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There are some creases in the middle of the pages.



1824.

Anno quarto GEORGE IV.

C. I.

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on Thursday, the Eighth Day of January, 1824, in the Fourth Year of the Reign of Our Sovereign Lord GEORGE the Fourth, by the Grace of GOD of the United Kingdom of Great-Britain and Ireland, KING, Defender of the Faith, &c. &c. &c. being the Fourth Session of the Twelfth General Assembly, convened in the said Province.*

* In the time of Sir James Kempt, Knight Grand Cross of the Most Honorable Military Order of the Bath; S. S. Blowers, Chief-Justice and President of Council; Simon Bradstreet Robie, Speaker of the Assembly; Sir Rupert D. George, Bart. Secretary of the Council, and James B. Franklin, Clerk of Assembly.

CAP. I.

An ACT in amendment of an Act, made and passed in the fourth year of His present Majesty's reign, entitled, An Act to regulate the Jurisdiction of the Inferior Court of Common Pleas within the County of Cape-Breton, and to fix and establish the Time and Places for holding of the said Inferior Court and General Sessions of the Peace in and for the said County.

WHEREAS great inconvenience has been felt owing to the Law as it now stands authorising but one Grand Jury to be summoned for the Northern and Southern Districts of Sydney and Arichat: Preamble

I. BE it therefore enacted by the Lieutenant-Governor, Council and Assembly, That the Sheriff of the said County do hereafter summon Twenty-four Persons, residing in each of the said Districts before named, to attend the Supreme Court and Sessions of the Peace, which Persons, so summoned, shall be respectively qualified to serve as Grand Jurors, as the Law directs, and shall be liable to all fines and penalties for non-attendance, which the Law at present imposes. Jury to be summoned

II. And be it further enacted, That the Inferior Court of Common Pleas and General Sessions of the Peace, shall be held at Sydney on the first Tuesday of April in each and every year, and the Court of Common Pleas and Sessions of the Peace, shall be held at Arichat. Inferior Court and General Sessions of the Peace, when held in Cape-Breton,

Arichat on the first Tuesday of May in each and every year. And the said Court of Common Pleas and Sessions for the Third District, to be appointed, shall be held at such Place as shall be appointed for that purpose, on the second Tuesday of May in each year.

AND WHEREAS, much inconvenience will be experienced in the New District, to be established within the County of Cape-Breton, in consequence of there being no arrangement made for the summoning Grand and Petit Jurors: For remedy whereof:

Summoning
Jurors in New
District, in
Cape-Breton.

III. BE it enacted by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the Chief-Justice of the Inferior Court of Common Pleas for the said County of Cape-Breton, or First Justice of the Court of Sessions in and for the said County, to direct and issue a Precept to the Sheriff of the said County of Cape-Breton, commanding him to summon Twenty-four Persons, residing in said District, to attend the said Inferior Court and the General Sessions of the Peace at the sitting of the said Courts, in the said New District, to serve as Grand Jurors, and Twenty-four Persons to attend the said Courts as Petit Jurors, which Persons, so to be summoned, shall be respectively qualified to serve as Grand and Petit Jurors in said District. And the said Persons, so summoned, shall be bound to attend the said Courts, and to perform the duties of Grand and Petit Jurors thereat; and shall be liable to all the fines and penalties for non-attendance, to which Grand and Petit Jurors are liable.

Directions for
summoning Ju-
rors, & c.

IV. And be it further enacted, That the said Grand and Petit Jurors shall be drawn, summoned and returned, in the said New District, and the Constables, and all other District Officers appointed in the same, in such manner as such Officers are summoned and appointed within the other Districts in the Province, and be subject to the same rules and restrictions.

Writs, &c. re-
turnable.

V. And be it further enacted, That all Writs, issued from the said Court, before the passing of this Act, and made returnable to the Terms as heretofore enacted, and all Recognizances entered into, or Bail Pieces taken in Civil Suits, shall be of the same force and effect as if this Law had not been made.

County Charg-
es in Cape
Breton.

VI. And be it further enacted, That the Monies which may be necessary to be raised to defray County charges arising in the said County of Cape-Breton, shall be presented by the Grand Juries in the respective Districts, and assessed, levied, raised and applied, therein, to the use of such respective District, in the same manner as Monies are raised and applied in other Counties.

CAP. II.

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

May it please Your Excellency,

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

I. BE it enacted by the Lieutenant-Governor, Council and Assembly, That, by or out of such Monies as now are, or from time to time shall be and remain, in the Public Treasury of this Province, there shall be paid:—

The sum of 200l. to the Speaker of the House of Assembly, for his services during the present Session. 200l. Speaker of Assembly

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

And a further sum of 500l. to the Treasurer of the Province, for his Salary, and as Comptroller and Auditor of Public Accounts, and in lieu of Office Rent, Clerks and all other Contingent Expenses, for the present year. 500l. Treasurer

And a further sum of 116l. 13s. 4d. to Nathaniel Atcheson, Esq. the Agent of the Province, for his services for the present year. 116l. 13s. 4d. N. Atcheson

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

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

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

And

- 175l. Howe & Son And a further sum of 175l. to Messrs. Howe & Son, Printers, for printing for Government and the General Assembly, for the same year.
- 60l. Keeper of Assembly And a further sum of 50l. to the Keeper of the House of Assembly and the Council Chamber, for the present year.
- 90l. Land Waiter And a further sum of 90l. to be paid on the Certificate of the Commissioners of the Revenue, to the Land Waiter for the Port of Halifax, for the same year.
- Allowance to Extra Waiters And a further sum, to be paid on the Certificate of the Commissioners of the Revenue at the rate of seven shillings and sixpence per day, to such Person or Persons as shall be employed, during the year aforesaid, by the Collector of Impost and Excise of the District of Halifax, as Extra Waiter or Waiters for the Port of Halifax; and five shillings per day to such Extra Waiter or Waiters when unemployed; and at the rate of five shillings per day to Temporary Waiters.
- 200l. Gauger and Weigher And a further sum of 200l. to the Gauger and Weigher for the Collector of Impost and Excise for the District of Halifax, for his services for the same year.
- 40l. Messenger to Council And a further sum of 40l. to the Messenger to the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, and His Majesty's Council, as well in their Legislative Capacity, as otherwise, for the present year.
- 25l. Rev. John Inglis And a further sum of 25l. to the Reverend John Inglis, for his services, as Chaplain to His Majesty's Council and the House of Assembly, during the present Session.
- 40l. to John Boyd And a further sum of 40l. to John Boyd, for his services as Sergeant at Arms to the House of Assembly, during the present Session.
- 25l. to Matthew Forrester And a further sum of 25l. to Matthew Forrester, for his services as Assistant Sergeant at Arms to the House of Assembly, during the present Session.
- 25l. to John Gibbs And a further sum of 25l. to John Gibbs, for his services as Messenger to the House of Assembly, during the present Session.
- 30l. Clerk to Commissioners of Revenue And a further sum of 30l. to the Clerk to the Commissioners of the Revenue, for his services for the present year.
- 20l. Secretary of Province And a further sum of 20l. to the Secretary of the Province, for Stationary, on account of Warrants to be drawn on the Treasury for the same year. And

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And a further sum of 10l. to the Trustees of the Law Library, to be disposed of in such way as they may think proper for the advantage of the said Library. 10l. Law Library

And further sum of 22l. 4s. 5d. to the Attorney-General, for his services for the present year. 22l. 4s. 5d. Attorney-General

And a further sum of 100l. to the Treasurer of the Province, in addition to his Salary for the present year. 100l. Treasurer

And a further sum of 250l. to defray such Contingent Expenses as may arise during the present year; to be drawn by Warrant from the Governor, Lieutenant-Governor, or Commander in Chief, for the time being. 250l. Contingent Expenses

And a further sum of 600l. for the support of the Transient Poor, for the present year, to be paid to the Commissioners of the Poor at Halifax. 600l. Transient Poor

And a further sum of 20l. to the Person who has the care of the Gunpowder at Halifax, for his services for the present year. 20l. Keeper of Gunpowder

And a further sum of 50l. to James Ratchford and Company, for the encouragement of a Packet to run between Windsor and Partridge Island, under such regulations as may be made and ordered by the Justices in their Session for the County of Hants for the present year. 50l. Parrabough Packet

And a further sum of 400l. to the Commissioners of the Island of Sable, for the support of that Establishment for the present year. 400l. Island of Sable

And a further sum of 100l. to the Adjutant-General of Militia, in full for his services, and the payment of his Clerk, Stationary and Postage, for the present year. 100l. Adjutant Gen. of Militia

And a further sum of 50l. to be applied upon the same conditions as heretofore, for a compensation to the Sheriff of the County of Cape-Breton, for the services he may perform in the execution of his office within the present year. 50l. Sheriff of Cape-Breton

And a further sum of 400l. to the Trustees of the Pictou Academy, towards the support of that Establishment. 400l. Pictou Academy

And a further sum of 250l. to the Commissioners of Sewers of the Township of Cornwallis, to aid the Inhabitants in rebuilding the Wellington Dike, so called. 250l. Wellington Dike

B

And

- 17l. 2s. 6d. to James Dawson And a further sum of 17l. 2s. 6d. be granted and paid to James Dawson, for the Bounty on one hundred and thirty-seven hogsheads of Salt, by him sold in the last year.
- 33l. 10s. to George Smith And a further sum of 33l. 10s. to George Smith, for the Bounty on Two Hundred and Sixty-eight Hogsheads of Salt, sold by him as aforesaid.
- 11l. 15s. to William Rankin And the further sum of 11l. 15s. to William Rankin, for the Bounty on Ninety-five Hogsheads of Salt, sold by him in the last year.
- 200l. Commissioners of Bridewell And a further sum of 200l. to aid the Commissioners of the Bridewell in the Town of Halifax, in paying off the Debts due for that Establishment.
- 20l. to the Land Waiter And a further sum of 20l. to the Land Waiter for the Port of Halifax, in addition to his Salary for the present year.
- 10l. 11s. 5d. to Phineas Lovett And a further sum of 10l. 11s. 5d. to Phineas Lovett, Junior, in full for a Drawback of the Duties on seventy-two hundred weight one quarter and twenty-seven pounds of Sugar, by him exported to New-Brunswick, in the year one thousand eight hundred and twenty-two.
- 50l. clearing out Corawallis River And a further sum of 50l. to aid the Inhabitants of King's County (in addition to their subscription) for clearing out and improving the navigation of Corawallis River; the said sum not to be drawn from the Treasury until the whole of the sum subscribed be expended for the purpose intended, and such expenditure duly certified to His Excellency the Lieutenant-Governor, or Commander in Chief, for the time being.
- 22l. to John T. F. Gschwind And a further sum of 22l. to John T. F. Gschwind, in full for services performed by him, as Health-Officer for the Port of Halifax, from the first of January, One Thousand Eight Hundred and Twenty-one, to the Thirty-first day of December last past, per Account.
- 56l. 6s. 1d. to G. P. Lawson And a further sum of 56l. 6s. 1d. to George P. Lawson, being the amount of the Duties paid into the Treasury on a quantity of Wheat, imported by him from Bremen, and manufactured in this Province into Flour, and supplied for the use of His Majesty's Troops.
- 12l. 10s. to Commissioners of Poor And a further sum of 12l. 10s. to the Commissioners of the Poor at Halifax, to enable them to continue the School for the benefit of the Orphans and Poor Children now in the Poor House. And

And a further sum of 100l. in addition to the sum of 54l. 7s. 6d. subscribed by the Inhabitants of the County of Annapolis, for the clearing various obstructions in the River of Annapolis, between Hicks's Bridge, and the east bounds of the said County: the said sum not to be drawn from the Treasury until the whole of the sum subscribed be expended for the purpose intended, and such expenditure duly certified to His Excellency the Lieutenant-Governor, or Commander in Chief for the time being. 100l. clearing out Annapolis River

And a further sum of 25l. 2s. 6d. to John Howe and Son, for printing the Acts, passed in the last Session of the General Assembly, for transmission to England, per account. 25l. 2s. 6d. to John Howe & Son

And a further sum of 100l. to Walter Bromley, to aid him in supporting the House of Industry, at the Acadian School, in the Town of Halifax. 100l. to Walter Bromley

And a further sum of 100l. in addition to the sum heretofore granted, and unapplied, to aid the Inhabitants of the Gulf Shore, to complete the repairs of the Pier at Point Arisaig, and to extend the said Pier, if expedient. 100l. Arisaig Pier

And a further sum of 50l. at the disposal of His Excellency the Lieutenant-Governor, for the purpose of purchasing Provisions, or to be otherwise expended as His Excellency may think best, for the benefit of Shipwrecked Mariners, heretofore cast away, or hereafter cast away, on the Seal Islands, near Cape Sable, or on other parts of the Coast of the Province. 50l. for relief of shipwrecked Mariners

And a further sum of 100l. to aid the Inhabitants of Cape Canso in removing from the Passage between Durell's Island and the Main Land, commonly called the Tittle, certain large Stones and other obstructions which at present prevent Boats and small Fishing Craft from navigating the said Passage at low water: the said sum not to be drawn from the Treasury, until the said Inhabitants shall have raised by subscription, or otherwise, the sum of 30l. and expended the same for the above purpose, and such expenditure duly certified to His Excellency the Lieutenant-Governor, or Commander in Chief, for the time being. 100l. Inhabitants of Cape Canso

And a further sum not exceeding 200l. to be appropriated for the erection and encouragement of Corn and Oat Mills, in the County of Cape-Breton; the said sum to be placed at the disposal of His Excellency the Lieutenant-Governor, or Commander in Chief, for the time being, and that the same, or such part thereof, as he shall think proper, be expended for the above purpose. 200l. Mills in Cape-Breton

And a further sum not exceeding 837l. 13s. 10d. for defraying the expense of the Post Communication, in the present year, to include the Communication, as heretofore kept. 837l. 13s. 10d. Post Communication

kept up, and to extend the same from Manchester to Sydney, by way of Arichat; and from Plaster Paris Cove to Maribou, in the County of Cape-Breton.

