

Prince Edward Island. Laws, statutes, etc.

Vol 4

Session laws

70

ANNO SECUNDO

VICTORIÆ REGINÆ,

At the General Assembly of Her Majesty's Island of *Prince Edward*, begun and holden at *Charlottetown*, the Twenty-second Day of *January*, Anno Domini 1839, in the Second Year of the Reign of our Sovereign Lady VICTORIA, by the Grace of God of the United Kingdom of *Great Britain and Ireland*, Queen, Defender of the Faith:

1839.

Sir CHARLES A. FITZ ROY, Lieut. Governor.

E. J. JARVIS, President of Council.

Being the First Session of the Fifteenth General Assembly convened in the said Island.

W. COOPER, Speaker.

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CAP. I.

AN ACT to further continue for a limited period an Act passed in the Fifty-ninth Year of the Reign of His late Majesty King GEORGE the Third; intituled *An Act for regulating Juries, and further declaring the qualifications of Jurors.*

[Passed March, 1st, 1839.]

WHEREAS an Act passed in the Fifty-ninth Year of the Reign of His late Majesty King George the Third, intituled *An Act for regulating Juries, and further declaring the qualifications of Jurors*, and continued by subsequent Acts, is about to expire, and it is deemed expedient to fur-

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Continues Act of 59 Geo. 3, regulating Juries, for 2 years, and to the end of the then next Session of the General Assembly.

ther continue the said Act: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That an Act passed in the Fifty-ninth Year of the Reign of His late Majesty King *George the Third*, intituled *An Act for regulating Juries, and further declaring the qualifications of Jurors*, and continued by subsequent Acts, be, and the same is hereby further continued for and during the term of Two years from the passing hereof, and from thence to the end of the then next Session of the General Assembly.

## CAP. II.

AN ACT for further continuing an Act intituled *An Act to regulate the Fisheries of this Island*.

[March 1st, 1839.]

**W**HEREAS it is deemed necessary to protect the Fisheries of this Island: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That an Act passed in the Fifth Year of the Reign of His late Majesty King *George the Fourth*, intituled *An Act to regulate the Fisheries of this Island*, and continued for Ten years by an Act passed in the Ninth Year of the Reign of His late Majesty King *George the Fourth*, intituled *An Act for continuing several Laws near expiring*, be, and the same is hereby further continued for the space of Ten years, and from thence until the end of the then next Session of the General Assembly.

Continues Act of 5 Geo. 4, regulating Fisheries, for Ten years, and to the end of the then next Session of the General Assembly.

Recd. 7th Nov 13, 1913

## CAP. III.

AN ACT to continue for a limited period Three several Acts therein mentioned.

[*March 1st, 1839.*]

**W**HEREAS the several Acts, the Titles of which are hereinafter recited, are about to expire, and it is expedient that the same should be continued for a limited period: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That an Act passed in the Third Year of the Reign of His late Majesty King *William the Fourth*, intituled *An Act to make and keep in repair the Pumps and Wells of Charlottetown, and for other purposes, and to repeal a certain Act therein mentioned*; and an Act passed in the same Year of the Reign of His said late Majesty, intituled *An Act to regulate the weight and quality of Bread within the Town and Royalty of Charlottetown*, and continued for One Year by an Act for that purpose passed in the Seventh Year of the Reign of His said late Majesty; and also an Act passed in the Eighth year of the Reign of His late Majesty King *George the Fourth*, intituled *An Act to authorize the formation of a Fire Engine Company for the Town of Charlottetown*, and continued for Five Years by an Act for that purpose passed in the Third Year of the Reign of His late Majesty King *William the Fourth*, and every clause, matter and thing therein respectively contained, be continued and remain in force for Six Years from the passing hereof, and from thence to the end of the then next Session of the General Assembly, and no longer.

Continues Act of 3 Will. 4, to make and keep in repair the Pumps and Wells of Charlottetown,

and Act of the same Year of the same King, regulating the Weight and quality of Bread in Charlottetown:

and also Act of 8 Geo. 4, authorizing the formation of a Fire Engine Company in Charlottetown, for Six years, and to the end of the then next Session of the General Assembly.

