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THE
STATUTES OF NOVA SCOTIA,

PASSED IN THE

FOURTH SESSION OF THE GENERAL ASSEMBLY

OF THE

Twenty-sixth Reign of Her Majesty

QUEEN VICTORIA,

HELD ON THE

TWELFTH DAY OF FEBRUARY, 1863.



HALIFAX, N. S.
E. M. McDONALD, QUEEN'S PRINTER.
1863.



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OF
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26° VICTORIÆ.
1863.

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At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on Thursday, the 12th day of February, 1863, in the twenty-sixth year of the reign of our Sovereign Lady Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, defender of the faith, &c., &c., &c., being the fourth session of the twenty-third General Assembly convened in the said Province.*

* In the time of His Excellency the Earl of Mulgrave, Lieutenant-Governor; Edward Kenny, Presidents of the Legislative Council; A. C. McDonald, Speaker of the Assembly; Joseph Howe, Provincial Secretary; and Alexander James, Clerk of Assembly.

CHAPTER 1.

An Act to Regulate Customs Duties.

(Passed the 31st day of March, A. D. 1863.)

SECTION.

1. Duration of Act.
2. Duties.
3. Exemptions.
4. Duties—how collected and applied, &c.
5. How duties to be paid, &c.
6. In what currency.
7. To become part of the public funds.

SECTION.

8. Governor may declare articles, the produce of British North American colonies, free.
9. Articles exempted under treaty with U. S. not affected.
10. Books, &c., of an immoral character prohibited. Penalty.

Be it enacted by the Governor, Council and Assembly, as follows :

1. This Act shall come into operation on the first day of April in the year one thousand eight hundred and sixty-three, and shall continue in force until the first day of April next thereafter. Duration of Act.

2. There shall be collected and paid to Her Majesty for the use of the Province upon all goods brought into this Province, by sea or land carriage, the several duties in currency set forth in figures on the table hereinafter contained, denominated "Table of Duties," opposite the respective articles in such table mentioned, according to the value, number, or quantity of every such article. Duties.

3. The goods mentioned in the table hereinafter contained denominated "Table of Exemptions," shall be free of duty. Exemptions.

4. The duties shall be collected, paid, and received, and the proceeds thereof applied under the provisions of the Provincial Statutes from time to time in force concerning the same. Duties—how collected and applied, &c.

5. The duties shall be collected, paid, and received according to the weights and measures in use in this Province, and where in the table of duties, such duties are imposed according to any specific value, quantity or number, the same shall apply in the like proportion to any greater or less value, quantity or number. How duties to be paid, &c.

In what currency.

6. The duties shall be paid to the collectors of the Colonial Revenue, and received at the office of the Receiver General either in treasury notes or in current coin at the legal rate of tender.

To become part of the public funds.

7. Duties paid into the Receiver General's office shall be carried to account of the Provincial Revenue, and become part of the public funds, and shall be paid and applied only to such purposes as may be expressed from time to time in the Provincial Statutes concerning the same, and shall in all cases be drawn only by warrant under the hand and seal of the Governor.

Governor may declare articles the produce of British North American Colonies, free.

8. The Governor in Council may, whenever it shall be advisable so to do, declare by proclamation what articles, the growth and production of the British North American Provinces of Canada, New Brunswick, Prince Edward Island, and Newfoundland, or any of them, may be imported into the Province free of duty, and may declare in what manner and under what restrictions the same may be so imported.

Articles exempted under treaty with the U.S. not affected.

9. Nothing herein contained shall operate to impose duties on articles exempted from duty under the Act for giving effect on the part of the Province of Nova Scotia to a certain treaty between Her Majesty and the United States of America, passed in the year 1854.

Books, &c. of an immoral character prohibited. Penalty.

10. Books, drawings, paintings or prints, of an immoral or indecent character, are prohibited to be imported into this Province, under a penalty of fifty dollars for each offence, and the forfeiture of the parcel or package of goods in which such prohibited articles may be found.

TABLE OF DUTIES.