20l. to Edward Morgan. And a further sum of 20l. to Edward Morgan, as a bounty for the erection of an Oat Mill in the Township of Guysborough, upon the certificate of two Magistrates, that the said Mill has been in actual and useful operation for the space of one year.

400l. Distressed Negroes. And a further sum of 100l. to be placed at the disposal of His Excellency the Lieutenant-Governor, or Commander in Chief, for the time being, to be applied by such Persons as His Excellency shall appoint, for the purpose of procuring seed Potatoes and Grain, for the distressed Negroes at Hammond Plain, Dartmouth and Preston, and those at the Panuke Lake Settlement, in the Township of Windsor, and Beech Hill, near Halifax.

100l. Poor Man's Friend Society. And a further sum of 100l. to the Committee of the Poor Man's Friend Society, to aid them in carrying into effect the benevolent intentions of that Society, including the Soup Establishment under their direction.

200l. Steam Boat Company. And a further sum of 200l. to the Steam Boat Company, towards enabling them to keep their Boat plying between Halifax and Dartmouth, for the present year.

150l. Survey of Lines of Counties. And a further sum of 150l. to enable His Excellency the Lieutenant-Governor to proceed in making a Survey of the Lines of the Counties in this Province, in addition to the sum heretofore granted for that purpose, and not expended.

35l. Avon Bridge Lottery. And a further sum of 35l. for defraying certain Expenses, incurred and payable by the Commissioners of the Avon Bridge Lottery, for printing Tickets, Advertisements, and other services performed.

30l. George Revel. And a further sum of 30l. to George Revel, to assist him in completing his Grift and Oat Mill, which was consumed by fire, and he is now rebuilding at a heavy expense, at Amherst.

20l. to Peoly Randle. And a further sum of 20l. to Peoly Randle, to aid him in erecting an Oat Mill, in the Township of Falmouth; the said sum not to be drawn from the Treasury until the Mill is in operation.

250l. Surveys in Cape Breton. And a further sum, not exceeding 250l. to be placed at the disposal of His Excellency the Lieutenant-Governor, or Commander in Chief for the time being, to enable him to have Surveys made of those parts of Cape Breton, where new roads are to be opened.

And

And a further sum of 100l. to Thomas Dickson, to aid him in completing and perfecting his Flour and Oat Mills, erected at Truro, pursuant to the prayer of his Petition. 100l. Thomas Dickson

And a further sum of 70l. to the Secretary of the Province, for his services since the year one thousand eight hundred and twenty-one, in making out Road Commissions, Bonds, &c. and for making out Warrants for the said service. 70l. Secretary of Province

And a further sum of 35l. to William H. O. Haliburton, Esq. one of the King's Counsel, for his services in prosecuting Criminal Offenders in the Supreme Court in the Western Circuits of the Province, in the last year: said services being certified by the Chief Justice and the Circuit Judges. 35l. to W. H. O. Haliburton

And a further sum of 35l. to S. G. W. Archibald, Esq. one of the King's Counsel at Law, for his services in prosecuting Criminal Offenders in the Supreme Court, in the District of Pictou and County of Cumberland, during the Eastern Circuit, in the month of June last: the same being certified by the Circuit Judges. 35l. to S. G. W. Archibald

And a further sum of 50l. to the Adjutant-General of the Militia, (in addition to the sum of 100l. already appropriated) for the payment and compensation of his Clerk, Office Rent, and increased Duties in his Department. 50l. Adj. Gen. of Militia

And a further sum of 15l. 5s. 3d. to Wm. A. Black, Samuel Black and Thomas Hofferma, for a Drawback of Duties on Machinery for a Mill imported by them from Great-Britain, pursuant to the prayer of their Petition. 15l. 5s. 3d. to W. A. Black

And a further sum of 20l. to assist Abel Benjamin, to complete his Oat Mill, in Cornwallis, which has been lately destroyed by a flood of water. 20l. Abel Benjamin

And a further sum of 250l. for the purpose of making a Roof over the Court-House in the Province Building, and finishing three Rooms therein, agreeably to the estimate of James Ives; and that the same be expended under the direction of the Chief Justice, and the Attorney General, and the Solicitor General; one of the said Rooms to be for a Committee Room for the House of Assembly. 250l. Alteration to Court-House

And a further sum of 245l. 19s. 11d. be granted and paid to defray the accounts of expenditure for, and work done to, the Government-House in the last year. 245l. 19s. 11d. Repairs to Government House

And a further sum of 97l. 1s. 11d. to defray the accounts of the expenditure for, and work done on, the Province Building in the last year. 97l. 1s. 11d. Repairs to Province Building

And

100l. Eliza
Monk

And a further sum of 100l. to Mrs. Eliza Monk, widow of the late George Henry Monk, Esq. deceased, late one of the Assistant Justices of His Majesty's Supreme Court, in this Province, in full, for the Pension due to her said late Husband, to the time of his decease, and of all claims on the Province.

10l. Messenger
to Council

And a further sum of 10l. to the Messenger of His Majesty's Council, in addition to the sum of 40l. granted for his services the present year.

70l. Extra
Clerks to
Council

And a further sum of 70l. to the President of His Majesty's Council, to enable him to defray the expense of Extra Clerks for the last and present Session of the General Assembly.

100l. Clerk of
Assembly

And a further sum of 100l. to the Clerk of the House of Assembly, to defray the expense of Extra Clerks, Servants, and other incidental expenses, during the present Session.

35l. J. W. Saw-
yer

And a further sum of 35l. to J. W. Sawyer, for his services in drafting and copying Bills for the Members of the House of Assembly in the present Session.

100l. Fuel, &c.
for Council and
Assembly

And a further sum of 100l. to defray the expense of Fuel, and for sundries furnished for the use of His Majesty's Council and the House of Assembly, in the present Session, to be paid on the Certificates of the President of the Council and the Speaker of the Assembly.

30l. Clerk of
Assembly

And a further sum of 30l. to the Clerk of the House of Assembly, to defray the expense of Stationary, furnished for the use of His Majesty's Council, the House of Assembly, and the Commissioners of the Revenue.

1557l. 10s.
Agriculture

And a further sum of 1557l. 10s. for the improvement of Agriculture, under the direction of the Provincial Agricultural Society, and to be applied and expended agreeable to the Resolution passed in the House of Assembly, on the Ninth day of March, in the present year, and agreed to by His Majesty's Council.

200l. Secretary
of Central
Board

And a further sum of 200l. for the Salary of the Secretary and Treasurer of the Central Board of Agriculture for the present year.

5700l. Great
Roads

And a further sum of 5700l. for the Great Roads in the Province, and in the County of Cape-Breton, to be applied and expended agreeable to the Resolution passed in the House of Assembly on the Ninth day of February in the present year, and agreed to by His Majesty's Council.

And

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And a further sum of 545l. for the several Roads within the District of Halifax, to be applied and expended as aforesaid. 545l. District of Halifax

And a further sum of 545l. for the several Roads within the District of Colchester, to be applied and expended as aforesaid. 545l. District of Colchester

And a further sum of 600l. for the several Roads within the District of Pictou, to be applied and expended as aforesaid. 600l. District of Pictou

And a further sum of 600l. for the several Roads within the County of Sydney, to be applied and expended as aforesaid. 600l. County of Sydney.

And a further sum of 540l. for the several Roads within the ~~County of Cumberland~~, to be applied and expended as aforesaid. 540l. County of Cumberland

And a further sum of 570l. for the several Roads within the County of Hants, to be applied and expended as aforesaid. 570l. County of Hants

And a further sum of 570l. for the several Roads within the County of King's County, to be applied and expended as aforesaid. 570l. County of King's County

And a further sum of 620l. for the several Roads within the County of Annapolis, to be applied and expended as aforesaid. 620l. County of Annapolis

And a further sum of 620l. for the several Roads within the County of Shelburne, to be applied and expended as aforesaid. 620l. County of Shelburne

And a further sum of 545l. for the several Roads within the County of Queen's County, to be applied and expended as aforesaid. 545l. County of Queen's County

And a further sum of 545l. for the several Roads within the County of Lunenburg, to be applied and expended as aforesaid. 545l. County of Lunenburg

II. *And be it further enacted*, That a sum not exceeding Five Hundred Pounds, be granted and placed at the disposal of His Excellency the Lieutenant-Governor, or Commander in Chief for the time being, to be applied in altering and making a Road from Fultz's to Springfield, through the low ground, so as to avoid the Hills on the present Road. 500l. Road through Springfield

III. *And be it further enacted*, That a sum of Fifty Pounds, be granted and placed at the disposal of 50l. Surveys of Noel and Sherbrooke Road

- disposal of His Excellency the Lieutenant-Governor, or Commander in Chief for the time being, for the purpose of procuring Surveys of the Noel and Sherbrooke road. And also a further sum, not exceeding One Hundred Pounds, to repair the Avon River Bridge, in case the same shall be deemed necessary.
- 100l. Avon Bridge
- 200l. Shubenaccadie Canal
- IV. *And be it further enacted*, That in addition to the sum of Two Hundred Pounds, heretofore granted for making a Survey and Estimate of the line, and expense, of the proposed Shubenaccadie Canal, a further sum, not exceeding Three Hundred Pounds be granted to enable His Excellency the Lieutenant-Governor, or Commander in Chief for the time being, to procure an accurate survey and examination to be made of the proper line and direction for such Canal, and of the heights of the land, distances, soils and obstructions, in its intended course; as also, an estimate of the probable expense necessary for its completion. The said sum to be paid when One Hundred and Fifty Pounds shall be raised by individual subscribers to complete the survey.
- 100l. Richard Scott
- V. *And be it further enacted*, That for the encouraging Richard Scott, and Thomas Bulgin in the manufacture of Slates, by opening and working quarries of that article in the Township of Rawdon, a sum of One Hundred Pounds be granted and paid to aid them in making a new Road from the Slate Quarry now opened by them.
- 500l. Inspecting Field-Officers of Militia
- VI. *And be it further enacted*, That it shall and may be lawful for the Lieutenant-Governor, or Commander in Chief for the time being, by and with the advice and consent of His Majesty's Council, by Warrant, to draw from the Treasury of the Province the sum of Five Hundred Pounds, yearly, for the term of two years, for the purpose of paying two Inspecting Field-Officers of Militia.
- 200l Field-Officer for Cape-Breton
- VII. *And be it further enacted*, That a sum, not exceeding Two Hundred Pounds, be appropriated annually, for the two next years, to enable His Excellency the Lieutenant-Governor, or Commander in Chief, for the time being, to procure, if he shall consider it expedient, an efficient Field-Officer, to superintend the Militia Duties in the County of Cape-Breton.
- Allowance to Collector of Light Duty
- VIII. *And be it further enacted*, That a Commission of Seven and a half per cent. instead of Six per cent. shall be allowed in the collection of the Light-Duties for the Port of Halifax, for the present year.
- 110l. 17s. 11d. Richard Bulger
- IX. *And be it further enacted*, That the Attorney-General be authorized, and he is hereby directed, to give credit to Richard Bulger, for the sum of One Hundred and Ten Pounds Seventeen Shillings and Eleven Pence, being the amount of Interest and Costs upon the several Suits of the Crown, against the said Richard Bulger, as Surety for Edward M'Swinney.
- Allowance for School
- X. *And be it further enacted*, That there be granted and paid, for the keeping up, and supporting during the present year, the English Schools in the several Counties and Districts throughout the Province, to such Commissioners within the respective Counties and Districts as shall be appointed by the Lieutenant-Governor, or Commander in Chief, for the time being, for expending the same, the sum of One Hundred and Twenty Pounds, for each and every of the said Counties and Districts. And the further sum of One Hundred Pounds, each, to the several and respective Trustees of the National, Acadian,

Acadian and Catholic, Schools, in the Town of Halifax, to assist those respective Institutions.

Whereas, the making Stone Bridges across the Main Post Roads in the Province, will be highly beneficial, and, eventually, save much expense to the Province :

XI. *Be it therefore enacted*, That a sum not exceeding One Thousand Pounds, be granted and placed at the disposal of His Excellency the Lieutenant-Governor or Commander in Chief for the time being, to enable him to defray the expense of making Stone Bridges upon the Main Roads aforesaid, in such places as he shall deem expedient, and where it is probable the Road will not be altered upon the report of any Commissioner or Commissioners, or from any other evidence that shall be satisfactory to him. 1000l. Stone Bridges

XII. *And be it further enacted*, That there be granted and paid to the Attorney-General, the sum of Two Hundred and Eighty-Seven Pounds Five Shillings and Three Pence, in full, for a balance due to him on his account with the Province, and as a final settlement of all his accounts with the Province. 287l. 5s. 3d. Attorney-General

XIII. *And be it further enacted*, That a sum not exceeding Two Thousand Pounds be granted and applied to encourage the Fisheries of the Province, by a Bounty upon Salt. The bounty to be regulated and paid agreeably to the rules, restrictions and regulations, of an Act, which passed in the last Session of the General Assembly, entitled, "An Act to encourage the Fisheries of the Province." 2000l. Bounty upon Salt

XIV. *And be it further enacted*, That a sum of One Hundred and Fifty Pounds, granted in the year one thousand eight hundred and twenty-one, for the purpose of erecting a Bridge over the Narrows at Argyle, in the County of Shelburne, and remaining undrawn from the Treasury, shall be applied and expended agreeably to the Resolution passed in the House of Assembly on the Ninth day of March in the present year, and agreed to by His Majesty's Council. 150l. Bridge at Argyle

XV. *And be it further enacted*, That the sum of Ten Shillings per Day be allowed and paid to the Members of the House of Assembly for their attendance in General Assembly, upon the certificate of the Speaker of the House of Assembly. Allowance to Members of Assembly

XVI. *And be it further enacted*, That if any accident shall happen to any of the Bridges on the Main Roads in this Province, or any unforeseen obstructions to travelling shall arise from the fall of trees, or otherwise, it shall and may be lawful for His Excellency the Lieutenant-Governor or Commander in Chief for the time being, to order a Commissioner or Commissioners to repair or rebuild such Bridges, or to remove such obstructions ; and it shall and may be further lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to draw warrants on account, and in favor, of such Commissioner or Commissioners, provided the same shall not exceed the sum of Seven Hundred and Fifty Pounds. Road Emergencies

XVII. *And be it further enacted*, That the ninth, twelfth, fifteenth, sixteenth, eighteenth and nineteenth, sections or clauses of the Act, made and passed in the forty-first year of His late Majesty's reign, entitled, An Act for applying certain Monies therein mentioned, 9th, 12th, 15th, 16th, 18th, and 19th Sections Act 41st Geo. III, continued

ed, for the service of the year of Our Lord one thousand eight hundred and one, and for appropriating such part of the Supplies, granted in this Session of the General Assembly, as are not already appropriated by the Laws or Acts of the Province, shall be and continue in full force and virtue until the twenty-fifth day of March, which will be in the year of Our Lord one thousand eight hundred and twenty-five, in as full and ample a manner as the same clauses would be were they again repeated word for word.