## CAP. IV.

AN ACT to continue and amend the Act regulating the Public Wharf of *Charlottetown*.

[*March 1st, 1839.*]

**W**HEREAS the Act hereinafter mentioned is about to expire, and it is deemed expedient to continue and also to amend the same: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the Third Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the regulation of the Public Wharf of Charlottetown*, except so far as the same is amended, as hereinafter mentioned, be, and the same is hereby continued for the term of Two Years, and from thence to the end of the then next Session of the General Assembly, and no longer.

Continues Act of 3 Will. 4, for the regulation of the Public Wharf in Charlottetown, for 2 years, and to the end of the then next Session of the General Assembly.

Reduces the Salary of Wharfinger from £40 to £30.

II. And be it enacted, That the yearly Salary of the Wharfinger in and by the said Act fixed and allowed, shall, during the continuance of the said Act, be Thirty Pounds *per annum*, in lieu of Forty Pounds as therein mentioned—to begin and take effect with the Year commencing next after the passing of this Act.

## CAP. V.

AN ACT to authorize the appointment of Coal Meters for *Charlottetown*.

[*March 1st, 1839.*]

**W**HEREAS it is expedient that all Coal exposed for sale in *Charlottetown* be duly

admeasured: Be it enacted, by the Lieutenant Governor, Council and Assembly, That it shall be lawful for the Administrator of the Government for the time being, by and with the advice of Her Majesty's Council, to appoint two or more fit and proper persons residing in *Charlottetown*, whose duties shall be to admeasure, according to the Standard Coal Measure of this Island, all such Coals imported into *Charlottetown* as shall be respectively required of them; and in case any person so appointed shall refuse or wilfully neglect to perform any of the duties pertaining to his office or appointment, without just excuse, each and every person so offending shall forfeit and pay for every such offence a sum not exceeding Twenty Shillings — to be recovered, with Costs, in like manner as Small Debts are now recovered, and which Fine shall be paid to any person who shall sue for the same.

Administrator of Government, may appoint 2 or more Coal Meters for *Charlottetown*.

Duty of Coal Meters.

Penalty on Coal Meters for neglect of duty.

How recovered.

Appropriation of Penalty.

II. And be it further enacted, That every such Coal Meter shall be entitled to receive for his services the sum of Five-pence for every Chaldron of Coal by him measured, and so in proportion for any less quantity; and which sum shall be paid by the Seller or Vender of such Coals.

Remuneration to Coal Meters.

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

Continuance of Act.

## CAP. VI.

AN ACT for granting a Bounty on VESSELS engaged in the Fisheries of this Island.

[*March 1st, 1839.*]

**W**HEREAS the Fisheries are deemed of importance to this Colony, and it is thought expedient that some encouragement be given to that branch of productive industry, by granting a Bounty on all registered Vessels exclusively engaged therein: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the First day of *May* next, a Bounty of Five Shillings *per Register Ton* shall be allowed to the fitter out of any Vessel or Vessels properly equipped and manned, and to be exclusively engaged for Three Months successively, between the First day of *May* and the Fifteenth day of *September*, in the Fisheries—the same to be fitted out and supplied by persons in this Colony: Provided always, that every such Vessel, whether engaged in the Bank, Sea Coast, or Labrador Fisheries, shall produce and land on this Island a quantity of not less than Five Quintals of Dried Codfish, or Twelve Quintals of Green Codfish, or three Barrels of Labrador Herrings, or a proportionate quantity of each description of Fish for each and every Ton such Vessel may admeasure *per Register*, and that such Vessel was not occupied during the term of Three Months prior to the period when such Fish shall be landed, or the last portion thereof, if landed at different times, in any other trade or employment than the Fishing exclusively—the same to be certified on the Oaths of the Master or Skipper, and at least one of the crew of such Vessel, who shall, on applying for such Bounty, take and subscribe the following Affidavit:

A Bounty of 5s. per Ton to be paid to the Fitter out of any Vessel, exclusively employed in the Fisheries.

