail free of expense, under a penalty of £5 for every offence.

XXIX. And be it enacted, That whosoever shall aid, abet, or counsel, or procure the commission of an Offence, which is punishable by

Persons aiding or abetting the commission of any offence under this

Act, liable to same punishment as principal offender.

Postmaster General to have the exclusive privilege of conveying Letters.

Penalty on other persons receiving or conveying Letters.

Letters received or conveyed in contravention of this Act, liable to seizure, &c.

All Postage, not pre-paid, to be paid to the Postmaster General of this Island.

Letter, &c., may be detained until Postage be paid, &c.

this Act, on summary conviction, shall, on conviction, be liable to the same forfeiture or punishment to which a principal Offender is by this Act made liable—that, subject always to the Provisions and Regulations aforesaid, the Postmaster General of this Island shall have the sole and exclusive privilege of conveying, receiving, collecting, sending and delivering Letters within this Island; and that any person or persons who shall collect or convey, or undertake to convey such collected Letters within this Island, or who shall receive or have in his possession any such collected Letters, for the purpose of conveying or delivering the same, shall, for each and every Letter so unlawfully collected, conveyed or undertaken to be conveyed, delivered, or found in his possession, incur a Penalty of Twenty Shillings.

XXX. And be it enacted, That it shall be lawful for any person, and it shall be the duty of any Officer or person employed in the Post Office in this Island, or in the collection of the Revenue, to seize any Letters conveyed, received, collected, sent, or delivered, in contravention of this Act, and to take them to the nearest Post Office, and to give such Information as he may be able to give to the Postmaster, and as may be necessary for the effectual prosecution of the Offender, and the Letters, moreover, shall be chargeable with Letter Postage.

XXXI. And be it enacted, That as well the Colonial, British or Foreign, as the Inland Postage, on any Letter or Packet, shall (if not pre-paid) be payable to the Postmaster General of this Island, by the party to whom the same shall be addressed, or who may lawfully receive such Letter or Packet, which may be detained until the same be paid, and any Refusal or Neglect to pay such Postage shall be held to be a refusal to receive such Letter or Packet, which shall

be detained and dealt with accordingly; but if the same be delivered, the Postage on it shall be charged against, and paid by the Postmaster delivering it, saving his Right to recover it from the party by whom it was due, as money paid for such party; and if any Letter or Packet be refused, or if the party to whom it is addressed cannot be found, then such Postage shall be recoverable by the Postmaster General of this Island from the sender of such Letter or Packet; and the Postage marked on any Letter or Packet shall be held to be the true Postage due thereon; and the party signing or addressing it shall be held to be the sender, until the contrary be shown; and all Postage may be recovered, with Costs, by civil action, in any Court having jurisdiction to the amount, or in any way in which Duties are recoverable.

Postage recoverable, &c., as Money paid.

Sender liable for Postage of refused Letters.

Postage, how recovered.

XXXII. And be it enacted, That, subject to the Provisions of this Act, and to the Regulations to be made thereunder, and the Instructions he may receive from the Lieutenant Governor, the Postmaster General shall have power to open and close Post Offices and Mail Routes—to suspend any Postmaster or other Officer or Servant of the Department, until the pleasure of the Lieutenant Governor and Council be known, and to appoint a person to act, in the mean time, in the place and stead of such Officer or Servant—to enter into and enforce all Contracts relating to the conveyance of the Mail, the local accommodation of the Department, and to other matters connected with the business thereof, and to make Rules and Orders for the management and conduct of the business and affairs of the Department, and for the guidance and government of the Officers and Servants thereof, in the performance of their duties—to sue for and recover all sums of Money due for Postage or Penalties under this Act, or by any Postmaster, or Officer, or Servant of the Department, or his Sureties—and all such

Powers of Postmaster General, under certain restrictions:—

May open and close Mail Routes, &c.;

Suspend Postmaster, &c., and appoint substitutes;

Enter into & enforce Contracts;

Make Rules, &c., for management of the Department;

Sue for all sums due for Postage, &c.

Such powers to be exercised, either by himself or by any party whom he may depute to act, &c.

powers may be lawfully exercised by him, or by any Postmaster, Officer, Servant, or party, whom he shall depute to exercise the same, or whose act in that behalf he shall approve, confirm, or adopt, and such Officer, Servant, or party, employed in the Post Office, shall, as regards the duties attached to the Office held by him, be deemed the Deputy of said Postmaster General; and all Suits, Proceedings, Contracts, and Official Acts to be brought, had, entered into and done by the Postmaster General shall be so in and by his Name of Office, and may be continued, enforced and completed by his Successor in Office, as fully and effectually as by himself, nor shall the Appointment or Authority of any Postmaster General, or of any Postmaster, Officer, or Servant of the Post Office of this Island, be liable to be traversed or called in question in any case, except only by those who act for the Crown.

Appointment of Postmaster General not to be traversed, except by those who act for the Crown.

Seamen in H. M. Navy, &c., entitled to receive & send Letters, free from Inland Postage, in certain cases.

XXXIII. And be it enacted, That in every case, in which any Seaman in Her Majesty's Navy, Sergeant, Corporal, Drummer, Trumpeter, Fifer, or Private Soldier in Her Majesty's Service, or in the Service of the East India Company, shall be entitled to receive or send Letters, on the payment of a certain sum, and no more, in place of all British Postage thereon, the payment of such sum shall likewise free such Letter from all Inland Postage thereon, and the Governor in Council may make such Regulations, declaratory and otherwise, as may be necessary for giving effect to this Section.

Governor, &c., may make Regulations for giving effect to this Section.

Letter, Packet, &c., cease to be the property of the sender from time of deposit, &c.

XXXIV. And be it enacted, That from the time any Letter, Packet, Chattel, Money, or Thing shall be deposited in the Post Office, for the purpose of being sent by Post, it shall cease to be the property of the Sender, and shall be the property of the party to whom it is addressed, or the legal Representatives of such

party: Provided always, that the Postmaster General of this Island shall not be liable to any party for the loss of any Letter or Packet sent by Post.

Postmaster General not liable for loss of any Letter, &c., sent by Post.

XXXV. And be it enacted, That to steal, embezzle, secrete, or destroy any Post Letter, shall be Felony, punishable in the discretion of the Court, by imprisonment in the Jail of Queen's County for not less than One, nor more than Two Years, unless such Post Letter shall contain any Chattel, Money, or valuable Security, in which case, the Offence shall be punishable, by Imprisonment in the said Jail, for a period not less than Two Years, nor more than Four Years; and that to steal from or out of a Post Letter, any Chattel, Money, or valuable Security, shall be Felony, punishable by Imprisonment in the said Jail, for a period not less than Two Years, nor more than Four Years; and that to steal a Post Letter Bag, or a Post Letter, from a Post Letter Bag, or a Post Letter from any Post Office, or from a Mail, or to stop a Mail with intent to rob or search the same, shall be Felony; punishable by Imprisonment in the said Jail, for a period not more than Four Years, nor less than Two Years; and that to open unlawfully any Post Letter Bag, or unlawfully to take any Letter out of such Bag, shall be Felony punishable by Imprisonment in the said Jail, for not more than Two Years; and that to receive any Post Letter, or Post Letter Bag, or any Chattel, Money, or valuable Security, the stealing, taking, secreting, or embezzling whereof is hereby made Felony, knowing the same to have been feloniously stolen, taken, embezzled, or secreted, shall be Felony, punishable by Imprisonment in the said Jail, for not more than Two Years; and the Offender may be indicted and convicted, either as an Accessary after the fact, or for a substantive Felony; and in the latter case, whether the principal Felon hath or

What shall be deemed Felony, and how punished.

hath not been previously convicted, or shall not be amenable to Justice; and however such Receiver shall be convicted, the Offence shall be punishable as aforesaid; and that to forge, counterfeit or imitate any Postage Stamp used under the Authority of this Act, or by or under the Authority of the Government, or proper Authority of the United Kingdom, or of any British North American Province, or of any Foreign Country, or knowingly to use any such forged, counterfeit or imitated Stamp, or to engrave, cut, sink, or make any Plate, Die, or other thing whereby to forge, counterfeit, or imitate such Stamp, or any part or portion thereof, except by the permission in Writing of the Postmaster General, or of some Officer or person who under the Regulations to be made in that behalf, may lawfully grant such permission, or to have possession of any such Plate, Die, or other thing as aforesaid, without such permission as aforesaid, or to Forge, Counterfeit, or unlawfully Imitate, Use, or Affix to or upon any Letter or Packet, any Stamp, Signature, Initials, or other Mark or Sign, purporting that such Letter or Packet ought to pass free of Postage, or at a lower rate of Postage, or that the Postage thereon, or any part thereof, hath been pre-paid, or ought to be paid by, or charged to any Person, Department, or party whomsoever, shall be Felony, punishable by Imprisonment in the said Jail for a period not exceeding Four, nor less than Two Years; and that to open unlawfully or wilfully to keep, secrete, delay, or detain, or procure, or suffer to be unlawfully opened, kept, secreted or detained, any Post Letter Bag, or any Post Letter, or after payment, or tender of the Postage thereon, (if payable to the party having the possession of the same), to neglect or refuse to deliver up any Post Letter to the person to whom it shall be addressed, or shall be legally entitled to receive the same, shall be a Misdemeanour; and that to steal, or for any purpose to embezzle, secrete,

What shall be deemed a Misdemeanour, and how punished.

destroy, wilfully detain, or delay any printed Vote or Proceeding, Newspaper, printed Paper, or Book, sent by Post, shall be a Misdemeanor; and that to obstruct or wilfully delay the passing or progress of any Mail, or of any Carriage, Horse or Animal employed in conveying any Mail on any Public Highway in this Island, shall be a Misdemeanor: and that to solicit or endeavor to procure any person to commit any act hereby made or declared a Felony or Misdemeanor, shall be a Misdemeanor. And every such Misdemeanor as aforesaid, shall be punishable by fine or imprisonment, or both, in the discretion of the Court before whom the Offender shall be convicted: And every Principal in the second degree, and every Accessory before or after the fact, to any such Felony as aforesaid, shall be guilty of Felony, and punishable as the Principal in the first degree; and every person who shall aid, abet, counsel, or procure the commission of any such Misdemeanor as aforesaid, shall be guilty of a Misdemeanor, and punishable as a principal Offender: And any imprisonment awarded under this Act shall be in the Jail of Queen's County, if for a term of or exceeding One Year, and if the Imprisonment awarded be for a less term, then in the Jail of the County where the offence was committed, and it may be with or without Hard Labor, in the discretion of the Court awarding it.

Principal in the second degree, guilty of Felony &c.

Persons aiding commission of Misdemeanor, guilty of Misdemeanor, &c.

Imprisonment, if for 1 year, to be in Queen's County Jail; if for shorter period, in the Jail of the County where Offence was committed.

XXXVI. And be it enacted, That it shall not be lawful for any Postmaster General, or for any Keeper of any Post Office, or for any Clerk, or other Subordinate connected with the Post Office in this Colony, on any order, or pretended order, from the Executive Government of this Colony, or any other authority under any allegation, to open, or cause to be opened any Letters sent to or by any individual in this Colony, from or to any individual here or elsewhere, but that such person so opening shall be held liable to

Postmaster General, &c., not to open Letters under any pretext whatsoever—dead and unclaimed Letters excepted.

the same punishment as if done without the authority of Government—dead and unclaimed Letters excepted.

Indictable Offence may be tried in County where Offence may have been committed, or in that in which Offender shall be apprehended, &c.;

or in County through any part of which, party, &c., upon or in respect of which, Offence shall have been committed, may have passed.

Side or centre of Highway, &c., constituting Boundary between two Counties, passing along same to be held a passing through both Counties.

Accessory before the fact, &c., how dealt with.

XXXVII. And be it enacted, That any Indictable Offence against this Act may be dealt with, indicted, and tried, and punished, and laid, and charged to have been committed either in the County or place where the offence shall be committed, or in that in which the offender shall be apprehended or be in custody, as if actually committed therein; and where the Offence shall be committed in or upon, or in respect of a Mail, or upon a person engaged in the conveyance or delivery of a Post Letter Bag or Post Letter, or Chattel or Money, or valuable Security, sent by Post, such Offence may be dealt with, and inquired of, tried and punished, and charged to have been committed, as well within the County or place in which the Offender shall be apprehended or be in custody, as in any County or place through any part whereof such Mail, Person, Post Letter Bag, Post Letter, Chattel, Money, or Valuable Security, shall have passed, in the course of Conveyance and Delivery by the Post, in the same manner as if it had actually been committed in such County or place; and in all cases where the side or centre, or other part of a Highway, or the side, bank, centre, or other part of a River, or Canal, or Navigable Water, shall constitute the Boundary between two Counties or places, then to pass along the same shall be held to be a passing through both; and every Accessory before or after the fact, if the Offence be Felony, and every person aiding, or abetting, or counselling or procuring the commission of any Offence, if the same be a Misdemeanor, may be dealt with, indicted, tried and punished as if he were a Principal, and his Offence may be laid and charged to have been committed in any County or place where the principal Offence may be tried.

XXXVIII. And be it enacted, That in every case where an Offence shall be committed, in respect of a Post Letter Bag, or a Post Letter, Packet, Chattel, Money, or Valuable Security, sent by Post, it shall be lawful to lay, in the Indictment to be preferred against the Offender, the Property of such Post Letter Bag, Post Letter, Packet, Chattel, Money, or Valuable Security, sent by Post, in the Postmaster General; and it shall not be necessary to alledge in the Indictment, or to prove upon the Trial, or otherwise, that the Post Letter Bag, Post Letter, Packet, Chattel or Valuable Security was of any value; but, except in the cases aforesaid, the Property of any Chattel or thing used or employed in the Service of the Post Office of this Island, or of the Moneys arising from Duties of Postage, shall be laid in her Majesty, if the same be the property of Her Majesty, or if the loss thereof would be borne by this Island, and not by any party in his private capacity; and in any Indictment against any person employed in the Post Office of this Island, for any Offence against this Act, or in any Indictment against any person for an Offence committed in respect of some person so employed, it shall be sufficient to allege that any such offender or such other person as aforesaid, was employed in the Post Office of this Island at the time of the commission of such offence, without stating further the nature or particulars of his employment.

In Indictment for offence committed in respect of Post Letter Bag, &c., property to be laid in Postmaster General, &c.

Not necessary to allege that such Bag, &c., was of any value.

Except in such cases, property to be laid in Her Majesty.

In Indictment against persons employed in Post Office, &c., sufficient to allege that Offender, &c., was so employed, &c.

XXXIX. And be it enacted, That the Postmaster General (subject always to the orders of the Lieutenant Governor in Council,) may compromise and compound any Action, Suit or Information, which shall at any time hereafter be commenced by his authority or under his controul, against any person, for recovering any penalty incurred under this Act, on such terms and conditions as he shall in his discretion think proper, with full power to him or any of the Officers and persons acting under his orders, to

Postmaster General, &c., (subject to orders of Governor, &c.,) may compromise Action for recovery of Penalty, &c.

accept the penalty so incurred, or alleged to be incurred, or any part thereof, without Action, Suit or information, brought or commenced for the recovery thereof.

Pecuniary Penalties recoverable in any Court possessing competent jurisdiction, &c.

Part or the whole of Penalty may be given to the party by whose intervention the same may have been recovered.

Penalties to be sued for within 1 year after they are incurred:

If Penalty exceed £5, party may be indicted for Misdemeanour.

How punished.

Postage, &c., recoverable on the Evidence of one credible Witness.

Burden of proof.

XL. And be it enacted, That all mere pecuniary penalties imposed by this Act, or by any regulation of the Lieutenant Governor in Council, to be made under this Act, shall be recoverable with Costs by the Postmaster General, by Civil Action, in any Court having jurisdiction to the amount, and shall belong to the Crown—saving always the power of the Lieutenant Governor in Council to allow any part or the whole of such penalty to the Officer or party by whose information or intervention the same shall have been recovered; but all such penalties shall be sued for within One Year after they are incurred, and not afterwards. Provided always, that if the penalty exceed Five pounds, the Offender may be indicted for a misdemeanour in contravening the provisions of this Act, or of the regulations made under it, (instead of being sued for such penalty,) and if convicted, shall be punishable by Fine or Imprisonment, or both, in the discretion of the Court.

XLI. And be it enacted, That in any Action or Proceeding for the recovery of Postage, or of any penalty under this Act, the same may be recovered on the Evidence of any One credible Witness, and any Postmaster or other Officer or Servant of the Post Office of this Island, shall be a competent Witness; although he may be entitled to or entertain reasonable expectation of receiving some portion or the whole of the sum to be recovered; and the burden of showing that any thing proved to have been done by the Defendant, was done in conformity to or without contravention of this Act, shall be upon the Defendant.

XLII. And be it enacted, That from and after this Act shall go into operation, the Annual Salary of the Postmaster General of this Island shall be Three hundred and Fifty pounds Currency, the Salary of the Clerk or Clerks included; that the Deputy Postmasters and Keepers of Way Offices, in the different Offices in this Island now established, shall, after the passing of this Act, receive and retain in lieu of their services, the proportion of Twenty *per centum* of the amount of Postage collected in said Offices, and in addition thereto, the sum of Two pounds a year shall be paid to every such Deputy Postmaster or Keeper of Way Office—the said allowances to be in lieu of all other Charges, Fees or Emoluments.

Salary of Postmaster General, &c.

Allowance to Deputy Postmasters, &c.

XLIII. And be it enacted, That His Excellency the Lieutenant Governor may, by Proclamation, duly published in the *Royal Gazette*, call this Act into operation, and that after such publication (but not before) the said Act shall be in full force and operation.

Lt. Governor, &c., may by Proclamation call this Act into operation.

XLIV. And be it enacted, That every person appointed or to be appointed to the Office of Postmaster General of this Island, or Deputy Postmaster for any District therein, under the provisions of this Act, shall, immediately after this Act shall go into operation, or previous to his entering upon the duties of such Office, give good and approved Security, payable to Her Majesty, Her Heirs and Successors, in such amount as the Lieutenant Governor and Council shall from time to time deem sufficient for the faithful performance of the trusts reposed in him, and that he will duly and properly pay over and account, according to Law, for all moneys by him received as such Postmaster General or Deputy Postmaster (as the case may be,) as aforesaid.

Postmaster General, &c., to give security to Her Majesty for the faithful performance of the trusts reposed in them.

CAP. XIII.

An ACT to regulate the Costs of Distresses levied for Payment of Rents, and to amend the Laws relating to Distress.

[Passed May 15, 1851.]

WHEREAS divers persons acting as Brokers and distraining on the Goods and Chattels of others, or employed in the course of such Distresses, have sometimes made excessive charges, to the great oppression of poor Tenants and others, and it is expedient to check such practices: And whereas in and by the Second Section of an Act of the General Assembly of this Island, made and passed in the Sixth Year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to amend the Act relating to Distress for Rent and to regulate the practice of the Supreme Court in cases of Replevin*, the amount of Fees to be taken on Distresses is regulated, but no summary mode of redress, in case of extortion, is provided, and it is desirable to provide such a mode, and at the same time to establish a new table of Fees, in lieu of those named in the said recited Act: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the said Second Section of the herein before recited Act, be, and the same is hereby repealed.

6 Vic. c. 19.

Repeals 2d Section, 6 Vic. c. 19.

No person making distress for Rent to take any other or greater Costs than those fixed in Schedule to this Act.

II. And be it enacted, That from and after the passing of this Act, no person whatsoever, making any Distress for Rent, nor any Bailiff, Receiver, or other person or persons whatsoever, employed in any manner in making such Distress or doing any act whatsoever in the course of such Distress, or for carrying the same into effect, shall have, take or receive, out of the produce of the Goods, Cattle, or Chattels distrained upon and sold, or from the Tenant distrained on, or

from the Landlord, or from any other person whatsoever, any other or more Costs and Charges for, and in respect of such Distress, or any matter or thing done therein, than such as are fixed and set forth in the Schedule hereunto annexed, and appropriated to each Act, which shall have been done in the course of such Distress; and no person or persons whatsoever, shall make any charge whatsoever, for any act, matter, or thing, mentioned in the said Schedule, unless such act shall have been really done.

III. And be it enacted, That if any person or persons whatsoever, shall in any manner levy, take, or receive, from any person or persons whomsoever, or retain or take from the produce of any Goods or Personal Property sold for the payment of such Rent, any other or greater Costs and Charges than are mentioned and set down in the said Schedule, or make any charge whatsoever, for any act, matter, or thing, mentioned in the said Schedule, and not really done, it shall be lawful for the party or parties aggrieved by such practices, to apply to any Two or more Justices of the Peace for the County wherein such Distress shall have been made, or in any manner proceeded in, for the redress of his, her, or their grievance so occasioned; whereupon such Justices shall summon the person or persons complained of to appear before them at a reasonable time and place, to be fixed in such Summons; and such Justices shall examine into the matter of such complaint, by all legal ways and means, and also hear, in like manner, the defence of the person or persons complained of; and if it shall appear to such Justices, that the person or persons complained of shall have levied, taken, received, or had other and greater Costs and Charges than are mentioned or fixed in the Schedule hereunto annexed, or made any charge for any act, matter, or thing mentioned in the said Schedule, such act, matter, or thing,

Mode of procedure, where greater Costs than are allowed by this Act shall be taken.

Justices to summon parties complained of, and examine into matter of complaint.

Justices to order double the amount of moneys unlawfully taken, to be paid to parties complaining, &c.

In default of payment, parties may be committed to prison, &c.

After such imprisonment, party to be discharged.

Justices to summon Witnesses, administer oath, &c.

not having been really done, such Justices shall order and adjudge double the amount of the Moneys so unlawfully taken, to be paid by the person or persons so having acted, to the party or parties who shall thus have preferred his, her or their complaint thereof, together with full Costs attending such application and complaint; and in case of non-payment of any Moneys and Costs, so ordered and adjudged to be paid, said Justices shall forthwith issue their Warrant to levy the same by distress and sale of the Goods and Chattels of the party or parties ordered to pay such Moneys or Costs, rendering the overplus (if any) to the Owner or Owners, after the payment of the charges of such distress and sale; and in case no sufficient distress can be had, such Justices shall, by Warrant under their hands, commit the party or parties to the common Jail or Prison within the limits of the County within which such Justices shall have jurisdiction, there to remain, if the amount of the Judgment and Costs shall not exceed Forty Shillings, for the space of One Calendar Month; and if above Forty Shillings, and not exceeding Three Pounds, for the space of Three Calendar Months; and if above Three Pounds, and not exceeding Five Pounds, for the space of Five Calendar Months; and if above Five Pounds, for the space of Six Calendar Months; and after any of the said imprisonments, the party so imprisoned shall be freed and discharged therefrom, and also from the said Judgment and Costs, for which such imprisonment had taken place.

IV. And be it enacted, That it shall be lawful for such Justices, at the request of the party complaining, or being complained against, to summon all persons as Witnesses, and to administer an Oath to them touching the matter of such complaint, or defence against it; and if any person or persons so summoned shall not obey such Summons without any reasonable or

lawful excuse, or refuse to be examined upon oath, or, if a Quaker, upon solemn affirmation, then every such person so offending shall forfeit and pay a sum not exceeding Forty Shillings—to be ordered, levied and paid, in such manner, and by such means, and with such power of commitment as is herein before directed as to such Order and Judgment, to be given between the party or parties to the original complaint, excepting so far as regards the form of the Order, and hereinafter provided for.

Penalty on persons refusing to obey summons.

V. And be it enacted, That it shall be lawful for such Justices, if they shall find that the complaint of the party or parties aggrieved is not well founded, to order and adjudge Costs not exceeding Forty Shillings—to be paid to the party or parties complained against, which order shall be carried into effect and levied and paid in such manner, and with like power of commitment, as is herein before directed, as to the order and judgment founded on such original complaint.

Justices may order costs to parties complained against, in certain cases.

Provided always, that no person or persons who shall be aggrieved by any distress for Rent, or by any proceedings had in the course thereof, or by any Costs and Charges levied on them in respect of the same, shall be barred from any legal or other suit or remedy, which he, she or they might have had before the passing of this Act, excepting in so far as any complaint to be preferred by virtue of this Act, shall have been determined by the Order and Judgment of the Justices before whom it shall have been heard and determined, and which Order and Judgment shall and may be given in Evidence under the plea of the General Issue, in all cases where the matter of such complaint shall be made the subject of any Action.

No person to be barred from legal remedy had before passing of this Act, &c.

VI. Provided always, and be it enacted, That it shall and may be lawful for any person or persons who shall think himself, herself or them-

Persons aggrieved may appeal to Supreme Court.

Justices of such Court to try and determine such appeal, &c.

Party appellant to give security, within 48 hours after Judgment given.

Copy of charges, &c. to be furnished to person distrained upon, within 24 hours after sale, &c.

selves aggrieved by the decision of such Two or more Justices, to appeal against the decision of such Two or more Justices, to the Supreme Court of Judicature, at the next Term thereof, for the County wherein the complaint shall have been tried; and such Appeal shall be tried and finally determined at such next Term accordingly; and the Justices of the Supreme Court may, and they are hereby expressly empowered and required, to try and determine the matter of such Appeal, and to give Judgment thereon, and to allow such Costs to the Appellant or Respondent as to such Justices or Justice, in their or his discretion, shall seem proper, and to affirm, quash, or otherwise alter or vary the Judgment given below, with or without Costs, or with such portion of the full Costs, for or against either party, as to them or him shall seem reasonable, according to the nature of the case: Provided always, that it shall not be lawful to appeal from any such decision or Judgment of any such two or more Justices as aforesaid, unless the party intending to appeal shall give Security forthwith, or within Forty-eight hours next after such decision or Judgment shall be given, to the satisfaction of the Justices whose Judgment or decision shall be sought to be contravened, duly to prosecute such Appeal, and to bring the matter at issue to a final hearing before the Supreme Court of Judicature, at the next Term thereof, as aforesaid.

VII. And be it enacted, That every Broker or other person who shall make and levy any Distress whatsoever, shall give a copy of his Charges, and of all the Costs and Charges of any Distress whatsoever, signed by him, to the person or persons on whose Goods and Chattels any Distress shall be levied, within Twenty-four hours after the sale of the same; or, in case of settlement without sale, then at the time of such settlement, if demanded, and in default thereof

shall, in either case, forfeit and pay to the party on whose property the Distress shall have been levied, a penalty of not exceeding Five Pounds—to be recovered before any Justice of the Peace, or Court of Commissioners for the Recovery of Small Debts for the County wherein the Distress may have been made.