CAP. III.

An ACT to authorise the Incorporation of a Company for making a Canal by the River and Lakes of the Shubenaccadie.

Incorporation of
Shubenaccadie
Canal Compa-
ny

BE it enacted by the Lieutenant-Governor, Council and Assembly, That whenever a sufficient number of Persons shall have associated themselves together, for opening and making a Navigable Cut Canal, or Water Communication, between the Harbour of Halifax and the Bason of Minas, by, along, or near to, the course of the River Shubenaccadie, and the Lakes thereof, and shall have agreed to raise sufficient Monies to effect the same, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, at any time within five years from the passing hereof, by Letters Patent, under the Great Seal of this Province, to make, erect, and incorporate, all and singular the Persons who, from time to time, shall be adventurers in, or parties to, the said undertaking, and their assigns, into one Body Politic and Corporate, in Deed and in Name, under the Title of—The Shubenaccadie Canal Company, and, by that name to have succession, to sue and to be sued, to have a common Seal, and to possess and enjoy such Powers with respect to the choice of a President and other Officers, making Bye Laws, and regulating the affairs of the said Company, as shall be expressed in the same Letters Patent.

Property of
Company

II. *And be it further enacted*, That the said Company, when so Incorporated, shall, and they are hereby declared and made capable in Law, to have, hold, purchase, receive, possess, enjoy, and retain, lands, rents, and tenements, to the amount of Fifty Thousand Pounds, and no more at one time; and also, monies, goods, chattles and effects, to the amount of Twenty-five Thousand Pounds, and no more, at any one time; and also, to sell, grant, demise, alien, or otherwise dispose of, such lands, tenements, rents, monies, goods, chattles, and effects, at their free will and pleasure.

Officers of
Company to be
named in Let-
ters Patent of
Incorporation

III. *And be it further enacted*, That in such Letters Patent, the necessary Officers of such Corporation, shall be named and designated, and proper Persons appointed to be such Officers for the first year; and that the said Corporation may make, establish, and put in execution, such laws and regulations as may be necessary for making such Canal and the works thereof, levying the assessments, and for the government of the said Corporation, *provided*, the same shall in no case be repugnant to the Laws of this Province.

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

Proportions of
Capital or Joint
Stock of Com-
pany

V. *And be it further enacted*, That it shall and may be lawful for the said Company, when so incorporated, to make, open, and cut, a sufficient Canal or Water Communication of such breadth, depth and dimensions, as shall be deemed fit and necessary, from the Waters of the Harbour of Halifax, through the Dartmouth Lake so called, the Lakes and Channels or Course of the River Shubenaccadie, or by, or along, the sides or banks of such Lakes and River, to such part of the River Shubenaccadie between its place of discharge into the Basin of Minas, and the Great Lake, as shall be found practicable, or most convenient or proper for making a continued Navigable Channel or Canal for the passage of Boats or Vessels, to and from the Basin of Minas, and the Harbour of Halifax, respectively; and also, to dig and excavate such lock pits, chambers or basons, and to make, build and erect, such locks, sluices, dams, weirs, and embankments, in, over, across or upon, the course of the said river, or along the sides thereof, or at or near to the several lakes or streams connected therewith, as shall be considered necessary or proper for effecting such Inland Water Communication, and at all such places or parts of the said River, Lakes or Streams, and in such lines, courses and directions, from one part to another of the said River, Lakes and Streams, as the said Company shall deem expedient; and further, to make, place and erect, such and so many lock gates or doors, as shall be necessary in the line, course, or direction, of such Canal, or required in the Locks, Dams or Sluices thereof, and likewise to dig, excavate and deepen, the channels and courses of the said River, Lakes and Streams, whenever necessary, whether at the places of junction of the said Lakes, River and Streams, respectively, or elsewhere in the course, channel or basons thereof; and moreover to divert, turn, change or alter, the course, channel and direction, of the River, Lakes, or Streams, aforesaid, wherever necessary; and to make, dig and excavate, a channel, or course for the said River, or the Waters thereof, and to form the said Canal in any other manner, or different direction, between the said Lakes respectively, or between any one or more of the said Lakes, and the said River, or any particular part thereof, than the course or direction which the Waters of the said River or outlets of the said Lakes do now run in or follow—and furthermore to retain, dam up and confine, the Waters of the River, Lakes, and Streams aforesaid, in the natural Basons, Courses, or Reservoirs thereof, or in other artificial Basons or Reservoirs, to be made by the said Corporation, and to lessen or reduce the actual surface, waters, or depths of such Lakes, River, or Streams, whenever necessary or proper, for the purposes of the said Canal or Water Communication—and generally to use and appropriate the Waters of the said River, Lakes, and Streams, and the Channels and Water Courses thereof, to and for the use and benefit of, and for rendering effectual, navigable and useful, the said intended Canal or Water Communication from Halifax aforesaid, to the said Basin of Minas.

Power given to
Company to
open Canal

Towing Paths,
Walks or Roads

VI. *And be it further enacted*, That the said Company shall have power and authority to make, open and complete, in all such places where the same shall be thought necessary, in or upon the said Canal, River and Lakes, and the Shores or Banks thereof respectively, such Towing Paths, Walks or Roads, as shall be found necessary or useful for the tracking or towing along the line of such Canal, River or Lakes, the Boats, Barges or Vessels, to be used or employed thereupon; and such Towing-Paths, Walks or Roads, with all necessary appendages thereof, from time to time, to repair, amend, alter or sustain, as the said Corporation shall see fit.

Powers of Com-
pany

VII. *And be it further enacted*, That, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by whom such Letters Patent of Incorporation shall be granted, to give and convey thereby to the said Company all such other powers, privileges, authorities and immunities, in regard to the making, executing, repairing and sustaining, such Canal or Water Communication, as are commonly and usually granted to such Canal Companies, and as shall appear to him, with the advice and content of His Majesty's Council, to be reasonable, fit and proper, in this behalf; and further, by and with the content aforesaid, to impose such restrictions and conditions on the said Company as may be proper or expedient in regard to the size and dimensions of the said Canal, and the Locks and Works thereof, the Rates or Tolls to be taken, or other subjects connected with such Canal.

Limitation of
Charter

VIII. *And be it further enacted*, That the Course and Channell of such Canal or Water Communication; and the Dams, Weirs, Embankments, Sluices, Locks, Lockpits or Chambers, Lockgates, Reservoirs and Basons, by the said Corporation to be erected and made, as aforesaid, and the Waters and Streams of the said River and Lakes, so far as the same are or may be required or necessary to be used, retained, directed or appropriated, to and for the use and benefit of such Canal, and the beneficial enjoyment thereof; and all Lands or Real Estate, purchased or obtained for such Canal, and through which it shall be made, and the towing or tracking Paths or Roads aforesaid, along the said Canal, River and Lakes, shall be, and they are hereby, vested in, and declared and made the sole exclusive property of, the Company, for and during the term of Ninety-nine years from the date of such Letters Patent.

Right of Na-
vigation of Ca-
anal by the
Public

IX. *Provided always, and be it further enacted*, That a way and passage in, through and along, the said Canal or Water Communication, and the Locks, Gates and Passages thereof, and in and upon the Towing-path, Roads or Side-paths, of the said Canal, or by the said Company to be constructed or made for the use and benefit of the said Canal, shall be, at all convenient times and seasons, free and open to all His Majesty's Subjects, with their Boats, Vessels and Goods, and Horses or Cattle, towing or drawing the same, after payment or tender of the Toll or Pass-money, which shall be established and ordained by the said Corporation, upon and for the several parts of the said Communication.

Rates, Tolls,
&c.

X. *And be it further enacted*, That the several Rates, Tolls and Pass-moneys, hereinafter to be ordained or established by the said Company upon the line of the said Canal, shall be subject and liable to the Regulation of His Majesty's Council, in the manner to be directed by the said Letters Patent.

XI. *And be it further enacted*, That wheresoever the course, line or direction, of such Canal or Water Communication, shall be crossed by any public highway, now or hereafter to be established under the provisions of the present or any future Laws of this Province, the said Corporation shall be, and is hereby required and made, subject and liable to build and erect, at the proper costs and charges of such Corporation, such sufficient and substantial Bridges or Draw-Bridges as shall be necessary for the convenient use of the said Highways where they cross such Canal, and such Bridges or Draw-Bridges respectively, shall, from time to time, be kept in repair and sustained by the said Corporation, and be free and open to all His Majesty's Subjects at all times and seasons.

Canal crossing
Public High-
ways

XII. *And be it further enacted*, That wheresoever the line of such Canal or Communication shall be crossed or intersected by any private Way, or shall pass through Land, owned by any one of His Majesty's Subjects, on both sides of the said Canal, or whenever, in future, any private way shall be required to be made across such Canal, then, and in every such case, the right of privilege of erecting and sustaining a Bridge, or other mode of crossing such Canal for the use of the party entitled or requiring such private Way or Passage, and the proceedings for obtaining such right or privilege, shall be obtained, regulated and be pursued, in such and the like manner, and under such and the like conditions as private Ways may now, or shall, by any future Laws of this Province, be procured, regulated or established.

Canal crossing
Private Ways

XIII. *And be it further enacted*, That whenever, for the course, channel or scite, of such Canal, or the works thereof, or for cutting or opening such Canal, or for making or erecting any of the Locks, Dams, Reservoirs or Embankments thereof, or for any of the other purposes mentioned and authorized by this Act, the said Corporation, their Engineers or Servants, shall consider or find it necessary that any Lands, lying or being in the course or direction of such Canal, or Water Communication, or contiguous thereto, or upon the Shores or Banks of the said River, Lakes or Streams, should be purchased by, or vested in, the said Corporation, to enable them to make and complete, and beneficially use, the said Canal, then, and in every such case, it shall and may be lawful for the said Corporation to have, use, adapt and take, such and the like course and proceedings in regard to such Lands, and the obtaining the same, for the use of the said Corporation, as by any present or future Law of this Province, are or shall be enacted, or in force, touching the making or altering any Public Highway through the Lands of any private person in this Province; and such and the like process and course of proceedings, as are or may be requisite for divesting the right and interest of the Individual Owner of the Land required for a Public Highway, and appropriating such Land for the use of the Public, shall and may be used, pursued and taken, for divesting the Estate and Interest of the respective Proprietors of the Lands required for the use of the said Corporation, and vesting such Lands, with their appurtenances, in the said Corporation. And in every such case, after such and the like proceedings had as may be taken with respect to Highways, and after the Verdict of a Jury taken and confirmed, and the Damages assessed in favour of the Proprietor, paid and satisfied, and all other the provisions and requisites in force as respects Highways, in all particulars

Line of Canal
passing
through Lands
of Individuals

observed and confirmed, the said Lands and Tenements described in, and forming the subject matter of, such proceedings, shall be, and they are hereby, with their respective appurtenances, vested in, and appropriated to, the use of the said Corporation, and shall be and remain to, and be enjoyed by, the said Corporation in fee simple.

Materials for
making Canal,
&c.

XIV. *And be it further enacted,* That whenever in the making or opening such Canal, and performing the works thereof, it shall be necessary for the said Company or their Servants to procure materials for the said works from any uncultivated Lands lying on or contiguous to the said Canal, River or Lakes; and the Owner of such uncultivated Land, shall be absent, or no agreement can be made with him, then and in every such case, it shall and may be lawful for the said Company, and their Servants, to enter with Workmen, Carts, Carriages and Cattle, upon such uncultivated Lands, and thereon and therefrom, to dig up, take and carry away, Stones, Earth and Gravel, and to cut down, and carry away therefrom, Trees and Brushwood, Logs, Poles and Bushes, for the works of such Canal; and the damage thereby done, shall be appraised and ascertained by the judgment of three indifferent Freeholders, to be nominated by the nearest Justice of the Peace, for that purpose; and the sum so ascertained, shall be paid or tendered by the Company to the Owner of the soil, if demanded within three months from such appraisement.

Province

XV. *Provided always, and be it further enacted,* That no damage be done to any particular Person in his Land or Property, nor the course of any River or Stream, or Waters whatsoever, be turned or diverted without due recompense to be made by the said Corporation as the said Corporation and the Parties interested may agree, as shall be ordered by the Justices in General or Quarter Sessions, upon enquiry in the same, by a Jury to be summoned for that purpose.

Waste Gates
for passage of
Fish

XVI. *Provided always, and be it further enacted,* That if any Dam, Wear or Embankment, shall be made across the present course or channel of the River Shubenaccadie, below the Great Lake, so called, the said Corporation shall make and maintain therein a sufficient Waste Gate, opening or passage, for allowing Fish to pass up and down the said River, and with respect to such Waste Gate, opening or passage, shall be subject and liable to the Rules, Orders, Regulations and Penalties, from time to time made, or to be made, by the General Sessions of the Peace, in respect to the preservation of the River Fishery, under the Acts now or hereafter to be in force thereupon.

Province un-
pledged to aid
with pecuniary
means

XVII. *And be it further enacted,* That nothing herein contained, shall extend, or be construed to extend, to pledge the Government of this Province to have any concern, share, or interest in the proposed Canal or Water Communication, or to give the said Corporation, or any of the Persons composing the same, any claim of any sort or kind upon the Treasury or Government of this Province, for any monies or pecuniary aid, it being the true intent and meaning of this Act, that those who may engage therein should proceed upon their own responsibility, and opinion of the advantages and practicability thereof.