Period to be so employed.

Vessel to be fitted out and supplied in the Colony.

Prescribes the quantity, &c. of Fish to be caught to entitle persons to claim bounty.

Master or Skipper, and one of the Crew, to certify on oath, before bounty is payable.

' **W**E *A. B.* Master, and *C. D.* Seaman or Fish-  
 erman, of the                      called the                      of  
                          Harbour of                      *Prince Edward*  
 ' *Island*, of                      tons Register, do swear, that the  
 ' said                      the                      has been for the last  
 ' **Three Months** solely and exclusively engaged in  
 ' the Fisheries, and not in any other trade or employ-  
 ' ment; and that the whole of the Fish landed from  
 ' on board the said                      the                      has been  
 ' caught on board the same within the last **Five**  
 ' **Months**, or during the present Voyage; and the  
 ' quantity so caught and landed on this Island is at  
 ' least **Five Quintals** of good sound Codfish, if dried,  
 ' or **Twelve Quintals** of Green Codfish, or **Three Bar-**  
 ' **rels Labrador Herrings**, or a proportionate quanti-  
 ' ty of each description of Fish, [as the case may be,]  
 ' for every Ton said Vessel doth register.'

Form of Affidavit  
 of Master or  
 Skipper, &c.

**II.** And be it further enacted, by the authority  
 aforesaid, That all Bounties on the Tonnage of Ves-  
 sels shall be paid to the fitter out of every such  
 Vessel, within **Three Months** after producing the  
 Affidavit of the Master, and one of the crew; as  
 herein-before recited; and also the Affidavit of a  
 disinterested Resident, who shall be present at the  
 landing from such Vessel the quantity of Fish, to  
 entitle the fitter out thereof to obtain the Bounty  
 under the provisions of this Act—and that the Form  
 of said Affidavit be as follows:

Bounty to be  
 paid within **3**  
 months after  
 production of  
 Affidavit, of  
 Master, &c.

And an Affidavit  
 of a disinterested  
 resident, who  
 shall see the Fish  
 landed.

' **I** *A. B.*                      of                      *Prince Edward*  
 ' *Island*, do swear, that there has been landed on  
 ' this Island in my presence, within the last **Five**  
 ' **Months**, from on board the                      of the Har-  
 ' bour of                      *C. D.* Master, **Five Quintals**  
 ' **Codfish**, if dried, or **Twelve Quintals** of Green Cod-  
 ' fish, or **Three Barrels** of Herrings, [as the case may  
 ' be,] or a proportionate quantity of each description  
 ' of Fish, for every Ton said Vessel doth Register.  
 ' **So help me GOD.**'

Form of Affidavit  
 of Resident.

Mode of payment  
of bounty.

III. And be it further enacted, That all payments of Bounty to be made under and by virtue of this Act, be by Warrant on the Treasury, under the Hand and Seal of the Lieutenant Governor, or Commander in Chief for the time being, with the advice of Her Majesty's Council, on the necessary Affidavits, and otherwise complying with the terms prescribed in and by this Act.

Continuance of  
Act.

IV. And be it further enacted, That this Act shall continue and be in force for One Year from the passing hereof.

## CAP. VII.

AN ACT for the improvement of Property at  
*Georgetown*, and to provide against accidents by  
FIRE.