Apples, fresh or dried, per barrel	\$1 00
Ale, beer, and porter, in wood or bottles, per gallon....	0 6
Bacon, per cental or 100 lbs.....	2 00
Beef, salted, per barrel.....	1 00
“ fresh, per 100 lbs.....	1 00
Biscuit, fine, and bread, including crackers or cake, 100 lbs.....	1 00
Butter, per 100 lbs.....	1 75
Burning fluid, per gallon.....	0 10
Candles, tallow, per lb.....	0 3
All other candles, per lb.....	0 8
Cassia and cinnamon, ground, per lb.....	0 5
Cattle, viz., horses, mares, or geldings, each.....	10 00
Neat cattle, viz., oxen, or other neat cattle, 3 years old or upwards, each.....	7 50
Cows and cattle under 3 years old, each.....	2 50
Sheep, each.....	0 75

Cattle—Hogs, alive, over 100 lbs. weight, each.....	\$5 00
of 100 lbs. weight and under, each.....	0 50
Cheese, per 100 lbs.....	1 00
Chocolate, or cocoa paste, per lb.....	0 3
Coffee, green, per lb.....	0 4
roasted, burned, or ground, per lb.....	0 5
Flour (wheat), per barrel.....	0 25
Ginger, ground, per lb.....	0 4
Geneva and whiskey, not exceeding the strength of proof by Sykes' hydrometer, and so in pro- portion for any greater strength than the strength of proof, per gallon.....	0 70
Hams, smoked or dried, per 100 lbs.....	2 00
Lard, per 100 lbs.....	1 75
Leather, viz., sole leather, including hides and skins, partially dressed therefor, per lb.....	0 4
Molasses, per gallon.....	0 5
Onions, per 100 lbs.....	0 50
Oil, viz., rock or coal oil, per gallon.....	0 10
Paraffine, per gallon.....	0 07
Pears, fresh or dried, per barrel.....	1 00
Pork, salted, per barrel.....	1 00
Fresh, per 100 lbs.....	1 00
Pepper and Pimento, ground per lb.....	0 04
Raisins, per lb.....	0 02
Rum, not exceeding the strength of proof by Sykes' hydrometer, and so in proportion for any greater strength of proof, per gallon.....	0 40
Spirits, viz., Brandy, cordials, and other spirits, ex- cept rum, geneva, and whiskey, not exceed- ing the strength of proof by Sykes' hydrometer, and so in proportion for any greater strength of proof, per gallon.....	0 90
Spirits, or strong waters, not otherwise enumerated, not being pure alcohol, mixed with any ingre- dients, and although thereby coming under the head of some other denomination, with the exception of varnish (in any package), shall be deemed spirits or strong waters, and shall pay a duty per gallon of.....	0 50
Sugar, brown or muscovado, not refined, per 100 lbs.	1 50
Candied, brown, crushed, and bastard facings and refined, per 100 lbs.....	2 00
Teas, souchong, congou, pekoe, bohea, pouchong, and all other black teas per lb.....	0 06
Gunpowder, hyson, young hyson, twankay, and other green teas, per lb.....	0 11
Tobacco, manufactured, except snuff and cigars, per lb.	0 05
Tongues of cattle, dried or pickled, per 100 lbs.....	2 00

Wines, viz., hock, constantia, malmsey, tokay, champagne, burgundy, hermitage, sautern, claret and moselle, costing \$2 and upwards per gallon,	1 40
Madeira, port, sherry, and all other wines of which the first cost is £20 sterling and upwards per pipe, per gallon.....	0 80
All wines of which the first cost is under £20 sterling per pipe, per gallon.....	0 40
Clocks, and all wheels, machinery, and materials used in their manufacture.....	} 20 00
Confectionery, syrups, and articles manufactured from sugar.....	
Cigars and snuff.....	
Patent medicines.....	
For every \$100 of the value.....	} 10 00
Currants and figs.....	
Leather, viz., boots, shoes, and leather manufactures of all kinds.....	
Upper leather of all sorts, including hides and skins partially dressed therefor.....	
Meat, fresh, except beef or pork.....	} 5 00
Poultry of all sorts, dead.....	
For every \$100 of the value.....	
Anchors, grapnels, and anchor palms.....	
Cables of hemp, or other vegetable substance, or of iron or iron wire.....	} 5 00
Cotton yarn.....	
Cordage, tarred or untarred, whether fitted for rigging or otherwise.....	
Iron, viz.: in bars or bolts, pipes or tubes, sheet iron, iron spikes, hoop iron, iron rigging, iron chains, clenched rings, boiler plates, and iron knees for ships.....	
Machinery of all kinds, for mills, steamboats and manufactories.....	} 10 00
Oakum.....	
Pitch :.....	
Sail cloth of all kinds, canvas, sail twine, ready made sails and grummets.....	
Tar.....	} 10 00
For every \$100 of the value.....	
All other goods, wares and merchandize, not otherwise charged with duty, and not enumerated in the table of exemptions.....	} 10 00
For every \$100 of the value.....	