Act may be
discontinued in
ten years

XVIII. *And be it further enacted,* That, unless the said Corporation, within the space of ten years from the passing of this Act, shall have made such progress towards the completing

pleting of the said Navigation as shall satisfy the Governor, Lieutenant-Governor, or Commander in Chief, and His Majesty's Council, that there is a reasonable prospect that such Corporation shall, within a limited period, be able to complete the said Navigable Canal, then and in such case this Act, and every matter and thing therein contained, shall cease, and be no longer in force.

CAP. IV.

An ACT to Punish Persons guilty of maliciously killing or maiming Cattle.

BE it enacted by the Lieutenant-Governor, Council and Assembly, That if any Person or Persons shall, maliciously, unlawfully and willingly, kill, maim, wound, or otherwise hurt, any Horse, Mare, Gelding, Ox, Bull, Cow, Steer, Heifer, Sheep, or other Cattle, every such Offender or Offenders shall forfeit and pay unto the Party aggrieved, treble the damage which he or they shall sustain; to be recovered by action of trespass, or upon the case, in any of His Majesty's Courts of Record in this Province.

Treble damage to be paid by Persons maliciously killing or maiming Cattle

II. *And be it further enacted*, That any Person or Persons who shall be duly convicted of such offence, in His Majesty's Supreme Court, or General or Quarter Sessions of the Peace, shall suffer such punishment by Imprisonment, or Public Whipping, as such such Court shall, in their discretion, adjudge. *Provided always*, That nothing herein contained, shall subject any Person to be punished or imprisoned, under the directions of this clause, who shall be proceeded against for damages by the Party aggrieved; nor shall any person who shall have been punished or imprisoned, under the directions of this clause, be liable to any suit or action, at the instance of the party aggrieved, but such punishment or imprisonment shall be forever a bar to any such Action or Suit.

Offenders subjected to Public Punishment.

Proviso

III. *And be it further enacted*, That the Act, passed in the eighth year of His late Majesty's Reign, entitled, "An Act to prevent the malicious killing and maiming of Cattle," with every matter, clause and thing, therein contained, be, and the same is hereby repealed.

Act 8th Geo. III. repealed

CAP. V.

An ACT in amendment of an Act, passed in the fifty-first year of the reign of His late Majesty King George the Third, entitled, An Act for the better regulation of Attornies, Solicitors and Proctors, practising in the Courts of Law and Equity in this Province.

WHEREAS, by the third Section of the abovementioned Act, it is enacted, that no Attorney shall have, take or retain, any Clerk, who shall become bound, by contract in writing, after such Attorney

Preamble

ney

ney shall have discontinued or left off, or during such time as he shall not actually practice or carry on the business of an Attorney; and Whereas, doubts are entertained whether the Prothonotary, or Deputy-Prothonotary, at Halifax, being Barristers and Attornies, can now have, take or retain, any Clerk under the provisions of the said Act:

Clerk to Prothonotary allowed and entitled to admission

I. *BE it therefore enacted by the Lieutenant-Governor, Council and Assembly,* That any Prothonotary or Deputy-Prothonotary in the Province, being a Barrister or Attorney, shall and may have, take and retain, one Clerk, who shall be subject to the same rules, regulations and directions, as in the said recited Act contained, and shall be entitled to admission in all other respects as Clerks of Attornies, actually carrying on the business of an Attorney.

CAP. VI.

An ACT relating to Brandy imported from certain Places.

Preamble

WHEREAS the Trade and Intercourse between this Province and the Foreign Ports in Europe and Africa is highly advantageous to the People of this Colony, and tends greatly to the encouragement of the Fisheries thereof:

AND WHEREAS, for the further increase and promotion of such Trade and Intercourse it is expedient to reduce the duties payable on Brandy, imported from such Foreign Ports:

Duty upon Brandy imported from Foreign Ports

I. *BE it therefore enacted by the Lieutenant-Governor, the Council and Assembly,* That, during the continuance of this Act, instead of the Rates and Duties imposed and payable under the present, or any future Acts of the General Assembly of this Province, there shall be raised, levied, collected and paid, a Duty of Six Pence, currency, for every gallon of Brandy imported into this Province from any Foreign Port in Europe or Africa, or from Gibraltar, Malta or the Dependencies thereof, which Duty of Six Pence shall be raised, levied, collected and paid, in the like manner, and subject to the like rules, ways and methods, and under such penalties and forfeitures, as the Duties and Rates hereby reduced.

Continuation of Act

II. *And be it enacted,* That this Act shall continue and be in force, until the twenty-fifth day of March, which will be in the year of our Lord One Thousand Eight Hundred and Twenty-five, and no longer.

CAP. VII.

An ACT to restrain the issuing Writs of Attachment in certain Cases;

Writ of Attachment limited

BE it enacted by the Lieutenant-Governor, Council and Assembly, That from and after the publication hereof, whenever an Attachment shall issue against the Goods, Chattles

Chattles or Estate of any Person or Persons who may be jointly and severally bound for the payment of any sum of money to a greater amount than the sum sworn to and endorsed on the Writ if such Attachment shall be extended on the Goods, Chattles or Estate, of any one or more of such Debtors, to the amount sworn to and endorsed on such Writ, no further Attachment shall be made for such debt.

II. *And be it further enacted*, That it shall not be lawful to take, under and by virtue of any Writ of Attachment, Execution, or other Process (except for rent,) the grain, hay, potatoes, or other article growing in the ground, before the same shall be severed from the ground.

III. *And be it further enacted*, That hereafter no Writ of Attachment shall be issued in any case, except against Absent or Absconding Debtors, and for the recovery of Debts contracted prior to the passing of this Act.

IV. *And be it further enacted*, That the Sheriff, or his Deputy, or other Officer, to whom any Writ of Attachment shall be directed, shall not, on any pretence, take poundage for levying ~~the same~~, on a greater amount than the appraised value of the property attached, and in no case shall such poundage be taken, on a greater sum, than that sworn to, and endorsed on such Writ.

V. *And be it further enacted*, That this Act shall be in full force and effect for Five Years from the publication thereof, and from thence to the end of the next Session of the General Assembly.

Grain, Hay, &c. not subject to Attachment until severed from the ground

Writs of Attachment can only be issued against Absent Debtors

Poundage allowed to Sheriff

Continuance of Act

CAP. VIII.

An ACT to alter, amend and continue, an Act for consolidating, and reducing into one Act, all the Acts, heretofore made, relating to Trespasses.

BE it enacted by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the third Year of His present Majesty's Reign, entitled, An Act for consolidating, and reducing into one Act, all the Acts, heretofore made, relating to Trespasses, and every matter, clause and thing, therein contained, except such parts thereof as are hereby altered and amended, be continued, and the same is hereby continued, for three Years, and from thence to the end of the next Session of the General Assembly.

Act 3d Geo. IV. continued

Whereas, difficulties have arisen in committing of Trespassers to Jail, who refuse and neglect to pay the Fines imposed by the said Act :

II. *Be it therefore enacted*, That in all Cases, where a recovery shall be had before one Justice of the Peace, for any sum of Money under and by virtue of this Act, that the same shall be levied and collected in the same manner as in cases of other debts recoverable before one Justice, and by the form of Execution now in use ; and the Defendant

Recovery of Fines imposed upon Trespassers

or Defendants, shall be liable to be imprisoned for want of Goods and Chattles under such Execution, as in cases of other Debts as aforesaid,

And Whereas, the time of six months has been found too limited a period for commencing Prosecutions under this Act :

Time extended
for commencing
Prosecutions

III. *Be it therefore enacted*, That, from and after the publication of this Act, it shall and may be lawful for any Person or Persons entitled thereto, to commence such prosecutions at any time within one year from the time of the committing of the offence.

CAP. IX.

An ACT to continue an Act for establishing a Bridewell, or House of Correction, for the County of Halifax, and for providing a Police Office in said Town, with proper Officers to attend the same.

Act 55th Geo.
III. continued

BE it enacted by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the fifty-fifth year of His late Majesty's reign, entitled, An Act for establishing a Bridewell or House of Correction for the County of Halifax, and for providing a Police Office in said Town, with proper Officers to attend the same, and every matter, clause and thing, therein contained, be continued, and the same is hereby continued, for One year, and from thence to the end of the next Session of the General Assembly.

CAP. X.

An Act to repeal several Acts of the General Assembly, passed to prevent forestalling, regrating and monopolizing.

WHEREAS the several Acts hereinafter recited have been found ineffectual and injurious in their operation :

Acts 32d Geo.
II. and 6th
Geo. III. re-
pealed

I. *Be it therefore enacted by the Lieutenant-Governor, Council and Assembly*, That the Act, passed in the thirty-second year of the Reign of His Majesty King George the Second, entitled, An Act to prevent forestalling the Market ; and also, the Act passed, in the sixth year of His late Majesty King George the Third, entitled, An Act against Fore-stallers and Regrators, and every matter, clause and thing, in the said Acts contained, be, and the same are hereby, repealed.

Act continued

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

CAP. XI.

An ACT to amend and continue an Act, made and passed in the thirty-eighth year of His late Majesty's reign, entitled, An Act to amend and render more effectual an Act, passed in the eighteenth year of His present Majesty's reign, entitled, An Act to prevent forestalling, regrating and monopolizing, of Cord Wood, in the Town of Halifax; and also the Act, now in force, in addition thereto.

BE it enacted by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the thirty-eighth year of His late Majesty's reign, entitled, An Act to amend and render more effectual an Act, passed in the eighteenth year of His present Majesty's reign, entitled, An Act to prevent forestalling, regrating and monopolizing, of Cord Wood, in the Town of Halifax; and also an Act, passed in the fifty-eighth year of His late Majesty's reign, entitled, An Act in addition to the Acts to prevent the forestalling Cord Wood, and every matter, clause and thing, in the said Acts contained, shall be continued, and the same is hereby continued, for one year, and from thence to the end of the next Session of the General Assembly.

Acts 38th and
58th Geo. III.
continued.

II. *Provided always*, That nothing in the said Acts contained shall extend, or be construed to extend, to prevent any Person or Persons from purchasing Wood during the months of May, June, July and August, for the purpose of selling the same again, any thing in the said Acts to the contrary thereof notwithstanding.

Proviso

CAP. XII.

An ACT to continue an Act in addition to an Act, passed in the thirty-third year of the reign of His late Majesty George the Second, entitled, An Act for regulating the rates and prices of Carriages.

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

Act 50th Geo.
III. continued

CAP XIII.

An ACT to continue the several Acts relating to the Light-House erected on Cranberry Island, near the entrance of the Gut of Canso.

Acts 3d and
4th Geo. IV.
continued

BE it enacted by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the third year of His present Majesty's reign, entitled, An Act to provide for the support of a Light-House, erected on Cranberry Island, near the entrance of the Gut of Canso; also the Act, passed in the fourth year of His said Majesty's reign, entitled, An Act to continue, alter and amend, an Act, passed in the third year of His Majesty's reign, entitled, An Act to provide for the support of a Light-House, erected on Cranberry Island, near the entrance of the Gut of Canso, and every matter, clause and thing, in the said Acts contained, shall be continued, and the same are hereby continued, for one year, and from thence to the end of the next Session of the General Assembly.

CAP. XIV.

An Act to regulate the Expenditure of Monies hereafter to be appropriated for the Service of Roads and Bridges.

Appointment of
Road Commis-
sioners

BE it enacted by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful, for the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, by and with the advice of His Majesty's Council, some time between the fifteenth day of April, and the fifteenth day of May, annually, to nominate and appoint fit and Proper persons, being Freeholders, to act as Commissioners for directing and superintending the expenditure of such respective sums of money as have been or may be granted, for the purpose of making and repairing Roads and Bridges in the several Counties and Districts of this Province.

Removal of
Commissioners

II. *And be it further enacted,* That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, by and with the advice of His Majesty's Council, at pleasure, to remove all or any of the said Commissioners, and to appoint from time to time in their places others, being Freeholders as aforesaid; and the Secretary of the Province shall furnish the Treasurer of the Province with a list of the names of the Commissioners, and the sums of Money to be by them expended respectively; and also shall give due notice of all alterations made in the said Commissions, and shall also, immediately after such appointments are made, transmit notice thereof to the Persons appointed, and shall, within twenty days after such appointments, have the Commissions for such Commissioners, and the Bonds to be entered into by them, ready for execution.

List of the
names of Com-
missioners to be
furnished the
Treasurer

Commissions,
&c.

III. *And be it further enacted,* That the Commissioners, so to be appointed as aforesaid; shall, before entering upon the duties of the said office, give good and sufficient security, by bond, with two Sureties to the satisfaction of any two Justices of the Peace for the County or District where such respective Commissioners may be appointed, in double the amount of the sum to be expended under their direction, faithfully to lay out and account for such sum according to Law, and such Justices shall certify their approbation, and the sufficiency of such Sureties, upon the back of the Bond; so to be entered into by the said Commissioners; and such Commissioners shall be entitled to retain and charge in their accounts, an allowance of five per cent. out of the money to be expended as aforesaid.

Security to be given by Commissioners

IV. *And be it further enacted,* That each and every Commissioner, so to be appointed as herein before directed, shall be entitled to receive a Warrant on the Treasury for the whole sum to be expended; and it shall and may be lawful for the Treasurer to retain in his hands two third parts of the amount of such Warrant until the whole of the work is completed, approved, and certified according to Law.