[*March 1st, 1839.*]

WHEREAS an Act passed in the Sixth Year of the Reign of His late Majesty King *William the Fourth*, intituled *An Act to provide against accidents by Fire, and for the improvement of Property at Georgetown*, is about to expire, and the said Act has been found insufficient for the purposes for which it was passed: and whereas it is necessary to provide against accidents by Fire, and also for necessary improvements of Property in the said Town: and whereas the best mode of raising a Fund for these purposes, will be by an Assessment upon the Lots in the said Town: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Inhabitants of the said Town, on at least Eight days notice in writing given by any one

Any Justice of  
the Peace resid-  
ing in *George-*  
*town* to give 8  
days Notice to



of Her Majesty's Justices of the Peace residing in the said Town (who is hereby directed and required so to do,) and published in three or more public places in the said Town, to assemble in the Court House in the said Town, on the first Tuesday in *May* next, after the passing of this Act, at Twelve of the clock, noon, and there and then by a majority of such Inhabitants to elect Seven fit and proper persons (Five of whom shall be a quorum,) to act as Assessors, and also Five fit and proper persons (Three of whom shall be a Quorum,) to act as Fire Wardens: and in case of the death or removal of any of the persons so elected, that then the said Inhabitants, at any of their subsequent Meetings, shall and may elect others in their room and stead.

Inhabitants of said Town annually to assemble on the 1st Tuesday in May.

Meeting to choose 7 persons, 5 to be a quorum, to Act as Assessors

And also 5 persons, 3 to be a quorum, to act as Fire Wardens.

In the event of death or absence, others to be chosen by Inhabitants at any subsequent Meeting.

II. And be it further enacted, That the said Assessors, at their first and subsequent Annual Meetings respectively, shall be and they are hereby empowered to assess the Lots and parts of Lots in the said Town, so as the sums so assessed shall not in any one year exceed the sum of Six shillings and eight-pence on each unimproved Town Lot, and Three shillings and four-pence on each improved Town Lot, and ratably in proportion for parts less than a whole Lot—which Assessment shall be paid within Forty days after due notice thereof published in the *Royal Gazette* Newspaper, and continued therein for five successive weeks.

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

Limits the amount of Assessment in each year.

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

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

Assessors to appoint a Treasurer and Collector.

Collector to act as Clerk.

Duty of Clerk.

Duty of Collector.

Defines what shall be deemed improved Lots.

IV. And be it further enacted, That Lots that are cleared and fenced, or otherwise sufficiently enclosed with or without Buildings thereon, shall be deemed, taken to be, and rated as improved Lots, and all other Lots, unimproved.

Within 10 days after said notice of 40 days, Collector to account to Treasurer.

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

And within 10 days after such accounting, Treasurer to call a Meeting of the Assessors, to audit the accounts.

Assessors to issue a Precept to Collector against Lots in arrear.

Goods and Chattels found on Lots to be sold.

Mode of sale of Goods and Chattels taken under Precept.

If Goods and Chattels cannot be found, Collector to sell Lots in arrear, 3 months notice of sale to be given.

Appropriation of proceeds of Real Estate sold

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

Overplus how to be accounted for.

Collector to execute a Deed to Purchaser.

If owner of Lot shall not claim any overplus of money within 3 months after sale, the same is then to be paid to Colonial Treasurer, for the use of Owner.

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

Appropriation of Overplus of Lots held under Licence of Occupation.

VII. Provided also, and be it further enacted, That in case any Lot or Lots shall be sold under the operation of this Act, an Equity of Redemption shall nevertheless be open to the former Owner or Proprietor, his Heirs and Assigns, for the space of Two Years next after the Sale of such Lot or Lots—he or they repaying the purchase money and lawful interest, together with the value of the improvements made thereon—the same to be ascertained by the judgment of the Assessors for the time being, or the major part of them, not being parties interested.

Equity of Redemption allowed to Owner.

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

Assessors to fix the rate of poundage to be taken by Treasurer and Collector.

Collector neglecting his duties, or not accounting,

to forfeit £5.

Assessors or Fire Wardens refusing to serve, to forfeit a sum not exceeding £2 each.

Collector, Treasurer and Assessors to transmit annually to Colonial Secretary an account of moneys received and disbursed.

Assessors appointed under this Act empowered to compel Treasurer or Collector under Act of 6 Will. 4th, to account, &c.