Penalty for non-compliance.

VIII. And be it enacted, That such Orders and Judgments on such Complaints shall be made in the form in the Schedule hereunto annexed, and may be proved before any Court, by proof of the Signature of the Justices to such Order and Judgment, and such Order as regard persons who may have been summoned as Witnesses, shall be made in such form as to such Justices shall seem most fit and convenient.

Orders, &c., to be made in the form of the Schedule to this Act.

As regards Witnesses, Order to be made as to such Justices may seem fit.

IX. And be it further enacted, That upon any Poundbreach or Rescous of Goods or Chattels distrained for Rent, the person or persons aggrieved thereby shall, in a special action upon the case for the wrong thereby sustained, recover his and their treble Damages and Costs of Suit against the offender or offenders, in any such Poundbreach or Rescous, any or either of them, or against the owner or owners of the Goods distrained, in case the same be afterwards found to have come to his use and possession; and further, every person or persons making or aiding or abetting such Poundbreach or Rescous, shall be guilty of a misdemeanour, and, being convicted thereof, shall be liable to suffer such punishment by Fine, (not exceeding, in any case, Twenty Pounds,) and Imprisonment, or by both, as the Court shall award—the Imprisonment to be with or without Hard Labour, as the Court shall think fit, and in no case to exceed the Term of Six Months.

Persons aggrieved by any Poundbreach, &c., to recover treble damages, &c.

Persons aiding and abetting, liable to Fine and Imprisonment.

X. And be it enacted, That no Costs in any case of Distress for the services of more than one

Costs allowed for one Bailiff only.

Bailiff, or other person, shall be chargeable or allowed, further than is limited or specified in the Schedule of Costs to this Act.

XI. And whereas by an Act of the General Assembly of this Island, passed in the Fifth year of the Reign of His late Majesty King William the Fourth, intituled *An Act relating to Distress for Rent, and to regulate the Practice of the Supreme Court in case of Replevin*, it is enacted, That no Goods or Chattels distrained for Rent should be sold within a less time than Twenty Days after distraint, including the day of distress and the day of sale, provided a Warrant of Attorney be given, in manner as in the said Act is specified, within Two Days after such distress, to secure the forthcoming of the Goods so distrained, on the day of sale: And whereas by an Act of the Assembly, passed in the Eighth year of the Reign of Her present Majesty, intituled *An Act to explain and amend two Acts therein mentioned, relating to Distress for Rent and Replevins*, it is enacted, that in all cases of Distress for Rent taken between the First day of December, in any year, and the First day of June in the next ensuing year, the same may be advertised and sold within Five Days after advertising, in manner as in the said last recited Act mentioned, unless a Warrant of Attorney securing the due return and forthcoming of the Stock so distrained, or the appraised value thereof, on the day of sale, be granted within two days from the time of taking such last mentioned distress; and it is considered expedient to extend the time limited for giving the Warrants of Attorney, in all cases herein before referred to: Be it therefore enacted, that the time limited for giving the said Warrants of Attorney, to secure the return and forthcoming of Goods and Chattels taken in distress, at the day of sale, or their appraised value, under the provisions of the Two several Acts herein before recited, shall, in both

5 W. 4, c. 6.

8 Vic., c. 6.

Time for giving
Warrants of At-
torney extended.

cases, be extended from Two Days to Four Days: And the said Warrants of Attorney may be given either in the name of the person or persons at whose Suit the Distress is made, or in the name of the Bailiff making the Distraint.

In whose name Warrants may be given.

XII. And be it enacted, That in all cases of Distress for Rent, where it shall be thought necessary or advantageous to remove the Goods, Chattels, or Cattle, from off the Premises whereon the Distress shall be made, it shall not be lawful to remove the same to any greater distance than Five Miles, unless at the request of the Tenant, from the place where such Distress is taken, under a Penalty of Twenty Pounds, to be paid by the party or parties removing the same, to the party or parties upon whose Property the Distress may have been levied.

Goods, &c., not to be removed to a greater distance than Five miles, unless at request of Tenant.

Penalty in such cases.

XIII. And be it enacted, That it shall and may be lawful to and for any person or persons lawfully taking any Distress for any kind of Rent, to impound or otherwise secure the Distress so taken, of what nature and kind soever it may be, in such place or on such part of the Premises, chargeable with the Rent, as shall be most fit and convenient for the impounding and securing such Distress, and to appraise, sell and dispose of the same upon the Premises, in like manner and under the like restraints and directions, to all intents and purposes, as any person taking a Distress for Rent may by Law do off the Premises, and that it shall be lawful to and for any person or persons whomsoever to come and go to and from such place or part of the said Premises, whereon any Distress for Rent shall be impounded and secured as aforesaid, in order to view, appraise, and buy, and also to remove or carry off the same on account of the purchase thereof, and that if any Poundbreach or Rescous shall be made of any Goods, Chattels, or Stock, distrained for Rent, and impounded or otherwise

Distress may be impounded on Premises chargeable with the Rent.

Distress may be appraised, &c. on such Premises

Remedy in case of Poundbreach.

secured by virtue of any of the provisions in this Act contained, the person or persons aggrieved thereby shall have the like remedy, and the party or parties offending be punishable in the same manner as in other cases of Poundbreach and Rescous is given by this Act.

SCHEDULES referred to in this Act.

Form of Order,
when order and
Judgment is for
Complainant.

Form of the Order and Judgment of the Justices before whom complaint is preferred, where the Order and Judgment is for the Complainant.

In the matter of the Complaint of *A. B.* against *C. D.* for a breach of the provisions of an Act of the Fourteenth year of Her Majesty Queen Victoria, intituled [*here insert the Title of this Act.*] We, *E. F.* and *G. H.*, Justices of the Peace for County, do order and adjudge that the said *C. D.* shall pay to *A. B.* the sum of as a compensation and satisfaction, for unlawful Charges and Costs levied and taken from the said *C. D.*, under a Distress for Rent, and a further sum of for Costs on this Complaint.

(Signed) *E. F.*
“ *G. H.*

Form of Order,
&c., where com-
plaint is dis-
missed.

Form of the Order and Judgment of the Justices, where they dismiss the Complaint as unfounded, and with or without Costs, as the case may be.

In the matter of the Complaint of *A. B.* against *C. D.*, for the breach of the provisions of an Act of the Fourteenth year of Her Majesty Queen Victoria, intituled [*here insert the Title of this Act.*] We, *E. F.* and *G. H.*, Justices of the

Peace for County, do order and adjudge that the Complaint of the said *A. B.* is unfounded. [*If Costs are given, then follows :*] And we do further order and adjudge, that the said *A. B.* shall pay unto the said *C. D.* the sum of for Costs.

(Signed) *E. F.*
 " *G. H.*

Schedule of the Limitation of Costs and Charges on Distresses for Rents.

	£	s.	d.	
Levying Distress, - - - -	0	2	6	Costs.
Every Inventory and Notice, - - -	0	2	3	
Every mile actually travelled to make Distress, but no mileage allowed, except within the County where Distress is made, - - -	0	0	3	
Man in Possession, per day - - -	0	3	6	
Appraisement (if required), whether by one Broker or more, per day, and no mileage to Appraisers, - - -	0	4	6	
Catalogues, Advertisements, Sales, and Commissions, and Delivery of Goods, Five per cent. on the net proceeds of the Sale.				

CAP. XIV.

An Act relating to Stray Cattle.

[Passed May 15, 1851.]

WHEREAS the Act now in force relating to Stray Cattle will shortly expire, and it is deemed necessary to provide by Law for the care and disposition thereof: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That each and every Beast which shall have

Stray cattle may be sold, after a certain period, at public sale.

Proceeds, how disposed of.

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

Mode of proceeding when means requisite to be used fail.

Affidavit to be made in such cases.

Form of Affidavit.

Justices of the Peace, &c., may make an order for the sale of such cattle.

Form of order.

strayed from the owner thereof, and shall not be duly claimed and redeemed within the period of Two Calendar Months from the day of advertising the same, as hereinafter prescribed, shall and may be sold at Public Sale, and the proceeds thereof, after deducting the costs and charges incurred by the keeping and sale of such Beast, shall be paid into the hands of one of Her Majesty's Justices of the Peace or Commissioner of Small Debts, by whom such Beast shall be ordered to be sold, resident in the Town, Royalty or Township wherein the said Beast shall be sold, and which period of Two Months shall be computed from the day at which the Notice shall be first published in the Newspaper, as hereinafter mentioned.

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

shall be duly claimed and redeemed by the owner, the said applicant shall be entitled to the possession thereof, and shall also be bound to find and provide for such Beast all necessary food, sustenance and shelter.

Custody of beast until sale.

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

Persons obtaining order to advertise same; &c.

Particulars of advertisement.

IV. And be it enacted, That at any time previous to the sale of any Beast as aforesaid, the owner thereof shall be entitled to recovery and delivery of the same, upon paying or tendering to the party having the care and possession thereof, and the refusal of such party to receive the expenses attending the Justices' order hereinbefore mentioned, and a reasonable amount for the care and sustenance of the said Beast; which said amount, in case of dispute respecting the same, shall be ascertained and determined by the aforesaid Justice of the Peace or Commissioner, in the presence of the said parties upon due notice

Owner entitled to redeem cattle, &c., previous to sale, upon certain conditions.

Mode of ascertaining amount payable by owner.

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

given by either party, and at a time and place for that purpose, to be appointed by the said Justice or Commissioner; and in case the party entitled to receive such amount shall be dissatisfied with such sum as shall be ascertained and determined by such Justice or Commissioner, then upon tender and refusal thereof, the said Justice or Commissioner shall and may make an order directed to any Constable or Constables of the County, commanding him or them to take possession of said Beast, and deliver the same to the said owner, and also to levy by distress and sale of the Goods and Chattels of the person so detaining the said Beast, the cost of the said last mentioned order, and of the execution thereof.

Remedy to person to whom such amount is payable.

Provided always, that the said party entitled to receive the said amount, shall have a right of action or suit therefor, to be prosecuted by due course of Law, either in the Supreme Court of Judicature or Court of Commissioners for the recovery of Small Debts, according to the amount at which the same shall be laid, any law, usage, or custom, heretofore, to the contrary thereof, notwithstanding, and upon every such action or suit it shall be lawful for the owner of such Beast to give in evidence under a plea of the general issue the tender so made by him as aforesaid.

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

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

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

Persons so doing to forfeit all claim for keep of such cattle, and be liable to a penalty.

figured, which penalty may be sued for and recovered before any of Her Majesty's Justices of the Peace or Commissioner for the Recovery of Small Debts at the suit of the owner to whom such Beast may belong, from the person or persons guilty of any such offence, and who, in default of payment of such penalty and costs, may be committed to the Jail of the County for any period not exceeding Two Months.

Penalty, how recovered.

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

Owner entitled to surplus moneys, if claimed within a certain period.

If not so claimed, how disposed of.

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

Definition of terms used in this Act.

VIII. And whereas proceedings may have been had, and be still pending, relating to Stray Cattle, under and by virtue of the provisions of a certain Act, made and passed in the Ninth year of the Reign of Her present Majesty, intituled *An Act relating to Stray Cattle*, now near expiring, Be it therefore enacted, That for the purpose of ascertaining all such proceedings and of performing and completing all such matters and things as are authorised by the said Act, in relation to the said proceedings had and pending,

Proceedings had and pending under 9 v. c. 5, to be perfected and completed under said Act.

and necessary to be done and performed thereunder for the carrying on and completion of the same, and also for the recovery of all Penalties incurred thereunder, the said recited Act, intituled *An Act relating to Stray Cattle*, shall be and the same is hereby declared to be continued and to be in full force and effect until all such proceedings as aforesaid are fully executed and determined, any thing in this Act contained to the contrary notwithstanding.

Fees to be taken
under this Act.

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

Affidavit to obtain order for sale,	£0	1	0
Mileage to Justice or Commissioner to make same, and obtain order, per mile,	0	0	4
For filing Affidavit and drawing order, advertising the same actually paid,	0	1	6
Order for delivery of Beast after tender and refusal of expenses,	0	1	6
Constables' Fees executing order, levying dis- tress and sale, the same as shall and may be taken for similar services under the Act of the General Assembly for the time being, in force for the re- covery of Small Debts.			

Continuance of
Act.

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

SCHEDULES to which this Act refers.

SCHEDULE (A.)

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

I *A. B.* of _____ in _____ County (farmer) do
make oath and say, that a certain (*here describe
the Beast*) hath been for _____ days last past, or
thereabouts, in and upon my farm and premises,

and that I verily believe the said hath
strayed away from the owner thereof, and that I
have several times driven (or caused to be driven)
the said Beast on the highway at its liberty to
pursue its course to its owner, but that the said
 hath returned to, and against my will, re-
mains in and upon my said land and premises,
and that I do not know the name or residence of
the owner thereof (or in case the name of the
owner be known or suspected, then insert the
said name.)

SCHEDULE (B).

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

Dated the day of

C. D., J. P.

CAP. XV.

An ACT to Incorporate certain persons
Trustees of Princetown Royalty Church.

[*Passed May 15, 1851.*]

WHEREAS by a Deed Poll, or Instrument
in writing, bearing date the Fifteenth
day of May, *Anno Domini* One thousand Eight
hundred and Ten, *John Thomson* and *Benjamin*
Warren, junior, released and conveyed unto the
Inhabitants of Princetown and its vicinity, their
Heirs and Assigns, a certain Piece or Parcel of
Ground, being Pasture Lot Number One hun-
dred and Ninety, in Princetown Royalty, for the
purpose of building a Meeting House on the

Presbyterian Foundation, as will appear on reference to the said Deed Poll: And whereas sundry Inhabitants of Princetown and its vicinity, being of the Presbyterian Profession of Faith, have, since the date of the said Deed Poll or Instrument, been in possession of the said Land thereby conveyed, and have erected a Building thereon as a Meeting House on the Presbyterian Foundation and Place of Public Worship: And whereas a Petition has been presented to the Legislature, from divers Inhabitants of Princetown and its vicinity, forming the Presbyterian Congregation therein, representing the inconveniences which result from the want of some efficient Corporate Body, wherein might be vested the said piece of Land, and praying that an Act of Incorporation should be passed, whereby *George Beairsto, George Ramsay, Charles Macnutt, William Ewen Clark, James Montgomery, James Mackay, and Malcolm Macgougan*, therein named, (who have been duly chosen and appointed Trustees and Managers of the said Church and Congregation,) and also their Successors in Office, might be constituted a Body Corporate for the purposes aforesaid, and also with power to hold such Lands and Real and Personal Estate as heretofore has been or hereafter may be granted, conveyed and purchased for the use of the said Church, and to manage and transact the Secular Affairs of the Congregation thereof: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the said *George Beairsto, George Ramsay, Charles Macnutt, William Ewen Clark, James Montgomery, James Mackay, and Malcolm Macgougan*, and their Successors in Office, (to be elected and chosen as hereinafter mentioned,) shall be, and they are hereby constituted and declared a Body Corporate and Politic in Name and in Deed, by the Name and Style of "The Trustees of Princetown Royalty Church," and

Constitutes certain parties a Body Corporate and Politic.

Name.

shall be a perpetual Corporation, consisting of Seven Members, with perpetual succession, and shall have a Common Seal, with power to break, change and alter the same from time to time at pleasure, and shall be in Law capable, in their said Corporate Name, of suing or being sued, pleading or being impleaded, defending or being defended, answering or being answered unto in all Courts of Law and Equity, in all manner of Actions, Suits, Complaints, Causes and Matters whatsoever, touching or concerning the Lands, Real or Personal Estate, Debts, Claims, Rights, and Property of them, as such Trustees, and belonging to the said Princetown Royalty Church, and shall also be capable of Contracting and of being Contracted with, relative to the Funds of the said Corporation, and the business and purposes for which it is hereby constituted as hereinafter mentioned.

To be a perpetual Corporation, and to have a Common Seal.

Their powers.

II. And be it enacted, That Five of the Members of the said Corporation shall form a Quorum, and be sufficient for the transaction of all matters to be done or disposed of by the said Corporation.

III. And be it enacted, That no Suit, Action, or Cause, brought by or against the said Corporation, shall be discontinued or abate by reason of the Death, Removal, or Resignation of any Member thereof, but shall and may be proceeded with by the remaining Member or Members, any Law, Usage, or Custom to the contrary notwithstanding; and the Corporation shall pay or receive the like Moneys, Costs and Expenses, as if the Actions or Suits had been prosecuted by or against Individuals, and shall be received for the benefit of, or be paid from the Trust Funds of the said Church, as the case may be.

No Suit or Action to be discontinued or abate in consequence of death or absence of any Member of Corporation; but shall be proceeded with by remaining Members.

How Corporation shall pay or receive Moneys.

IV. And be it enacted, That the said piece of Land, conveyed unto the Inhabitants of

Vests a certain piece of Land in Corporation.

Princetown and its vicinity, their Heirs and Assigns, by the Deed Poll or Instrument hereinbefore mentioned, shall be and the same is hereby declared to be vested in the said Corporation, which shall stand so vested and possessed thereof for ever, to and for the uses and purposes of the said Princetown Royalty Church, or to be disposed of in manner as hereinafter mentioned.

How to be applied or disposed of.

Corporation may purchase Lands, Tenements, &c., and take and receive the necessary legal Instruments, &c.

Limits the amount of such Real Estate.

V. And be it enacted, That it shall and may be lawful for the said Corporation, and they are hereby empowered, in their said Corporate Name, to contract for and purchase, or in any lawful mode, either by Devise, Bequest, or otherwise, to receive, acquire, or obtain, either in Fee Simple or for Life or Lives, Term or Terms of years, or on any other Tenure for the use and benefit of the said Princetown Royalty Church, any Messuages, Lands, Tenements, and Real or Personal Estate in this Island, and to take and receive and join in the necessary and legal Conveyances, Leases, Assignments, or other Transfers thereof respectively, to hold for and subject to the uses and purposes of the said Church, and that the same shall be and remain so vested in the said Corporation for the purposes aforesaid: Provided always, that it shall not be lawful for the said Corporation to hold Real Estate for the use of the said Church, which shall exceed in value or yield more at any time than a clear net yearly Income of Five hundred Pounds, Sterling.

Corporation may (with consent of Congregation) sell or exchange Real Estate.

VI. And be it enacted, That it shall and may be lawful for the said Corporation, and they are hereby empowered, (provided it shall meet with the approval of any Public Meeting of the Congregation of the said Church, to be convened as hereinafter mentioned,) to Grant, Sell, Exchange, Mortgage, Lease, Convey, or Dispose of as well all or any part of the Real Estate, Hereditaments and Premises now held or hereafter to be conveyed to, and held by the said Corporation, as also all

or any of the Personal Estate and Property of the said Church, to be vested in them as aforesaid, to such person or persons, and for such prices, rents, or terms, and for such times, extent and proportion as the said Corporation shall think fit or agree upon; and every Deed, Mortgage, Lease or Conveyance thereof, executed by the said Corporation under their said Corporate Seal, shall be valid and sufficient in Law to convey to the Grantees, Mortgagees, Lessees, or Purchasers, respectively, in perpetuity or otherwise, according to the nature of the Estate intended to be conveyed, all such Estate and interest therein as the said Corporation, or the said Princetown Royalty Church now have, or are entitled unto, or shall have or be entitled unto in or out of the same, or as they can, lawfully, by such Deed, Mortgage, Lease or Conveyance respectively, vest in the Grantee, Mortgagee or Lessee therein named.

Also, all Personal Estate and Property.

Deeds, &c. thereof, executed by Corporation, valid and sufficient in Law, to all intents and purposes whatsoever.

VII. And be it enacted, That the Members of the said Corporation shall retain, or be paid and allowed out of the Trust Funds, all reasonable Costs, Charges and Expenses incurred in or about the Trusts as aforesaid.

Reasonable costs and charges to be paid out of the Trust Funds.

VIII. And be it enacted, That when any vacancy or vacancies shall happen in the said Corporation by the death, resignation or removal from the Island of any of the Members thereof, or otherwise, then, and in such case, the vacancy or vacancies so occurring shall be supplied by such person or persons as shall be elected to fill the same by a majority of the votes of the Members of the Congregation of the said Church present, either by themselves or by some person or persons duly authorised, in writing, to act for them at any Annual or other public Meeting of the Congregation, to be held as hereinafter mentioned.

Vacancies occurring in Corporation, how to be supplied.

Register to be kept, in which all proceedings and transactions of Corporation shall be entered, from time to time.

Register to be open to inspection of every member of the congregation not in arrear of assessment.

Election to fill vacancy, how declared.

Instrument declaratory of such Election, to be registered in the Office of Registrar of Deeds.

Registration to be made on payment of the usual Fees.

In default of Registration, within time limited, Election to be null and void, and another to be proceeded with, *de novo*.

Corporation may make By-Laws, &c.

IX. And be it enacted, That there shall be opened and kept by the said Corporation a Register or Book, in which shall be entered, from time to time, the proceedings for electing persons to supply any vacancies occurring therein as aforesaid, as well as all the proceedings and transactions of the said Corporation—which Register shall be open to the inspection of every member of the Congregation not in arrear of Assessment, at all reasonable times; And that on every election to such vacancies, the same shall be declared by an Instrument to be forthwith made and executed under the hands of the Member of the said Congregation who shall preside at the Meeting, and of three of the Members present thereat—which said Instrument, declaratory of such Election, shall, at the diligence of the person elected at such Meeting, be caused to be registered in the proper Office for the registration of Deeds in this Island, within Twelve Calendar Months after the day of such Election, and which registration the proper Officer is hereby required to make, at the request of the Bearer of such Instrument, on receiving payment of the usual Fees and Charges; and in default of the Registration of said Instrument within the time aforesaid, the said Election shall be absolutely null and void, and the said Congregation shall proceed, *de novo*, to another Election, and in the same manner as if no such Election had taken place.

X. And be it enacted, That it shall and may be lawful to and for the said Corporation, or Board of Trustees, to make, repeal, alter, and put in execution, such By-Laws, Rules and Regulations concerning the good government of the said Church, and the preservation of the property thereof, and the mode and manner by which persons who may conceive themselves aggrieved by Rates, Levies, or Assessments hereinafter mentioned, or otherwise, may have

redress or appeal against such Rates, Levies or Assessments, as to them shall seem expedient. Provided always, that no such By-Laws, Rules or Regulations shall be contrary to the Laws and Constitution of this Island, or to the provisions of this Act, nor shall have any force or effect until the same shall have been submitted to and approved of by a Public Meeting of the said Congregation, to be convened and held in manner as hereinafter mentioned.

Such By-Laws not to contravene constitution of this Island, or provisions of this Act;

and to have no force or effect until approved of by public meeting of congregation.

XI. 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 in this Island—which Registration the proper Officer is hereby required to make at the request of the Bearer of such Deeds, respectively, and for which he shall be entitled to demand and receive the usual Fees; and in default of Registration of any such Deed or Deeds 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.

All Deeds of Gifts, &c., made to Corporation, to be registered in the Office of Registrar of Deeds.

Registration to be made on payment of the usual Fees.

In default of Registration, within time limited, Deeds to be null and void.

XII. And be it enacted, That from and after the passing of this Act it shall and may be lawful to and for the Persons composing the Congregation of the said Princetown Royalty Church, to meet annually, on the First Monday in October, in each year, at such time as the Minister for the time being of the said Church shall appoint, (Notice having been given from the Pulpit at least at Three successive Sundays next previous to the said day of meeting, and a similar Notice in writing, having been posted on the door of the said Church, at least Three successive Weeks prior thereto), and then and there to proceed to the election of Six fit and proper persons, being members of the said Congregation, to act as

Congregation of Church to meet annually.

Notice to be given three successive Sundays previous, from the pulpit of such church, &c.

Six Members of Congregation to

be chosen Assessors, to act for one year; and three persons to act as head Assessors—to remain in office three years.

Meeting to make and order Rates, Levies, &c., for all necessary purposes; direct alterations, repairs, &c. and dispose of all real and personal property.

Meeting shall also fix amount of salary of the Clerk of the Congregation, and other officers of said Church; and, in case of vacancy, elect persons to fill such offices.

How special General Meetings are to be called.

Assessors, whose term of office shall be One year only; and also of Three fit and proper persons to act as Head Assessors, who shall be elected once in every three years, and shall continue in office for that period. And the said Meeting shall also have power to make and order such Rates, Levies, and Assessments, to and for the necessary purposes of the said Church, and to direct such Alterations, Repairs and Improvements to be made therein, and also to make such Order or Orders respecting the disposition of the Property, real and personal, of and belonging to the said Church, which shall, from time to time, be vested in the said Corporation, (and which Order or Orders it shall be the duty of the said Corporation to carry out and execute) as to the majority of the Members of the said Congregation present at any Meeting convened and holden as aforesaid, either by themselves or by any person or persons duly authorised, in writing, to act for them, shall seem proper and expedient. And it shall also be lawful for the said Meeting to fix the rate of annual Salary to be paid to the Clerk of the Congregation and other Officers of the said Church, and to elect proper persons to fill such offices in case any vacancy or vacancies therein shall have occurred.

XIII. And whereas it is necessary to make provision for the calling of Special General Meetings of the said Congregation when occasion requires: Be it therefore enacted, That it shall and may be lawful for the said Three Head Assessors, or any Two of them, from time to time, as they may see fit, or upon an application for that purpose, in writing, under the hand of at least Five Members of the said Congregation being presented to them, to call a Public Meeting of the said Congregation, by causing notice thereof to be given from the Pulpit, or to be posted on the door of the said Church at least Three successive Sundays previous to the day

of such intended Meeting, in which Notice shall be stated the purposes for which the Meeting is called; and said Meeting, when so called and assembled, shall have the same powers with respect to all matters connected with the management and property of the said Church, or otherwise, as are hereby given to the General Annual Meeting of the said Congregation, to be held as aforesaid on the First Monday in October.

Such Meetings to have same powers as General Annual Meetings.

XIV. And be it enacted, That it shall be the duty of the said Six Assessors, so to be appointed as aforesaid, or of the majority of them, immediately after the holding of any such Meeting as aforesaid, to assess and fix, in just and equal proportions, as near as may be, what rate or amount shall be paid by each of the Members of the Congregation of the said Church towards defraying the Salaries of the Minister, Clerk of the Congregation, and other Officers thereof, and the Rates and Levies made or ordered as aforesaid, for Repairs, Alterations and Improvements, and to collect and receive the Amounts, when so fixed and assessed from the several Members of the Congregation. And if any Member of the Congregation, on demand made in writing, under the hand of any one or more of the said Assessors, neglect or refuse to pay the amount assessed against him as aforesaid, then and in such case, it shall be lawful for the said Assessors, or the majority of them, in their individual names, as such Assessors, or in the names of the majority of them, within Thirty days of the time of making such demand, in case the same shall then still remain unpaid, to sue for and recover the same in any Court of Law or Equity, or Court of competent jurisdiction, or before any Justice of the Peace in this Island. And it shall be the further duty of the said Assessors, upon receipt or recovery of the Amounts so assessed as aforesaid, to pay the same over unto the said Corporation or Board

Duty of Assessors.