Read Money when to be issued from the Treasury

V. *And be it further enacted,* That when Contracts are intended to be entered into, due notice shall be given by the said Commissioner, by posting up advertisements at least ten days in the places usual for public notices in the County, Township, or District, and the said Commissioners shall require and receive sufficient security from the Contractor or Contractors, for the performance of such Contract, within the time therein specified, and in all respects conform to the true intent and meaning thereof, and shall transmit, to the Secretary of the Province, copies of all Contracts made by such Commissioners; and the said Commissioners shall pay and satisfy to such Contractor, from time to time as the work shall be proceeded in, monies on account, until one third part of the sum contracted for, shall have been paid and satisfied; but it shall not be lawful to pay the remaining two third parts until the whole work shall be completed and finished agreeable to Contract, and certified as herein after directed; all which said contracts shall be made to expire on or before the last day of September in each year in which such Contracts shall be entered into, and shall be in the words following;

Contracts

Articles of Agreement had, made, and agreed upon, this _____ day of _____ One Article of Agreement
 Thousand Eight Hundred and _____ between A. B. Commissioner for _____ of the
 one part, and C. D. of _____ and E. F. and G. H. of _____ as Sureties for the
 said C. D. of the other part; as follows, viz: The said C. D. and the said E. F. and G. H. as his Sureties for the consideration hereinafter mentioned, do for themselves, their heirs, executors and administrators, covenant, promise and agree, to and with the said A. B. his executors and administrators, that he the said C. D. his heirs, executors and administrators, shall and will, on or before the last day of August next, in good and workmanlike manner, well and sufficiently _____ In consideration whereof, the said A. B. for himself, his heirs, executors and administrators, doth hereby covenant, promise and agree, to and with the said C. D., E. F. and G. H. their executors and administrators, that he the said A. B. his heirs, executors and administrators, shall, and will, well and truly pay, or cause to be paid, unto the said C. D. his executors or administrators

tors, the sum of _____ in manner following, that is to say—One third part of the laid sum of _____ from time to time, as the said work shall be proceeded in, and the remaining two third parts thereof, when the work shall be completed and finished, agreeable to this Contract, and the Certificate prescribed by this Act, shall be obtained; and for the performance of the articles and agreements aforesaid, the said parties bind and oblige themselves, their heirs, executors and administrators, each to the other, in the penal sum of _____ firmly by these presents. In witness whereof, they have hereunto interchangeably set their hands and seals the day and year first above written.

Sealed and delivered, }
in presence of }

Certificate to be produced to Treasurer of faithful execution of Contracts

VI. *And be it further enacted,* That before any Commissioner shall be entitled to draw the remaining two-thirds of the money so by him to be expended, he shall procure a Certificate from three or more Justices in the General or Special Sessions, to be held for that purpose in each County or District where the said money shall have been expended, that the Contract or Contracts entered into have been faithfully executed, and the money voted for such work hath been properly laid out, which certificate, together with a Schedule of all Contracts and Accounts relative to such expenditure, shall be, by the said Justice, transmitted to the Secretary of the Province, for the inspection of His Majesty's Council and the House of Assembly, on or before the first day of November, in each and every year: which Certificate shall be in the words following, viz.

County of _____ in _____ Sessions _____ day of _____ 18 _____

Form of Certificate

We, _____ of His Majesty's Justices of the Peace for the said County, do hereby certify that, by the examination on oath of _____ credible Persons, taken before us, it appears that the foregoing Contract or Contracts (as the case may be) hath or have been faithfully executed, and that the sums respectively mentioned in said Contracts (if more than one) hath or have been properly laid out and expended.

Allowance to Commissioners limited

VII. *And be it further enacted,* That, in future, no Commissioner shall be allowed to take or charge in his account, for his own services, any sum of money besides his Commission by law established, unless such Commissioner shall have been employed superintending day labourers, in which case he shall be allowed five shillings per day out of the money granted for each day that he shall be employed overseeing, provided he shall have at least ten labourers at work throughout the day.

Allowance to Labourers

VIII. *And be it further enacted,* That no labourer upon the Roads shall be allowed or paid a greater sum than four shillings for each day's work; and no labourer shall be paid for a days' work unless he shall have diligently laboured at least ten hours each day.

Commissioners to account upon Oath

IX. *And be it further enacted,* That each and every Commissioner who shall expend Money by days' work shall, in addition to the receipts of the Persons by him employed, for all Monies paid, render an Account thereof, upon Oath, in writing, in which such Commissioner shall state that the account is just and true, and that the Monies, by him expended, have been fairly and honestly applied to the purpose for which they were granted, and that he procured the best labour in his power to procure, and at the lowest rate of wages: which Oath any one of His Majesty's Justices of the Peace are hereby required to administer without fee or reward.

X. *And be it further enacted*, That it shall and may be lawful for Commissioners hereafter to be appointed, to enter into and extend Contracts for the opening of new Roads, and improving such as have not been used for Wheel Carriages, and for erecting Bridges, until the thirty-first day of October.

Contracts extended

XI. *And be it further enacted*, That the Court of General Session in the several Counties and Districts, shall have power to enquire into the expenditure of all sums of Money heretofore appropriated for the service of Roads and Bridges, which have not been accounted for as required by any former Laws, made for regulating the expenditure of Money on Roads and Bridges, and to certify the actual expenditure thereof according to the form prescribed by this Act.

Courts of Sessions may enquire into expenditure of Road Money

XII. *And be it further enacted*, That no Commissioner, hereafter to be appointed, under and in virtue of this Act, shall direct or superintend the expenditure of more than five hundred pounds, in any one year, in the making or repairing of Roads and Bridges aforesaid.

Sum to be expended by any one Commissioner limited

XIII. *And be it further enacted*, That the money to be appropriated for the making and repairing of Roads and Bridges, shall be expended by days' work, and not by contract, unless for the building or repairing of Bridges, or the opening of new Roads, and there shall not be employed in any one day more than forty Labourers, to work under one Commissioner, and the wages of such persons shall be paid in Cash.

Road Money to be expended by days' work

XIV. *And be it further enacted*, That for every ten Labourers, daily employed by any one Commissioner, as aforesaid, it shall be lawful for the said Commissioner to employ a fit and proper person as Foreman of Labourers, who shall work with the said Labourers, and take charge of such of them as are put under his directions; and shall work with, and superintend, the Labourers in the absence of the said Commissioner.

Employment of a Foreman to Labourers

XV. *And be it further enacted*, That no Foreman of Labourers upon the Roads shall be allowed or paid a greater sum than five shillings for each day's work; and no Owner or Owners of any Team, consisting of a Cart with a suitable driver and two horses or four oxen, shall be allowed or paid a greater sum than ten shillings for each day, or of any team, consisting of a Cart, Driver, and one Horse, or two Oxen, shall be allowed or paid a greater sum than seven shillings and six pence, for each day employed on the said Roads; and no Foreman of Labourers, or Labourer, or Owner or Owners of any Team, shall be paid for a day's work, unless the said Foreman of Labourers, Labourer, or Team, shall have diligently laboured at least ten hours each day; and there shall be no further or other allowance for extra labour beyond the said ten hours each day.

Allowance to Foreman of Labourers

Allowance for Teams

XVI. *And be it further enacted*, That in case it be necessary or expedient for any of the said Commissioners to procure materials for the repair of the Roads, to which they may be appointed, it shall and may be lawful for the Commissioner, where, from the absence or obstinacy of the owner or possessor of the soil, no agreement can be made with him, to enter with workmen, carts, carriages and horses, upon any unfenced and uncultivated lands, and therefrom to dig up, take and carry away, for the repair of the said Roads, any stones or gravel, and also therefrom to cut down, and carry away, trees

Materials for repair of Roads

and

and bushes, for logs, poles and brushwood, to repair the said Roads, and the damage done thereby shall be appraised and ascertained by the judgment of three indifferent freeholders, to be nominated by the nearest Justice of the Peace, for that purpose, and the sum so ascertained shall be paid by the Commissioner to the Owner of the soil, if demanded within three months from such appraisement.

Actions against
Commissioners

XVII. *And be it further enacted,* That in case any Action shall be brought against either of the said Commissioners, so to be appointed as aforesaid, by reason of any thing done by him in the execution of his Office as Commissioner as aforesaid, he may plead the general issue thereto, and give this Act, and the special matter, in evidence on the trial of such Action.

Encroachments
or obstructions
upon Roads

XVIII. *And be it further enacted,* That the said Commissioner or Commissioners shall examine the breadth of the Roads within their respective Districts, and when it shall appear that any encroachments or obstructions have been made, put or placed, in or upon the same, the said Commissioner or Commissioners shall, forthwith, give notice to the Owner or Occupier of the Land adjoining the said Road, that unless the said Road shall be opened and cleared to its proper breadth within thirty days, the person or persons who shall have erected or continued the obstruction, will be prosecuted as the Law directs.

Return of En-
croachments to
Courts of Ses-
sions

XIX. *And be it further enacted,* That the said Commissioners shall make an accurate return of the breadth of all such Roads, and of the incumbrances thereon, to His Majesty's Supreme Court, or Court of General Sessions of the Peace, for the County or District where the offence shall have been committed, at its next sitting, after the appointment of such Commissioner or Commissioners, in order that such proceedings may be thereupon had, as to the said Court shall be deemed necessary and proper to carry into effect the provisions of the Act relating to Highways, Roads and Bridges, and for preventing Nuisances.

Continuation of
Act

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

CAP. XV.

An ACT to continue an Act, entitled, An Act more effectually to secure the payment of the Provincial Duties of Excise, and to prevent Frauds in the collection of the Provincial Revenue.

Act 3d. Geo.
IV. continued

BE it enacted by the Lieutenant-Governor, Council and Assembly, That the Act, made and passed in the third year of His present Majesty's reign, entitled, An Act more effectually to secure the payment of the Provincial Duties of Excise, and to prevent Frauds in the collection of the Provincial Revenue, and every matter, clause and thing, in the said Act contained, shall be continued, and the same is hereby continued, for one year, and from thence to the end of the next Session of the General Assembly.

CAP. XVI.

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

BE it enacted by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the fifty-eighth year of His late Majesty's reign, entitled, An Act for the better preservation of the Property of the Inhabitants of the Town of Halifax, by providing for a sufficient Watch at Night, and every matter, clause and thing, therein contained, shall be continued, and the same is hereby continued, for one year, and from thence to the end of the next Session of the General Assembly. Acts 58th Geo. III. continued

CAP. XVII.

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

BE it enacted by the Lieutenant-Governor, Council and Assembly, That an Act, made in the forty-eighth year of His late Majesty's reign, entitled, An Act to provide for the accommodation and billeting of His Majesty's Troops, or of the Militia, when on their march from one part of the Province to another; and also the Acts, passed in the fifty-first and fifty-third years of His late Majesty's reign, in amendment thereof, and every matter, clause and thing, in the said Acts contained, shall be continued, and the same are hereby continued, for one year, and from thence to the end of the next Session of the General Assembly. Acts 48th, 51st and 53d, Geo. III. continued

CAP. XVIII.

An ACT to alter and continue the several Acts to provide for the greater security of this Province by a better regulation of the Militia, and to repeal the Militia Laws now in force.

BE it enacted by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the second year of His present Majesty's reign, entitled, An Act to provide for the greater security of this Province by a better regulation of the Militia, and to repeal the Militia Laws now in force; and also, an Act, passed in the fourth year of His said Majesty's Reign, entitled, An Act to alter and continue an Act to provide Acts 2d and 4th Geo. IV. continued

vide for the greater security of this Province by a better regulation of the Militia, and to repeal the Militia Laws now in force, and every matter, clause and thing, in the said Acts contained, except so far as they are hereby altered, shall be continued, and the same are hereby continued for one year, and from thence to the end of the next Session of the General Assembly.

One Battalion or Company meeting may be dispensed with II. *And be it further enacted*, That it shall and may be lawful for the Governor, Lieutenant-Governor or Commander-in-Chief for the time being, by any General Order, for that purpose by him made, to dispense with one of the Battalion or Company Meetings, to be held under the Act hereby continued, if he shall deem it proper so to do.

CAP. XIX.

An ACT to continue an Act, entitled, An Act in addition to, and in amendment of, the several Acts, now in force, for repairing and mending Highways, Roads, Bridges and Streets, and for appointing Surveyors of Highways within the several Townships in this Province.

Act 3d Geo.
IV. continued

BE it enacted by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the third year of His present Majesty's reign, entitled, An Act in addition to, and in amendment of, the several Acts, now in force, for repairing and mending Highways, Roads, Bridges and Streets, and for appointing Surveyors of Highways within the several Townships in this Province, and every clause and thing in the said Act contained, be continued, and the same is hereby continued, for one year, and from thence to the end of the next Session of the General Assembly.

CAP. XX.

An Act to continue the several Acts respecting the Liverpool Light-House.

Acts 52d and
59th Geo. III.
continued

BE it enacted by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the fifty-second year of His late Majesty's reign, entitled, An Act to provide for the support of a Light-House on the south end of Coffin's Island, on the eastern side of the entrance of Liverpool Harbour; also the Act, passed in the fifty-ninth year of His late Majesty's reign, to revive, continue and amend, the said Act, and every matter, clause and thing, in the said Acts contained, shall be continued, and the same is hereby continued, for one year, and from thence to the end of the next Session of the General Assembly.

CAP.

CAP. XXI.

An ACT to amend an Act, passed in the fortieth year of His late Majesty, to amend an Act, passed in the first year of His said late Majesty's reign, for the repairing and mending Highways, Roads, Bridges and Streets, and for appointing Surveyors of Highways within the several Townships of this Province.

WHEREAS it frequently happens, that in settling the value of lands wanted for Highways, the title to such lands comes in question, and other difficulties arise, which impede or delay the Commissioners or Overseers in carrying on their work, when it is found necessary to make new roads through improved or waste lands, for remedy whereof:

I. Be it enacted by the Lieutenant-Governor, Council and Assembly, That in case there should be at this present day, or at any time hereafter, any dispute respecting the title to any improved or waste lands through which it may be found necessary to make a new road or roads, or to cause any alteration or change of an old road, or relative to the value or damage which should be allotted to the owner or owners, tenant or tenants, occupant or occupants, of such lands, according to their several and respective interests, it shall not be lawful for the Court of Sessions and Jury, to determine such dispute or disputes, and the Jury in such case shall only determine what may be the value of the lands wanted for the public service, or the damage which the owners of waste lands may have sustained by reason of a new road having been laid out and made through the same, which verdict, when confirmed by the Court of Sessions, shall be recorded. *Provided always*, that in case it shall appear to the Court of Sessions, by the finding of the Jury, and after due notice, that there is no dispute relative to the title to such lands, and no controversy relative to the sum or portions of the compensation money claimed by the several parties interested therein, in such case the said Court shall grant a Certificate to the party or parties whose right shall be so found and established without any adverse claim or controversy, which shall entitle him or them to receive the compensation money awarded.