VIII. And be it enacted, That the Treasurer and Collector of the Fund contemplated to be raised in pursuance of this Act, shall give good and sufficient security for the due performance of their respective duties; and the said Assessors may allow the said Treasurer and Collector such poundage as they shall see fit, and at their discretion to displace either or both of such officers, and to appoint others in their place.

IX. And be it enacted, That if the Collector so appointed shall neglect to perform the duties enjoined by this Act, or shall not account and hand over the said Moneys so received by him, within the time herein-before directed, he shall forfeit and pay a sum not exceeding Five Pounds, and such Collector shall also pay over all such sum or sums of Money he may have received from time to time for fines and forfeitures, under and by virtue of this Act, within Ten days after the receipt of the same respectively.

X. And be it enacted, That if any of the said Assessors or Fire Wardens shall refuse to serve in their respective offices as enjoined by this Act, each and every such person so refusing shall forfeit and pay a Fine not exceeding Two Pounds—and such Collector, Treasurer and Assessors shall and are hereby required, within Thirty days after such their Annual Meeting, to transmit to the Colonial Secretary's Office a just and true Account of the Receipts and Disbursements of all Moneys received under and by virtue of this Act.

XI. And be it enacted, That the said Assessors, or the major part of them, are hereby empowered and required to cause the Treasurer or Collector appointed under and by virtue of an Act of the Sixth Year of the Reign of His late Majesty King William the Fourth, intituled *An Act to provide against accidents by Fire, and for the improvement of Property at Georgetown*, to render a copy

of their last Annual Account to the Colonial Secretary's Office, within Fourteen days after demand, together with any balance that may remain in their or either of their hands; and in case either or both of said persons shall refuse to render a copy of such Account as aforesaid, he or they shall be respectively liable to a Fine of Twenty Pounds, exclusive of Costs.

Fine on such person refusing to account.

XII. And be it enacted, That all Sums raised under and by virtue of this Act, after deducting necessary charges, shall be applied by the said Assessors to the purposes of clearing and draining the site of the said Town, erecting Pumps, and procuring such Engines or Implements as may be deemed necessary to prevent accidents by Fire, and in necessary repairs on the Streets.

Appropriation of moneys raised by this Act.

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

Collector to have the charge of Engines, &c. purchased.

XIV. And be it enacted, That the Tenant or Occupant of every House in the said Town, of the yearly value of Ten Pounds and upwards, shall be provided with, and keep one leathern Bucket, to contain not less than two gallons, on which the Owner's name shall be painted—which Bucket shall be kept hung up in the passage or hall of such House, under the penalty of Five Shillings for each and every time the said Bucket shall not be so found hung up in its proper place as aforesaid, by the Fire Wardens when they shall visit the said House; and the said Tenant or Occupant, within Three Months after the passing of this Act, shall provide a Ladder or Ladders corresponding to the height of the House or Houses he or they may oc-

Householders of the yearly value of £10 to keep a Leathern Bucket, with name painted thereon, under a penalty of 5s. for each offence.

And to keep a Ladder corresponding with the height of House, to be provided by Proprietor un-

der a penalty of 5s.

copy, sufficient to enable water to be carried to any part of the same, in the event of Fire—which Ladder or Ladders shall be paid for by the Proprietor, and kept in repair, and fit for use at his expense, under a Penalty of Five Shillings.

Three of Fire Wardens to visit each House in said Town once in 3 months, under a penalty of 5s. for each House neglected.

Time when such visit must be made.

XV. And be it enacted, That Three at least of the said Fire Wardens shall once in every Three Months visit each House within the said Town, and inspect the Buckets and Ladders, under a penalty of Five Shillings for every House such Fire Wardens shall neglect to visit—which visits must be made between the hours of Ten of the clock, forenoon, and Four of the clock, afternoon.

Chimnies to be swept at certain periods under a penalty of £2.

XVI. And be it enacted, That every Chimney which shall or may be used in the Town of *Georgetown*, shall be regularly swept every Two Months, between the First day of *May* and the Thirty-first day of *October*, and once a Month from the last mentioned period, until the Thirtieth day of *April*, under a penalty of Two Pounds.