Duty of Assessors in case of refusal to pay Assessment.

Further duty of Assessors.

of Trustees, who shall apply the same to the several uses and Purposes for which they shall have been ordered to be raised.

General Meeting may alter present mode of assessing members of congregation, and, instead thereof, may assess Pew-owners or Pew-holders only.

XV. And whereas it is deemed necessary to give power to alter the present mode of assessing the members of the Congregation of the said Church, if occasion require, and they shall think fit: Be it therefore enacted, That it shall be lawful for the Members of the said Congregation, at any such Meeting as aforesaid, if they shall think proper, after having directed any Rates or Levies to be made for any of the Purposes aforesaid, to order that, instead of each individual Member of the said Congregation being assessed towards the payment thereof, that each Pewowner or Pewholder, only shall be assessed in respect of his Pew, and in such case it shall be the Duty of the said Assessors to assess what amount or proportion shall be paid by each Pewowner or Pewholder in the said Church, towards the Rates and Levies aforesaid; and the said Assessors shall have the same Powers and Duties with respect to Collecting, Recovering and paying over the amount so assessed against the Pewowners and Pewholders as are hereinbefore conferred and enjoined upon them, in collecting, recovering and paying over the amounts assessed against individual Members.

Powers, &c. of Assessors, with respect to such Assessments.

Duty of the Head Assessors.

XVI. And be it enacted, That it shall be the Duty of the said Head Assessors to overlook the Proceedings of the said Assessors—to see that they fairly and regularly assess and collect all Sums ordered to be levied, and that they duly pay over the same to the said Corporation, or Board of Trustees, for the purposes aforesaid.

In case of death, &c., Vacancies how to be supplied.

XVII. And be it enacted, That when any of the said Assessors or Head Assessors elected as aforesaid shall die, resign or be removed, then and in such case the Vacancies so occurring

shall be supplied by such Person or Persons as shall be elected to fill the same respectively, by a Majority of the Votes of the Members of the Congregation of the said Church present, either by themselves or by some Person or Persons duly authorised in writing to act for them at any Annual or other Meeting of the said Congregation, to be held as aforesaid.

XVIII. And be it enacted, That there shall be kept by the said Assessors, a Register or Book in which shall be entered and recorded, from time to time, the Proceedings for electing the Assessors and Head Assessors, and all other Officers of the said Church, and for supplying such Vacancies as aforesaid, as well as all the Proceedings and Transactions of the said Assessors, and of the various Congregational Meetings of the said Church, to be held as aforesaid, and also all Receipts, Payments and Expenditure, Rates, Levies, Assessments and Orders made or ordered as herein before mentioned; and said Book or Register shall be open to the Inspection of any Member of the Congregation, not in Arrear of Assessment, at all reasonable times: And on every Election of Assessors or Head Assessors, or of Persons to fill Vacancies occurring among them as aforesaid, the same shall be verified and declared by a Minute or Entry thereof, to be forthwith made in the said Book or Register under the Hands of the Member of the said Congregation presiding at the Meeting, and of Three other Members present thereat—which Minute or Entry, so signed, shall be evidence of such Appointment and Election.

Assessors to keep a Register. Proceedings, &c. to be recorded.

Register to be open to the inspection of any member of the Congregation, not in arrears of Assessment.

Election of Assessors how to be verified.

XIX. And be it enacted, That all Male Members of the Congregation of the said Church, above the age of Twenty-one years, shall be entitled to vote at any Meeting of the Congregation, and shall also be liable to be rated and assessed as aforesaid, under and by virtue of this Act;

All Male Members of Congregation, above 21 years of age, entitled to vote at General Meetings, &c.

No Female to be allowed to Vote, unless a Pew-owner.

but no Female shall be allowed to Vote on any occasion whatsoever, unless she be the Owner of a Pew.

Deed or Instrument to this Act annexed to remain in full force and effect—any thing in this Act notwithstanding.

XX. And be it enacted, That nothing in this Act contained shall affect or annul a certain Deed or Instrument in writing under Seal, dated the Fifteenth Day of November, One thousand eight hundred and twenty-four, whereby certain persons who executed the same, being Owners of Pews in the said Church, among other things engaged to contribute towards keeping the said Church in repair, in manner and at the times as in the said Instrument (a Copy of which is set out in the Schedule to this Act) is mentioned, but the same shall still remain, continue and be in full force and effect for all the Purposes thereof—anything in this Act contained, to the contrary thereof, notwithstanding.

Not to affect the Rights of Her Majesty, &c.

XXI. And be it enacted, That nothing in this Act contained shall affect or be construed to affect, in any manner or way, the Rights of Her Majesty, Her Heirs or Successors, or of any Person or Persons, or of any Body Corporate or Politic, such only excepted as are herein mentioned.

Act to be deemed a Public Act, and taken notice of as such.

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

Continuance of Act.

XXIII. And be it enacted, That this Act shall continue and be in force for the space of Three Years from the passing thereof, and no longer.

SCHEDULE.

Deed or Instrument referred to in the Twentieth Section of this Act.

Whereas a certain Instrument in writing was executed, bearing date at Princetown, the Thirteenth Day of September, One thousand eight hundred and thirteen, purporting to be a Bond for the Sum set opposite to each Subscriber's name, to be paid to a Committee or Trustees therein named for the purpose of finishing a certain Building then erected in Princetown, for the Worship of Almighty God, upon the foundation of the Presbyterian Church Government, and authorising and empowering the said Committee or Trustees to enforce payment of the same, and to levy and collect such further sum or sums of Money as they should deem necessary for that purpose: And whereas the said Building has now become in a state of disrepair, and being desirous to preserve the same, and the said Committee or Trustees having resigned, it becomes necessary to appoint others: Now know all Men by these Presents, that we, the present Proprietors of Pews in the said Building, have nominated, constituted and appointed Thomas M^cNutt, William Clark, and George Thompson of Darnley, and George Beairsto, and Dugald Stewart, of Princetown, aforesaid, a Committee or Trustees to supersede the Committee or Trustees aforesaid, with full power and authority to receive all such sum and sums of money as may be due and owing to the said Building from the said Committee or Trustees; and upon receipt thereof, Receipts and other sufficient discharges for the same to give, and the money so received, to lay out and expend in repairing the said Building, and further to levy and exact upon and from each and every Pew equally, such further sum or sums of Money

Deed referred to
in the 20th Sec-
tion of this Act.

from time to time, as they or any Three of them may deem necessary to keep the said Building in a state of good repair, which sum or sums of Money we do hereby bind ourselves, severally and respectively, and our several and respective Heirs, Executors, Administrators and Assigns, to pay in Merchantable Wheat, Oats and Sheep, at the current price, within Thirty days after being notified of the same; and in case a failure should be made in the payment of the said sum or sums of Money, or any part thereof, we do hereby agree that it shall and may be lawful for the said Committee or Trustees, or any Three of them, to set up and sell the Pew or part of the Pew so in arrear, at Public Auction, and the purchaser thereof to put in immediate possession, with a good and sufficient Title to the same, which Title shall be considered good and valid against the former proprietor or proprietors, and out of the proceeds of such sale to pay the sum so due, together with the Expenses so due and attending the same, and the overplus, if any, to pay to the former proprietor or proprietors: And further, to let or sell, to the best advantage, any vacant Pews, from time to time, and at all times, for the benefit of the said Building. And lastly, it is hereby further agreed and declared, by and between the said parties hereto, that in case of the death of either of them, the said Thomas Macnutt, William Clark, George Thomson, George Beairsto, or Dugald Stewart, or that the whole or any one of the said Committee or Trustees shall refuse or decline to act, or that the majority of the Pewholders should be dissatisfied with the conduct or management of the said Committee, or of any one of them, then and in every such case it shall and may be lawful to and for the major part of the Pewholders who shall be present at a Meeting to be held pursuant to a notice to be given for that purpose, to nominate and choose such other person or persons as they shall think fit, to be a Com-

mittee or Trustees in the place or stead of such Committee or Trustees, or of such party so removed by death or otherwise, as aforesaid: And every such person or persons, so to be chosen as aforesaid, shall have the like power, authority and controul, as either of them, the said Committee hereinbefore named, have, can, or may have, by virtue of these Presents, and shall and may act, in every respect, to all intents and purposes, as the said person or persons, in whose place or stead he or they shall be so nominated or appointed might have done, if he or they were or was living, or had not refused or declined to act, or had not been removed as aforesaid. In Witness whereof, we have hereunto set our Hands and Seals this Fifteenth day of November, in the year of our Lord One thousand Eight hundred and Twenty-four.

Signed, sealed and delivered }
 in the presence of }
 Robert Woodside,
 James Mountain.

(Signed)

William Donalds

James Brandon

Edward M'Kay

John Thomson

John Sinclair x
his
mark.

Benj. Thomson

William Donald

Executors for Jas.

Woodside, deceased

Andrew Woodside

Dugald Stewart, sen.

Alex. Mathews

William Riely

Joseph Murchland

James Allen

James Sinclair

Hugh Mathews

(Signed)

Daniel Watt

John x Power, sen.
hisDaniel x Taylor
mark.
hisJames M'Neill x
mark.
hisGeorge Ramsay x
mark.

John Ramsay

Robert Stewart

Charles M'Nutt

John M'Gougan, jun.
hisGeorge Ellison x
mark.

William Beairsto

George Beairsto

(Signed)

Benj. Beairsto
 John Thomson
 William Clark
 Chas. Stewart
 Geo. Thomson
 Daniel Montgomery
 James Woodside
 Thomas M'Nutt
 Donald Ramsay
 George Owen
 Matthew Stewart
 John Coughlan
 Francis Clark
 Archd. Woodside
 William^{his} x Coughlan_{mark.}
 Dugald Ramsay
 John Mathews^{his} x_{mark.}
 Dugald Stewart, jr. x^{his}_{mark.}
 John Taylor
 Donald M'Gougan
 John M'Kay, jun.
 Neal Ramsay

(Signed)

Malcolm M'Kendrick
 Lauchlin M'Kendrick
 Edward Ramsay, jr.
 Matthew Stewart
 James Stewart, jun.
 Dugald Stewart
 Malcolm Ramsay
 Edward Mountain x^{his}_{mark.}
 William Stewart
 Thomas Pickering
 Thomas Coughlan
 Hugh Craig
 Jno. Craig
 Thomas Hunter
 Alexr. Anderson
 James Townsend, }
 per Geo. Beairsto }
 P. Stewart, }
 per Thos. M'Nutt }
 Malcolm M'Gougan
 John Crozier
 Saml. Wilson x^{his}_{mark.}

Witness to the Signatures of Hugh Craig, John
 Craig, and Thomas Hunter,

(Signed) P. S. Macnutt.

Witness to the Signature of Alexander Ander-
 son,

(Signed) John Keir.

Witness to the following Signatures, viz. :

P. Stewart, by his Agent, Thos. M'Nutt,
 James Townsend, by his Agent, Geo. Beairsto,
 and Malcolm M'Gougan, for himself,

(Signed) P. S. Macnutt.

CAP. XVI.

An ACT to consolidate and amend the Laws relating to Statute Labour and the expenditure of Public Moneys on the Highways.

[Passed May 15, 1851.]

WHEREAS it is deemed expedient to consolidate and, in some respects, to amend the Laws now in force regulating the performance of Statute Labour on the Highways: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, an Act made and passed in the Third year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to regulate the performance of Statute Labour on the Highways, and for other purposes therein mentioned*; an Act made and passed in the First year of the Reign of Her present Majesty, intituled *An Act to amend an Act passed in the Third year of His late Majesty's Reign, intituled "An Act to regulate the performance of Statute Labour on the Highways, and for other purposes therein mentioned;"* and also an Act passed in the Third year of the Reign of Her present Majesty, intituled *An Act to amend an Act intituled "An Act to regulate the performance of Statute Labour on the Highways, and for other purposes therein mentioned;"* and also an Act made and passed in the Sixth year of the Reign of Her present Majesty, intituled *An Act to consolidate and amend the Laws relating to Statute Labour and the expenditure of the Public Moneys on the Highways*; and also an Act made and passed in the Sixth year of the Reign of Her present Majesty, intituled *An Act to amend and explain an Act passed in this present Session of the General Assembly, intituled "An Act to consolidate and amend the Laws relating to Statute Labour and*

Repeals 3 W. 4, c. 2;
1 Vic., c. 1;
3 Vic., c. 1;
6 Vic., c. 1;
6 Vic., c. 15; &

11 Vic., c. 4.

the expenditure of Public Moneys on the Highways;" and also an Act made and passed in the Eleventh year of the Reign of Her present Majesty, intituled *An Act to authorize the appointment of a Commissioner of Highways for the Town and Royalty of Georgetown*, be, and the same are respectively hereby repealed.

Road Commissioner to be appointed for each District named in Schedule to this Act.

No Commissioner to remain in Office longer than 3 years.

Duty of Commissioners.

II. And be it enacted, That from and after the passing of this Act, it shall and may be lawful for the Lieutenant Governor, by and with the advice and consent of Her Majesty's Council, to nominate and appoint a Commissioner of Highways for each of the Districts named in the Schedule to this Act annexed, marked (A.) who shall be a Resident therein, and from time to time to fill up any vacancy occurring in any such Office, by Death, Removal, Resignation, or otherwise, of any such Commissioner, and which Commissioner, so appointed, shall not continue in Office for a longer period than Three years, unless re-appointed as aforesaid; and it shall be the duty of every such Commissioner to appoint Overseers of Statute Labour annually, and to direct such Overseers where, when and how such Statute Labour shall be performed, and to receive from such Overseers Returns of their doings, in manner hereinafter directed, and to make a Yearly Return to the Lieutenant Governor 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.

Male persons, between 16 & 60 years of age, to work on Highways, &c., 4 days or 32 hours in each year.

III. And be it 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 said

Highways, Streets, or Bridges: Provided, that when any person shall claim to be exempted, by reason of his being upwards of Sixty years of age, he shall, previous to the First day of May, in the year in which he shall be entitled to claim such exemption, make and subscribe an Affidavit to that effect, before One of Her Majesty's Justices of the Peace—such Affidavit to be lodged in the Office of the Commissioner of Highways for the District, who shall file the same, and said Affidavit shall be taken as evidence of his being exempt on all occasions during the continuance of this Act.

Persons claiming exemption, to make Affidavit.

Affidavit to be lodged in Commissioner's Office.

IV. And be it 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 person, as aforesaid, shall reside, Eight hours being allowed to complete 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: And provided also, that when, in the opinion of the Overseers, 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

Rates of Labour for Males possessing Horses, &c.

Number of day's work in each year.

Eight hours to be a day's work.

Certain persons exempted from Statute Labour.

Possessors of Horses may be called upon to send men in lieu thereof.

Horses, &c. of persons over 60 years of age, liable to Statute Labour.

complete their yearly Statute Labour; and a person owning One Horse, with or without a Cart, or One pair of Oxen only, shall, in such case, work, or cause to be worked, Five days' Labour, or Forty hours: And provided further, that the Horses and Teams of all persons shall be liable to the performance of Statute Labour, in like manner as the Horses and Teams of persons under Sixty years of age, and the Owners thereof respectively, shall send out such Teams: And provided also, that nothing in this Clause shall extend to Widows having no Male Children under their controul, above the age of Sixteen years, or who employ no Male Servants above that age.

Masters, &c. of Vessels, having houses or lands in this Island, liable to Statute Labour.

V. Provided always nevertheless, and be it enacted, That nothing in this Act contained shall exempt from liability to perform Statute Labour, and to comply with the other provisions of this Act, the Masters, Officers, or Crew of Vessels who may be either Leaseholders, Freeholders, or Occupiers of Houses or Lands in this Island, and have their usual place of residence therein, notwithstanding they may not have resided in this Island for the space of Six Months, consecutively, prior to the time when such Statute Labour is required to be performed, but they shall be liable for such Statute Labour, and to comply with the other provisions of this Act, notwithstanding such want of Residence as aforesaid.

Fine for neglecting to perform Statute Labour.

VI. And be it enacted, That all persons liable to perform Statute Labour, although absent from the Island, and all persons neglecting or not attending to perform the said duty faithfully, and to the satisfaction of the respective Overseers, shall forfeit Fourpence for every hour's neglect; and any one of Her Majesty's Justices of the Peace, or the Commissioner of Small Debts nearest to the residence of such Overseer, is

Mode of recovery.

hereby empowered and required, on complaint made to him by the said Overseer of the Highways, or any one of them, to summon the person or 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 or Commissioner of Small Debts, in the form in the Schedule to this Act annexed, marked (B.); and upon proof being made of such person's non-appearance, refusal, or neglect, the said Justice or Justices, Commissioner or Commissioners of Small Debts, 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 or 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.

Appropriation
of Fine.

VII. And be it 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 such Overseer, the Limits and Boundaries of his Precinct, within which such Overseer shall have authority; and the Roads and parts of the 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

Overseers to be
appointed on or
before 1st May,
in each year, &c.

Overseers to give
notice of their
appointment.

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.

Commissioners to appoint persons to mark out Winter Roads on the ice.

VIII. And be it 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 or Rivers, for the purpose of placing Bushes in the Ice, on the best Track generally used by Travellers, as early in the Winter as the Ice may become passable; and the Commissioner is hereby required to notify the Overseers of the different Precincts of the person so appointed; and on such person 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; and any person who shall wilfully cut, break down, or remove any Bushes placed as aforesaid, shall be liable to a Fine not exceeding Five Pounds, and not less than Ten Shillings.

Such persons exempt from any other Statute Labour.

Penalty for cutting down Bushes, &c.

Overseers to summon Inhabitants.

Ten days' notice to be given when and where labour is to be performed, &c.

Overseers exempt from other labour.

IX. And be it enacted, That the said Overseers of the Highways shall, and they are hereby required and empowered, 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 where and when they intend to employ them; and they shall direct and order the persons so summoned to labour in making and 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 of Summons, ordering and overseeing the performance of the Statute Labour within their respective Precincts, and making out and returning, within the limited time, 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, and how expended, 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; 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.

General duties of Overseers.

Penalty on refusing to accept office of Overseer.

Penalty on Overseer for neglect of duty.

X. And be it 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 compelled to work more than five miles from residence.

XI. And be it enacted, That each Overseer of Highways 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, the Work and Labour really done and performed, and the application, accompanied with the proper Vouchers and discharge, of the fines and forfeitures incurred, whether levied or in arrear, why the same have not been levied, how applied in promoting the intentions of this Act; and also to account

Overseer to account with Commissioner.

Commutation
Moneys to be ex-
pended under
direction of
Commissioner.

for all Moneys received in commutation of Labour and the application of the same, which Moneys shall be expended by the Overseers, at public competition, under the direction of the Commissioner, within Ten Days after the Labour has been performed, and within the Precinct or Precincts where such Moneys were collected.

Statute Labour
to be performed
in any six days
between 20th
June, and 20th
July, annually.

XII. And be it enacted, That from and after the passing of this Act, the whole of the Statute Labour shall be performed between the Twentieth day of June and the Twentieth day of July, annually, each Overseer to advertise the Inhabitants to perform the Statute Labour in any Six Days within the last mentioned period which, in his discretion, he may judge most convenient to the Inhabitants of the Precinct, the Advertisements being not less than three in number, and 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.

How notice is to
be given.

Commissioner
may direct inha-
bitants to repair
Bridge, &c.
when deemed
necessary.

XIII. Provided always, and be it enacted, That whenever and as often as it shall come to the knowledge of any such Commissioner that any Highway, or part thereof, or small Bridge, or Watercourse, within his District, has been so damaged or injured, by reason of the melting of the Snow or Spring Freshets, or any other casualty, as to require immediate repairs, it shall be his duty, and he is hereby required to direct so many of the Inhabitants in the immediate vicinity thereof, to repair the same without loss of time, in such manner as he may direct; and any such Inhabitant or Inhabitants so working under the directions of the said Commissioner, shall be allowed for the same out of his or their general Statute Labour for that year required by the provisions of this Act.

Such work to be
deducted from
Statute Labour
for that year.

XIV. And be it 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 the commencement of the Statute Labour, in the respective Districts, the Sums of Money following, (that is to say), the possessor of two Horses, or two Oxen and a Cart, or two Horses without a Cart, the sum of Ten Shillings; the possessor of one Horse, or two Oxen without a Cart, the sum of Six Shillings; and persons owning neither a Horse nor a pair of Oxen, the sum of Four Shillings; and the owner or owners of more than two Horses, whether such persons are otherwise liable to Statute Labour or not, shall pay for each and every working Horse, over and above the number of Two, as stated in this Act, if above the age of Four years, the sum of Two Shillings each, or shall be liable to perform Eight hours' Labour for each Horse, in way and manner herein before directed, in addition to and over and above the respective sum or work already prescribed in this Act.

Statute Labour may be commuted for money.

Time of commutation and Rates thereof.

XV. And be it 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 Five Months after the period for the performance of the Statute Labour, deliver in to the Lieutenant Governor and Council, an exact Account of all Moneys received by him as Commissioner as aforesaid, and of the application thereof, and he shall certify and attest to the same before one of Her Majesty's Justices of the Peace, previous to transmitting the same in the form set forth in the Schedule to this Act annexed marked (C.); and in case any such Commissioner shall neglect or refuse to certify and attest the Account, as herein directed, he shall forfeit and pay a sum not ex-

Commutation Money, how expended.

Commissioner to account on oath, within 5 months after performance of Statute Labour.

Form of attestation.

Penalty for refusal.

Further duty of Commissioner.

No salary to be paid Commissioner until account and report be given in.

Duty of Commissioner, when directed to lay out Moneys on the Highways, &c.

ceeding Five Pounds, 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.

XVI. And be it enacted, That when any Commissioner who may be appointed under the provisions of this Act, shall be directed by the Lieutenant Governor to lay out and expend the Public Moneys 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, (except in cases of casual repairs), to cause Advertisements to be inserted in the public Newspapers of the Colony, 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 Fourteen days' 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, 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 any person or persons who shall take down, deface or destroy any Advertisement, posted as aforesaid, shall be liable to a Fine not exceeding Twenty Shillings, for every such offence:

XVII. And be it enacted, That the Moneys so directed to be expended as aforesaid shall be paid, by the direction of the Lieutenant Governor, to the person or persons entitled to receive the same, on the Certificate of the Commissioner appointed to expend such Money, that the Work has been performed, as the case may be, according to the contracts so made and entered into.

Contractors to be paid on Certificate of Commissioner.

XVIII. And be it enacted, That it shall and may be in the power of each Overseer of the 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 Her Majesty's Justices of the Peace, or a Commissioner of Small Debts, to recover from the person or persons causing such Obstruction or Nuisance, the expence incurred in removing the same, provided the same shall not exceed Five Pounds; and if no owner of the article causing such Obstruction or Nuisance can be found, then the Overseer or Commissioner shall have power, and he is hereby authorised, to have such Obstruction or Nuisance removed, and the same to be sold, or so much thereof as will pay for the expense of such removal; and the Overseers of Precincts are hereby required to cause all Thistles, Daisies, and other obnoxious Weeds, growing on the Highways, in their respective Precincts, to be destroyed or cut down, during the time of performing Statute Labour.

Commissioners or Overseers, to order removal of nuisances, &c.

Fine for causing nuisance, &c.

Duty of Overseer, &c. when person causing nuisance, &c., cannot be found.

Thistles, &c. to be cut down.

XIX. And be it enacted, That it shall and may be lawful for the Lieutenant Governor, with the advice and consent of Her Majesty's Council, to cause to be paid out of the Moneys in the Public Treasury raised for the purpose of Highways and Bridges, to each Commissioner, annually, for his services in the execution of this Act, a sum of Money not exceedig Ten Pounds.

Allowance to Commissioners.

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

XX. And be it 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 the 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.

Overseers may summon inhabitants to break Winter Roads, when necessary.

XXI. And be it enacted, That the Overseers of Highways shall have power and authority, and they are hereby required, during the Winter season, to summon as many of the Inhabitants in their respective Precincts as they in their discretion shall think fit, to work at the times and places 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 Snow shall render the same necessary, in each Winter, and at no greater distance than Five 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 of any Precinct, shall be liable to a Fine not exceeding Ten Shillings for every such neglect or refusal, and the Overseers of Precincts are authorised to appoint a person or persons to notify the persons in their Precincts, when they are required to turn out for the purpose of breaking the Winter Roads, as aforesaid, which person or persons so notifying the Inhabitants of the Precinct, shall be exempted for one day from such Labour in breaking the Roads, for each time they shall be engaged in so notifying as aforesaid.

No person required to work at a greater distance than five miles from his own house, &c.

Penalty on persons refusing to perform such work.

Person to be appointed to notify inhabitants, who shall be exempt from one day's work therefor.

XXII. And be it enacted, That it shall be the duty of the Commissioner for each District to let at public competition, to the lowest Bidder, and on the most advantageous terms to the Government, for one season, the cutting down, levelling, and repairing the Pitches or cradle-hills on the Main Post Roads within his respective District, for such length or distance as to him shall seem expedient; and the amount of such contracts shall be paid by the Colonial Secretary, on the Certificate of the said Commissioner that the work has been performed to his satisfaction; and it shall be the duty of every such Commissioner to furnish to the Colonial Secretary of this Island, on or before the First day of February, in each year, for the information of the Government, a statement, in writing, of the amount of all such Contracts as he may have so entered into, in order that the Money for defraying the same may be appropriated by the Legislature at its next sitting.

Commissioner to let to the lowest bidder the cutting down and levelling of Pitches or Cradle-hills.

How such contracts are to be paid.

Duty of Commissioner with reference thereto.

XXIII. And be it enacted, That if any person or persons shall hereafter place any Timber, Wood, Stone, or other weighty article or articles upon any Bridge within this Island, or shall fasten any Vessel or Vessels thereto, or shall in any other way injure any such Bridge, he or they shall pay a Fine not exceeding Five Pounds, for every such offence, to be recovered as hereinafter directed, over and above any damage done to any such Bridge, when the same shall not exceed Five Pounds.