II. And be it further enacted, That in all cases which now are, or may hereafter be, depending before the Court of Sessions, or Supreme Court, in which the Jury shall have determined the amount of the whole compensation money, to be paid to whoever may be lawfully entitled thereto, but by reason of the dispute and controversy between the different Claimants previous to the passing of this Act, or in any case which may arise subsequent to passing the same, the Jury shall have been unable to decide their respective claims, in all such cases the said Court of Sessions, after confirming and recording the Verdict of the Jury, shall return the whole proceedings to the Supreme Court, if the same be not already returned there, at its next sitting in the County or District where the Lands lie, and the Parties claiming the said compensation money, or

any

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any part thereof, shall each deliver to said Court, at such sitting, a Petition, stating therein the nature of their respective claims, which the said Supreme Court, with the assistance of a Jury, sworn for that purpose, shall proceed to hear and determine in a summary way; and the compensation money awarded in the Sessions, shall, after such determination, (which shall be final between the Parties) be paid over to the several Parties contending for the same, pursuant to a Certificate to be granted by the said Supreme Court for that purpose. *Provided always,* that in case all or any of the Parties contending shall neglect or refuse to bring in their respective Petitions at the said first sitting of the said Supreme Court, or at such future day as the said Court may specially appoint for that purpose, in such case it shall be lawful for the said Court to hear and determine the merits of such Petition as may be brought before them, and to certify accordingly; and in case no Petition shall be brought in, or that the Court shall determine that none of the Parties claiming shall have established a legal right to the whole, or any part of such Money, in either case the Court shall dismiss the Cause, with costs, and leave the compensation money remaining, to be hereafter paid over to such other Person or Persons who shall, at a future day, establish before such Court a legal right to receive the same.

Measures to be taken previous to laying out new, or making changes in old, Roads

- III. *And be it further enacted,* That it shall not be lawful for any Commissioner or Commissioners of Roads, now or hereafter to be appointed, to begin to lay out any new road, or to make any change or alteration in any old road, whereby any charge or expense of any kind whatsoever is to be brought on the Province, either for the purchase of enclosed and improved Lands, or for any special damage which may be done to the Owner of any waste or unimproved Land, until such Commissioner or Commissioners shall first lay before the Governor and Council a plan or admeasurement of such new road, or alteration of an old road, accompanied by an Estimate, made by three creditable and well-qualified Persons, of the probable expense of purchasing enclosed or improved Lands for such road or roads, and also the probable amount of any special damage which it may be necessary to pay for carrying such roads through waste and unimproved Lands, together with an Estimate of the probable expense of making each and every part of such new road, and the probable expense of any Bridge or Bridges, Causeway or Causeways, necessary to be made therein; and no Commissioner or Commissioners of Roads shall, on any account, commence to work on any such new road, or alteration of an old road, until the same shall have been approved of by the Governor, Lieutenant-Governor or Commander in Chief, by and with the advice of His Majesty's Council, and until such Commissioner or Commissioners shall have received, in writing, a copy of the Order so made in Council, for the work on such new road, or alteration of an old road, to commence, and the said Commissioner or Commissioners, upon receiving such Order in Council, shall notify all Persons interested in the Lands that such Order has been made, so that all necessary steps may be immediately taken for valuing, pursuant to law, the Land or damage which it may be necessary to pay for the establishing such road or roads.

IV. *And be it further enacted,* That in all cases where compensation has been, or may hereafter be, adjudged to the owners of lands, to enable them to fence the sides of such new highway, payment of such compensation shall not be made to the said owner or owners, until such fences have been by him or them erected. Payment of compensation to Proprietors of lands—when to be made

V. *And be it further enacted,* That in all cases where old Roads have been heretofore, or shall hereafter be, changed and altered without the Proprietor or Proprietors of the land through which such new road or roads shall have been made and laid out, making any demand from the Commissioner or Commissioners of payment for the land taken for such new road or roads, and for which no compensation or payment shall have been afterwards made by the Public, such acquiescence on the part of the Proprietor or Proprietors shall be deemed and taken to be a voluntary surrender to the King for ever, for a public road or highway, of all the land through which such new road or roads shall have been laid out and made, the same to measure, in all cases, the full width of sixty-six feet from side to side; and it shall be lawful for the Proprietor or Proprietors of the land so surrendered and given up, to take, have, and enjoy in fee simple, the whole of the land contained within the old road, so changed and altered, as aforesaid, in lieu of the land so given for the use of the Public, without payment or compensation as aforesaid. Proprietors of land delaying claims for compensation

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

CAP. XXII.

An ACT in addition to, and amendment of, an Act, made and passed in the fifty-seventh year of His late Majesty's reign, entitled, An Act for regulating Elections of Representatives to serve in General Assembly.

WHEREAS, doubts exist as to the power of the Sheriff, or other Officer, holding Elections, to appoint a time for closing the Poll on each day during such Election, and in particular on the last day thereof, to remove which: Preamble

I. *BE it enacted by the Lieutenant-Governor, Council and Assembly,* That, from and after the publication hereof, it shall be imperative on each and every Sheriff, or other Officer holding Polls for the Election of Representatives to serve in General Assembly, to close the Poll on each day during such Election, if between the twenty-second day of September and the twenty-second day of March, at four of the clock in the afternoon; and if between the twenty-second day of March and the twenty-second day of September, inclusive, at six of the o'clock in the afternoon, except on the last day, allowed by Law, for holding such Poll, on which day it shall be imperative on such Sheriff or other Officer Time for holding Poll determined

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cer to close the Poll at three of the clock in the afternoon, at all times of the year. *Provided always,* That nothing herein contained shall prevent the Poll from being closed upon Proclamation, or upon any agreement or arrangement entered into and agreed to by all the Candidates, or those who may appear for them, and entered on the Sheriff's Poll Book, that may not go to extend the holding of such Poll beyond the times herein mentioned, or to prevent any scrutiny or adjournment, or removal, of the Poll taking place in case the same may have been demanded :

And whereas, much vexation and expense doth happen, as well to the Freeholders as Candidates of those Counties wherein an adjournment or removal of the Poll is allowed, by reason of the long space of time between the first opening of the Poll and the second opening thereof, and so in respect to the third opening of such Poll, for remedy whereof :

Removal or adjournment of Poll

II. *Be it further enacted,* That, upon application for the removal or adjournment of the Poll, the Sheriff or other Officer holding such Poll, shall proceed in manner as prescribed by the Act, of which this is in addition, and instead of giving notice, that the Poll shall be held at the place to which the same may be adjourned or removed on the twelfth day from the first opening of such Poll, as by the said Act is specified, shall give notice that he will on the eighth day after such first opening of the Poll, inclusive, continue the same at the place to which the said Poll may be so removed, and shall give like notice in case of a second removal of said Poll.

And Whereas, the population and settlement of the Township of St. Mary's, in the County of Sydney, has of late increased so rapidly in and about Sherbrooke Village, in the said Township, as to render it inconvenient for the majority of the Freeholders of the said Township to assemble as heretofore, at Country Harbour, in the said Township, for the purpose of being polled, for remedy thereof :

Adjournment of Poll from Guyaborough to Sherbrooke

III. *Be it further enacted,* That in future the Poll, upon adjournment from Guyaborough, in the County of Sydney, shall be opened and held in Sherbrooke Village, aforesaid, and not at Country Harbour as heretofore, any law, usage or custom, to the contrary notwithstanding.

And whereas, it will be of great convenience to Freeholders of the Eastern part of the County of Hants that a Poll be opened at or near the house of John Singer, Jun. in the Township of Douglas :

Adjournment of Poll in Hants' County to Douglas

IV. *Be it therefore enacted,* That hereafter, at any Election to be held in and for the County of Hants, for Members to serve in the General Assembly, the Sheriff or other Officer shall, if thereto required, as by Law directed, give notice according to Law, that the Poll will be adjourned and opened at or near the House at present occupied by John Singer, Junior, in the Township of Douglas, and shall there continue the said Poll for the space of three days, or until all the Freeholders then and there present be polled.

And whereas, by the tenth section of the said Act, it is declared that when the Poll is removed from one part

part of a County or District to another part of a County or District, that he Sheriff shall proceed for the space of four days to take the Poll, or until the Electors then and there present be Polled.

And whereas, in the District of Pictou, four days have been found insufficient to enable all the Electors to be polled :

V. *Be it therefore enacted*, That the said Poll, when so removed to the District of Pictou, shall be held open for six days, or until all the Electors then and there present be polled. Time of Polling extended in District of Pictou

VI. *And be it further enacted*, That all and every Person or Persons holding any Lands within the Island of Cape-Breton, under and by virtue of any Crown Lease, or License of Occupation, which had been granted or issued by the former Government of that Island, and which were uncanceled and in force at the time the said Island was re-annexed to this Province, or under and by virtue of any Deeds, purporting to be conveyances of Freehold Estates, made from the said titles, shall be entitled to vote as Freeholders. Validity of Votes in Cape-Breton

VII. *And be it further enacted*, That it shall and may be lawful for the Sheriff of the County of Shelburne, or his Deputy, at any future Election of Members to represent the said County, if thereunto required by either of the Candidates, on the first day of the opening of the Poll at Argyle, and upon giving the like notice, and for the same space of time as is required by Law, on the removal of the Poll from Shelburne to Argyle, to remove and adjourn the said Poll to the Court-House in the Town of Yarmouth, there to be held for the space of four days, unless sooner closed according to Law. Adjournment of Poll from Argyle to Yarmouth

CAP. XXIII.

An ACT to continue an Act, respecting Aliens coming into this Province, or residing therein.

BE it enacted by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the thirty-eighth year of His late Majesty's reign, entitled, An Act respecting Aliens coming into this Province, or residing therein, and every matter, clause and thing, therein contained, shall be continued, and the same is hereby continued, for one year, and from thence to the end of the next Session of the General Assembly. Act 38th Geo. III. continued

CAP. XXIV.

An ACT to continue and amend an Act, entitled, An Act for the Summary Trial of Actions.

BE it enacted by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the third year of His present Majesty's reign, entitled, An Act for the Summary Trial of Actions, which has been continued by a subsequent Act to the end of the present Act 3d Geo. IV. continued

present Session of the General Assembly, and every matter, clause and thing, in the said Act contained, shall be further continued, and the same is hereby continued, for one year, and from thence to the end of the next Session of the General Assembly.

Proviso

II. *Provided always*, That nothing contained in the Act hereby continued, shall extend or be construed to extend to permit the trial of any Action in a summary way which may involve the Title to Land.

CAP. XXV.

An ACT to alter the times of Sitting of the Inferior Court of Common Pleas and General Sessions of the Peace, in the Counties and Districts therein named.

Times of holding Inferior Court in Queen's County

In County of Shelburne

In District of Colchester

Return of Writs, &c.

BE it enacted by the Lieutenant-Governor, Council and Assembly, That, from and after the publication thereof, the Inferior Court of Common Pleas and General Sessions of the Peace for the County of Queen's County, shall be held at Liverpool, on the fourth Tuesday of April and fourth Tuesday of October, instead of the times heretofore established for holding the same, and that the Inferior Court of Common Pleas and General Sessions of the Peace for the County of Shelburne, shall be held at Shelburne, on the second Tuesday of May, and the second Tuesday of September, instead of the times heretofore established for holding the same; and that the Inferior Court of Common Pleas, and General Sessions of the Peace, for the District of Yarmouth and Argyle, shall be held at Tusket, on the first Tuesday of May, and at Yarmouth on the fourth Tuesday of September, instead of the times heretofore established for holding the same, and that the Inferior Court of Common Pleas, and General Sessions of the Peace for the District of Colchester, shall be held at Truro on the second Tuesday of July, and the third Tuesday of January, instead of the times heretofore established for holding the same,

II. *And be it further enacted*, That all Writs, Process, Recognizances and Complaints, Rules, Orders and other Papers, which are or shall be made returnable into the said Inferior Courts of Common Pleas and General Sessions of the Peace, at their next sittings in the said several Counties and Districts, shall be returned into the said Courts in their respective Counties or Districts on the days herein before appointed for such sitting, and all parties and persons who are bound or summoned, or who ought to appear at the said Courts, at their next sittings, shall be held and obliged to appear at the said Courts, at the days and times on which such sittings are hereby directed to be held, and all Judges, Justices, Sheriffs, Constables, Jurors, Criers, and other Officers whom it may concern, are to take notice of this Act, and govern themselves accordingly.

CAP. XXVI.

An ACT for the Preservation of Trout.

WHEREAS the preservation of the Fish denominated Trout, during the time of their spawning, will Preamble
be highly beneficial to the Inhabitants of the Township and District of Halifax :

I. *Be it therefore enacted by the Lieutenant-Governor, Council and Assembly, That, from* Trout not to be caught between 1st October and 1st January
and after the publication hereof, It shall not be lawful for any person or persons, under any pretence whatever, to catch, take or destroy, any Trout Fish, within the said Township and District of Halifax, from the first day of October to the first day of January, inclusive.

II. *And be it further enacted, That every person who shall take, catch or destroy, or* Penalty
who shall sell, or expose to sale, or who shall buy, or cause to be brought, within the Township and District of Halifax, any Trout Fish, within the respective times herein before mentioned, shall, for every Trout so taken, caught, destroyed, sold, or exposed to sale, bought, or caused to be bought, forfeit the sum of One Shilling for each and every such offence : to be recovered on the Oath of one or more credible witness or witnesses, before any of His Majesty's Justices of the Peace ; and in case of refusal or neglect to pay, the same shall be levied by Warrant of Distress, on the goods and chattles of such offender, and for want thereof such Offender shall be committed by such Justice to the County Jail, for a period not exceeding Eight Hours.

III. *Provided always, That nothing in this Act contained shall extend, or be construed to extend, to prohibit any Indian or other Poor Settler from taking or catching Trout* Exemption in favor of Indians and Poor Settlers
within the times herein before mentioned, for his own use.

CAP. XXVII.

An ACT in amendment of an Act, passed in the thirty-fourth year of His late Majesty's reign, entitled, An Act for the Preservation of Partridges and Blue Winged Ducks.