Housekeeper having Hay, Straw or Flax, or Ashes on a wooden floor, or in a wooden vessel to forfeit 10s. for each offence, as also the Hay, &c.

XVII. And be it enacted, That if any Housekeeper in the said Town shall collect or keep, or permit to be kept, any Hay, Straw or Flax, in any part of a Dwelling House, or shall collect or keep Ashes on a wooden floor, or in a wooden vessel in the said House, or any Out-House attached thereto, such Housekeeper shall pay Ten Shillings for every such offence, and likewise forfeit the Hay, Straw or Flax found in such Dwelling House, excepting always, such Hay or Straw as may be in use for bedding.

No Stove Pipe to pass through any wooden partition or roof, unless there be 5 inches clear between pipe and partition, &c.

XVIII. And be it enacted, That no Stove Pipe within *Georgetown* aforesaid shall be passed through any partition of wood, or of wood and lime, or through any wooden floor or roof, unless there shall have been left five inches clear between the Pipe and the partition, or floor, or roof, and which Pipe shall be surrounded with a sheet of iron, tin, lead

or copper, which shall be nailed to every such partition, roof or floor; and close Stoves shall be fixed and set up in such manner, as that in all cases they shall be at least Eighteen inches in every direction except the bottom, from any wainscot, laths, or wooden partition, through or alongside of which the same may be placed, or if at a less distance, then the wall or partition shall be well and securely protected by sheet-iron or lead, to the satisfaction of the Fire Wardens: and any person offending in the premises shall incur a penalty of Twenty Shillings; and the several persons to be elected Fire Wardens in pursuance of this Act, are hereby required to pay due attention to this Clause, at the time of the several inspections or visitations herein-before mentioned.

Close stove to be 18 inches from any wainscot, &c.

Or if at a less distance to be protected by Sheet Iron or Lead, under a penalty of £1.

Fire Wardens to pay due attention to this Clause.

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

Duty of Inhabitants in case of Fire.

Duty of Fire Wardens on such occasions.

Penalty on persons refusing to assist at Fires.

XX. And be it enacted, That all Fines recoverable under and by virtue of this Act, except such Fine as is imposed on the Treasurer, shall be paid to the Treasurer of the Assessment, for the purposes contemplated by this Act, and shall be recoverable by any person who may prosecute and sue for the same, to the extent of Five Pounds, before any one of Her Majesty's Justices of the Peace residing in Georgetown, and if above that sum, in

Appropriation.

Mode of recovery of such Fines.

Her Majesty's Supreme Court, in any of its sittings at *Georgetown*.

Orders of 5 Assessors on Treasurer for payment of Work, &c. to be paid by him, if in funds, within 10 days after demand, under a penalty of £5.

**XXI.** And be it enacted, That Orders for any work, or for any Engines or Implements which the Assessors may deem necessary to draw on the Treasurer, shall be signed by at least Five of the Assessors, and payable by the said Treasurer, if in funds, within Ten days after demand, under a penalty of Five Pounds—to be recovered as aforesaid.

Continuance of Act.

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



SCHEDULES to which this Act refers.

SCHEDULE (A.)

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

Form of Precept  
to Collector.

*Prince Edward Island,* }  
to wit: }

To *A. B.* the Collector appointed under the Act intituled *An Act for the improvement of Property at Georgetown, and to provide against accidents by Fire.*

Whereas we the undersigned Assessors appointed for carrying into effect the provisions of the said Act, having assessed [here describe the property] situate in *Georgetown* aforesaid, pursuant to the said Act, and the said Assessment, together with Costs, amounts to the sum of £ currency, and the Notices required by Law having been duly given, and the amount of the said Assessment remaining still unpaid: these are therefore to authorize and require you the said Collector, to take such Goods and Chattels as may be found on the said Lot, and sell the same; failing thereof to take the said Lot to satisfy the said Assessment and Costs, and the same to advertise, sell and dispose of according to Law: and you are to give this Precept to the party purchasing, and pay the Money as directed by the said Act.