Penalty on persons obstructing Bridges, fastening vessels thereto, or in any way injuring the same

XXIV. Provided always, and be it enacted, That any Commissioner of Highways is authorised to appoint such person or persons as he may think fit, within his District, whose duty it shall be to allow Vessels to moor or make fast to any Bridge within his District, and also in cases where it shall be necessary to open or raise

Persons to be appointed to superintend Bridges, &c.

a part of any Bridge to allow a new Vessel or Vessels built above the same, to pass through, to cause the same, at the instance of the Owner or Master of any such Vessel, to be so opened or raised for such purpose, and to superintend the passage of such Vessel through the same, and after such passage to cause the portion of such Bridge so opened or raised, to be replaced, and the Bridge restored to its original state, with the least possible delay, and such person so appointed is hereby authorised to take and receive from the Owner or Master of any such Vessel so moored or made fast to such Bridge, the sum of Two Shillings per day (Sunday excepted,) during the time she may be moored or made fast to any such Bridge, and for his attendance and trouble in superintending the passage of any new Vessel as aforesaid, and refitting the Bridge after such passage, the sum of One Shilling for the first hour, and Sixpence each for every additional hour he shall actually be at work, from the time of the opening of the said Bridge until it shall be refitted, besides the expenses incurred in opening such Bridge, and refitting the same; and a sufficient sum to cover all damage or injury that may be done to the said Bridge, and in case of refusal of the Master or Owner to pay such sum as he may be liable to as aforesaid, then it shall be lawful for the person so superintending such Bridge, to sue for and recover the same, with Costs, (and in all cases the same is to be accounted for, on Oath, to the Commissioner of the District,) before any one of Her Majesty's Justices of the Peace or Commissioner of Small Debts, by Capias, or otherwise; and the amount of such Judgment, with Costs, shall be realized by Warrant of Distress and sale of the materials of the Vessel—one-half of such Rate to be paid to the Superintendent, as aforesaid, and the other half to the Commissioner of Highways; in whose District the Bridge may be, to be expended for the repairs of the said Bridge.

Rates payable by
owners of ves-
sels.

Mode of recovery
thereof.

XXV. And be it enacted, That from and after the passing of this Act, every Highway in this Island, unless where legally established at a less width, shall be 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 day such encroachment shall be allowed to remain after due notice to remove the same.

Highways to be 60 feet in width.

Penalty on persons encroaching thereon.

XXVI. And be it 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 or value of labour to be performed in the Winter season in procuring and hauling Timber for the building or repairing of Bridges, and for levelling and repairing any public Roads, not being Main Post Roads, within his District.

Summer labour may be commuted for Winter labour.

XXVII. And be it enacted, That in case of the sickness or death of any Overseer, or absence from his Precinct, after his appointment 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.

In case of sickness, &c. of Overseer, Commissioner to appoint another in his place.

XXVIII. And be it 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 Her Majesty's

Penalty on Commissioner, &c. for neglect of duty.

Mode of recovery.

Justices of the Peace or Commissioner of Small Debts, on the oath of one or more credible Witnesses or Witnesses.

Overseer to attest to Returns.

Mode of attestation; &c.

Penalty on Overseer for neglect.

XXIX. And be it enacted, That every Overseer of Statute Labour shall, and he is hereby required, previous to transmitting the Returns now prescribed by Law, to certify and attest to the same before one of Her Majesty's Justices of the Peace, in the form set forth in the Schedule to this Act annexed, marked (D.), but which attestation shall only extend to an exact Account of all Moneys received by him as Overseer aforesaid, and of the application thereof, and in case any such Overseer shall neglect or refuse to certify and attest the Account, as herein directed, he shall forfeit and pay a sum not exceeding Five pounds.

Teachers of Schools exempt from Statute Labour.

XXX. And be it enacted, That all Teachers of Schools who are entitled to receive Legislative aid as such, shall be exempt from the performance of the Statute Labour under the provisions of this Act.

Mode of proceeding when Commissioner or Overseer may be non-suited, &c.

Costs of non-suit to be paid by Treasurer.

XXXI. And be it enacted, That in the event of any Commissioner or Overseer who may prosecute for any penalty or offence under the provisions of this Act, becoming non-suit, and it shall be certified by the Justice of the Peace or Commissioner of Small Debts before whom such case shall be heard and determined, or other Court who shall finally decide the same, that such Commissioner or Overseer had just and reasonable grounds of Action, then and in such case said Justice of the Peace, Commissioner of Small Debts, or other Court, as aforesaid, shall make out a certified Statement of the Costs of such Action, which Certified Statement shall be delivered to the Clerk of Her Majesty's Council, and the amount so certified, after being approved of by the Administrator of the Government for

the time being, in Council, shall be paid to the Commissioner or Overseer claiming the same, by the Treasurer of this Island.

XXXII. And be it enacted, That all Fines and Forfeitures arising under and by virtue of this Act, shall be sued for and recovered, with Costs, before any one of Her Majesty's Justices of the Peace, or any Commissioner of Small Debts, for the County, wherein such Fine or Forfeitures shall or may be incurred, on the Oath of one or more credible Witness or Witnesses, and (where not otherwise appropriated by this Act) shall be expended by the Commissioner of the District, and in the Precinct where such Forfeiture or Forfeitures may have been incurred; and in the event of no Goods and Chattels being found whereon to levy, then the said Justice or Commissioner shall and may commit the party or parties delinquent for the respective periods hereinafter mentioned, (*that is to say,*) where the Penalty shall not exceed the sum of Five Shillings, for a space not exceeding Ten days; and where the Penalty shall be above Five Shillings, and shall not exceed the sum of Twenty Shillings, for a period not exceeding Fourteen days; and where the Penalty shall be above Twenty Shillings, and shall not exceed the sum of Forty Shillings, for a period not exceeding Twenty-one days; and where the Penalty shall be above Forty Shillings, and shall not exceed Five Pounds, for a period not exceeding Sixty days.

Mode of recovery
of Fines and For-
feitures.

XXXIII. And be it enacted, That when and as often as it may, in the opinion of any Commissioner of any District within this Island, become necessary for the draining of any Highway, to cut or open any Ditch or Drain from the side of any Highway through any Land adjacent thereto, and the Owner or Occupier thereof shall refuse his consent for so doing, then any of Her Majesty's Justices of the Peace shall, upon ap-

Commissioner
deeming it neces-
sary to open
drains, &c., and
owner of adjoining
land refusing
assent to the
same passing
through his lands,
mode of proceed-
ing, to authorise
such drains, &c.
to be made.

plication of such Commissioner, issue a Summons, directed to such Owner or Occupier, to appear before him at a time and place therein mentioned, of which at least Three clear days' notice shall be given to such Owner or Occupier, to show cause why the said Drain should not be opened, and in default of appearance, or after hearing the said Owner or Occupier, and evidence relating thereto, such Justice shall and may make an Order for the opening of such Drain, to run in such course, and of such width, depth and extent, as to such Justice shall seem needful and necessary; and the Costs of such suit shall be paid as by such Justice shall or may be adjudged, and be enforced by Execution, in manner as the same shall or may be issued for the Recovery of Small Debts; and the Order of such Justice so to be made, shall be full authority and justification for the said Commissioner, and all persons employed therein, in opening such Drain, or in clearing or keeping open the same, and may be proved as often as may become necessary, under a plea of the General Issue: Provided always, that if, at any future time, it should be made to appear to such or any other Justice, that such Drain has become unnecessary, or is no longer useful, then he shall make Order for the closing of the same: And provided also, that every such Owner or Occupier who may feel aggrieved by any such Order, shall and may Appeal therefrom to the Supreme Court of Judicature, in manner prescribed by Law for Appeals in matters of Small Debts, and the Supreme Court, on hearing such Appeal, may reverse, annul, vary, or limit such Order, and award Costs thereupon, as to such Court shall seem just and necessary.

Drains may be closed in certain cases.

Overseer, &c. may appeal to Supreme Court.

Power of Supreme Court.

Rates due from minors, Apprentices, &c., how paid.

XXXIV. And be it enacted, That the Rate or Duty of all Male persons between the ages of Sixteen and Twenty-one years, shall be paid by the parents of such persons respectively, in all

cases where such parents shall retain the ordinary control and derive the ordinary services of persons within such ages; and the Rate or Duty of all Apprentices shall be paid by their Masters; but every such Master shall, nevertheless, be entitled to retain such amount out of any Wages by him payable to such Apprentices, over and above any sum allowed for Board, Lodging and Clothing, only.

XXXV. And be it enacted, That the said Rate or Duty shall and may be sued for in manner prescribed in the Fifth Section of this Act, and the like process for the recovery of the same used and taken as therein is mentioned.

Rates due from minors, &c., how recovered.

XXXVI. And be it enacted, That the Overseers of Highways appointed by the Commissioners of Highways, under and by virtue of the provisions of the Act passed in the Sixth year of the Reign of Her present Majesty, intituled *An Act to consolidate and amend the Laws relating to Statute Labour and the expenditure of Public Moneys on the Highways*, shall, until the First day of May, One thousand Eight hundred and Fifty-two, continue in such Offices and in the discharge of their duties, as such Overseers for the Precincts, for which they may have been respectively appointed, and shall, and they are hereby authorised to carry out therein the purposes of this Act within their several Precincts, and every such Overseer shall render his Account to the Commissioner to be appointed under this Act, for the District in which such Overseer shall reside: Provided always, nevertheless, that if any of the said last mentioned Overseers shall happen to die before the said First day of May One thousand Eight hundred and Fifty-two, then the vacancy caused by his death shall be filled up under the provisions of this Act.

Overseers appointed under 6 Vic. c. 1, to continue in office until 1st May, 1852.

Such Overseers to carry out purposes of this Act, &c.

How vacancies are to be filled up.

15/114

SCHEDULES referred to in this Act.

SCHEDULE (A.)

DISTRICTS.

NOS.	PRINCE COUNTY.	
1,	To comprise Townships	Nos. 1, 2, and 3.
2,	"	" Nos. 4, 5, 6, and 11 .
3,	"	" Nos. 7, 8, 9, and 10 .
4,	"	" Nos. 12, 13, and 14 . 10 & 11
5,	"	" Nos. 15 and 16.
6,	"	" Nos. 17 and 19, and the Line Road between 19 and 25.
7,	"	" No. 18 and Princetown Royalty.
8,	"	" Nos. 25 and 26.
9,	"	" Nos. 27 and 28.

QUEEN'S COUNTY.

1,	To comprise Townships	Nos. 20 and 21.
2,	"	" Nos. 22 and 67.
3,	"	" Nos. 23 and 24.
4,	"	" Nos. 33 and 34.
5,	"	" Nos. 29, 30 and 65.
6,	"	" Nos. 31 and 32.
7,	"	" Those portions of 35, 36 and 37, on the North side of the Hillsborough.
8,	"	" No. 48, and those portions of 35, 36 and 37, on the South side of the Hillsborough.
9,	"	" Nos. 49 and 50.
10,	"	" Nos. 57 and 58.
11,	"	" Nos. 60 and 62.

KING'S COUNTY.

1,	To comprise Townships	Nos. 38, 39 and 40, West of Morell River.
2,	"	" Nos. 41, 40 and 39, East of Morell River, & St. Peter's Harbour-mouth, & Morell Bridge.

- Nos. 3, To comprise Townships Nos. 42 and 43, including the Division Line Road between 43 and 44.
- 4, " " Nos. 44 and 45.
- 5, " " Nos. 46 and 47.
- 6, " " Nos. 56, 55, North of Grand River, and Grand River Bridge.
- 7, " " No. 55, South of Grand River, 53, North of Cardigan River, and 54.
- 8, " " No. 53, South of Cardigan River, 52, 51, 66, and Georgetown, and Royalty, and Common, & Land adjoining the Royalty, known as Reserved Land.
- 9, " " Nos. 59 and 61, & Montague Bridge.
- 10, " " Nos. 63 and 64.

SCHEDULE (B.)

FORM OF SUMMONS.

County.

By Esquire, One of Her Majesty's Justices of the Peace for the said County, (or Commissioner of Small Debts, as the case may be.)

You are hereby required to be and appear personally before me, at _____ on the _____ day of _____ next, at the hour of _____ o'clock, then and there to answer *A. B.*, wherefore (*here insert the cause of Action arising under said recited Act,*) according to the Terms of the Act of the General Assembly in such case made and provided.

Given under my Hand and Seal, the
day of _____ 18____

SCHEDULE (C.)

FORM OF OATH TO BE MADE BY THE COMMISSIONER, AND ATTACHED TO HIS RETURN.

I, *A. B.*, do swear that the Return, now made by me is just and true, and contains a correct Account of the Receipt and Expenditure of Moneys received by me as

Commutation of Statute Labour, within the District for which I am Commissioner, during the current year.

So help me God.

A. B., Commissioner.

Sworn before me, C. D., J. P.

SCHEDULE (D.)

FORM OF OATH TO BE MADE BY OVERSEERS OF STATUTE LABOUR, AND ATTACHED TO THEIR RETURNS.

I, A. B., do swear, that the Return now made by me, contains a correct Account of all persons liable to perform Statute Labour, and also a correct Account of the Receipt and Expenditure of all Moneys received by me as Commutation of Statute Labour, within the Precinct for which I have been appointed, during the current year.

So help me God.

A. B., Overseer.

Sworn before me, E. F., J. P.

CAP. XVII.

An ACT to extend the provisions of an Act for ascertaining the Standard of Weights and Measures in this Island, to Mills therein, and to make other alterations therein.

[Passed May 15, 1851.]

BE it enacted, by the Lieutenant Governor, Council and Assembly, That the powers and authority, vested in the Assayer of Weights and Measures, in and by the Fifth and Seventh Sections of the Act passed in the Third year of the Reign of King William the Fourth, intituled *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,"* shall be extended to all

Powers vested in Assayer of Weights & Measures by 3 W. 4, c. 19, extended to Grist & Carding Mills.

Grist and Carding Mills in this Island, and that each of the Penalties imposed in and by the said Sections respectively, shall be enforced and recovered in the same manner as in and by the said Sections is prescribed.

II. And be it enacted, That from and after the publication hereof, no person or persons shall use any Scales and Weights in the Sale, Barter, or Exchange of any Wheat, Rye, Barley, Oats, Buck Wheat, or Indian Corn, or for Weighing any Grist, in any Mill or Mills in this Island, or for weighing any Wool in any Carding Mill or Mills therein, without having the same assayed and stamped, in the same way as pointed out in the Third Section of the said Act, under a penalty of Ten Shillings, to be recovered in the same manner as pointed out in the Fourth Section of the said Act.

No person to use any Scales, &c., but such as shall be stamped, &c.

Penalty in such cases.

III. And be it enacted, That in all cases of Seizure, under the Fifth Section of the said recited Act, of Weights and Measures, not marked or branded in manner as in the said Act mentioned, the person or persons in whose possession they shall be found, in case of their being over the proper Standard, shall be liable to the same Penalty as is imposed by the said Section, when the Weights and Measures prove short of the Standard.

Persons found in possession of Weights, &c., over the proper Standard, liable to same Penalty as for Weights, &c., short of the Standard.

IV. And whereas, under and by virtue of the provisions of the Fifth Section of the above recited Act, in prosecution for penalties imposed thereby on persons in whose House, Shop, or Office any unstamped Weights or Measures may have been found, proof of the same having been actually used by such Persons is required before Conviction, which it is sometimes difficult to procure: Be it therefore enacted, That if any Weights or Measures, not conformable with the Standard, shall be found in the possession of any person or persons in the practice of buying and selling, then

Unstamped Weights, &c., found in possession of persons in the practice of buying & selling.

deemed to have been used.

Parties in possession liable to same penalties as parties proved to have made use of illegal Weights, &c.

Every Grist Mill to be furnished with a complete set of Weights.

Penalty for neglect.

Not to interfere with any Action, &c., brought or pending under Act of which this Act is an amendment.

it shall be deemed that such Weights and Measures have actually been used, and the person or persons in whose possession they shall have been found, shall be, and they are hereby declared to be subject to the penalties imposed by the said Fifth Section, and by other parts of the said recited Act, on persons who have been proved to have made use of Weights and Measures contrary to the provisions of the Act.

V. And be it enacted, That from and after Six Months, after the passing hereof, it shall be necessary for each Grist Mill within this Island, to have a complete set of Weights therein, duly stamped as aforesaid, consisting of at least Two Fifty-six Pounds Weights, Two Twenty-eight Pounds Weights, Two Fourteen Pounds Weights, One Seven Pounds Weight, One Two Pounds Weight, and One One-Pound Weight, under a penalty of Ten Shillings for each Weight that shall not be found in the said Mill, to be recovered in the same manner as is pointed out in the Fourth Section of the said Act.

VI. And be it enacted, That this Act shall not affect nor interfere with any Action, Suit, or proceedings at Law whatsoever, that may have been brought, or may now be pending in Her Majesty's Supreme Court of Judicature, of and for this Island, or in any Court therein, touching or concerning the Act, of which this is an extension.

C A P. X V I I I.

An ACT for the encouragement of the Cod and Mackerel Fisheries.

[Passed May 15, 1851.]

WHEREAS it is expedient to make provision to encourage the Cod and Mackerel

Fisheries in this Island: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That a Bounty of Twelve Shillings and Six-pence, per Register Ton, Old Measurement, shall be allowed on the Vessels hereinafter mentioned, being properly manned and equipped, and embarked in the Cod or Mackerel Fisheries during either of the years One thousand Eight hundred and Fifty-one, One thousand Eight hundred and Fifty-two, and One thousand Eight hundred and Fifty-three, the said Bounty to be payable to the person or persons being an Inhabitant or Inhabitants of this Island, who shall own and fit out the said Vessels from this Island, provided that such Vessels shall respectively be equipped and fully furnished with all needful Supplies, Stores and Materials.

12s. 6d., per ton, Bounty, allowed on Vessels engaged in the Cod & Mackerel Fisheries, during 1851, 1852 and 1853.

Bounty to be paid to persons fitting out such Vessels.

II. And be it enacted, That the said Tonnage Bounty shall extend to all such Vessels as shall be equipped, manned, and actually and *bona fide* sent to sea in manner as herein set forth; and no person shall be entitled to any Tonnage Bounty on any Vessel, unless such Vessel shall have been expressly fitted out for the purpose of the Cod or Mackerel Fisheries, and shall have been at sea in the actual prosecution of the Fishing Voyage for a period of not less than Three and a-half Calendar Months, between the Fifteenth day of June and the First day of October, in either of the said years, (unless and excepting such time as may be required to return to land Fish caught or taken by the Crew thereof,) and shall not, during such period, have carried any Freight, but shall have been solely and exclusively employed in the said Fisheries.

Bounty to extend to all Vessels equipped, &c., as in this Act set forth.

No Vessel entitled to Bounty unless expressly fitted out for Fisheries, &c.

III. And be it enacted, That the Lieutenant Governor, by and with the advice of Her Majesty's Council, shall appoint for each Harbour in this Island, where he may deem it necessary,

Lt. Governor, &c., to appoint Commissioners, where necessary, to settle Claims for Bounties, who

shall be sworn,
&c.

Duties of Com-
missioners.

Who shall be en-
titled to claim
Tonnage Bounty.

Two or more Commissioners for settling Claims for Bounties under this Act, who shall be sworn faithfully to discharge their duties under this Act, and shall have power to administer all Oaths required or necessary thereunder, and before whom all such claims shall be preferred; and the duties of such Commissioners shall be, to examine into the merits of all claims made for such Bounties, and to settle and adjust the same; and in the case of Tonnage Bounty claims herebefore granted, to ascertain by Oath of the Master and Two of the Crew, and by such other ways and means as they shall think proper, whether the terms prescribed by this Act in such cases have been fully complied with; and if it shall appear to any such Commissioners, after such investigation, that the validity of any claim for Tonnage Bounty has been properly established, then they shall grant to the Owner or Master of the Vessel for which the Bounty shall be claimed, making application, a Certificate thereof, and setting forth the particulars of the claim; but no Master or Owner shall be entitled to claim a Tonnage Bounty under this Act, unless he shall produce a Certificate from the Controller of Navigation Laws at the Port where such Vessel shall have cleared out, that, at the time of clearing out such Vessel, he had deposited with such Controller a List verified on Oath, of the nature and quantity of all Stores and Provisions then put on board such Vessel, and that he then had on board, for the prosecution of the Fishing Voyage, at least One Month's Stores and Provisions, and that his Crew did consist of at least One Man for every Five Tons, up to Twenty Tons, and One Man for every Six Tons, above Twenty Tons, and up to Forty-two Tons, and One for every Eight Tons over Forty-two Tons.

IV. And be it enacted, That for the further encouragement of the Mackerel Fishery of this

Island, there shall be granted and paid out of the Public Moneys which shall be in the Treasury of this Island, over and above any Tonnage Bounty granted by this Act, in each of the said years, One thousand Eight hundred and Fifty-one, One thousand Eight hundred and Fifty-two, and One thousand Eight hundred and Fifty-three, the sum of One hundred Pounds, of lawful current Money of this Island, which shall, in each of the said years, be paid and applied as Bounties to the Owners of such Four Vessels or Boats, as shall in such year be fitted out, equipped, manned and supplied in this Island, and shall be owned by Inhabitants thereof, and shall catch and bring into Port in this Island, the greatest number of Barrels of Mackerel, being actually and *bona fide* caught and secured by the Crew, or other persons on board of such Vessels or Boats, during the Fishing Season in any one of the above years, and to be paid in the following proportions: (*that is to say,*) to the Owner of the Vessel or Boat having the largest quantity of Barrels of Mackerel, the sum of Forty Pounds; to the Owner of the Vessel or Boat having the next largest quantity, the sum of Thirty Pounds; to the Owner of the Vessel or Boat having the next largest quantity, Twenty Pounds; and to the Owner of the next or Fourth Vessel or Boat having the next largest quantity, the sum of Ten Pounds: Provided always, that no Bounty under this Section or Provision shall be given or paid to the Owner of any such Vessel or Boat not having caught and brought into Port in this Island, as aforesaid, at least One hundred Barrels of such Mackerel, during the Fishing Season, in the years in which such Bounty shall be claimed.

In each of the years 1851, 1852 and 1853, there shall be granted,

£100 as Bounties to Vessels fitted out and manned for the Fisheries.

£40 for the largest quantity of Mackerel;

£30 for next largest quantity;

£20 for next largest quantity; and £10 for the next.

V. And be it enacted, That all claims for the Bounties granted in and by the last preceding Section of this Act, on the quantity of Barrels of Mackerel caught by any Vessel or Boat, shall

Claims for Bounties to be preferred before Commissioners.

Duty of Commis-
sioners.

be preferred before the said Commissioners for settling Bounties, to be appointed for each Harbour in this Island as hereinbefore mentioned, whose duty it shall be to examine into the merits of each Claim for such last-mentioned Bounty, and to inform themselves thereof by inspection, or any other ways or means in their power, and to settle and adjust the same, and who shall, previously to granting a Certificate, require the Master or Owner, with one or more of the Crew of any such Vessel or Boat, to make oath to an Affidavit before them in form, or to the effect following: (that is to say,)

PRINCE EDWARD ISLAND.

to wit.

Oath to be taken
by Master, &c.
in order to obtain
Certificate.

A. B., Master (or Owner) and *C. D.* one of the crew of the Vessel (or Boat) called the _____ make Oath and say, that the said Vessel (or Boat) is now and hath been during the last months, owned by _____ who is an inhabitant of Prince Edward Island, and that the said Vessel (or Boat) has been employed during the Fishing Season in this present year, in the prosecution of the Mackerel Fisheries on the coasts of British North America, and that she was for that purpose fitted out, manned, and equipped in the said Island. And Deponents further say, that _____ Barrels of Mackerel have been caught and secured and brought into Port in this Island on board the said Vessel (or Boat) during the Fishing Season, just past, of this present year, 185 ; and Deponents lastly say, that the said _____ Barrels of Mackerel were not purchased or fraudulently obtained from any other persons, or Vessel or Boat, but that they were actually and *bona fide* taken and caught by the Crew of the said Vessel (or Boat) called the _____ or by persons employed on board of her, and were landed and brought into Port in

the said Island, from, or on board of the said Vessel (or Boat) called the

So help us God.

(Signed) *A. B.*,
 C. D.

Sworn to this day of A. D. 185
at by both the Deponents *A. B.* and *C. D.*,
before us,

L. M., }
N. O. } Commissioners.

And if any person shall knowingly swear falsely in making such Affidavit, he shall be liable to the pains and penalties of such as commit wilful and corrupt perjury. And the said Commissioners, after making such investigation, and administering such oath as aforesaid, shall, if it shall appear to them that the particulars of the claim have been fully established, grant to the Owner or Master of the Vessel or Boat, on account of which the claim is made, a Certificate in which shall be stated and set forth, the quantity of Fish proved to their satisfaction to have been caught and secured in manner as aforesaid, on board of such Vessel or Boat.

Penalty for false Oath.

Further duties of Commissioners.

Requisites of Certificate.

VI. And be it enacted, That all Certificates, whether on claims made for Tonnage Bounty, or for the Bounty on the quantity of Mackerel, granted by the said Commissioners under the provisions of this Act in any one of the above years, must be produced to the Office of the Colonial Secretary of this Island, on or before the Twenty-first day of December in such year, and all Tonnage Bounties shall be paid within Two months after producing the Certificate of the said Commissioners, stating that the terms prescribed in case of Claims for Tonnage Bounty by this Act, have been complied with, together with a Return of the number of Barrels of Mackerel, and of the quantity of Cod Fish caught

All Certificates must be produced to Colonial Secretary's Office, on or before 21st December in each year.

Tonnage Bounties to be paid within 2 months after production of Certificate.

Bounties to be paid within 2 months after 21st December in each year.

during the then last preceding Fishing Season, by the Crew or other persons employed on board of any such Vessel or Boat, and the Bounties payable for the Four largest quantities of Barrels of Mackerel, under the Fourth Section of this Act, shall be paid within Two months after the said Twenty-first day of December in each year, and any holder or holders of a Certificate granted by the said Commissioners, on any claim for Bounties under this Act, preferred before them as aforesaid, who shall not duly produce such Certificate, in manner as aforesaid, at the Office of the said Colonial Secretary, on or before the Twenty-first day of December, in the year for which the same was granted, shall forfeit all right and claim to any Bounties claimed by him or them, or to which he or they would be otherwise entitled under the provisions of this Act.

Claim to Bounties may be forfeited.

How payments on account of Bounties are to be made.