TABLE OF EXEMPTIONS.

- Ashes, viz., pot ashes and pearl ashes.
Asses and mules.
Baggage and apparel of passengers, in use and not intended for sale.
Barilla and soda ash.
Beans.
Bells, organs, or musical instruments for churches.
Biscuit, or bread, viz., ship or navy.
Books and pamphlets not prohibited to be imported into the United Kingdom.
Bristles and hairs used in the manufacture of brushes.
Bullion, gold or silver.
Burr stones.
Coal.
Cocoa.
Coin.
Copper, viz., in pigs or bricks, old or worn, or fit only to be remanufactured.
Copper: Yellow metal, composition and zinc for ship sheathing, of a size forty-eight inches long by fourteen inches wide, and sheathing felt; and copper, composition and zinc bars or bolts, nails, spikes and clench rings used for ship building.
Corkwood.
Corn, viz., wheat, rye, Indian corn, barley, oats, rice and buckwheat, unground; barley meal, rye meal, Indian meal, rice meal, oat meal, buckwheat meal, peas and beans.
Cutch.
Engravings and photographs.
Fish, viz., fresh, dried, salted or pickled.
Fish hooks.
Fish oil, viz., train oil, spermaceti oil, headmatter and blubber, fins or skins, the produce of fish or creatures living in the sea.
Flax.
Furniture that has been in actual use, working tools and implements, the property of immigrants, or persons coming to reside in the Province, and not intended for sale, not to include machinery, musical instruments and plate.
Hay.
Hemp.
Hides, or pieces of hides, raw, not tanned, curried or dressed.
Horns.
Hops.

- Horses and carriages of travellers, and horses, cattle, carriages and other vehicles, when employed in carrying merchandize, together with the necessary harness and tackle, so long as the same are actually in use for that purpose.
- Iron, viz., unwrought or pig iron, iron rails for railroads, scrap iron, and old iron fit only to be remanufactured.
- Lime and limestone.
- Lines for the fisheries, of all kinds.
- Manures of all kinds.
- Maps and charts.
- Nets, fishing nets, and seines of all kinds.
- Ores of all kinds.
- Paintings.
- Palm oil.
- Pig lead, and old lead fit only to be remanufactured.
- Plants, shrubs and trees.
- Plate, of gold and silver, old, and fit only to be remanufactured.
- Potatoes.
- Printing paper, not less than demy size.
- Printing presses and types, and printer's ink.
- Rags, viz., old rags, old rope, junk, old fishing nets and old canvas.
- Rosin.
- Sails, rigging, and ship materials, saved from vessels wrecked on the coast of this Province, and saved from vessels owned and registered in the Province, if wrecked on the coast of this Province or elsewhere.
- Salt.
- Sands of all kinds.
- Seeds of all kinds for agricultural purposes.
- Sheathing paper for ships.
- Skins, furs, pelts or tails undressed.
- Stones unmanufactured, including slates.
- Straw.
- Statuary.
- Sugar of the maple.
- Tallow.
- Twines used in the fisheries.
- Tobacco unmanufactured.
- Tow.
- Turpentine, raw.
- Whale fin or bone.
- Wood, viz., boards, planks, staves, square timber, shingles and firewood, but not to include woods used for dyeing.
- Zinc, viz., zinc sheathing of a size forty-eight inches long by fourteen inches wide, intended for and to be used as sheathing for vessels, and zinc sheathing nails.

CHAPTER 2.

An Act to continue and amend the Act for imposing an Excise Duty on certain articles manufactured within this Province.

(Passed the 31st day of March, A. D. 1863.)

SECTION.

1. To continue one year.

SECTION.

2. Sec. 2 of continued Act repealed.

Be it enacted by the Governor, Council and Assembly, as follows:

1. Chapter Twelve of the Acts of 1862, entitled "An Act for imposing an Excise Duty on certain articles manufactured within this Province," as hereinafter amended, is continued until the first day of April, in the year one thousand eight hundred and sixty-four.