GIVEN under our Hands and Seals, this  
day of            in the Year One  
thousand eight hundred and  
and in the        Year of the Reign of  
Her Majesty.

D

## SCHEDULE (B.)

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

Table of Fees to  
be taken by Col-  
lector and As-  
sessor.

Precept, Five Shillings.

Levying the Goods and Chattels, Two shillings  
and sixpence.

Levying the Real Estate, Two shillings and six-  
pence.

Advertising Real Estate, when only one Lot in  
arrear, Twenty Shillings.

For every additional Lot advertised, Sixpence.

For advertising Goods and Chattels, Five Shil-  
lings.

## CAP. VIII.

AN ACT for the protection of SHEEP against vicious Dogs.

[March, 1st, 1839.]

**B**E it enacted, by the Lieutenant Governor, Council and Assembly, That if any Dog or Dogs shall kill any Sheep, Lamb or Lambs within this Island, the Owner of such Dog, upon complaint and conviction thereof before any Justice of the Peace, shall cause the same to be immediately killed; and in case such Sheep, Lamb or Lambs shall be killed by such Dog, then the owner thereof shall be liable to pay the owner of such Sheep or Lambs so killed the full value thereof, to be recovered before any one of Her Majesty's Justices of the Peace in the County where such offence shall be committed, who is hereby authorized finally to determine the same—provided the sum so to be recovered does not exceed the sum of Five Pounds; and on non-payment thereof, within three days after Judgment shall be given, to issue his Warrant to a Constable, to distrain so much of the offender's Goods and Chattels as may be sufficient to discharge the same, with the charges arising thereby, and to sell such Goods at Public Auction—returning the overplus (if any there be) to the Owner or Owners thereof.

*Dog killing any Sheep or Lamb, owner shall cause the same to be killed, and be liable to pay the owner of such Sheep &c. the full value thereof.*

*Mode of recovery.*

II. And be it further enacted, That in every case where the owner of a Dog shall neglect or refuse to kill such Dog so having killed, or injured any Sheep, Lamb or Lambs as aforesaid, he shall be liable to a penalty of Five Pounds, to be recovered before any one of Her Majesty's Justices of the Peace, to be levied by Warrant of Distress on his Goods and Chattels—and if such person shall have no Goods or Chattels whereon the said Penalty may be levied, then such person shall

*Penalty on Owner of such Dog refusing to kill same.*

*Mode of recovery.*

Appropriation  
of Penalty.

suffer imprisonment for a period not exceeding Two Months, nor less than One Month—such Fine to be paid, one half to the Informer, and the other into the Public Treasury of the Island.

On proof, Justice  
of the Peace may  
order the Owner  
of prowling Dog  
to have the same  
clogged.

III. And be it further enacted, That from and after the passing hereof, when proof shall be made by one credible Witness to any one of Her Majesty's Justices of the Peace, that any Dog is or has been in the habit of prowling within any Township or Royalty in this Island outside of the Fence or Inclosure of its owner, unaccompanied by its said owner, or any of his or her domestics, it shall and may be lawful for such Justice, and he is hereby directed and required, to notify the owner of such Dog of the proof so made, and to order the said Dog to be clogged by a collar attached by a chain or rope to a billet of wood, so as to effectually prevent his prowling as aforesaid; and if after such Notice the owner of any such Dog shall neglect or refuse to clog the same as aforesaid, he or she shall be liable to a fine of Five Shillings for every day such Dog shall be seen unclogged after the Notice so given, except while accompanied by its owner, or one of his or her domestics—the said Fine to be recovered, with Costs, and applied in way and manner herein-before set forth in the Second Clause of this Act: and it shall and may be lawful for any person to destroy the said Dog, if seen outside the Fence or Inclosures prowling as aforesaid, unclogged, any time after the Notice aforesaid having been sent to the Owner.

Mode of clogging.

Penalty on  
Owner neglecting  
or refusing to  
clog Dog.