VII. And be it enacted, That all payments of Bounties to be made under or by virtue of this Act, shall be made by a Warrant on the Treasurer of this Island, drawn in the usual manner, under the hand and seal of the Lieutenant Governor or Administrator of the Government of this Island for the time being, by and with the advice of Her Majesty's Executive Council thereof, on the said Certificate of the proper Commissioners, and on otherwise complying with the terms of this Act.

Commissioners' Fees.

VIII. And be it enacted, That the said Commissioners, so to be appointed as aforesaid, shall be entitled to demand and receive, from the person or persons preferring before them any Claim for Bounties under this Act, the sum of Ten Shillings, each, for their trouble and loss of time in investigating such Claim.

CAP. XIX.

An ACT to prohibit the Playing of certain Games and the Use of Fireworks in the Squares and Thoroughfares of Charlottetown.

[Passed May 15, 1851.]

WHEREAS the practice of Playing such Games as Cricket and Foot-ball, in and upon the Squares and Thoroughfares of Charlottetown, and also of flying Kites, and exploding Fireworks therein, is exceedingly dangerous to the persons of Her Majesty's Subjects frequenting the same: For remedy whereof, be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing hereof, it shall not be lawful for any person or persons to play, or take part in the Games of Cricket, Foot-ball, Quoits, or any other such Game, in and upon any of the Streets and Thoroughfares of the said Town, or to Fly any Kite, or Explode or Burn any Fireworks, or to Kindle or Increase any Fire, upon any of the Streets or Squares of Charlottetown, or in the immediate vicinity thereof.

Prohibits the playing of Cricket, Foot-ball, &c. and the flying of Kites, explosion of Fireworks, &c., in the Streets or Squares of Charlottetown.

II. And be it enacted, That each and every person offending against this Act, shall forfeit and pay, for each and every Offence, a sum not less than Five Shillings, nor more than Two Pounds—the same to be recovered before any One of Her Majesty's Justices of the Peace, residing in the said Town, and to be levied, together with Costs of Suit, by Warrant of Distress, upon the Offender's Goods and Chattels; and in the event of no Goods or Chattels of such Offender being found within the said Town, that then it shall be lawful for such Justice of the Peace, and he is hereby required, to commit such Offender to the Jail of Charlottetown, there

Penalty on persons offending against this Act:

How recovered.

In the absence of Goods and Chattels, Offender may be committed to Jail.

to be imprisoned for any period not exceeding One month, nor being less than Three days.

Persons offending against this Act may be convicted upon view of the fact by any Justice of the Peace, &c.

III. And be it enacted, That every person offending against this Act, shall and may be convicted; upon view of the fact, by any such Justice of the Peace, as aforesaid, or upon the Oath of any credible Witness, or upon the confession of the party offending; and all Fines recovered under this Act shall be paid into the hands of the Treasurer, for the time being, of the Fund raised for keeping in repair the Pumps and Wells of the said Town, and applied for like purposes.

Penalties, how applied.

How Costs of Conviction are to be defrayed, where party may have suffered Imprisonment.

IV. And be it enacted, That in case any convicted party shall suffer Imprisonment for any Offence under this Act, and the Costs of Conviction shall thereby remain unsatisfied, the same shall and may be paid by the Treasurer of the said Fund, upon production to him of a Certificate of the Justice, before whom the Offender shall be tried; and the rate of Fees to be allowed, upon any such Conviction, shall be in accordance with the Scale prescribed by Law for the recovery of Small Debts.

Rate of Fees, same as those prescribed by Small Debt Act.

Continuance of Act.

V. And be it enacted, That this Act shall continue and be in force for the period of Five years from the passing thereof, and from thence to the end of the then next Session of the General Assembly.

CAP. XX.

An ACT to authorise a Loan for the use of this Island, and also to make provisions respecting the Payment of Treasury Bonds and Warrants, and the Interest thereon.

[Passed May 15, 1851.]

WHEREAS it is deemed advisable to borrow a sum of money for the use of this

Island, at the Interest of Five Pounds *per centum*, per annum, in order to decrease the annual charge for Interest on Treasury Warrants: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Lieutenant Governor, by and with the advice of Her Majesty's Executive Council, to order a Loan Account to be opened in the Treasury of this Island, and to borrow and receive from any Person or Persons, Corporations or Companies and in such sums and amounts as may be practicable and convenient, a Loan of Money, not exceeding in the aggregate Ten thousand Pounds of lawful Current Money of this Island, at the Interest of Five Pounds *per centum*, per annum.

Lieut. Governor, &c., to order Loan Account to be opened, &c.

Loan not to exceed £10,000, at 5 per cent. Interest.

II. And be it enacted, That all sums of money which from time to time shall be raised and borrowed; under the provisions of this Act, shall be received by the Treasurer of this Island, and the Person or Persons lending the same shall in exchange for the amounts lent, receive a Debenture or Debentures in the Form set out in the Schedule of this Act annexed, marked (A.) under the hand and seal of the Lieutenant Governor or Administrator of the Government for the time being, countersigned by the Colonial Secretary or acting Colonial Secretary of this Island, and also by the Treasurer thereof, as set forth in the said Schedule.

Treasurer to receive sums borrowed, and give Debenture in exchange.

Form of Debenture, &c.

III. And be it enacted, That the Treasurer of this Island shall apply all sums of money which may from time to time be borrowed under this Act, immediately after the receipt thereof, respectively towards the payment of any Warrants which may have been drawn on the Treasury of this Island, in their proper order and succession, according to priority of date; and it shall be lawful for the said Treasurer and he is hereby authorised and required, out of the moneys which may

Sums borrowed to be applied towards payment of Warrants, &c.

Interest on Debentures to be paid half-yearly, &c.

from time to time be in the said Treasury, Half-yearly to pay the Interest accruing due on any moneys secured by any such Debenture or Debentures issued under this Act, until Twenty Days after the same shall have been called in as hereinafter mentioned; when Interest shall cease thereon, and a minute of each payment of annual Interest shall, at the time of making the same, be endorsed by the Treasurer on the back of the Debenture or Debentures which shall for that purpose be produced to him by the Holder or Holders thereof.

When Treasurer is to commence paying Moneys borrowed under this Act, &c.

IV. And be it enacted, That the Treasurer of this Island shall, on the First day of June, One thousand Eight Hundred and Fifty-six, commence paying the moneys to be borrowed under this Act, with Interest, and for that purpose shall, from time to time, as sufficient moneys come into his hands, call in and pay off the said Debentures or Securities, in the order of succession in which they were issued, with Interest due thereon; and the said Treasurer shall, from time to time, as sufficient moneys come into his Hands, as aforesaid, cause a Notice to be inserted in the *Royal Gazette*, Newspaper, of this Island, calling in the said Debentures; and the said Debentures shall bear Interest until the expiration of Twenty Days after they shall have been so respectively called in and Notice thereof given, (unless sooner paid), at the expiration of which time Interest shall cease to be allowed on the Debentures so called in; and from and after the said First Day of June, One thousand Eight hundred and Fifty-Six, the said Treasurer shall not pay off the then outstanding Treasury Warrants, until such time as the Moneys to be borrowed under this Act shall have been fully paid.

Notice to be inserted in *Gazette* calling in Debentures, &c.

No Debenture to be issued for more than £100, nor less than £50.

V. And be it enacted, That no greater sum than One hundred Pounds shall be granted by any One Debenture issued under this Act, nor

shall any such Debenture be issued for any smaller sum than Fifty Pounds.

VI. And be it enacted, That for the re-payment of all Moneys to be borrowed, and of all Debentures therefor, to be issued under this Act, and for the final Payment and Discharge thereof, with Interest as aforesaid, the Public Funds, Moneys and Securities of this Island shall be, and they are hereby pledged and rendered liable.

Public Funds, &c., rendered liable for repayment of Debentures.

VII. And be it enacted, That an Account of all sums borrowed or repaid, and of Debentures therefor, issued under this Act, with the respective Dates of the Loans, Re-payments, and Debentures; respectively, shall be kept by the Treasurer of this Island, and shall by him be once in each Month laid before the Lieutenant Governor, in Council, and shall also be by him Annually laid before the Legislature of this Island, during the First Week of each Session, with all Vouchers, Securities and Papers relating to the same.

Treasurer to keep an Account of all sums borrowed, &c.

Such Account to be laid before Lt. Governor, &c., monthly, and also before the Legislature during first week of each Session.

VIII. And be it enacted, That after the passing of this Act, when the payment of any Warrant on the Treasury may be demanded by or on behalf of the Person in whose favor the same is payable, and the same cannot be paid by the Treasurer of this Island, then the said Treasurer shall endorse on such Warrant a Memorandum of such Demand, agreeably to the form in the Schedule to this Act annexed, marked (B.), which said Warrant, so endorsed, shall then bear Interest, at Five Pounds, *per centum*, per annum, until Ten Days after Notice, published in the *Royal Gazette*, Newspaper, (unless sooner paid), that the amount of such Warrants will be paid by the Treasurer on demand, with all Interest due thereon, and which Notice, the Treasurer of this Island is hereby required to give, whenever a sufficient amount of money for that purpose

Warrant not being paid on demand, Treasurer to endorse memorandum of such demand on back thereof.

Warrants to bear 5 per cent. per annum Interest.

Interest on Warrants to be paid annually, &c.

(subject always to the enactments herein before contained), shall have come to his hands; and the said Treasurer is hereby empowered and directed, from time to time, to pay in Gold or Silver, or in Treasury Notes of this Island, at their specified Value, out of the Treasury, at the option of the said Treasurer, annually, on all Treasury Warrants which shall have been or may be issued by the Government of this Island, the Interest due on such Warrants respectively, (the Warrants now outstanding bearing Interest at Six *per centum*, per annum, and Warrants hereafter to be issued Five Pounds *per centum*, per annum, as herein before mentioned), on the same being demanded by the Holder or Holders thereof, until Ten Days after such Notice has been given, by the said Treasurer, that unless sooner paid, he is prepared to pay any such Warrant, with all Interest due thereon---at the expiration of which time, Interest shall cease to be allowed on such Warrant; and every such payment or payments of Interest shall be endorsed on every such Warrant, by the Treasurer, at the time of making the same.

Warrants not presented for payment within 20 days after notice, further notice to be given, &c.

If not brought in within 7 days, payment of such Warrants postponed for 3 months---Treasurer to proceed to make a fresh call, &c.

IX. And be enacted, That when and so often as the said Treasurer shall publish the Notice in the last preceding Clause mentioned, that the money for the payment of any Warrants will be paid on demand, and it shall happen that any of the Warrants so advertised for shall not be presented for payment within the period of Twenty Days after such Notice given, then it shall be lawful for the said Treasurer, and he is hereby authorised and required, to publish a Notice to the holders of such Warrants, that unless their Warrants be brought in for payment within the period of Seven Days from the date of the last-mentioned Notice, the payment of their Claims will be postponed until after the expiration of Three Months from the day upon which such last-mentioned Notice may be published;

and after the said Seven Days shall have expired, the said Treasurer shall proceed to make a fresh call of Warrants, and to apply the moneys remaining in his hands to the payment thereof, and may refuse the payment of any of the Warrants so first called in, as stated in this Clause; but the said Warrants so first called in shall be included in the first call of Warrants which the said Treasurer shall make after the end of the said period of Three Months, and then to be paid, but without any Interest thereon being allowed subsequent to the Ten Days in the last preceding Section of this Act mentioned.

X. And be it enacted, That all Bonds, Recognizances and other Securities which shall hereafter be entered into, or taken and deposited with the Treasurer of this Island, and which shall be over due for the period of Three Months, shall be handed by the said Treasurer to the Attorney General or other Crown Officer, and shall immediately thereafter be put in Suit or otherwise enforced, with Interest due thereon, at Six Pounds *per centum*, per annum; and the Treasurer, as often as he shall neglect this duty, shall forfeit and pay for every Bond, Recognizance or other Security retained in his hands after the expiration of the said Three Months, the sum of Fifty Pounds—the same to be recovered with Costs of Suit, in the Supreme Court of Judicature, by Action of Debt, in the name of Her Majesty, for the use of the Government of this Island.

Bonds, &c. three months over due, how dealt with.

Penalty on Treasurer for neglect of duty.

XI. And be it enacted, That no Warrant hereafter to be issued by the Lieutenant Governor and Council, shall exceed in amount the sum of One hundred Pounds, even where the Contract or payment to be made shall be beyond the sum of One hundred Pounds.

No Warrant to exceed £100.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

TREASURER'S OFFICE,
Prince Edward Island.

No. Debenture.

Debenture.

This Debenture is issued by virtue of an Act of the General Assembly of the said Island, intituled *An Act to authorise a Loan for the use of this Island, and also to make Provisions respecting the Payment of Treasury Warrants and the Interest thereon*, and is chargeable on the Public Funds, Moneys and Credits of the said Island, by virtue of the said Act, for the payment to *A. B.*, or order, the sum of £ of lawful current Money of the said Island, with Interest at the rate of *£5 per centum, per annum*, to be paid on the same half-yearly, until Twenty days after the calling in hereof for payment, as in the said Act provided for; and the said Principal Sum of £ to be paid at such time and in such manner as is also pointed out in the said Act.

Dated the day of A. D. 185
C. D., Colonial Secretary.
E. F., Treasurer.

(L. S.) *A. B.*,

Lieutenant Governor, or
Administrator of the Government.

SCHEDULE (B.)

TREASURER'S OFFICE,
18

Treasurer's en-
dorsement.

Demanded day of 18 bearing Interest.
A. B., Treasurer.

CAP. XXI.

An ACT to provide for the Summary Trial of Common Assaults and Batteries.

[Passed May 15, 1851.]

WHEREAS the Laws now in force for the punishment of Assaults and Batteries committed on the person are about to expire, and it is expedient to make provisions in lieu thereof: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That all persons charged with the commission of an Assault or Battery, apprehended by any Peace Officer or Constable, or under the authority of any Warrant issued by any Justice or Justices of the Peace within this Island shall be taken before Two or more Justices of the County wherein such offence is alleged to have been committed, who shall, if they see fit, proceed to adjudicate thereon forthwith.

Persons charged with Assault or Battery may be tried before any Two Justices of the Peace for the County in which the offence was committed.

II. And be it enacted, That it shall be lawful for such Justices, on proof being made before them by the complainant, or one or more credible Witness or Witnesses of such alleged Assault, to sentence the person or persons so convicted, each and severally, to pay such Fine as shall appear to them meet, not exceeding the sum of Eight Pounds, together with Costs—which Fine shall be paid into Her Majesty's Treasury, to and for the use of Her Majesty's Government; and if such Fine as shall be awarded by the said Justices, together with the Costs, if ordered, shall not be paid either at the time of Conviction, or within such period as the said Justices shall at the time of Conviction appoint, it shall be lawful for them to commit the Offender or Offenders to the Jail of the County where such Offence has been committed, there to be imprisoned for any term not exceeding Three months, unless such

Persons convicted, to pay a Fine not exceeding Eight Pounds, with Costs,

or be committed to Jail for a term not exceeding Three months.

Duty of Justices,
in certain cases.

Fine and Costs be sooner paid; but if the Justices, upon hearing any such case of Assault and Battery, shall deem the Offence not to be proved, or shall find the Assault and Battery to have been justified, or so trifling as not to merit any punishment, they shall accordingly dismiss the Complaint, and shall forthwith make out a Certificate under their hands, stating the fact of such dismissal, and shall deliver such Certificate to the party against whom the Complaint was preferred.

Persons released
from all further
proceedings, on
obtaining Certificate,
&c.

III. And be it enacted, That any person, to whom a Certificate shall have been given in manner aforesaid, or who, having been convicted as aforesaid, shall have paid the Fine and Costs adjudged against him as aforesaid, or undergone in default thereof the Imprisonment ordered in lieu thereof, shall be released from all further or other criminal proceedings for the same cause.

Costs.

IV. And be it enacted, That such Justices shall and may give Costs to either Complainant or Defendant, or order each to pay his own, as they shall see fit.

Persons entitled
to Costs, to make
Affidavit, in cer-
tain cases.

V. And be it enacted, That any person entitled to Costs by the Judgment of any such Justices, shall be obliged in all cases where the same may be deemed necessary by the Justices who shall have given such Judgment, to make Affidavit of the necessity for the testimony of any Witness or Witnesses who shall have attended on behalf of such person, before he shall be allowed the Costs of their attendance.

When Defendant
makes default in
payment of Fine,
&c., Justices to
certify expenses
of Witnesses, &c.

VI. And be it enacted, That from and after the passing of this Act, in all cases of Conviction, where the Defendant shall make default in payment of such Fine and Costs as shall be adjudged, and in consequence thereof undergo Imprisonment, all Justices acting under the authority of this Act, shall, on request, make

out a certified statement of the expenses of such Witness or Witnesses as have been subpoenaed, and deemed by the Justices to have been necessary and material, and the cost of such Constable or Constables as shall be employed in serving Processes, Warrants, or Executions on the part of the Prosecutor, or the reasonable expenses of any other person or persons lawfully employed in the caption of any person charged with having committed an Assault, which certified statement shall be delivered to the Clerk of Her Majesty's Council, and the amount so certified, after being approved of by the Administrator of the Government, for the time being, in Council, shall be paid to the parties claiming the same, by the Treasurer of this Island.

Certified statement to be delivered to Clerk of H. M. Council, and amount paid by the Treasurer.

VII. And be it enacted, That no prosecution under the provisions of this Act shall be adjudicated on, unless it shall have commenced within One Calendar month after the alleged commission of the offence.

No prosecution to be adjudicated on, unless commenced within One Calendar month.

VIII. And be it enacted, That if it shall be adjudged by the Justices before whom such Offence shall be tried, that the Complainant shall pay Costs, then in case of non-payment thereof, within such time as the said Justices may appoint, it shall be lawful for the said Justices to issue Warrants of Distress or Execution for the recovery of such Costs; and in the event of no Goods or Chattels other than Wearing Apparel, Beds and Bedding, being found whereon to levy, to imprison the party against whom such Warrant of Distress or Execution shall be issued, if they shall deem fit, for any term not exceeding Three months, unless such Costs be sooner paid.

How Costs are to be recovered, when Complainant is ordered to pay the same.

IX. And be it enacted, That the Justices of any County, wherein any such Assault shall have been alleged to have been committed, shall have the power, either before or after conviction,

By whom Warrants of apprehension, &c., may be issued.

to issue Warrants of Apprehension, Commitment or Distress into any other County.

Justices deeming offence deserving a higher punishment, to bind offenders to appear at Supreme Court, &c.

X. And be it enacted, That in case it shall appear to the Justices, before whom persons charged with an Assault or Battery shall be tried, that the offence with which they are charged is deserving of a higher degree of punishment than such Justices are by this Act authorised to inflict, then, and in every such case, they are hereby required to bind over the Prosecutor, Defendant and necessary Witnesses, by Recognizance, to appear at the next sitting of Her Majesty's Supreme Court of Judicature, to be held in the County wherein the offence charged is alleged to have been committed.

Justices not to adjudicate in cases of Felony.

XI. And be it enacted, That in case any Justice of the Peace to whom complaint shall be made of any Assault or Battery, or any Justices before whom such complaint shall be brought for adjudication, shall find the Assault or Battery complained of to have been accompanied with any attempt to commit a Felony, he or they respectively shall cease to adjudicate thereon, but shall proceed therewith in manner prescribed by Law in such cases.

Form of Conviction.

XII. And be it enacted, That the Justices before whom any person shall be summarily convicted of any offence by virtue of this Act, shall cause the Conviction to be drawn up, in substance, according to the form in the Schedule to this Act annexed, which said Conviction, and all other proceedings in the cause, the said Justices are hereby required and enjoined to return into Her Majesty's Supreme Court of Judicature, on or before the First day of the Term next ensuing the taking thereof, to be held in the County wherein the offence shall be alleged to have been committed; and the said Justices neglecting to make such Returns, shall forfeit and pay for every such

Conviction to be returned into Supreme Court.

Justices neglecting to make return, to forfeit £5.

neglect, the sum of Five Pounds, to be recovered by Bill, Plaint or Suit, in Her Majesty's said Supreme Court.

XIII. And be it enacted, That no Warrant of Commitment shall be held void, by reason of any defect therein, provided it be therein alleged, that the party has been convicted, and there be a good and valid Conviction to sustain the same. Warrant of Commitment not void by reason of defect therein.

XIV. And whereas at the time of the passing of this Act, Prosecutions and other proceedings may be pending, with respect to Assaults and Batteries, under and by virtue of an Act made and passed in the Tenth year of the Reign of Her present Majesty, intituled *An Act to provide for the Summary Trial of Common Assaults and Batteries*, which will shortly expire: Be it therefore enacted, That for the purpose of completing such Prosecutions and Proceedings, and for giving force thereto, and to all proceedings necessary to give effect to any Judgments or Convictions thereon, the said recited Act shall be, and it is hereby continued in force for the space of Three months from the passing hereof, and no longer. Prosecutions commenced under 10 Vic., c. 2, to be completed under said Act.

XV. And be it enacted, That the following Fees shall be allowed for the Services enjoined by this Act:— Fees allowed under this Act.

JUSTICES' FEES:

Drawing and engrossing Affidavit, One Shilling and Six-pence. Justices' Fees.

Subpœna, One Shilling.

Every Oath, One Shilling.

Each Warrant, One Shilling.

For every Recognizance, One Shilling and Six-pence.

For every mile travelled in coming to Court or place of Trial, Four-pence.

CONSTABLES' FEES:

Constables' Fees. For executing each Warrant, or for serving other Process, One Shilling.
For every mile travelled, Three-pence.

WITNESSES' FEES:

Witnesses' Fees. For each day's attendance, Two Shillings.
For every mile travelled in coming to Court, Three-pence.

Continuance of Act.

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

SCHEDULE to which this Act refers.

Form of Conviction.

BE it remembered, that on the day of
in the-year of our Lord 18 at in
the County of *A. B.* is convicted before
of Her Majesty's Justices of the Peace,
acting under and by virtue of an Act intituled
(*here insert the Title of this Act,*) for that he the
said *A. B.* did (*specify the Offence, and the time
and place when and where the same was committed,
as the case may be,*) and the said Jus-
tices, do adjudge the said *A. B.*, for his said
offence, to forfeit and pay the sum of and
also the sum of for Costs, and order
that the said sums shall be paid by the said *A. B.*,
on or before the day of and in default
thereof, to be committed to Jail, there to remain
for the space of unless the said sums shall
be sooner paid.

Given under Hand and Seal the day
and year first above mentioned.

CAP. XXII.

An ACT to enable *Abraham Gesner* to obtain Letters Patent for the Invention of a new and improved mode of manufacturing Illuminating Gas.

[Passed May 15, 1851.]

BE it enacted by the Lieutenant Governor, Council and Assembly, That it shall be lawful for *Abraham Gesner*, of *Halifax*, in the Province of *Nova Scotia*, upon his having complied with the provisions of the Act passed in the Seventh year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for granting Patents for useful Inventions*, to obtain Letters Patent for his Invention of a new and improved mode of manufacturing Illuminating Gas from all Animal, Vegetable, and Mineral Oils, Naphtha, Petroleum, Pitch, Tar, Turpentine, Coal Tar, Resins, and all the Tars and Oils derived from the distillation of all Oils and Resins and Fats of all kinds, and called Kerosene Gas, notwithstanding his residing out of this Island, the same in every respect, as if he had been an Inhabitant thereof, and had resided therein for One year previous to such Application being made, and after such Letters Patent are obtained, he shall be entitled to all the Rights and Privileges by the said recited Act conferred: Provided always, nevertheless, that nothing herein contained shall extend or be construed to extend to grant to the said *Abraham Gesner*, the exclusive right and liberty of making, using and vending the said Gas for any longer time than the period of Ten years, from the passing of this Act.

Abraham Gesner, of *Halifax, N.S.*, may, on complying with provisions of 7 W. 4, c. 21, obtain Letters Patent for his Invention of a new mode of manufacturing Kerosene Gas.

Exclusive right not to extend beyond 10 years.

CAP. XXIII.

An ACT to provide for removing the Post Office of Charlottetown, into the Old Court House therein, and for other purposes therein mentioned.

[Passed May 15, 1851.]

On the Act 14 Vic., c. 23, coming into operation, Lt. Governor, &c. may cause part of Old Court House to be fitted up for use of the General Post Office.

General Post Office to be removed into such Building.

Room in Old Court House to be used as a Flour Market, under superintendance of the Keeper thereof.

Flour Market to be open on Wednesday & Saturday, in each week.

Keeper to make such arrange-

BE it enacted, by the Lieutenant Governor, Council and Assembly, That when and so soon as an Act passed during the present Session of the General Assembly of this Island, intituled "*An Act to provide for the Transfer of the management of the Inland Posts within Prince Edward Island,*" shall go into operation, it shall and may be lawful for the Lieutenant Governor in Council to cause that part of the Old Court House in Charlottetown, formerly used and occupied as a Chamber for the Legislative Council of this Island, to be properly fitted up and put in order and repair, for the use of the General Post Office in Charlottetown, instead of the Office at present occupied for such purpose, and to cause the said General Post Office in Charlottetown after the completion of such Repairs, to be removed into and opened, and the Business thereof carried on in such part of the Old Court House.

II. And be it enacted, That from and after the passing of this Act, the Room in the said Court House formerly occupied by the House of Assembly, shall be made use of for a Market for Flour, Meal and other Agricultural Produce, under the superintendance of the Keeper of the said Building, and Clerk of the said Flour Market, to be appointed as hereinafter mentioned, and who shall open the same to the Public on Wednesday and Saturday in each Week, and who shall have full power and authority to make such arrangements with regard to the placing,

arranging and ordering of the said Market, and the Flour, Meal or other Agricultural Produce to be deposited therein, as he shall judge fit and for the public convenience, and every Person unlawfully obstructing him in the discharge of his duties and authorities, or in making such arrangements and orders as aforesaid, shall forfeit and pay for every Offence the Sum of Twenty Shillings, the same to be recovered with Costs, on the Oath of the said Keeper and Clerk of the said Market or other credible Witness, before any Magistrate or Commissioner of Small Debts, in like manner, as Small Debts now are, or hereafter may from time to time, be recoverable to and for the use of Her Majesty's Government of this Island.

ments therein as he may judge fit.

Persons obstructing Keeper, to forfeit 20s. for every offence.

Mode of recovery of Fine, and application thereof.