WHEREAS the bad season last year has very much injured and diminished the breed of Partridge Preamble
as throughout the Province, and it is deemed necessary, for the more effectual preservation of so useful a Bird, to prevent any of them being killed during the present year :

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly, That it shall not be* Partridges not to be killed until October, 1824
lawful for any Person or Persons, under any pretence whatever, to kill any Partridges within the Province, from and after the publication of this Act, until the first day of October, in the year of Our Lord one thousand eight hundred and twenty-five, under the penalty of ten shillings for each and every Partridge, taken, killed, destroyed, sold or exposed

Proviso

posed for sale, or found dead in the custody or possession of any Person or Persons whatsoever, during the period before mentioned, which penalty of ten shillings shall and may be recovered and applied as directed in the Act of which this is an amendment. *Provided always*, That any Indian, or poor and distressed Settler, who may kill any Partridge, for their own use and necessary subsistence, and not for sale, shall not be subject to any penalty under this Act.

CAP. XXVIII.

An ACT to continue the several Acts of the General Assembly for granting to His Majesty certain Duties on Wine, Brandy, Gin, Rum, and other Distilled Spirituous Liquors, Molasses, Coffee and Brown Sugar, for the support of His Majesty's Government, and for promoting the Agriculture, Commerce and Fisheries, of the Province.

ACTS—
55th Geo. III.

60th Geo. III.

1st Geo. IV.

3d Geo. IV.

4th Geo. IV.

BE it enacted by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the fifty-fifth year of His late Majesty's reign, entitled, An Act for granting to His Majesty certain duties on Wine, Brandy, Gin, Rum and other Distilled Spirituous Liquors, Molasses, Coffee and Brown Sugar, for the support of His Majesty's Government, and for promoting the Agriculture, Commerce and Fisheries, of the Province; Also, the Act, made in the sixtieth year of His late Majesty's Reign, entitled, An Act to revive, continue and amend, the several Acts of the General Assembly for granting to His Majesty certain Duties on Wine, Brandy, Gin, Rum, and other Distilled Spirituous Liquors, Molasses, Coffee and Brown Sugar, for the support of His Majesty's Government, and for promoting the Agriculture, Commerce and Fisheries, of the Province; Also, the Act, passed in the first year of His present Majesty's Reign, entitled, An Act to amend and continue the several Acts of the General Assembly for granting to His Majesty certain Duties on Wine, Brandy, Gin, Rum, and other Distilled Spirituous Liquors, Molasses, Coffee, and Brown Sugar, for the support of His Majesty's Government; and for promoting the Agriculture, Commerce and Fisheries, of the Province; And also, an Act, passed in the third year of His said Majesty's Reign, entitled, An Act to amend and continue the several Acts of the General Assembly for granting to His Majesty certain Duties on Wine, Brandy, Gin, Rum, and other Distilled Spirituous Liquors, Molasses, Coffee and Brown Sugar, for the support of His Majesty's Government, and for promoting the Agriculture, Commerce and Fisheries, of the Province; And also, the Act, passed in the fourth year of His said Majesty's reign, entitled, An Act to alter and continue the several Acts of the General Assembly for granting to His Majesty certain Duties on Wine, Brandy, Gin, Rum, and other Distilled Spirituous Liquors, Molasses, Coffee and Brown Sugar, for the support of His Majesty's

Majesty's Government, and for promoting the Agriculture, Commerce and Fisheries, of the Province, and every matter, clause and thing therein contained, shall be continued, and the same are hereby continued, until the twenty-fifth day of March, which will be in the year of our Lord One Thousand Eight Hundred and Twenty-five, and no longer.

CAP. XXIX.

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

BE it enacted by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the fifty-seventh year of His late Majesty's reign, entitled, An Act for granting a Drawback of the Duties on Brown or Raw Sugar used in the Manufacture of Refined Sugars within the Province, and for regulating the mode of obtaining the same, be continued, and the same, with every matter, clause and thing, therein contained, is hereby continued until the Twenty-fifth day of March, which will be in the year of our Lord One Thousand Eight Hundred and Twenty-five, and no longer.

CAP. XXX.

An ACT to alter and continue the several Acts of the General Assembly, for the further increase of the Revenue, by raising a Duty of Excise on all Goods, Wares and Merchandize, imported into this Province.

BE it enacted by the Lieutenant-Governor, Council and Assembly, That an Act, made in the thirty-second year of His late Majesty's reign, entitled, An Act for the further increase of the Revenue, by raising a Duty of Excise on all Goods, Wares and Merchandize, imported into this Province; also the Act, made in the forty-eighth year of His said Majesty's reign, for repealing so much of the aforesaid Act as exempts from such Duty certain articles therein enumerated, and for declaring what Goods, Wares and Merchandize, shall hereafter be exempt from such Duty of Excise; and also the Act, made in the fifty-fourth year of His said Majesty's reign, entitled, An Act to continue the several Acts of the General Assembly, for the further increase of the Revenue, by raising a Duty of Excise on all Goods, Wares and Merchandize, imported into this Province; also the Act, made in the fifty-eighth year of His said Majesty's reign, entitled, An Act to continue and amend the several Acts of the General Assembly for the further increase of the Revenue, by raising a Duty of Excise on all Goods, Wares and Merchandize,

- 3d Geo. IV. Merchandize, imported into this Province ; also, an Act, passed in the third year of His present Majesty's reign, entitled, An Act to amend and continue the several Acts of the General Assembly for the further increase of the Revenue, by raising a Duty of Excise on all Goods, Wares and Merchandize, imported into this Province ; and also, an Act, passed in the fourth year of His present Majesty's reign, entitled, An Act to alter an Act, passed in the thirty-second year of His late Majesty's reign, entitled, An Act for the further increase of the Revenue, by raising a Duty of Excise on all Goods, Wares and Merchandize, imported into this Province, and every matter, clause and thing, in the said Acts contained, except so far as the same are hereby altered, shall be continued, and the same are hereby continued, until the twenty-fifth day of March, which will be in the year of Our Lord one thousand eight hundred and twenty five, and no longer.
- 4th Geo. IV. continued
- Copper, and Iron Cables, exempted from Duty
- II. *Provided always, and be it further enacted*, That all Copper, used in Ship Building, and Iron Cables, hereafter to be imported into this Province, shall be exempted from the Duties imposed by the several Acts hereinbefore recited, and hereby continued.

CAP. XXXI.

An ACT to alter and continue the several Acts for raising an Additional Duty of Excise on all Goods, Wares and Merchandize, imported into this Province.

ACTS—
60th Geo. III.

3d Geo. IV.
continued

Copper, and
Iron Cables,
exempted from
Duty

BE it enacted by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the sixtieth year of His late Majesty's reign, entitled, An Act for raising an additional Duty of Excise on all Goods, Wares, and Merchandize, imported into this Province. And also, an Act, passed in the third year of His present Majesty's reign, entitled, An Act to amend and continue an Act for raising an additional Duty of Excise on all Goods, Wares and Merchandize, imported into this Province ; and every matter, clause and thing, in the said Acts contained, except so far as the same are hereby altered, shall be continued, and the same are hereby continued, until the twenty-fifth day of March, which will be in the year of our Lord One Thousand Eight Hundred and Twenty-five, and no longer.

II. *Provided always, and be it further enacted*, That all Copper, used in Ship Building, and Iron Cables, hereafter to be imported into this Province, shall be exempted from the Duty imposed by the Act herein before recited, and hereby continued.

CAP. XXXII.

An ACT to alter and continue an Act, entitled, An Act imposing a Duty on Goods, Wares and Merchandize, imported from the United States of America, and for appropriating the same.

4th Geo. IV.
continued

BE it enacted by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the fourth year of His present Majesty's reign, entitled, An Act imposing a Duty

Duty on Goods, Wares and Merchandise, imported from the United States of America, and for appropriating the same, and every matter, clause and thing, therein contained, except such parts thereof as are hereby altered, be continued, and the same is hereby continued, until the twenty-fifth day of March, which will be in the year of Our Lord One Thousand Eight Hundred and Twenty-five; and no longer.

II. *Provided always, and be it further enacted,* That instead of the Duties imposed by the Act hereby continued, upon the Articles hereinafter mentioned, there shall be levied, collected and paid, the following Duties, that is to say:—For and upon every hundred weight of Biscuit or Hard Bread, Three Shillings and Six Pence per one hundred and twelve pounds—for, and upon every one hundred and twelve pounds of Rice, Three Shillings and Three Pence—for, and upon every bushel of Pease, Beans, Rye or Calavances, One Shilling, to be levied and collected under the rules, regulations, provisions and penalties, as are mentioned and contained in the said Act hereby continued.

CAP. XXXIII.

An ACT to continue the several Acts of the General Assembly for raising a Revenue to repair the Roads throughout the Province, by laying a Duty on Persons hereafter to be Licensed to keep Public Houses and Shops for the retail of Spirituous Liquors.

BE it enacted by the Lieutenant-Governor, Council and Assembly, That an Act, passed Acts 39th, 41st, 46th, and 55th Geo. III. in the thirty-ninth year of His late Majesty's reign, entitled, An Act for raising a Revenue to repair the Roads throughout the Province, by laying a Duty on Persons hereafter to be Licensed to keep Public Houses and Shops, for the retail of Spirituous Liquors; and for regulating such Public Houses and Shops; also, the several Acts, passed in the forty-first, forty-sixth and fifty-fifth years of His late Majesty's Reign, for reviving, altering, continuing and amending, and adding to, the said Act, and every matter, clause and thing, in the said Acts contained, be continued, and the same are hereby continued, until the twenty-fifth day of March, which will be in the year of Our Lord One Thousand Eight Hundred and Twenty-five; and no longer.

CAP. XXXIV.

An ACT in amendment of an Act, passed in the thirty-fifth year of His late Majesty's reign, entitled, An Act to prevent the Harboursing Deserters from His Majesty's Army, and the sale of Arms, Accoutrements and Clothing, belonging to His Majesty.

WHEREAS in and by the said Act it is enacted, that if any Offender under the said Act shall Preamble not have sufficient goods and chattles whercon distress may be made to the value of the penalties recovered

recovered against him, or shall not pay such penalties within four days after conviction; then and in such case the Justices before whom the said conviction is had, may, by warrant under their hands and seals, commit such offender to the common Jail, there to remain for the space of three months, or cause such offender to be publickly whipped. And whereas, Offenders under said Act, after conviction, and before the expiration of the said four days, have absconded, and evaded the punishment imposed by the said Act :

Justices authorised to commit Offenders immediately to Jail

BE it therefore enacted by the Lieutenant-Governor, Council and Assembly, That, from and after the publication of this Act, it shall and may be lawful for the said Justices, before whom any conviction shall be had against any Offender under the said Act, to commit such Offender to the Common Jail, after conviction and before the expiration of the said four days, unless such Offender shall enter into recognizances, with two Sureties, for his personal appearance before the said Justices, at the expiration of the said four days, mentioned in the said Act.

CAP. XXXV.

An ACT to continue an Act, entitled, An Act in addition to and amendment of an Act, passed in the forty-first year of His Majesty's Reign, entitled, An Act for repairing, cleansing and paving, the Streets in the Town and Peninsula of Halifax, and for removing obstructions therein; and also the Act, in amendment thereof, passed in the forty-second year of His present Majesty's Reign.

Acts 60th and 42d Geo. III. continued

BE it enacted by the Lieutenant-Governor, Council and Assembly, That, an Act, passed in the fiftieth year of His late Majesty's reign, entitled, An Act in addition to, and in amendment of, an Act, passed in the forty-first year of His Majesty's reign, entitled, An Act for repairing, cleansing and paving, the Streets in the Town and Peninsula of Halifax, and for removing obstructions therein; and also the Act, in amendment thereof, passed in the forty-second year of His late Majesty's reign, and every matter, clause and thing, in the said Acts contained, shall be continued, and the same are hereby continued, for one year, and from thence to the end of the next Session of the General Assembly.

CAP. XXXVI.

An ACT relating to the Court of Commissioners at Halifax.

Preamble

WHEREAS, by an Act of the General Assembly of the Province, made in the fifty-seventh year of His late Majesty's reign, entitled, An Act for the Summary Trial of Actions, the
Lieutenant

Lieutenant-Governor, or Commander in Chief, for the time being, was authorised to appoint five fit and proper Persons, to be Commissioners for the Trial of Actions, not exceeding Ten Pounds, within certain Districts. And whereas, a Commission having issued accordingly, a Court, for the purposes mentioned in the said Act, hath been held before Commissioners appointed for the Town of Halifax, and it is now become expedient, inasmuch as the said Act will expire at the present Sessions, to provide for the continuance of the said Court :

I. BE it therefore enacted by the Lieutenant-Governor, Council and Assembly, That all the powers and authorities under the said Commission, vested in, and exercised by, the several Persons who are now the Commissioners of the said Court shall be, and the same are hereby, continued unto them respectively, so long as this Act shall be in force.

Commissioners' Court continued

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

Death, resignation or removal of a Commissioner

III. And be it further enacted, That every Commissioner of the said Court, hereafter to be appointed, shall be sworn into office, and to the faithful discharge of his duty, before some one of the Judges of the Supreme Court at Halifax.

Commissioners to be sworn into Office

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

Clerk to Commissioners

V. And be it further enacted, That the said Court shall be held before the said five Commissioners, now, or hereafter to be appointed, or any three of them, on the first Monday of every month in every year, and may continue sitting at each term, two days; and shall have power and jurisdiction within the Township of Halifax, over all suits, and in which the whole dealing or cause of action shall have arisen within the said Township, and shall not exceed ten pounds; and also, over all Actions of Trover, Assault and Battery, Trespass on Lands, where the Title is not in question, and for Slander, wherein respectively the damages claimed shall not exceed five pounds. *Provided always nevertheless,* That in such actions of Trover, Assault and Battery, Trespass on Land, and for Slander, the Defendant shall not, before the Trial commences, object to the jurisdiction of the Court, but if such objection shall be made, the cause shall be forthwith discontinued. *Provided always nevertheless,* and be it further enacted, That Actions which involve the Title to land, or any other valuable right or duty, shall not be tried by the said Court, although the sum actually in dispute may not exceed ten pounds.