Mode of recovery  
and appropriation.

Any person may  
destroy such Dog  
if seen prowling  
unclogged after  
notice sent to  
owner.

Continuance of  
this Act.

IV. And be it further enacted, That this Act shall continue and be in force for Four Years, and from thence to the end of the then next Session of the General Assembly.

## CAP. IX.

AN ACT to provide against the running at large of Hogs in the Streets and Squares of *Charlottetown*.

[*March*] 1st, 1839.]

**W**HEREAS it is deemed necessary to prevent the running of Hogs at large through the Streets and Squares of *Charlottetown*: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful to and for His Excellency the Lieutenant Governor, on the first *Wednesday* in *May* next, and on the same day annually thereafter during the continuance of this Act, to nominate and appoint Four fit and proper persons within the said Town of *Charlottetown*, to be Hog Reeves within the said Town, for the space of One Year; and the person or persons who may refuse to serve in the said office, shall forfeit and pay the sum of Five Pounds each, to be recovered before any two of Her Majesty's Justices of the Peace for the said Town, and to be levied by Warrant of Distress and sale of the Goods and Chattels of such person or persons so refusing to serve in the said office; and the Lieutenant Governor is hereby authorized to nominate and choose other persons to serve in their stead.

Lt. Governor on 1st Wednesday in May, annually] to appoint 4 Hog Reeves for *Charlottetown*.

Penalty on persons refusing to serve, and mode of recovery.

II. And be it further enacted, by the authority aforesaid, That the said Hog Reeves shall and are hereby required to take up, or cause to be taken up, all Hogs running at large within *Charlottetown*, and sell and dispose of the same at Public Auction; and all persons obstructing by any way or manner whatsoever the said Hog Reeves in the execution of their duty, shall forfeit and pay a fine not exceeding Five Pounds, nor less than Forty Shillings, to

Hog Reeves to seize all Hogs running at large, and sell the same at Public Auction.

Penalty on per-

sons obstructing  
Hog Reeves.  
Mode of recovery.

be recovered before any one of Her Majesty's Justices of the Peace, and to be levied off the offender or offenders' Goods and Chattels, by Warrant of Distress; and in the event of the offender or offenders not having Goods or Chattels whereupon to levy the said Fine, then the said Justice of the Peace is hereby authorized and empowered to commit the said offender or offenders to the Jail of *Charlottetown*, for a space of time not exceeding Thirty Days, nor less than Fourteen.

Hog Reeves for  
neglect of duty  
to forfeit £5.

III. And be it further enacted, by the authority aforesaid, that if the said Four persons, or any of them, so to be appointed Hog Reeves within the said Town, shall neglect or refuse to perform the duties of the said office, by taking up all Hogs found running at large within the said Town, and disposing of the same in the manner herein-before mentioned, each and every Hog Reeve so neglecting or refusing to perform such duties, shall forfeit and pay the sum of Five Pounds, to be recovered before any one of Her Majesty's Justices of the Peace for the said Town, together with Costs of Suit, and to be levied by Warrant of Distress of the Goods and Chattels of such Hog Reeve—one half of the said Fine to be paid into the Treasury of this Island, for the use of Her Majesty's Government, and the other moiety to the person who may prosecute such Hog Reeve or Hog Reeves.

Mode of recovery.

Appropriation of  
Penalty.

Appropriation of  
all fines imposed  
by this Act,  
except the fine  
mentioned in the  
3d clause.

IV. And be it further enacted, by the authority aforesaid, That all Fines and Forfeitures recoverable under and by virtue of this Act, excepting the Fine imposed by the Third Clause, shall be disposed of in manner following:—one half to the Hog Reeve, and the remaining moiety to be paid into the Treasury of this Island, for the use of Her Majesty's Government.

Continuance of  
this Act.

V. And be it further enacted, That this Act shall continue and be in force for Seven Years, and from thence to the end of the then next Session of the General Assembly.

*E. J. H.*  
11/12/13