III. And be it enacted, That any part of the said Old Court House (except that part thereof herein before set apart for the Post Office), may be used by the Commissioners for the Recovery of Small Debts, to hold their Sittings therein at their option; and the Keeper of the said Building, shall be allowed, and is hereby required, on application being made to him for that purpose, to open that part of the said Court House formerly used by the House of Assembly, or any other part, except the Post Office, for Public or Private Meetings, Purposes or Lectures, for which he shall be entitled to demand and receive, for his own use, from the parties using or requiring the same, the sum of Five Shillings, for each occasion, whereon it shall be used or required.

Part of Old Court House may be used by Commissioners of Small Debts;

And also for public or private meetings, &c.

Fee, in such cases.

IV. And be it enacted, That it shall and may be lawful for the Lieutenant Governor, by and with the advice of Her Majesty's Executive Council of this Island, to appoint a fit and proper Person to be Keeper of the said Old Court House and Clerk to the said Market, for Flour, Meal, and other Agricultural Produce, whose duty it shall be to reside therein for the protec-

Lt. Governor, &c., to appoint a Keeper of the Old Court House, &c.

His duty.

tion of the whole of the said Building, and generally to have the care of and look after the said Building (excepting the Post Office part thereof) and to keep the same properly cleansed, and to open the said Market for Flour, Meal and other Agricultural Produce, on Wednesday and Saturday in each Week, and to superintend such Market, to open said Building on the days appointed for the holding of Courts by the Commissioners for the Recovery of Small Debts, and also to open the same when required, for the purpose of Public or Private Meetings or Lectures as aforesaid, and once in each Month, to make a correct Return to the Lieutenant Governor in Council, of the amount of Flour, Meal and other Agricultural Produce from time to time exposed for Sale in his Market, and the Prices thereof, respectively.

Keeper's Salary.

V. And be it enacted, That there shall be paid to any Person who shall hereafter be appointed Keeper of the Old Court House in Charlottetown, and Clerk to the said Market therein, for Flour, Meal, and other Agricultural Produce, the sum of Twenty Pounds per annum, for the due performance of the duties of such Office, as hereinbefore set forth, to be drawn for by Warrant of the Lieutenant Governor, or the Administrator of the Government for the time being, on the Treasurer of this Island.

VI. And whereas the duties of the Clerk of the Charlottetown Market House will be much lessened by the Transfer of the Market for Flour, Meal, and other Agricultural Produce into the said Old Court House, and it is therefore reasonable that his Salary should be reduced: Be it therefore enacted, That the Fourth Section of an Act passed in the Fifth year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act to regulate the Letting of Stalls in Charlotte-*

Repeals 4th Section of 5 Vic., c. 14.

town Market House, and for other purposes therein mentioned, be, and the same is hereby repealed.

VII. And be it enacted, That there shall be paid to the person now holding, or to any person who shall hereafter be appointed Clerk of the Charlottetown Market House, the sum of Twenty Pounds, *per annum*, for the due performance of the duties of such Office, as set forth in the above recited Act, and the Act passed in the Tenth year of Her present Majesty's Reign, relating thereto, the said amount to be drawn for by Warrant of the Lieutenant Governor or Administrator of the Government of this Island, on the Treasurer thereof.

Salary of the Clerk of Charlottetown Market House.

VIII. And be it enacted, That the duties imposed in and by the Fifth Section of an Act of the General Assembly of this Island, made and passed in the Third year of the Reign of His late Majesty King *William the Fourth*, intituled *An Act to regulate the Weight and Quality of Bread within the Town and Royalty of Charlottetown*, upon the Clerk of the Market therein mentioned, shall hereafter be performed by the person, who from time to time shall hold the said Office of Keeper of the Old Court House in Charlottetown, and Clerk to the said Market therein, for Flour, Meal, and other Agricultural Produce, and all the powers and duties vested in the said Clerk of the Market, in reference to said Fifth Section, shall hereafter be vested in the Keeper of the Old Court House aforesaid, and Clerk to the said Flour Market.

Duties imposed by 5th Section of 3 W. 4, c. 21, to be performed, in future, by the Keeper of the Old Court House

Keeper's powers.

IX. And be it enacted, That it shall be lawful for the Firewardens of Charlottetown, to build an additional Room to the Back Wing on the Northern side of the said Old Court House, for

Firewardens may build additional Room to Back Wing of Old Court House.

the purpose of containing the Fire Engines belonging to the said Town, (and which are now placed in that part of the said Building which is hereinbefore set apart for the Post Office,) and to place the said Fire Engines in such Room, and to continue in the occupation thereof, for the purpose aforesaid: Provided, that the said additional Room be built in such manner, that its outside appearance may agree, and be uniform with the rest of the Building.

Such addition to be uniform with the rest of the Building.

CAP. XXIV.

An ACT authorising the Colonial Secretary of this Island to appoint a Deputy.

[*Passed May 15, 1851.*]

Colonial Secretary may appoint a Deputy.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That the Colonial Secretary of this Island now appointed, or hereafter to be appointed, shall and may, and he is hereby authorised, from time to time, to nominate and appoint a fit and proper person to act as his Clerk or Deputy, who shall be, and he is hereby authorised, in the absence of the Colonial Secretary, to perform the duties of the said Colonial Secretary, as prescribed in and by the several Acts of this Island, now or hereafter to be in force, or which otherwise by Law he is required or authorised to do as such Colonial Secretary as aforesaid.

Deputy to be appointed by Commission,

II. And be it enacted, That such Deputy, so to be nominated and appointed as aforesaid, shall be appointed by Commission, under the hand and seal of the Colonial Secretary for the time being, which shall be duly Registered in the Office of Registrar of Deeds of this Island;

and the said Deputy shall be sworn faithfully to perform the duties of his said Office, before he shall act therein, and the Oath shall be recorded with his Commission; and every such Colonial Secretary shall, and he is hereby declared to be responsible and liable for all and every neglect of duty, defalcation, and improper conduct on the part of any such Clerk or Deputy, appointed by him in discharge of his duty as aforesaid.

and to be sworn, before entering upon duties of Office.

Colonial Secretary responsible for neglect of duty, &c. of such Deputy.

C A P. X X V.

An ACT authorising the Treasurer of this Island to appoint a Deputy.

[Passed May 15, 1851.]

BE it enacted, by the Lieutenant Governor, Council and Assembly, That the Treasurer of this Island, now appointed, or hereafter to be appointed, shall and may, and he is hereby authorised, from time to time, to nominate and appoint any fit and proper person to act as his Clerk or Deputy, who shall be, and he is hereby authorised, in the absence of the Treasurer, to perform the duties of the said Treasurer, as prescribed in and by the several Acts of this Island, now or hereafter to be in force, or which otherwise by Law he is required or authorised to do, as such Treasurer as aforesaid.

Treasurer may appoint a Deputy.

II. And be it enacted, That such Deputy, so to be nominated and appointed as aforesaid, shall be appointed by Commission, under the hand and seal of the Treasurer for the time being, which shall be duly Registered in the Office of the Registrar of Deeds of this Island, and the said Deputy shall be sworn faithfully to perform the duties of his said Office, before he shall act therein, and the Oath shall be recorded with his Commission; and every such Treasurer and his

Deputy to be appointed by Commission, and to be sworn before entering upon duties of Office.

Treasurer responsible for neglect of duty, &c., of such Deputy.

Sureties shall be, and he and they are hereby declared to be responsible and liable for all and every neglect of duty, defalcation, or improper conduct, on the part of any such Clerk or Deputy, appointed by him in discharge of his duty as aforesaid.

CAP. XXVI.

An ACT to reduce the Salary of the Collector of Impost and Excise, for the District of Charlottetown.

[Passed May 15, 1851.]

WHEREAS it is deemed expedient to reduce the amount of the Salary paid to the Collector of Impost and Excise for the District of Charlottetown: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the Act passed in the Second year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to regulate the Salary of the Collector of Impost and Excise for the District of Charlottetown*, be, and the same is hereby repealed.

Repeals 2 W. 3, c. 23.

£200 per annum to be allowed Collector of Impost for District of Charlottetown, in lieu of all Fees or Emoluments.

II. And be it enacted, That there shall be allowed and paid to the person now in occupation of, or in future to be appointed to the Office of Collector of Impost and Excise, for the District of Charlottetown, the sum of Two hundred Pounds, Currency, *per annum*, as and for the Salary of that Officer, and for discharging the duties thereof, the same to be in lieu of all Fees, Percentages, Emoluments and Allowances whatsoever, and to commence and be computed from and after the passing of this Act.

CAP. XXVII.

An ACT to restrain Bulls from running at large in the Common and Royalty of Charlottetown.

[Passed May 15, 1851.]

WHEREAS the improving the Breed of Cattle is of great importance to the Inhabitants of this Island: And whereas the practice of allowing Bulls of inferior Breeds to be and run at large tends to deteriorate the Stock: Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing hereof, it shall not be lawful for any Bull or Bulls, exceeding Six months old, to roam at large in the Common and Royalty of Charlottetown, under a Penalty of Ten Shillings for each Offence, to be recovered in the way and manner prescribed as hereinafter directed.

Bulls exceeding 6 months old prohibited from running at large in the Common, &c. of Charlottetown, under Penalty of 10s.

II. And be it enacted, That it shall and may be lawful for any one or more of the Hog Reeves, annually appointed to serve the Office of Hog Reeve, or any other person or persons, within the Common and Royalty of Charlottetown, to take up and seize any Bull or Bulls going at large beyond the Enclosures of the Owner thereof, and such Hog Reeve or Hog Reeves, or other person or persons, is or are hereby authorised to call on such of the Inhabitants as he or they may deem necessary, to assist in effecting the same; and each and every person refusing or neglecting to assist in seizing and taking any Bull or Bulls so found at large, when requested by the said Hog Reeve or Hog Reeves, or other person or persons, shall, for each and every such refusal or neglect, forfeit the sum of Ten Shillings, to be recovered as is hereinafter prescribed; and if no Owner can be found to claim such Bull or Bulls, so found at large as aforesaid, within Three days

Hog Reeves, &c. may seize any Bulls going at large within the Common of Charlottetown.

Persons refusing to assist Hog Reeve, &c. to forfeit 10s. for every refusal.

If no owner can be found within 3 days, Bull may be sold—10 days'

Notice having
previously been
given, &c.

One-half of the
proceeds of such
Sale to be paid to
the Hog Reeve,
&c. and the other
half to the Secre-
tary of the Royal
Agricultural So-
ciety, &c.

Bull found at
large, but not
seized, Hog
Reeve, &c., may
lay information
against owner
thereof, &c.

Penalty in such
cases.

Penalty on per-
sons obstructing
Hog Reeves, &c.
in execution of
duty imposed by
this Act.

Fines and For-
feitures, how ap-
propriated.

after the seizure thereof, it shall and may be law-
ful for the said Hog Reeve or Hog Reeves, or
such other person or persons seizing such Bull,
to sell, or cause the same to be sold at Public
Auction, at least Ten days' Notice having been
previously given, by putting Written Notices on
Three or more of the most public places in the
Common or Royalty, and also by inserting a
Notice thereof at least once in the *Royal Gazette*
Newspaper of this Island; and one-half of the
proceeds of such Sale, when recovered, shall be
paid to the Hog Reeve or Hog Reeves, or other
person or persons seizing and selling such Bull,
for his or their trouble, and the other half shall
be paid to the Secretary of the Royal Agricul-
tural Society, to be paid by him (when demanded)
to the Owner or Owners of the Bull.

III. And be it enacted, That if any Bull of
the age aforesaid, be found going at large, but
not seized or taken as aforesaid, it shall be lawful
for any Hog Reeve or other person to lay an in-
formation against the Owner thereof, before any
one of Her Majesty's Justices of the Peace for
Queen's County in this Island, who on due
proof, on the Oath of one credible Witness,
shall order the said Owner to forfeit and pay the
sum of Ten Shillings, to be recovered as is here-
inafter mentioned.

IV. And be it enacted, That if any person
or persons shall obstruct any of the Hog Reeves,
or any other person or persons, in the lawful
execution of his duty imposed by this Act, each
person so offending shall forfeit and pay, for
every such offence, a sum not exceeding Five
Pounds, nor less than Forty Shillings, to be re-
covered in manner hereinafter mentioned.

V. And be it enacted, That all Fines and
Forfeitures, not herein directed to be paid in any
certain manner, shall be paid, one-half thereof

into Her Majesty's Treasury, and the other half to the Hog Reeve or other person prosecuting for the same.

VI. And be it enacted, That all Fines and Forfeitures arising under and by virtue of this Act, shall be sued for within Thirty days after the commission of the Offence, for which the same shall have been incurred, and be recovered before any one of Her Majesty's Justices of the Peace of and for Queen's County, in this Island, and the same shall be levied by Warrant of Distress on the Goods and Chattels of the Offender or Offenders; and if no Goods or Chattels can be found whereon to levy, the said Justice is hereby authorised and empowered to commit the Offender or Offenders to Prison for a period not exceeding Thirty days.

Fines, &c., to be sued for within 30 days after commission of offence, &c.

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

Continuance of Act.

CAP. XXVIII.

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

[Passed May 15, 1851.]

WHEREAS it is deemed necessary, preparatory to the re-printing of the Statute Book, to repeal the Acts now in force, on the above subject, and to make other provisions in lieu thereof: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the Ninth year of the

Repeals 9 Vic. c. 28, and also so much of 13 Vic. c. 1, as relates to and continues above recited Act.

Reign of Her present Majesty Queen Victoria, intituled *An Act relative to Accidents by Fire, and for the Improvement of Property in Georgetown, and for the Removal of Nuisances from the Streets and Square thereof*, and also so much of an Act passed in the Thirteenth year of the Reign of Her present Majesty, intituled *An Act to continue several Acts therein mentioned*, as relates to and continues the above recited Act, shall be, and the same are hereby respectively repealed, save and except and in so far as the same is declared to be in force for the purposes hereinafter mentioned.

Senior Justice of the Peace to convene, annually, a Meeting of the Inhabitants.

II. And be in enacted, That it shall be the duty of the senior of Her Majesty's Justices of the Peace resident for the time being in Georgetown, aforesaid, and such Justice is hereby required, yearly and every year, during the continuance of this Act, to convene a Public Meeting of the Inhabitants of the said Town for the purposes of this Act; the first Meeting to be holden at the Court House on the first Wednesday in May next after the passing thereof, at the hour of Twelve o'clock, noon, and so on, every First Wednesday in May in every year, during the continuance of this Act,—such Meetings to be convened by such Justice, giving, or causing to be given, at least Eight Days' notice thereof in writing, the same to be published by being posted in Three or more public places in the said Town.

Requisites of notice, and mode of publication thereof.

Defines qualifications of Inhabitants for the purposes of this Act.

III. And be it enacted, That every person who shall be the owner of any Real Estate situate in the said Town, being not less than One-half part of either Town or Water Lot, and every person who shall have resided in the said Town for a period not less than Six Calendar Months, and shall have occupied, during such time, a House or Tenement and Premises, or two or more Houses or Tenements and Premises

in succession, or shall, during such time, have been a keeper of any Store, each being of the yearly Rent of Seven Pounds, shall be deemed to be an Inhabitant of the said Town for the purposes in this Act mentioned.

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

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

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

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

Vacancies, how to be filled.

VI. And be it enacted, That such Assessors and Fire Wardens shall be persons residing in Georgetown, and who shall have been resident therein for at least Twelve Calendar Months previous to the time of their election; and in the event of there being no election, either of such Assessors or Fire Wardens at any such Meeting or time of Meeting, after notice of the same shall have been duly given, or in case such senior Magistrate shall neglect or make default in publishing, or causing to be published; such notice,

Qualifications of Assessors and Fire Wardens.

Lt. Governor, &c., in certain cases, may appoint Assessors and Fire Wardens, and renew such appointments when necessary.

and also, in the event of such Assessors neglecting to conform to and fulfil any of the provisions of this Act, whereby they may become disqualified to perform the duties as directed by this Act, that then and in every such case, it shall and may be lawful for the Lieutenant Governor in Council, to appoint fit and proper persons, being residents as aforesaid, Assessors and Fire Wardens, who shall continue in Office until others are elected at any such Annual Meeting aforesaid, and to renew any such Appointment as often as the same shall become vacant from any such cause as aforesaid, and as often as no person shall have been duly elected to fill such vacancy.

Assessors, at Annual Meetings, to assess Lots and parts of Lots.

VII. And be it enacted, That the said Assessors, at their first and subsequent Annual Meetings, respectively—the same to be held within Ten Days after their appointment—shall be and they are hereby empowered, to assess the Lots and parts of Lots, in the said Town, so that the sums so assessed shall not, in any One Year, exceed the sum of Six Shillings and Eight Pence on such unimproved Town Lot, and Three Shillings and Four Pence on each improved Town Lot, and rateably in proportion for parts less than a whole Lot, which Assessment shall be paid within Forty Days, after due notice thereof published in the *Royal Gazette* Newspaper, and continued therein for Five successive weeks.

Amount of Assessment.

Assessment, when payable.

Assessors to appoint Treasurer and Collector.

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

Duty of Collector.

IX. And be it enacted, That no Town Lot shall be deemed to be improved unless the same shall be cleared and fenced or otherwise sufficiently enclosed, with or without Buildings thereon, or unless such Lot shall have a Dwelling House, Store or Workshop, actually used as such, erected thereon.

What Lots shall be deemed improved.

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

Collector to account to Treasurer.

Assessors to audit such account.

Lots in arrear, how dealt with:

Precept to be issued;

Goods and Chattels to be sold.

Mode of Sale.

When no Goods or Chattels can be found, Lots to be sold.

Proceeds of sale,
how disposed of.

Collector to execute a Deed to purchaser.

Surplus Moneys,
how disposed of.

Proceeds of Lots held under License of Occupation, how disposed of.

Equity of Redemption.

Gazette Newspaper; and out of such sale to pay into the hands of the Treasurer aforesaid, within Ten Days thereafter, the amount of such Assessment; and if any amount remains in the hands of the Collector, after paying the sum so assessed, together with the expenses incurred in selling the same, after the rate prescribed and fixed in the Schedule marked (B.), to this Act annexed, any such Balance shall be paid to the Owner or Owners of the Lot or Lots so assessed and sold; and the said Collector is hereby authorised and directed to make and execute a Deed to the Purchaser or Purchasers, at his, her or their expense, of such Lot or Lots—which Deed, when so executed and registered, together with the Precept authorising the sale of such Lot or Lots, shall be held a good and sufficient Title against the former holder or holders thereof, subject only to the conditions of the original Grant. Provided always, that in case the Owner or Owners of such Lands and Premises shall not claim any such surplus moneys as may arise on any such sale as aforesaid, then the same shall be paid to and remain in the hands of the public Treasurer of this Island, to and for the use of the former Owner or Owners.

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

XII. Provided always, and be it enacted, That in case any Lot or Lots shall be sold under the operation of this Act, an Equity of Redemption shall nevertheless be open to the former Owner or Proprietor, his Heirs and Assigns, for

the space of Two Years next after the sale of such Lot or Lots, he or they paying the Purchase Money and lawful Interest, together with the value of the Improvements made thereon—the same to be ascertained by the judgment of the Assessors for the time being, or the major part of them, not being parties interested.

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

Treasurer and Collector to give security to Assessors.

Security, where to be lodged, and within what time.

Penalty.

Allowance to Treasurer and Collector.

Assessors may displace such Officers and appoint others.

XIV. And be it enacted, That if the Collector so appointed shall neglect to perform the duties enjoined by this Act, or shall not account and hand over the said Moneys so received by him, within the time hereinbefore directed, he shall forfeit and pay a sum not exceeding Five Pounds; and such Collector shall also pay over all such sum or sums of Money he may have received from time to time for Fines and Forfeitures under and by virtue of this Act, within Five Days after the receipt of the same, respectively, under a Penalty of Two Pounds—the said Fines to be

Penalty on Collector for neglect of duty.

All Fines and Forfeitures to be paid over within 5 days, under penalty of £2.

Penalty, how recoverable.

sued for and recovered by the Chairman of the Assessors, and such suit to be commenced within Ten Days after the Collector making default as aforesaid.

Penalty on Assessors or Fire Wardens refusing to serve.

XV. And be it enacted, That if any of the said Assessors or Fire Wardens shall refuse to serve in their respective Offices, as enjoined by this Act, each and every such person so refusing shall forfeit and pay a Fine not exceeding Two Pounds, to be sued for and recovered by the senior Justice of the Peace for the Town; and such Collector, Treasurer and Assessor shall, and they are hereby required, within Thirty Days after such their Annual Meeting, to transmit to the Colonial Secretary's Office, a just and true Account of the Receipts and Disbursements of all Moneys received and paid under and by virtue of this Act.

How recovered.

Account of Receipts, &c., to be transmitted, annually, to Colonial Secretary's Office.

Duty of Treasurer and Collector at annual election of Assessors.

XVI. And be it enacted, That at every Annual Election as aforesaid of Assessors or Fire Wardens for the said Town, it shall be the duty of the Treasurer and Collector for the past year, and they are hereby required severally to exhibit at such Meeting and there deliver up to their Successors in Office their several Books of Accounts, to be by them kept in respect of their said Offices, and at the same time to pay over respectively to their said Successors in Office, the Balance of Moneys in their hands or with which they shall be respectively chargeable; and in case either or both of said Officers shall refuse to exhibit and deliver up at any Meeting, or shall refuse to pay over such Balances as aforesaid, he or they shall be respectively liable to a Fine of Twenty Pounds, to be recovered, with Costs, in manner by this Act prescribed, by the senior Justice of the Peace for the Town for the time being.

Penalty.

XVII. And be it enacted, That the said Assessors, or the major part of them, are hereby empowered and required to cause the Treasurer and Collector appointed under and by virtue of an Act passed in the Ninth year of Her present Majesty's Reign, intituled *An Act relative to Accidents by Fire, and for the Improvement of Property in Georgetown, and for the Removal of Nuisances from the Streets and Square thereof*, to render a Copy of their last Annual Accounts respectively to the Colonial Secretary's Office, within Fourteen Days after demand, and shall also furnish a like Copy to the Assessors appointed under this Act, and pay over to them any Balance that may remain in their or either of their hands; and in case either or both of said persons shall refuse to render copies of such Accounts as aforesaid and pay over any Balances in their hands, he or they shall be respectively liable to a Fine not exceeding Twenty Pounds, besides costs.

Duty of Treasurer and Collector appointed under 9 Vic. c. 28.

Penalty.

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

Moneys raised under this Act, how applied.

XIX. And be it enacted, That whatever Engines or other Implements of any kind which may be purchased by the said Assessors with the Moneys arising from the said Assessment, shall be placed in charge of the Collector of the As-

Engines, &c. to be placed in charge of Collector, and to be available at all times.

assessment for the time being, and be at all times available by the Inhabitants for the purposes contemplated by this Act.

Leather Bucket
to be kept by
Householders.

Owner's Name
to be painted
thereon.

Penalty.

Occupant to pro-
vide Ladders.

Penalty.

XX. And be it enacted, That the Tenant or Occupant of every House in the said Town, of the yearly value of Seven Pounds and upwards, shall provide and keep one leather Bucket, capable of containing not less than two gallons, on which the Owner's Name shall be painted, which Bucket shall be kept hung up in the Passage or Hall of such House, under the Penalty of Five Shillings for each and every time the said Bucket shall not be so found hung up in its proper place as aforesaid by the Fire Wardens when they shall visit the said House; and the said Tenant or Occupant, within Three Months after the passing of this Act, shall provide a Ladder or Ladders corresponding to the height of the House or Houses he or they may occupy, sufficient to enable Water to be carried to any part of the same, in the event of Fire, which Ladder or Ladders shall be paid for by the Proprietor, and kept in repair and fit for use at his expence, under a Penalty of Five Shillings.

Duties of Fire
Wardens.

Penalty on Fire
Warden.

Fire Wardens
may visit Houses
once a month.

XXI. And be it enacted, That Three at least of the said Fire Wardens, being the First, Second and Third in the order of their appointment, shall, once in every Six Months, visit each House within the said Town, and inspect the Buckets and Ladders required by this Act under a Penalty of Five Shillings upon each and every such Fire Warden, for each and every House he and they, respectively, shall neglect to visit; and it shall and may be further lawful for the said Fire Wardens appointed by virtue of this Act, or either or any of them, who shall think fit to visit any House or Houses in the said Town, once a month, to inspect the Water Buckets and Ladders required by this Act, which several aforesaid visits shall be made between the hours

of Eleven o'clock in the forenoon and Four in the afternoon; and any Housekeeper refusing to produce such Ladder or Bucket, shall, for every such refusal, incur a Penalty of Five Shillings.

Penalty on Housekeeper refusing to produce Ladder or Bucket.

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

Chimneys, when to be swept.

Penalty.

XXIII. And be it enacted, That if any Housekeeper in the said Town shall collect or keep, or permit to be kept, any Hay, Straw or Flax in any part of a Dwelling House, or shall collect or keep Ashes on a wooden Floor, or in a wooden Vessel in the said House, or any Out-house attached thereto, such Housekeeper shall pay Ten Shillings for every such Offence, and likewise forfeit the Hay, Straw or Flax found in such Dwelling House, excepting always such Hay or Straw as may be in use for Bedding.

Housekeeper suffering Hay, Straw, &c., to be kept in his house, how dealt with.

XXIV And be it enacted, That no Stovepipe, within Georgetown aforesaid, shall be passed through any Partition of Wood, or of Wood and Lime, or through any Wooden Floor or Roof, unless there shall have been left Five inches clear between the Pipe and Partition, or Floor or Roof, and which Pipe shall be surrounded with Stone or Brick, or a sheet of Iron, Tin, or Copper, which shall be nailed to every such Partition, Roof, or Floor; and close Stoves shall be fixed and set up in such manner as that in all cases there shall be at least Eighteen Inches in every direction (except the bottom) from any Wainscot, Laths, or Wooden Partition through or alongside of which the same may

Manner of placing Stovepipes,

and also close Stoves.

Penalty.

Duty of Fire
Wardens herein.

be placed, or if at a less distance, then the Wall or Partition shall be well and securely protected by Sheet Iron, to the satisfaction of the Fire Wardens, and any person offending in the Premises shall incur a Penalty of Twenty Shillings, and the several persons to be elected Fire Wardens in pursuance of this Act are hereby required to pay due attention to this clause, at the time of the several Inspections or Visitations hereinbefore mentioned.

Duty of Inhabi-
tants and Fire
Wardens on the
breaking out of
Fire.