To continue one year.

2. Section two of the Act hereby amended is repealed.

Sec. 2 of continued Act repealed.

CHAPTER 3.

An Act to continue and amend the Laws imposing Light House Duties.

(Passed the 31st day of March, A. D. 1863.)

SECTION.

1. To continue one year.

2. Provincial registered vessels when exempt.

SECTION.

3. Rate on other vessels.

4. Act repealed.

Be it enacted by the Governor, Council and Assembly, as follows:

1. Chapter twenty-one of the Revised Statutes "Of Light House Duties," as amended by chapter twenty-six of the Acts of 1859, and as amended by chapter two of the Acts of 1860, and as hereinafter amended, is hereby continued with such amendments respectively until the first day of April, in the year one thousand eight hundred and sixty-four.

To continue one year.

2. Vessels registered in this Province shall be exempt from the payment of Light Duty on their first clearance for abroad.

Provincial registered vessels when exempt.

3. Other vessels coming into the Province shall pay six pence per ton on their first arrival after the first day of April in each year.

Rate on other vessel.

4. So much of chapter twenty-one of the Revised Statutes as is inconsistent with this Act is repealed.

Act repealed.

CHAPTER 4.

An Act to amend the Act relating to the Gold Fields.

(Passed the 31st day of March, A. D. 1863.)

SECTION.

1. Name of Act.
2. Meaning of "Principal Act."
3. No rents under future leases.
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12. Land not to be included in licenses.
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19. Crushing Mills to be Licensed.
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27. Action—how brought.
28. Payment to be accompanied with attested account. In default license to be revoked.

SECTION.

29. Penalty for Crushing without license.
30. If account fraudulently kept, license to be revoked.
31. Appeal from Gold Commissioner.
32. Penalty for fraud.
33. Compensation to mill owner.
34. License may be surrendered.
35. Effect of surrender.
36. Sureties liable up to time of surrender.
37. Returns to be made by owners of mines.
38. Lessee liable for Royalty—except from quartz crushed in mills.
39. Royalty to be returned to owner of free mine.
40. In default of payment lessee liable to action.
41. Action—how brought.
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44. Proceedings thereon.
45. Before whom taken.
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47. Parties to be notified.
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49. Inquiry—where held.
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56. Removal of party in possession.
57. Forfeitures from other causes not affected.
58. Governor in Council may make rules, &c.
59. Second arbitration, if first rejected.
60. Inconsistent part of Principal Act repealed.

Be it enacted by the Governor, Council and Assembly, as follows:

Name of Act.

1. This Act may be cited as "The Gold Fields Amendment Act, 1863."

Meaning of "Principal Act."

2. In this Act the words "Principal Act" shall mean the Act of last Session, entitled, "An Act relating to Gold Fields."

3. Leases of quartz mines granted after the passing of this Act shall contain no reservation of rents other than royalty.

No rents under future leases.

4. Holders of mining leases granted under the provisions of the principal Act, may surrender the same with a view to take leases under the provisions of this Act, and in such case they shall be entitled to leases under this Act free of expense; but, notwithstanding such surrender, they shall remain liable under the former lease for three per cent. royalty upon all gold obtained from the mines up to the date of such surrender.

Old leases may be surrendered and new taken.

5. Any number of areas of any class prescribed by the principal Act, not exceeding five in all, may, if lying contiguous to each other, be included in one lease, and the labor to be put upon the demised premises shall be at the rate of one hundred days for each area of class No. 1; but the same may be put upon any part of the demised premises.

No. of areas in one lease.

Labor thereon.

6. No application for a lease of quartz mines shall be valid unless accompanied by a payment of ten dollars per area of class No. 1, for all areas included in the application to be placed to the credit of the lessee, and to be deducted from any royalty to accrue subsequently in respect of the mines applied for.

Application to be accompanied by payment.

7. Lessees of mines upon which a sum shall have been paid as rent shall be entitled on surrendering their lease, and taking a new lease under this Act, to credit for the amount paid out of any royalties that may have accrued under the surrendered lease, or may accrue under the new lease, or under any other lease that may be granted to the same parties.

On surrender, lessees to have credit for rents paid.