Court to be held first Monday in every Month

Jurisdiction of Court

Proviso

VI. And be it further enacted, That the Process of the said Court shall be Writs of Process of Summons, Capias and Execution, which shall be tested in the name of the Commissioner appointed to preside therein, and be issued by the Clerk thereof, according to such forms as are or shall be established by the said Supreme Court, and shall be directed to the Sheriff, Constables or Officers, appointed by the said Commissioners. VII.

Process of Court

Cases deter-
mined in a
summary way

VII. *And be it further enacted*, That the said Court of Commissioners shall hear and determine all Causes in which they have jurisdiction in a summary way, by examining Witnesses on Oath, and shall decide the same with the least possible delay, and give Judgment thereon.

Judgment to
be recorded

VIII. *And be it further enacted*, That the said Court may enter Judgment for any sum not exceeding Ten Pounds, on the verbal or written confession of any Defendant, made before them in open Court, and recorded by the Clerk.

Appeal from
decision of
Court

IX. *And be it further enacted*, That when the amount of the Judgment recovered, or the cause of Action, in any Suit shall exceed twenty shillings, the party aggrieved by the Judgment may appeal to the Supreme Court, and Execution, and all other proceedings in the Suit shall be stayed upon sufficient security (which the said Court of Commissioners, or any one of them, is hereby empowered to take by recognizance) being given to abide the Judgment of the said Supreme Court thereon; and the Party appellant shall enter his Appeal, and proceed thereon before the said Supreme Court, at the first Term, and the Judges thereof shall try the Cause, again, either in a summary way, or by a Jury, as to them shall seem proper, and give final Judgment thereon.

Suits can only
be carried by
appeal into In-
ferior or Su-
preme Court

X. *And be it further enacted*, That no Suit, subject to the Jurisdiction of the Court of Commissioners, and wherein the whole dealing, or cause of Action, does not exceed Ten Pounds, shall be brought in the said Supreme Court, or in the Inferior Court of Common Pleas, except by appeal.

Process of Ex-
ecution issuing
from the
Court

XI. *And be it further enacted*, That Process of Execution from the said Court of Commissioners may be served in any part of the County of Halifax, except the Districts of Colchester and Pictou, and that all Parties imprisoned under such Process shall be entitled to their discharge, according to the provisions of the several Laws of this Province relating to Insolvent Debtors.

Allowance to
Commissioners

XII. *And be it further enacted*, That the Commissioners, and other Officers of the said Court, shall be allowed to take and receive of and from the Suitors therein, the several Fees which are specified for them respectively in the Schedule or Table to this Act annexed, under the limitations therein expressed, and the Fees so paid shall be adjudged against, and levied from, the Party failing in the Suit: but if the Debt recovered be under Twenty Shillings, no more costs shall be allowed than Seven Shillings and Six Pence; and if under Ten Shillings, no more Costs than Five Shillings; and if under Five Shillings, the allowance of any Costs shall be wholly at the discretion of the Court, but not to exceed Five Shillings.

Schedule of
Fees

SCHEDULE OF FEES :

By the Commissioners—For taking Affidavit, and endorsing a Bailable Writ—One Shilling.

For every Trial and Judgment, to the whole Court—Three Shillings.

By the Clerk—For every Writ of Summons—Two Shillings.

every Affidavit and Bailable Writ—Two Shillings and Six Pence.
all subsequent Proceedings, including final Judgment—Two Shillings.

Execution—One Shilling.

Every

Every Recognizance, each Person—One Shilling.

Each and every Writ of Subpoena—Six Pence.

By the Sheriff or Constable, in all cases—For service of every Writ, or Process—One Shilling.

Every Bail Bond—Two Shillings.

Poundage, if the Money be paid without sale of Property—Three Pence in the Pound.

If Property be taken and sold—Six Pence in the Pound.

Travel, per mile—Three Pence.

By Witnesses—So much as the discretion of the Court may deem proper, provided the sum does not exceed—Two Shillings and Six Pence for each day's attendance.

Travel, per mile—Three Pence.

XIII. *And be it further enacted*, That if any of the Persons named in the said Schedule, shall demand or receive any other or greater fees, than are by this Act allowed, he shall forfeit and pay a fine of five pounds, to be recovered with costs, in any action or suit by him or them that will sue for the same, either in the said Court of Commissioners, or the said Supreme Court, where the same shall be tried and determined in a summary manner. *Provided always, and be it further enacted*, That no writ of Capias shall hereafter be issued from the said Court of Commissioners against any Person, for any sum less than twenty shillings, unless the party applying for the same shall make and subscribe an affidavit in writing, setting forth that he verily believes that unless such Capias is allowed the Debt will be lost.

Officers of Court demanding greater Fees

Proviso

Continuance of Act

XIV. *And be it further enacted*, That this Act shall continue and be in force from the publication hereof, for and during the term of one year, and thence until the end of the next Session of the General Assembly.

CAP. XXXVII.

An ACT to regulate and increase the number of Times for holding the Inferior Courts of Common Pleas and General Sessions of the Peace in and for the County of Sydney.

WHEREAS, the present mode of holding the Inferior Courts of Common Pleas and General Sessions of the Peace within the County of Sydney, is found to be not only inconvenient but detrimental to the internal policy of the said County :

Preamble

I. BE it enacted by the Lieutenant-Governor, Council and Assembly, That, from and after the publication hereof, the Inferior Court of Common Pleas and General Sessions of the Peace, for said County of Sydney, shall be held four times in each and every year, that is to say : at Dorchester, in the Upper District of the said County, on the

Times and Places for holding Inferior Court in County of Sydney

second Tuesday of March, and on the first Tuesday of November, in each year; and at Guysborough, in the Lower District of the said County, on the fourth Tuesday of March, and on the third Tuesday of November, in each year.

Jurisdiction of
Court in Upper
District

II. *And be it further enacted,* That the Jurisdiction of the said Inferior Court of Common Pleas, and General Sessions of the Peace, to be held, and of all Judges of the said Court of Common Pleas, Justices of the Peace, and all other Ministers of the Law (the Sheriff of the said County excepted) residing in the said Upper District of the said County, shall extend over, and be limited within, the bounds following, that is to say: the Shores of the Gut of Canto, the Antigonish Bay, and the Gulf of Saint Lawrence, on the east and north; the line dividing the District of Pictou and the said County, on the west; and on the south by a line to commence at the south-eastern angle of the said District of Pictou, and to run thence in a right line until it intersects the South River of Antigonish, at the north-east angle of Land granted to James Archibald, Junior, thence in a right line until it intersects the west boundary line of the Township of Guysborough, at the point where the Main Road leading from Antigonish to Guysborough, crosses said boundary line, thence along said line to the north-west angle of the said Township, and thence north eighty degrees east to the line of the Gut of Canto aforesaid.

Jurisdiction of
Court in Lower
District

III. *And be it further enacted,* That the Jurisdiction of the said Inferior Courts of Common Pleas and General Sessions of the Peace, to be held, and all Judges of the said Court of Common Pleas, Justices of the Peace, and other Ministers of the Law (the High Sheriff of the said County excepted) residing within the said Lower District of the said County, shall extend over, and be limited to, such part of the said County as is not included within the bounds in the second section of this Act defined.

The Inferior
Court in Upper
and Lower Dis-
tricts to have
distinct Juris-
diction

IV. *And be it further enacted,* That the said Upper and Lower Districts of the said County, from and after the publication of this Act, shall respectively be deemed and held, in all things and in all respects touching and concerning the said Inferior Courts of Common Pleas and General Sessions of the Peace, to be held within them respectively, as aforesaid, and as to all acts done, or which may be necessary to be done, by any and all Judges of the said Inferior Court of Common Pleas, or General Sessions of the Peace, within their respective Jurisdictions, or by any Justice of the Peace, or other Minister of the Law, residing therein, (except the High Sheriff of the said County) as if the same were separate and distinct Counties of this Province.

Petit Jurors]

V. *And be it further enacted,* That the Lists of Petit Jurors to serve at the said Courts respectively, shall be drawn of Persons residing within their respective Jurisdictions.

Grand Jurors

VI. *And be it further enacted,* That it shall and may be lawful for the said Court of General Sessions of the Peace in each of the said Districts respectively, to cause to be drawn the usual number of Persons from those residing within their respective Jurisdictions, who are by law required to serve as Grand Jurors, and to issue a Venire for their attendance, which Jurors when summoned shall be bound to attend the Court, and shall, for all purposes, be taken and held to be the Grand Jury of the said District to which they belong.

VII. *And be it further enacted,* That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, to appoint and commission so many fit and proper Persons (not exceeding four), to be Justices of the Inferior Court of Common Pleas, as may be thought necessary for each of the said Districts respectively. Appointment of Justices of Inferior Court

VIII. *And be it further enacted,* That all Actions now depending in the said Inferior Court of Common Pleas, shall be determined, and final judgment entered up therein, in the District in which the Defendants in such Actions at the time may reside, or if such Defendants be absent from the Province, in the District or which he shall have usually resided, except Actions of Ejectment and Trespass, wherein the Freehold or Title to the Soil is in question, which Actions of Ejectment and Trespass, shall be tried and determined in the District where the land is situate. Actions at present pending

IX. *Provided always, and it is further enacted,* That all Town and County business, and all appointments of Town and County Officers, and all rules and regulations done and transacted, made and entered into, by the Court of General Sessions of the Peace, at their sittings at Guysborough in November Term last; in so far as the same are authorised by Law, shall stand and remain in full force, operation and effect, until the first General Sessions of the Peace, which shall be held in the said Districts respectively, after the first day of January, which will be in the year of Our Lord one thousand eight hundred and twenty-five; *and provided always,* That nothing herein contained shall extend, or be construed to extend, to limit and restrain the power of the Supreme Court of the said County, to draw, and compel the attendance of, its Petit and Grand Jurors from the body of the said County, save and except that the said Grand and Petit Jurors shall be exclusively considered as belonging to, and only bound to attend the sittings of the Supreme Court in, the said County; *and provided always,* That nothing in this Act contained shall be deemed, taken or held, to interfere with the Office of Sheriff of the said County, or of any Person acting under him in his official capacity aforesaid. Proceedings of Court of Sessions held at Guysborough in November last

X. *And be it further enacted,* That the Justices and Grand Jury, at a General Sessions of the Peace for the Upper District of the said County, may and shall assess upon the Inhabitants of the said District such sum or sums of Money as shall and may be necessary and requisite to defray the expenses of running out and marking the before mentioned line in the usual manner. Proviso

Expenses of running lines of division of County how destroyed

CAP. XXXVIII.

An ACT to make further Provision for the Equal Administration of Justice in the Province of Nova-Scotia. Preamble

WHEREAS, it is deemed expedient to make some further Provision for the Administration of Justice in the Courts of Common Pleas and General Sessions of the Peace within the Province: Division of Province

I. *Be it therefore enacted by the Lieutenant-Governor, Council and Assembly,* That the Counties and Districts of the Province of Nova-Scotia, excepting the County of Cape-Breton, and the District of Halifax Proper, be divided into three Divisions; the County

of

- of Sydney, the Districts of Piclou and Colchester, and the County of Cumberland, to form the Eastern Division; the County of Hants, King's County, the County of Lunenburg and Queen's County, to form the Middle Division; the County of Annapolis and the County of Shelburne, with their respective Districts, to form the Western Division; and that it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, to appoint one fit and proper Person for each Division, who shall have been regularly admitted and enrolled as an Attorney of His Majesty's Supreme Court of this Province, and who shall have practised in his profession for at least ten years after such admission, to be First Justice of the Inferior Court of Common Pleas, and President or First Justice of the Court of Sessions, held, or to be hereafter held, in each Division, aforesaid.
- Appointment of First Justices to Inferior Court in each Division**
- Duty of First Justice** II. *And be it further enacted,* That the Person so appointed for each Division as aforesaid, shall preside as the First Justice in all and every of the sittings of the said Inferior Court of Common Pleas and Courts of General Sessions of the Peace, within and for the respective Division to which he shall be so appointed,
- Salary of First Justice** III. *And be it further enacted, by the authority aforesaid,* That there shall be allowed and paid, annually, for the Salary of each of the Persons who may be appointed under this Act, the sum of Four Hundred Pounds,
- Travelling Expenses** IV. *And be it also enacted,* That in addition to the aforesaid Salary of Four Hundred Pounds, there shall be paid to each of the Persons appointed as aforesaid, the sum of Twenty Shillings per day, for Travel, for each day he shall be actually employed in travelling in the discharge of the duties of the said Office, and not otherwise. *And provided also,* That the whole amount thereof shall never exceed Fifty Pounds, to each Person, in any one year.
- First Justices not to interfere in Elections** V. *And be it further enacted,* That it shall not be lawful for any Person who shall be appointed to the said office of First Justice of the said Courts of Common Pleas, nor for any Person now appointed, or who may be appointed, First Justice of the Courts of Common Pleas for the County of Cape-Breton, to have a Seat in the House of Assembly, or to be elected to sit therein, nor shall they or any of them vote at or interfere in any Election.
- Fees** VI. *And be it further enacted,* That no Fees whatever, other than the travelling Fees herein beforementioned, shall be payable or paid to any Judge so appointed, under this Act, but that the Fees heretofore payable to those Judges of the said Courts, who now act as First Justices thereof, shall continue payable, and be paid to them, so long as they shall attend the said Courts; and that no Person so appointed under this Act, shall practise as an Attorney, Solicitor or Proctor, in any Court of Law or Equity within the Province, nor shall he hold any other place, appointment or situation, of profit, under Government.
- First Justice not allowed to hold any other situation** VII. *And be it further enacted, by the authority aforesaid,* That in case a vacancy shall happen in the Office of Associate Circuit Judge of the Supreme Court, it shall not be lawful for the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, to appoint any other Person in the said Office, until after the sitting of the Assembly which shall meet and be held next after the happening of such vacancy.
- Vacancy occurring in Office of Associate Circuit Judge** VIII. *And be it further enacted,* That each Person to be appointed under this Act shall reside within the District to which he shall be so appointed.
- Place of Residence of First Justice**