XXV. And be it enacted, That on the breaking out of any Fire, all the Inhabitants of the said Town shall be bound to give their assistance to the said Fire Wardens, who are hereby jointly and severally empowered to require the assistance of the said Inhabitants, for the purpose of securing or removing any Property that it may be thought necessary or practicable to save, and for extinguishing and putting out any such Fire, and also to require the assistance of the said Inhabitants, or any service calculated to stop or prevent the further spreading of the Fire, and any person or persons refusing, or wilfully neglecting to assist, shall pay a Fine of Ten Shillings.

Penalty.

Penalties, how
appropriated.By whom reco-
verable.

XXVI. And be it enacted, That all Fines, recoverable under and by virtue of any of the foregoing Sections of this Act, (except such Fine as is imposed upon the Treasurer,) shall be paid to the Treasurer of the Assessment, for the purposes hereinbefore mentioned and contemplated by this Act, and shall be recoverable with Costs, by any person who may prosecute and sue for the same, except as is hereinbefore directed in the Thirteenth, Fourteenth, Fifteenth and Sixteenth clauses of this Act, to the extent of Eight Pounds, before any one of Her Majesty's Justices of the Peace, residing in Georgetown, and, if above that sum, in Her Majesty's Supreme

Court of Judicature, in any of its Sittings in Georgetown.

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

Orders on the Treasurer, to be signed by 5 Assessors.

When payable.

Penalty.

XXVIII. Whereas the Streets and Square of Georgetown are frequently encumbered with Nuisances of various descriptions, for remedy whereof: Be it enacted, That the Commissioner of Highways, for the time being, for the District comprising Georgetown, shall have power, and he is hereby authorised and directed, to nominate and appoint, within Fourteen days after the passing of this Act, and from thence annually, on or before the First day of May in each and every succeeding year, during the continuance of this Act, any number of persons in his discretion necessary, not being less than Two nor more than Four, whose duty it shall be to oversee the state of the Streets and Square within the particular Wards or Districts to which they shall be respectively assigned by the said Commissioner, and to cause the Streets and Square therein to be kept free and clear of all Nuisances and Obstructions whatsoever.

Duty of Commissioner of Highways.

Nuisances and Obstructions, how removed.

XXIX. And be it enacted, That any person, an Inhabitant of Georgetown, or a Proprietor therein, shall be obliged to keep the Gutters and Street before the Houses, Buildings, or Land inhabited, occupied, or possessed by him, her, or them, clear and free from Nuisances of every kind, and every person being the Occupier of the House or Premises nearest to which any such Nuisance or Obstruction shall be thrown or

Inhabitants, &c., to keep Gutters and Streets, in front of their Houses, &c. free from Nuisances.

Penalty for neglect.

Penalty on persons causing Nuisances.

Not to prevent persons from placing Building materials on the Streets, under certain conditions.

Owner of Carriage left in Street or Square, subject to a Penalty for each offence.

Persons breaking up portion of Street, required to enclose the

deposited, and who shall suffer the same to continue for the space of Six hours between Sunrise and Sunset, shall forfeit and pay for every day he, she, or they shall suffer such Nuisance so to continue, a sum not less than Five Shillings nor more than Ten Shillings; and every person who shall put or place any Nuisance on any Street or the Square of the said Town, shall be subject to a Penalty of not less than Five Shillings nor more than Twenty Shillings, together with the expense of the Overseer in removing or causing the same to be removed: Provided always, that nothing herein contained shall extend, or be construed to extend, to prevent any person or persons, who may be erecting or repairing any Building whatever, from placing, or causing to be placed on the Street or Streets next to the Site of such Building, any such necessary materials as are to be used either in the construction or in the repairing of such Building, so that the same do not extend further than Thirty feet from the line of the Street or Streets, and shall be enclosed within a Fence of not less than Four feet in height, and that such materials shall in no manner obstruct the free course of the water in the Gutters of the said Street or Streets.

XXX. And be it enacted, That any Carriage, of whatsoever description, which may be left or placed in any Street or the Square in the day-time, without any beast of burthen being attached thereunto, and which shall have been suffered to remain in that situation for the space of Two hours, or shall be left in any Street or the Square after sunset, the Owner or Owners of any such Carriage shall, for each Offence, forfeit and pay a sum not exceeding Five Shillings.

XXXI. And be it enacted, That all persons breaking up any portion of the Streets of the said Town, either under a Public-Contract with

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

same, under a Penalty of £2.

Penalty for removing Earth without authority.

XXXII. And be it enacted, That the Overseers aforesaid shall, during their continuance in office, be exempt from performing or contributing to their yearly Labour on the Streets and Highways, required by the Statutes of this Island; and that in case any of the said Overseers shall refuse to accept his appointment, or shall wilfully neglect or delay to prosecute for any of the foregoing Penalties, or in any other respect to perform his duty under this Act, each and every Overseer so offending shall forfeit and pay a Fine of Twenty Shillings for every such neglect—to be recovered on the oath of any one credible Witness, in manner hereinafter directed, and paid to the Treasurer of the Assessors of the Town, to be applied towards keeping in repair the Streets of the said Town.

Overseers exempt from Statute Labour.

Penalty on refusal to accept appointment, &c.

Mode of recovery

How applied.

XXXIII. And be it enacted, That all Penalties and Forfeitures imposed by the Twenty-ninth and Thirtieth Clauses of this Act shall be sued

Penalties imposed under Sec-

tions 29 and 30,
how recovered.

for, and by the Overseer for the District or Ward in which the Penalty shall be incurred, and before any one of Her Majesty's Justices of the Peace residing in Georgetown; and shall be recovered, together with Costs, by Distress and Sale of the Goods and Chattels of the Offender; and in default thereof, the Offender shall be imprisoned for a period not exceeding One Calendar Month—which Fines, when recovered, shall be applied, One-half to the Overseer who shall sue for the same, and the remainder to the Assessors of the Town, towards keeping in repair the Streets or Square, and the Fire Engine which may belong to the said Town.

Application of
Penalties.

Parties aggrieved
may appeal.

Mode of Appeal.

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

Continuance of
Act.

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

Prosecutions,
&c. commenced
under 9 V. c. 28,
and part of 13 V.
c. 1, may be
completed under
said Acts.

XXXVI. And whereas, at the time of passing of this Act, Prosecutions, Assessments, Suits and Proceedings may be pending, or have been commenced under or by virtue of the said Acts and parts of an Act hereby repealed: Be it therefore enacted; That for the purpose of completing all such Prosecutions, Assessments, Suits, and other proceedings, and for upholding and giving

force and effect thereto, and to all proceedings necessary to give effect thereto, and to all proceedings necessary to give effect to any Judgments or Convictions or Orders thereunder, and for such purposes only, the said recited Act and parts of an Act hereby repealed, shall be, and the same are hereby declared to be, and remain in full force and effect—anything in this Act to the contrary thereof notwithstanding.

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SCHEDULES to which this Act refers.

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SCHEDULE (A.)

Form of Precept to Collector to Sell Goods and Chattels, or Real Estate.

PRINCE EDWARD ISLAND, to wit.

To *A. B.* the Collector appointed under the Act, intituled [*Here insert the Title of this Act.*]

Precept to Sell
Goods and Chattels,
or Real Estate.

Whereas we, the undersigned Assessors appointed for carrying into effect the Provisions of the said Act, having assessed [*Here describe the Property*] situate in Georgetown aforesaid, pursuant to the said Act; and the said Assessment, together with Costs, amounts to the sum of Pounds, Currency, and the Notices required by Law having been duly given, and the amount of the said Assessment remaining still unpaid, these are therefore to authorise and require you, the said Collectors, to take such Goods and Chattels as may be found on the said Lot, and Sell the same; failing thereof to take the said Lot to satisfy the said Assessment and Costs, and the same to Advertise, Sell, and dispose of according to Law; and you are to give this Precept to the party purchasing, and pay the Money as directed by the said Act.

Given under our hands and seals, this
day of One thousand Eight hundred
and and in the year of the Reign
of Her Majesty Queen Victoria.

SCHEDULE (B.)

*Table of Fees to be taken by the Magistrates,
Collector and Assessors, by this Act.*

Magistrates',
Collectors', and
Assessors' Fees.

Precept, Five Shillings.

Levying the Goods and Chattels, Two Shillings
and Six Pence.

Levying the Real Estate, Two Shillings and
Sixpence.

Advertising Real Estate, when only One Lot
in arrear, Twenty Shillings.

For every additional Lot, the sum of Sixpence,
together with an equal proportion of the said
Twenty Shillings, and in like manner for every
proportional part of a Lot.

Selling Real Estate, the sum of Five Pounds
per centum on the Purchase Money received.

For Advertising Goods and Chattels, Five Shil-
lings.

For Notices of Public Meetings and Posting,
Five Shillings.

CAP. XXIX.

An ACT to relieve Members of the Legis-
lature from the liability to pay a Penalty
in case of refusing to accept the Office of
High Sheriff.

[Passed May 15, 1851.]

WHEREAS by an Act of the Forty-eighth
year of the Reign of His late Majesty
King George the Third, intituled *An Act to
amend an Act made and passed in the Twenty-
sixth year of His present Majesty's Reign, inti-
tuled "An Act to empower the Governor, Lieu-
tenant Governor, or Commander in Chief for
the time being, to appoint a Sheriff or Sheriffs
for this Island; also to regulate the Office of
Sheriffs, and the manner in which they shall
return and pass their Accounts of all Fines and*

Forfeitures levied by them for the use of the Crown," and to indemnify persons claiming under Deeds executed by the Deputy or Under Sheriff of this Island, it is enacted, that any person who shall have been appointed to execute the Office of High Sheriff, and shall refuse to accept the same, shall be subject to and pay a Fine of Twenty Pounds, of lawful Money of this Island: And whereas Members of the Legislature are liable to be selected for the performance of this Office: Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, whenever any Member of the Legislature shall be selected by competent legal authority to serve the Office of High Sheriff in either of the Counties of this Island, it shall be lawful for such Member to decline such Office, without being liable, in case of his refusal, to pay any Fine heretofore enacted to be paid by him in case of such refusal: Provided always, that such person shall, within Eight Days after receiving notice of his appointment, signify to the Lieutenant Governor, in writing, his refusal to serve in the said Office.

Any Member of the Legislature may refuse to serve the office of High Sheriff, without being liable to fine therefor.

Refusal to be communicated to Lieut. Governor within 8 days after notice of appointment.

II. And be it enacted, That upon every such refusal, the Lieutenant Governor, or other Administrator of the Government for the time being, and the Chief Justice, or in his absence the eldest Justice, shall respectively proceed in the same manner as is prescribed by the Third Section of the Act of the General Assembly of this Island made and passed in the Twenty-sixth year of the Reign of His late Majesty King George the Third, intituled *An Act to empower the Governor, Lieutenant Governor, or Commander in Chief for the time being, to appoint a Sheriff or Sheriffs for this Island; also to regulate the Office of Sheriffs, and the manner in which they shall return and pass their Accounts of all Fines and Forfeitures levied by them for the use of the Crown.*

Lieut. Governor, &c. in such cases, to proceed in manner prescribed by 3d sec. 26 G. 3, c. 15.

CAP. XXX.

An ACT to alter the Appropriation of a certain sum of Money raised by the present Land Assessment Act.

[Passed May 15, 1851.]

WHEREAS the Annual Salary of Five hundred Pounds payable to His Excellency the Lieutenant Governor of this Island, under and by virtue of an Act made and passed in the Eleventh year of the Reign of Her present Majesty, intituled *An Act for levying further an Assessment on all Lands in this Colony, and for the encouragement of Education*, has not been required to be paid since the Thirty-first day of March, in the year One thousand Eight hundred and Forty-nine, in consequence of Her Majesty's Imperial Government having granted and paid to the Lieutenant Governor a Salary in lieu thereof, and it is therefore necessary that the appropriation thereof should be altered: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, and during the continuance of the Act above recited, the said annual sum of Five hundred Pounds of the Moneys thereby raised and appropriated to the payment of the said salary, shall, instead thereof, be paid into the Treasury of this Island, and be appropriated and applied to the general uses and purposes of Her Majesty's Government thereof, in such manner as the Legislature of this Island shall hereafter direct.

Alters the appropriation of the annual sum of £500 levied under 11 Vic. c. 7.

CAP. XXXI.

An ACT relating to the Office of Registrar of Deeds and Keeper of Plans.

[Passed May 15, 1851.]

WHEREAS the Office of Registrar of Deeds, by an Act of the General Assembly of this Island, passed in the present Session thereof, intituled *An Act to commute the Crown Revenues of Prince Edward Island, and to provide for the Civil List thereof, as well as for certain compensations therein mentioned*, has again been separated from the Office of Colonial Secretary and Clerk of the Executive Council: And whereas it is also expedient, as it is deemed to be no longer necessary for the Surveyor General to attend daily at the Colonial Building, that the Plans now kept by the Surveyor General and deposited in his Office, should hereafter be placed in the charge of and kept in the Office of the Registrar of Deeds, so that they may be daily accessible to persons desiring to inspect the same; and that it should be enacted that all references made in Statutes or Documents to Plans kept or to be lodged in the Surveyor General's Office, should be held, after the passing of this Act, to refer to the Plans to be hereafter lodged or kept in the Office of the Registrar of Deeds: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That immediately after the passing of this Act, it shall be the duty of the Surveyor General of this Island, to hand over to, and place in the Office of the Registrar of Deeds, in the Colonial Building, in Charlottetown, all the Public Plans, Surveys and Documents relating thereto, which now are, or hereafter may be, lodged or kept in the Surveyor General's Office; and it shall be the duty of the said Registrar to take charge of the same, and keep them in safe custody.

Surveyor General to hand over to the Registrar of Deeds, all Public Plans, &c.

Registrar to take charge of the same.

Books of Registry, &c. to be open to the public.

II. And be it enacted, That the Books of Registry, and the Indices thereto, and also all Plans, Surveys and other Documents hereinbefore mentioned to be deposited in the Office of the Registrar of Deeds, shall be open to the Public to make searches therein or therefor, within Office hours, on payment of the Fees hereinafter enacted to be paid for each search, and all searches shall be made under the superintendance of the Registrar; and no person making a search shall be allowed to make use of a Pen or Ink in making Notes or Extracts of such search, but shall use a Pencil for that purpose, and one search shall be considered to be a search for and the inspection of all Deeds or Documents connected with the Title of one particular piece of Land, or as to incumbrances existing against one particular person; and if a copy of any Deed or Document be required, the same shall be made by the Registrar or his Deputy, and given by him to the party ordering it on payment of the lawful Fees therefor.

Searches, how made.

Copies of Deeds, &c., to be made by Registrar or his Deputy.

Copies of Plans to be made by Surveyor General, &c.

How certified.

III. And be it enacted, That if a copy of any Plan so to be deposited in the Office of the Registrar of Deeds shall be required by any person, such person must employ either the Surveyor General, or in his absence or refusal, the Deputy Surveyor General, to extract the same; who, together with the Registrar or his Deputy, may, when the same is correctly extracted, grant a Certificate of its being a true Copy of such Plan.

References to Plans, &c. kept in Surveyor General's Office, held to refer to the same, as deposited in Registrar's Office.

IV. And be it enacted, That all references made in any Statutes of this Island, or in any State Documents or Papers, or Public or Private Documents, or Deeds, Papers or Writings, of any kind or description, to Plans, Surveys or Descriptions, kept or deposited in the Office of Her Majesty's Surveyor General of this Island, shall be held, after the passing of this Act, to refer to the same as deposited or kept in the

Office of the Registrar of Deeds, under the provisions of this Act; and wherever any Statute, or Public or Private Document, under which any proceedings may now be pending or unfinished, or may hereafter be commenced, and which may require Plans and particulars of any Surveys or Tracts of Land to be lodged in the Office of Her Majesty's Surveyor General of this Island; then, provided the same shall be lodged in the Office of the Registrar of Deeds and Keeper of the Plans under this Act regulated, the purposes of or declared in the said Statutes, or Public or Private Documents, shall be held and deemed to have been fully answered and completed.

Statute, &c., requiring Plans, &c. to be lodged in Surveyor General's Office, fully answered by depositing same in Registrar's Office.

V. And be it enacted, That the Eleventh Section of an Act passed in the Third year of the Reign of His late Majesty King William the Fourth, intituled *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, be, and the same is hereby repealed.*

Repeals 11th sec. 3 W. 4 c. 10.

VI. And be it enacted, That the Registrar of Deeds shall take and receive

Registrar's Fees.

For the Registering of every Deed or Instrument, One Shilling, Currency, for every One Hundred Words.

For every Oath to be administered, One Shilling.

For every Certificate, whether to a Deed or Plan, One Shilling, Currency.

For every Plan deposited in his Office, (except Public Plans and Documents by the Surveyor General,) or which are required to be registered, One Shilling, Currency.

For every search or Inspection of Plans, the sum of One Shilling, Currency.

And the Office of the Registrar and Keeper of the Plans shall be kept in the Colonial Build-

Registrar's Office, where to be kept.

ing, and be open for the public business from Ten in the morning to Three *post meridian*, (holidays excepted): Provided always, that nothing in this or the said recited Act contained shall require the Registrar of Deeds or Keeper of the Plans to record any Deeds or Writings, or take, deposit, or record of any Plan as aforesaid, or allow Copies of Plans to be taken, unless the amount of Fees required by this Act shall first have been tendered or paid, at the time of depositing or applying for Copies of Plans, or immediately upon proof of the due execution of such Deeds or Writings having been made in terms of the said recited Act.

Fees to be paid when Deeds are deposited, or Copies of Plans applied for.

Registrar to keep an Account of all Fees, &c.—open at all times to the inspection of Government—and account to Treasurer quarterly.

First payment, when to be made. How applied.

VII. And be it enacted, That the said Registrar of Deeds and Keeper of the Plans shall keep an exact and correct Account in a Book of all Fees, Payments and Emoluments whatsoever, paid or payable to him, or into his Office, which shall at all times be open to the inspection of the Government of this Island, and shall account for and pay the amount thereof to the Treasurer of this Island, quarterly, on the First days of July, October, January and April, or within Ten days from such period, respectively, in every year, the first payment to be made on the First day of July now next ensuing, and to be applied to and for the use of Her Majesty's Government of this Island, in such manner as shall be appropriated by any Act or Acts of the Legislature thereof.

Penalty on Registrar, for refusing to account to Treasurer, &c.

VIII. And be it enacted, That in case the person holding the said Office of Registrar of Deeds and Keeper of Plans as aforesaid, shall refuse or wilfully neglect to account to the Treasurer, or to keep the said Account Book, or to allow the inspection thereof, in manner as in the last preceding Section enacted, he shall forfeit and pay to Her Majesty for every such refusal or neglect, the sum of Fifty Pounds over and above the amount of any deficiency in the said

moneys so by him payable, the same to be recovered, by Bill, Plaint, or Information, in the Supreme Court of Judicature of this Island, to and for the use of Her Majesty's Government.

Made of recovery, and application thereof.

IX. And be enacted, That it shall be the duty of the Registrar of Deeds, and he is hereby required, after any Deed shall have been recorded by him, upon the request of the party requiring the same to be registered, and in his presence, to compare such Deed with the Copy thereof, as entered in the Books of Record, so that the correctness of the Record may be fully insured.

Registrar's date.

C A P. X X X I I.

An ACT to provide Salaries for the Controllers of Customs and Navigation Laws, appointed or to be appointed at the various Outports in this Island, and to repeal a certain Act therein mentioned.

[Passed May 15, 1851.]

WHEREAS the Office of Sub-Collectors of Customs in this Island now no longer exists, and it is desirable to provide Salaries for Controllers of Customs and Navigation Laws, appointed or to be appointed at the various Outports in this Island, in order that the privileges of a Free Port may be extended to all Ports in this Island, to which such Officers are or hereafter may be appointed: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, there shall be allowed and paid to any person now appointed, or who shall hereafter be appointed, to act as Controller of Customs and Navigation Laws, at any Outport in this Island, (except Charlottetown,) and who shall be duly authorised to perform the duties of such Office,

*Allowance to
Controllers of
Customs & Navigation
Laws.*

To be paid quarterly.

Not more than one Controller of Customs to be appointed to any Outport in this Island.

the sum of Fifteen Pounds, *per annum*, of lawful current Money of this Island, as and for the Salary of such Office, and so long as he shall hold the said Office—which said Salary shall be paid quarterly, by Warrant drawn by the Lieutenant Governor in Council, on the Treasurer thereof: Provided always, that no more than one Controller of Customs and Navigation Laws shall be appointed to any Outport in this Island, nor be entitled to receive a Salary under this Act.

Repeals 7 Vic., c. 21.

II. And be it enacted, That an Act passed in the Seventh year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act to provide Salaries for Sub-Collectors of Customs at the several Outports therein mentioned*, be, and the same is hereby repealed.

CAP. XXXIII.

An ACT for establishing the Rates in Currency at which Rents reserved in Sterling shall henceforth be paid in this Island.

[*Passed May 15, 1851.*]

WHEREAS it has been customary in this Island, for Leases of Land, to provide that the Annual Rent should be paid in Sterling Money, which Sterling Money, ever since the Settlement of the Colony, has, with few exceptions, been paid and received in the liquidation of Rents, by the addition of One-ninth part to the Sterling, in order to reduce it to the Currency of this Island, without having regard to the fluctuating Commercial Premium or Discount of Exchange: And whereas it is equitable and expedient that the Obligations between Landlord and Tenant should be definitely settled at the aforesaid usual Rate: Be it therefore enacted,

by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, it shall not be lawful to sue for and recover Rents of Land in any other than the aforesaid proportion, which is in the ratio of Five Pounds Eleven Shillings One Penny and One-third of a Penny, Currency, to every Five Pounds, Sterling, upon every Lease or Agreement for Lease, or other Document for the leasing of Lands, which provides that the Rent shall be payable in Sterling Money: Provided always nevertheless, that in all cases where Rents, reserved in all such Leases or Agreements for Leases, have been heretofore paid and received in Currency, by the addition of One-half to the Sterling, in order to reduce it to the Currency of this Island, the said Rents shall continue so to be paid and received, by the addition of One-half to the Sterling, any thing herein contained to the contrary thereof notwithstanding.

Defines the rates in Currency at which Rents reserved in Sterling may, in future, be sued for & recovered.

Rents hitherto paid and received by the addition of one-half to the Sterling, not affected by the foregoing provision.

II. And be it enacted, That nothing in this Act contained shall have any force or effect until Her Majesty's pleasure therein shall be known.

Suspending clause.

CAP. XXXIV.

An ACT for appropriating certain Moneys therein mentioned, for the service of the year of our Lord One thousand Eight hundred and Fifty-one.

[Passed May 15, 1851.]

MAY IT PLEASE YOUR EXCELLENCY;

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

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

£4,500 for general service of Roads, Bridges, &c.

A Sum not exceeding Four thousand Five hundred Pounds, for the general service of Roads, Bridges and Wharfs, to be expended agreeably to the Report of the Committee of the House of Assembly, appointed for the consideration of all matters relating to Roads, Bridges and Wharfs, and that such sum be divided among the Three Counties, as follows:

£1,700 for Queen's County.

Queen's County, One thousand seven hundred Pounds.

£1,400 for King's County.

King's County, One thousand four hundred Pounds.

£1,400 for Prince County.

Prince County, One thousand four hundred Pounds.

£150 for contingent Expenses of Roads, &c.

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

A sum sufficient to defray amount of contracts entered into for repair of Roads, &c.

And a further sum sufficient to defray the amount of all Contracts entered into for the Repairs of Bridges and Wharfs up to the Twenty-fifty day of March One thousand eight hundred and Fifty-one.

£300 to defray expenses under Road Compensation Act.

And a further sum of Three hundred Pounds, to defray expenses under the Road Compensation Act, for the present year, should the same be required.

£160 for salaries of Road Commissioners.

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

A sum sufficient to defray percentage allowed by

And a further sum sufficient to defray the Percentage allowed by Law to Road Commissioners on all Moneys expended by them on Roads,

Bridges, Wharfs, Buoys and Beacons, for the past year. Law to Road Commissioners.

And a further sum of Five hundred Pounds to the present Chief Justice of this Island, as a consideration for the reduction of his salary, in accordance with an Act of the present Session. £500 to Chief Justice, as a consideration for reduction of his salary.

And a further sum of Seven hundred Pounds, to defray the salary of the Chief Justice, for the present year. £700 for salary of Chief Justice.

And a further sum of Five hundred Pounds, to defray the salary of the Master of the Rolls and Assistant Judge, for the present year. £500 for salary of Master of the Rolls, &c.

And a further sum of Four hundred Pounds, to defray the salary of the Colonial Secretary, for the present year. £400 for salary of Colonial Secretary, &c.

And a further sum of Two hundred Pounds, to defray the salary of the Registrar and Keeper of Plans, for the present year. £200 for salary of Registrar, &c.

And a further sum of One hundred and Fifty Pounds, to defray the salary of the Attorney General, for the present year. £150 for salary of Attorney General.

And a further sum of Four hundred Pounds, to defray the salary of the Treasurer of this Island, for the present year. £400 for salary of Treasurer.

And a further sum of Two hundred Pounds, to defray the salary of the Collector of Impost at Charlottetown, for the present year. £200 for salary of Collector of Impost.

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

And a further sum of One hundred and Twenty Pounds, to defray the salary of the Clerk of the Executive and Legislative Councils, for the present year. £120 for salary of Clerk of Executive and Legislative Councils.

And a further sum of Twenty-five Pounds, to defray the salary of the Adjutant General of Militia, for the present year. £25 for salary of Adjutant General of Militia.

And a further sum of Sixty-eight Pounds, to defray the salary and office rent of the Harbour Master, and Wharfinger for the Port of Charlottetown, for the present year. £68 for salary, &c. of Harbour Master and Wharfinger.

£350 towards
support of Lunatic
Asylum.

And a further sum of Three hundred and Fifty Pounds, towards the support and maintenance of the Lunatic Asylum and House of Industry, for the present year, should the same be required for the support of the Inmates thereof, and the necessary expenses of the Establishment.

£1700 for the
encouragement
of general Edu-
cation.

And a further sum of One thousand seven hundred Pounds, for the encouragement of general Education, including Visitors of Schools, and National School, for the present year.

£60 for George-
town and Shediac
Packets.

And a further sum of Sixty Pounds, to defray the amount allowed by Law for the Georgetown and Shediac Packets.

£40 for salary of
Market Clerks.

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

£200 for salaries
of Controllers of
Navigation Laws

And a further sum of Two hundred Pounds, or as much thereof as may be required, to defray the salaries of Controllers of the Navigation Laws, for the several Ports in this Island, for the present year.

£550 to defray
costs of Crown
Prosecutions.

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

£600 to defray
expense of Sum-
mer Foreign
Mails.