8. Applicants for leases of mining areas in private lands, without the limits of any proclaimed gold district, or on any lands within the limits of a proclaimed gold district, not ordered under the principal Act to be revested, may arrange, by agreement in writing, with the proprietors for leave to enter, and for easements and for damage to lands; and in such case the application, with the agreement annexed, shall in lieu of the sum of ten dollars per area of class No. 1 be accompanied by a payment at the rate only of two dollars per area aforesaid.

Applicants for leases of land not invested may agree with proprietors.

Payment.

9. The Chief Gold Commissioner may issue licenses to search for gold, to be called "Prospecting Licenses," which shall be in the form in Schedule A., hereto annexed, and subject to the rules prescribed by this Act.

Prospecting licenses—how issued, &c.

10. Such licenses may include any area not exceeding twenty-five acres in extent, so as the same shall be laid off in quadrilateral and rectangular figures, and shall not in length exceed double the breadth thereof.

Dimension of area.

11. Such licenses shall be in force for any period not exceeding three months from the date thereof.

Duration.

Land not to be included in licenses.

12. There shall not be included in any prospecting license any land ordered to be reverted, nor any land lying, if on a lead, within half a mile, or if at right angles to a lead, within one quarter of a mile, of any mine in which gold or auriferous quartz shall have been discovered previously to the making of application for such license.

Proprietor's consent to accompany application.

13. The written consent of the proprietor of the lands (in case the same are private property) shall accompany any application for a prospecting license.

Applicants may stake off ground.

14. Applicants for prospecting licenses, on obtaining in writing the consent of the proprietors may stake off the ground to be applied for, and shall be entitled to priority in the order in which they shall so stake off the ground, so as each applicant shall apply for his area, file the consent of the proprietor, and pay the price agreeably to the rules prescribed by this Act, and comply with the other regulations thereof within the time allowed hereby, that is to say: in cases within a proclaimed gold district the application shall be made to the Deputy Gold Commissioner within forty-eight hours after the ground shall be so staked off; in cases outside a proclaimed gold district the application shall be made at the office of the Chief Gold Commissioner at Halifax within the time following, that is to say: an applicant shall be entitled to one week from the date of staking off the ground, and thereafter to twenty-four hours more for every fifteen miles distance of the area applied for from the office of the Chief Gold Commissioner at Halifax.

Land to be accurately defined in application.

15. All applications for prospecting licenses shall accurately define by metes and bounds the lands applied for, and shall be accompanied by a payment at the rate of one dollar per acre.

Bond given before license granted.

16. Before such application shall be granted the applicant shall enter into a bond in the form and to the effect of Schedule B., hereto annexed, with two sureties to the satisfaction of the Gold Commissioner, to employ and lay out, during the continuance of the license, in prospecting the lands applied for labor to the extent of one man per day for every lot not exceeding five acres in extent, and for any quantity above five acres at the rate of one additional half day for every additional quantity not exceeding ten acres.

Renewal.

17. The holder of a prospecting license who shall have fulfilled all the terms and conditions thereof shall be entitled to a renewal thereof for a second period of three months, upon like terms and conditions, except that the price for the same shall be only fifty cents per acre.

Holder becomes entitled to select area.

18. Within the period for which the license, or renewed license is granted, the party holding the same shall be entitled to select any area or areas in form and number as prescribed by the principal Act, or by this Act, and shall be entitled to

a lease of the areas selected upon the terms imposed by this Act.

19. After the first day of May next it shall not be lawful for any person or persons to use or employ any mill or machinery (other than mills or machinery worked by hand) for the crushing or reduction of quartz, or the obtaining of the gold therefrom by crushing, stamping, amalgamating, or otherwise, without a license therefor first had and obtained.

Crushing mills to be licensed.

20. Licenses shall be in the form, or to the effect, of Schedule C. subjoined to this Act, and shall be signed by the Chief Gold Commissioner.

Form of license

21. The words "Licensed Mills," when used in this Act, shall signify mills and machinery so licensed, and the words "Licensed Mill Owner," the person or persons to whom such license shall be granted.

Meaning of terms "Licensed Mills." "Licensed Mill Owners."

22. Before any such license shall be granted the party applying therefor shall enter into a bond to Her Majesty in the penalty of two thousand dollars, in the form or to the effect prescribed by Schedule D. hereto annexed.