And a further sum of Six hundred Pounds, to defray the expenses of conducting the Summer Foreign Mails, for the present year.

£220 to defray
expense of Win-
ter Mails.

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

£400 for con-
ducting Inland
Mails.

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

£75 for Public
Postage.

And a further sum of Seventy-five Pounds, to defray the amount of Public Postage, for the present year.

£400 for Fuel,
&c. for 3 County
Jails.

And a further sum of Four hundred Pounds, to defray the Expense of Fuel and Bread for the three County Jails, with any other contingent

expenses for the present year, should the same be required.

And a further sum of Four hundred Pounds, to defray the expense of Public Printing and Stationery, should the same be required. £400 for Public Printing and Stationery.

And a further sum of Sixty Pounds, at the disposal of the Lieutenant Governor in Council, or as much thereof as may be required, to defray the expense of Lighting the Lighthouse at Point Prim, for the present year—the principal articles requisite for the same to be supplied by tender. £60 for Point Prim Lighthouse

And a further sum of Forty-five Pounds, to defray the proportion of expense payable by the Government of this Island for the Light Houses on St. Paul's and Scatarie. £45 for St. Paul's and Scatarie Lighthouses

And a further sum of Seventy-five Pounds, to defray the expenses of Buoys and Beacons in the several Ports in this Island, for the present year. £75 for Buoys and Beacons.

And a further sum of Fifty Pounds, to defray the expenses and Travelling Charges on Coroners' Inquests, should the same be required. £50 for Travelling Charges on Coroners' Inquests.

And a further sum of Thirty-five Pounds, to defray the amount of premiums for the destruction of Bears and Loupcerviers for the present year, should the same be required. £35 for destruction of Bears and Loupcerviers.

And a further sum of Fourteen Pounds, to defray the assessment on Government Pews in St. Paul's Church, Charlottetown. £14 for assessment on Government Pews.

And a further sum of Two hundred and fifty Pounds, or as much thereof as may be required, at the disposal of the Lieutenant Governor in Council, to defray the expenses of Boards of Health for the past and present years. £250 for Boards of Health.

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

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

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

£15 for Matron of Charlottetown Jail.

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

£20 for salary of Road Correspondent.

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

£10 for salary of Assayer of Weights and Measures.

And a further sum of Twenty-five Pounds to the persons appointed for classifying the Public Accounts, for the past year.

£25 for classifying Public Accounts.

And a further sum of Twenty Pounds, to defray the salary of the persons appointed for auditing the Treasurer's Accounts, for the past year.

£20 for auditing Treasurer's Accounts.

And a further sum of Ten Pounds to the Auditors of the Public Accounts, for an extra audit.

£10 to Auditors of Public Accounts.

And a further sum of Sixty Pounds, to defray the Salary of the Keeper of the Colonial Building, for the past year.

£60 to the Keeper of the Colonial Building.

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

£10 to the Librarian of the Legislature.

And a further sum of Two Pounds Ten Shillings, to defray the salary of the Market Clerk in Georgetown, for the past year.

£2 10s. to Georgetown Market Clerk.

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

£60 for salaries of 3 Sheriffs.

And a further sum of Fifty Pounds, to defray the expenses of Coroners' Inquests, for the past year.

£50 to defray expenses of Coroners' Inquests.

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

£40 to the Messenger of the Executive Council, &c.

And a further sum of Five hundred and fifty Pounds, to defray Crown Prosecutions and Crown Officers' Fees, should the same be required, for the past year.

£550 to defray expense of Crown Prosecutions.

And a further sum of Two hundred and twenty Pounds, to defray the expense of the Winter Mails, for the past year. £220 to defray expense of Winter Mails.

And a further sum of Seventy-five Pounds, to defray the expense of Public Postage, for the past year. £75 for Public Postage.

And a further sum of Four hundred Pounds, to defray the expense of Public Printing and Stationery, for the past year. £400 for Public Printing, &c.

And a further sum of Four hundred Pounds, to defray the Sheriffs' expenses for Jails in the three Counties, for the past year. £400 for expenses of 3 County Jails.

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

And a further sum of Twenty Pounds, to defray the salary of the Messenger of the Executive Council, for the present year. £20 to the Messenger of the Executive Council.

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

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

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

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

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

And a further sum of Eight Pounds, to defray the allowances to the Medical Attendants of King's and Prince County Jails, for the present year. £8 to Medical Attendants, King's & Prince County Jails.

And a further sum of Twenty Pounds, to defray the salaries of the persons appointed for auditing the Treasurer's Accounts, for the present year. £20 for auditing Treasurer's Accounts.

£25 for classifying Public Accounts.

And a further sum of Twenty-five Pounds, to the persons appointed for classifying the Public Accounts for the present year.

£5 to the Auditors of the Public Accounts.

And a further sum of Five Pounds, to the Auditors of Public Accounts, for an extra audit.

£60 to the Keeper of the Colonial Building.

And a further sum of Sixty Pounds, to defray the salary of the Keeper of the Colonial Building, for the present year.

£50 to Keeper of Point Prim Lighthouse.

And a further sum of Fifty Pounds, to defray the salary of the Keeper of Point Prim Lighthouse, for the present year.

£2 10s. to Georgetown Market Clerk.

And a further sum of Two Pounds Ten Shillings, to defray the salary of the Market Clerk in Georgetown, for the present year.

£20 to the Crier of the Supreme Court.

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

£300 to 30 Road Commissioners.

And a further sum of Three hundred Pounds, to defray the salaries of Thirty Road Commissioners, at Ten Pounds each, for the present year.

£350 to Postmaster General.

And a further sum of Three hundred and fifty Pounds, to defray the salary of the Postmaster General of this Island, for the present year.

£1000 for Interest on Treasury Warrants.

And a further sum of One thousand Pounds, at the disposal of the Lieutenant Governor and Council, to defray the Interest on Treasury Warrants, for the present year.

£6 each to the

And a further sum of Six Pounds each, to the following Churches, in payment of Pew Rent for the service of the Legislature, for the present year, *videlicet*:

Wesleyan Church,
Roman Catholic Church,
Presbyterian Church.

The Wesleyan Church.
The Roman Catholic Church.
The Presbyterian Church.

£60 to John Brooks, Murray Harbour.

And a further sum of Ten Pounds, or as much thereof as may be required, to John Brooks, Murray Harbour, towards the support of John Luxon, a Maniac, and his conveyance to the Lunatic Asylum, if admitted.

And a further sum of Seventy-five Pounds, at the disposal of the Governor and Council, towards building a new Block and repairing a Wharf for Charlottetown Ferry, at Minchin's Point.

£75 towards building Block, &c. at Charlottetown Ferry.

And a further sum of Sixty Pounds to the Speaker, and the sum of Thirty Pounds to each of the Members of the House of Assembly, together with the usual Travelling Expenses in coming to and returning from the present Session, and a proportionate rate to such Members as have attended in their places for a part of the Session.

£60 to the Speaker, and £30 to each Member of the Assembly, &c.

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

A sum sufficient to defray the contingent expenses of the Legislature

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

£20 to the Ladies' Benevolent Society.

And a further sum of Seven Pounds Thirteen Shillings, to Henry William Lobban, for Coal for the use of Government House, for the past Winter.

£7 13s. for Coal for Government House.

And a further sum of Thirty-nine Pounds Two Shillings and Sixpence, to the following persons, *videlicet*: To William Richard Watson, of Charlottetown, the sum of Twelve Pounds Fifteen Shillings, for Duty exacted on Twenty-eight barrels Flour and two barrels Meal; and the sum of Ten Pounds to John Knight, of Souris, being Duty exacted on forty barrels of Meal; and the sum of Sixteen Pounds Seven Shillings and Sixpence to Donald Beaton, of Souris, being the Duty exacted on forty barrels of Meal and fifteen barrels of Flour—the same being ordered for importation in the years 1848 and 1849, when these articles were exempt from Duty; but owing to the vessels being frozen in, the Goods could not be landed until a few days after the expiration of the Act, when the Duties were exacted, secured and paid.

£39 2s. 6l. to sundry persons, being for return of Duties exacted on Flour and Meal.

And a further sum, sufficient, at the disposal of the Lieutenant Governor and Council, to pro-

A sum sufficient to defray expense

of Constables in attendance on Supreme Court.

vide for the payment of Four Constables to attend the Hilary and Trinity Terms of the Supreme Court, held in Queen's County, and for the attendance of Two Constables at the several Supreme Courts in King's and Prince Counties, and Two Constables for the Easter and Michaelmas Terms of Queen's County, at the rate of Three Shillings per day.

£10 to the Legislative Library

And a further sum of Ten Pounds, at the disposal of the Joint Committee in charge of the Legislative Library, to defray the expense of the usual Serial Publications.

£10 to Ladies' Dorcas Society.

And a further sum of Ten Pounds to the Ladies' Dorcas Society, in aid of the Funds of that Institution.

£500, or as much as may be necessary, to the Royal Agricultural Society.

And a further sum of Five hundred Pounds, or as much thereof as may be necessary, and equal to the amount of the sum subscribed, to be placed at the disposal of the Lieutenant Governor in Council, in aid of the Funds of the Royal Agricultural Society—said sum to be paid to the Secretary and Treasurer of said Society, to be applied for the general benefit of that Institution, under the provisions of the Act of Incorporation.

£150 to Commissioners for superintending re-printing of the Laws.

And a further sum of One hundred and fifty Pounds to the Commissioners appointed in the year 1848, to superintend the consolidating and re-printing the Laws, in part payment therefor.

£10 for keeping Light at Blockhouse.

And a further sum of Ten Pounds, or as much thereof as may be necessary, to defray the expense of keeping a Light at the Blockhouse for the present year.

A sum sufficient to pay drawbacks

And a further sum, sufficient to defray the amount of Drawbacks payable by Law during the present year.

£350 for contingent expenses of Government.

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

£50 14s. 6d. for sundry School Teachers.

And a further sum of Eighty Pounds fourteen shillings and sixpence, at the disposal of the Government, for the following Teachers, *videlicet*:

Malcolm Macaulay,	£7 12 0
Michael Dwire,	5 0 0
Anastatia M'Donald,	5 0 0
Simon Gill,	7 12 0
Sarah Harvie,	5 0 0
Mary Morrison,	4 0 0
Walter Phelan,	10 0 0
Joseph Fisher,	3 16 0
W. H. Nelis,	4 15 6
George A. Parsons,	7 12 0
Jane H. Travers,	5 0 0
Sebastian Davison,	3 15 0
Frederica Holland,	7 12 0
Letitia Muirhead,	4 0 0

And a further sum of Four hundred Pounds to the Joint Committee of both Houses of the Legislature having charge of Government House and Furniture. £400 to Government House Furniture Committee

And a further sum of Two hundred and thirty Pounds One Shilling, to defray the amounts due the several Mail Couriers for past services, agreeably to the following scale, *videlicet*: £230 to sundry Mail Couriers.

Samuel Lane,	£67 4 0
George Monkley,	68 16 0
Neil M'Innes,	44 0 0
Archibald M'Lellan,	20 16 0
Lawrence Yeo,	20 3 0
James Kinlay and William Coughlan,	} 9 2 0

And a further sum of Four hundred Pounds, to defray the allowances to the late Attorney General and Colonial Secretary, for the current year. £400 to the late Attorney General and Colonial Secretary.

And a further sum, sufficient, at the disposal of the Sergeant at Arms, to purchase Coals for the use of the Legislature, to be drawn for by him when necessary. A sum sufficient to purchase Coals for the Legislature.

And a further sum of Ten Pounds to the Office-bearers of the Charlottetown Mechanics' Institute, in aid of the Funds of that Institution. £10 to Charlottetown Mechanics' Institute.

And a further sum of Five Pounds, to the Office-bearers of the Princetown Royalty Lite- £5 to Princetown Literary Society.

rary and Scientific Society, in aid of the Funds of that Institution.

£50 for repairing
Old Court House.

And a further sum of Fifty Pounds, at the disposal of the Government, to defray the expense of repairing the Old Court House, or as much thereof as may be required.

£5 to G. T. Haszard.

And a further sum of Five Pounds to George Thomas Haszard, for Duty exacted on Paper imported for printing Educational Works.

£10 to Peter Scott.

And a further sum of Ten Pounds to Peter Scott, to remunerate him for extra work performed by him upon the Pownal Street Wharf.

£10 to Geo. Hubbard.

And a further sum of Ten Pounds to George Hubbard, for teaching the Infant School, Charlottetown.

£10 to Michael Mackana.

And a further sum of Ten Pounds to Michael Mackana, for teaching a Poor School in Charlottetown.

£10 to Margaret Maccormack.

And a further sum of Ten Pounds to Margaret Maccormack, for teaching a Female School in Charlottetown.

£100 for repairs to Central Academy.

And a further sum of One hundred Pounds, at the disposal of the Government, to defray the expense of certain necessary repairs to the Central Academy.

£50 for Plans, &c., of Public Works.

And a further sum of Fifty Pounds, to defray the expense of Plans, Estimates, and the Superintending of Public Works, for the present year.

£29 7s. 3d. to Job Packer and Wife.

And a further sum of Twenty-nine Pounds Seven Shillings and Three-pence to Job Packer and Wife, for taking care of Government House for Twenty-three weeks.

£10 to Trustees of Rollo Bay School.

And a further sum of Ten Pounds to the Trustees of Rollo Bay District School, to enable the Subscribers to re-build the School House—the former one having been used as a Hospital, in the year 1849, during the prevalence of the Small Pox in that neighbourhood, and afterwards burnt by order of the Board of Health.

£30 to Deputy Postmaster General.

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

And a further sum of One hundred and twenty-eight Pounds and Four-pence to the late Sheriff of Queen's County, for the year 1850, for holding and conducting the General Election in that County for said year.

L127 7s. 4d. to late Sheriff of Queen's County.

And a further sum of Forty Pounds Six Shillings and One Penny to the late Sheriff of King's County, for holding and conducting the General Election held in the year 1850.

L140 6s. 1d. to late Sheriff of King's County.

And a further sum of One hundred and three Pounds Two Shillings and Ten-pence to the late Sheriff of Prince County, for holding and conducting the General Election in that County in the year 1850.

L103 2s. 10d. to late Sheriff of Prince County.

And a further sum of Twenty-two Pounds Thirteen Shillings and Seven-pence to the Sheriff of King's County, for holding and conducting the Election lately held in the Third District of said County.

L22 13s. 7d. to the Sheriff of King's County.

And a further sum of Fifteen Pounds Eighteen Shillings and One Penny to Joseph Wightman, Esquire, late Sheriff of King's County, being a balance due him on his account as Sheriff, for the year ending May, 1850.

L15 18s. 1d. to late Sheriff of King's County.

And a further sum of Three Pounds Three Shillings and Three-pence to William B. Dawson, being the amount of Impost Duty paid by him on Leather returned from Newfoundland.

L3 3s. 3d. to W. B. Dawson, for return of Duty on Leather.

And a further sum, at the disposal of the Government, sufficient to defray the expenses attendant on the Prosecution entered into last Summer against Two Members of the House of Assembly for not accepting the Office of High Sheriff for Queen's and Prince Counties.

A sum sufficient to defray expense of Prosecution of two Members of the Assembly.

And a further sum of Ten Pounds to Philip and Arthur Irving, contractors for carrying the Winter Mails, to reimburse them for expenses incurred in procuring a new Boat for that service.

L10 to P. and A. Irving.

And a further sum of Two hundred Pounds to James Peake, Esquire, being the balance due

L200 to James Peake, Esq.

him for running a Steamboat with the Mails between Charlottetown and Pictou during the past year.

£23 10s. 3d. for
Point Prim
Lighthouse.

And a further sum of Twenty-three Pounds Ten Shillings and Three-pence to the Lieutenant Governor, to defray the expense of certain Necessaries for the use of Point Prim Lighthouse, as furnished by James Peake, Esquire, during the past year, as per Account laid before this House, and certified by the Keeper of the said Lighthouse.

£40 to Daniel
Hodgson, Esq.

And a further sum of Forty Pounds to Daniel Hodgson, Esquire, Clerk of the Crown, for his services for paying Crown Witnesses' Travelling Expenses in attending the County Courts, and other necessary duties connected with his Office, exclusive of the Fees allowed him by Law.

£13 to H. Mac-
donald, Esq.;

And a further sum of Thirteen Pounds to be placed at the disposal of Hugh Macdonald, Esquire, for the relief of the following persons, *videlicet*:

Thomas Sloan,	£1 10 0
Richard Cochran,	1 10 0
Christy Macneill, for her father,	4 0 0
Catherine Johnston,	1 10 0
Donald Macleod, Cardigan,	1 10 0
Mary Macphee,	1 10 0
Margaret Wilson, for her } mother,	1 10 0

£7 10s. to John
Hyde;

And a further sum of Seven Pounds Ten Shillings, to be placed at the disposal of John Hyde, senior, for the relief of the following persons, *videlicet*:

Richard Freize,	£4 0 0
Richard Butler,	2 0 0
Samuel Le Cocq,	1 10 0

£5 to Archd.
White, sen.;

And a further sum of Five Pounds to be placed at the disposal of Archibald White, senior, for the relief of the Griffin family, to be expended as most advisable.

£5 to Edward
Thornton, Esq.;

And a further sum of Five Pounds, to be placed at the disposal of Edward Thornton,

Esquire, for the relief of the following persons, *videlicet*:

Mrs. Gardiner,	£2 0 0
Effy M'Sween,	1 10 0
Duncan Cameron and Wife,	1 10 0

And a further sum of Fourteen Pounds Ten Shillings, to be placed at the disposal of the Honorable John Jardine, for the relief of the following persons, *videlicet*:

£14 10s. to the Hon. J. Jardine;

Pierce Walsh,	£3 0 0
Christy Maceachern,	3 0 0
Widow Partridge,	2 0 0
Richard Whelan,	2 0 0
Donald M'Donald, a blind person,	} 3 0 0
Angus Wilson's blind son,	
Harriet Nicholas,	0 10 0

And a further sum of Fifteen Pounds Ten Shillings, to be placed at the disposal of William Underhay, Esquire, for the relief of the following persons, *videlicet*:

£15 10s. to W. Underhay, Esq.;

Mrs. Brown,	£2 0 0
Mrs. Henderson,	3 0 0
Mrs. Mathewson,	3 0 0
John De Cost,	1 10 0
Donald M'Leod,	2 0 0
Malcolm M'Donald, Graw's Marsh,	} 2 10 0
Edward Roach,	

And a further sum of Eight Pounds, to be placed at the disposal of James Beairsto, Esquire, for the relief of the following persons, *videlicet*:

£8 to James Beairsto, Esq.;

Benjamin Warren,	£2 0 0
George Howell,	3 0 0
Mary Dowlin,	1 10 0
Sarah M'Donald,	1 10 0

And a further sum of Twenty-two Pounds, to be placed at the disposal of Allan Fraser, Esquire, for the relief of the following persons, *videlicet*:

£22 to Allan Fraser, Esq.;

Samuel Cameron,	£2	10	0
Richard Power, for keeping	}	2	10
Mrs. Macgraw,			
Widow Parry,	2	10	0
John Gallant,	2	0	0
Dominic Gallant, for an Idiot,	2	0	0
Suppliant Gallant, do. do.	2	0	0
Michael Long,	2	0	0
John Morrison, for Idiot son,	1	10	0
Judecett Duross,	1	10	0
Peter Rescham,	1	10	0
Widow Whelan,	1	0	0
Charles Barnet's Idiot son,	1	0	0

And a further sum of Twenty-four Pounds Ten Shillings, to be placed at the disposal of Robert Mooney, Esquire, for the relief of the following persons, *videlicet*:

Widow Doyle, Savage	}	£1	0	0
Harbour,				
John Macdonald, Lot 37,	2	10	0	
Adelaide Murphy,	2	10	0	
Patrick Traynor,	3	0	0	
John Ready,	1	10	0	
Agnes Mackeown,	2	10	0	
Elizabeth Fitzsimon,	1	10	0	
Ann Morris,	1	10	0	
Patrick M'Lean,	2	0	0	
Widow Quinn,	1	0	0	
Widow Hand,	2	10	0	
Widow Macgaines, Lot 37,	1	10	0	
Widow Steel, Sandhills,	1	10	0	

And a further sum of Eleven Pounds, to be placed at the disposal of Neil Macneill, Esquire, for the relief of the following persons, *videlicet*:

Duncan Shaw,	£3	0	0
Widow Morrison, Lot 30,	1	10	0
Patrick Maccarron,	2	10	0
James Conway,	1	10	0
Widow Britt,	1	10	0
Widow Murphy,	1	0	0

And a further sum of Eight Pounds Ten Shillings, to be placed at the disposal of the Honor-

£24 10s. to
Robert Mooney,
Esq.;

£11 to N. Mac-
neill, Esq.;

£8 10s. to the
Hon. George
Coles;

able George Coles, for the relief of the following persons, *videlicet*:

John Brent,	£1 10 0
Alexander M'Lennan, Lot 67,	1 10 0
Donald Nicholson,	1 0 0
Flora Nicholson,	1 10 0
Widow Smith,	1 0 0
Widow Leitch,	1 0 0
Mary Campbell,	1 0 0

And a further sum of Ten Pounds, to be placed at the disposal of Jeremiah Simpson, Esquire, for the relief of a family named MacKay, Mill River. L10 to Jeremiah Simpson, Esq.;

And a further sum of Nine Pounds Six Shillings and Eight Pence, to be placed at the disposal of William Bagnall, for the relief of the following persons, *videlicet*: L9 6s. 8d. to W. Bagnall, Esq.;

Mary Macleod,	£1 10 0
Neil Macsweeney,	1 10 0
Alexander Macleod,	1 10 0
Widow Macswaine,	1 10 0
Charles Sillick,	3 6 8

And a further sum of Four Pounds Ten Shillings, to be placed at the disposal of Alexander Laird, Esquire, for the relief of the following persons, *videlicet*: L4 10s. to Alex. Laird, Esq.;

Victoria Peters,	£1 10 0
Jude-Doucette,	1 10 0
Pierre Doucette,	1 10 0

And a further sum of Thirty Pounds, to be placed at the disposal of the Honorable William Warren Lord, for the relief of the following persons, *videlicet*: L30 to the Hon. W. W. Lord;

Ann Murphy,	£2 0 0
John Rice,	4 0 0
Ann Baker,	2 10 0
Thomas Condon,	2 10 0
Catherine Murphy,	2 0 0
James Murphy,	3 0 0
Elizabeth Lerow,	4 0 0
Mary Connolly,	2 0 0
Thomas Macrea,	3 0 0

Widow Maccorval,	1 10 0
Richard Knight,	1 10 0
Macmullen, a cripple,	2 0 0

L18 10s. to Donald Beaton, Esq.;

And a further sum of Eighteen Pounds Ten Shillings, to be placed at the disposal of Donald Beaton, Esquire, for the relief of the following persons, *videlicet* :

Margaret Sheverie,	£1 5 0
Daniel Connors,	3 10 0
Widow Connors,	1 10 0
Robert Main,	3 0 0
Thomas Devèreaux,	1 10 0
Charles Mullin,	1 5 0
Mary Morrison,	1 5 0
Nancy Pocquet,	1 5 0
Widow Morrison,	1 5 0
Widow Ford,	1 5 0
William Cummings,	1 10 0

L11 10s. to Daniel Flynn, Esq.;

And a further sum of Eleven Pounds Ten Shillings, to be placed at the disposal of Daniel Flynn, Esquire, for the relief of the following persons, *videlicet* :

Widow Deagle,	£1 0 0
Nancy Macdonald,	1 5 0
Placentia Chesson,	1 0 0
Barbara Leblanc,	2 10 0
Æneas Chesson,	1 0 0
Widow Flynn,	1 5 0
Lauchlan Gillis,	1 10 0
Richard Coughlan,	1 0 0
Widow Simon Burke,	1 0 0

L30 to James Yeo, Esq.;

And a further sum of Thirty Pounds, to be placed at the disposal of James Yeo, Esquire, for the relief of the following persons, *videlicet* :

Catherine Macintyre,	£1 10 0
Aby Bell,	2 0 0
Julian Deroche,	2 0 0
Elizabeth Collins,	3 0 0
George Murray,	1 10 0
William Macneill,	2 0 0
Sally Francis,	1 0 0
Widow Prospier Perry,	1 10 0

Widow Gallant,	1	0	0
Samuel Gallant and Wife,	1	10	0
John Perry,	1	10	0
Joseph Doucette,	1	10	0
Barbara Gallant,	1	10	0
Mary Cahill,	4	0	0
Colin Arseneaux,	1	10	0
Julian Perry and Wife,	1	0	0
Donald Macpherson,	2	0	0

And a further sum of Fourteen Pounds Five £14 5s. to Angus Maclean; Shillings, to be placed at the disposal of Angus Maclean, Point Prim, for the relief of the following persons, *videlicet*:

Widow Macaulay,	£5	0	0
Malcolm Macaulay,	1	10	0
Patrick Coily, (blind)	2	0	0
Margaret Hern,	1	10	0
Patrick O'Connell, Newtown,	}	15	0
for making a Coffin,			
Flora Macleod,	1	10	0
Macgregor's Orphan Children	2	0	0

And a further sum of Ten Pounds, to be £10 to James Munn; placed at the disposal of James Munn, for the relief of the following persons, *videlicet*:

Widow John Munn and } Daughter,	£5	0	0
Widow Macrae, Lot 60,	3	0	0
Effy Mathewson,	2	0	0

And a further sum of Five Pounds Two Shillings and Sixpence, to be placed at the disposal £5 2s. 6d. to Rev. S. Macleod; and of the Reverend Samuel Macleod, of Uig, for the relief of the following persons, *videlicet*:

Catherine Curry, Lot 50,	£1	2	6
Marcella Kelly,	1	10	0
Lauchlan Macdonald,	1	0	0
Dugald Macpherson,	}	1	10
Douse's Road,			

And a further sum of Fifty-seven Pounds, to be placed at the disposal of the Benevolent Irish £57 to the Benevolent Irish Society;

—all for the relief of poor and indigent persons.

Society, for the relief of the following persons, *videlicet*:

Widow Minchin,	£2	0	0
Widow Kelly,	3	0	0
William Macgrath,	1	10	0
Caleb Sentner,	3	0	0
Samuel Martin,	2	10	0
Sarah Geary,	3	0	0
Anastatia Corrigan,	2	0	0
Philip Cody,	4	0	0
Margaret Macarthy, (2 years,)	16	0	0
William Purcell, (2 years,)	20	0	0

Ev. J. H.
7 20/10