Bond.

23. Licensed mill owners shall keep on the demised premises a book or books of account to be supplied by the Gold Commissioner, which shall at all times be open to the inspection and examination of the Gold Commissioner or his deputy, or any other person thereto authorized by the Governor in Council; in which book or books shall be entered a clear and distinct statement of all quartz crushed, amalgamated or reduced at such licensed mill, and the following particulars in respect of the same.

Accounts kept by mill owners open to inspection.

Particulars.

I. The name of the owner or owners of each distinct parcel or lot of quartz crushed.

II. The weight of each such parcel or lot.

III. The date of the crushing of the same.

IV. The actual yield in weight of gold from each such parcel or lot.

V. The royalty thereon calculated at three per cent.

VI. The mine or area (so far as the same is known or can be ascertained) from which each such parcel or lot was raised.

24. Each licensed mill owner shall separate from the yield or produce of gold of each lot or parcel of quartz as crushed three parts out of every hundred parts of such yield as the portion thereof belonging and payable to Her Majesty as royalty, and shall pay the same in such weekly or other payments as the Chief Gold Commissioner shall order, into the office of the Chief Gold Commissioner, or his deputy for the district, or otherwise, shall pay as aforesaid, the equivalent in money for the same, at the rate of nineteen dollars and fifty cents per ounce troy for smelted gold, and eighteen dollars and fifty cents per ounce troy for unsmelted gold.

Royalty to be deducted by mill owner and paid to Gold Commissioner.

Three per cent of gold to belong to the Crown.

25. So soon as gold shall be obtained by amalgamation, or otherwise, from any parcel or lot of quartz crushed at any licensed mill, three parts in the hundred of such gold shall forthwith thereafter be and become the property of Her Majesty.

Mill owner responsible for the payment.

26. In case any licensed mill owner shall fail to pay such three parts on the hundred of gold, or money in lieu thereof, in the mode and at the times prescribed by this Act, he shall be liable to an action at the suit of Her Majesty, as for money had and received to her use, for the value of said gold, estimated at nineteen dollars per ounce troy.

Action—how brought.

27. Such action may be brought according to the amount of the claim before the same courts which would have jurisdiction in case the amount claimed were an ordinary private debt.

Payment to be accompanied with attested account.

28. Each payment of gold or money made by a licensed mill owner shall be accompanied by a copy of so much of his said book of account as shall be required to show the particulars prescribed by the twenty-third section hereof, which shall be verified by the affidavit of the person principally employed in keeping such account made before the Gold Commissioner or his deputy, or in cases without the limits of a proclaimed gold district, before a Justice of the Peace, which affidavit shall be in the form or to the effect of Schedule E. hereto annexed; and on failure to make such returns or to verify the same as aforesaid, the license may be revoked by the Gold Commissioner, subject to appeal as prescribed in section thirty-one of this Act.

In default, license to be revoked.

Penalty for crushing without license.

29. Any owner or part owner in any mill or machinery for the crushing or reduction of quartz or for the obtaining of gold therefrom (other than mills or machinery worked by hand) which shall after the first day of May next be engaged, used or employed in the crushing or reduction of quartz, or in the obtaining of gold therefrom, without a license therefor first had and obtained as prescribed by this Act, and any person or persons engaged as agent, servant, workman, clerk, or otherwise in any such mill, shall forfeit and pay each the sum of four hundred dollars for each offence, and for every day in which such offence shall be committed the same shall be considered a new offence.

If account fraudulently kept, how to be revoked.

30. When the account books prescribed by this Act, or any of the accounts hereby required, shall be fraudulently or falsely kept, or the affidavits hereby prescribed or any of them shall be false or fraudulent, the license to the mill in respect of which the offence has been committed may be revoked.

Appeal from Gold Commissioner.

31. The Chief Gold Commissioner shall be authorized to inquire into any such alleged fraud, and to revoke such license if satisfied that such fraud has been committed, but his judgment shall be subject on appeal to the revision of a judge at

chambers who shall make such order in respect of the same as shall be agreeable to law and justice, and if he thinks fit may order any question of fact to be tried by a jury.

32. In addition to the forfeiture of license any licensed mill owner in respect of whose licensed mill such fraud shall have been committed, shall be liable for each offence to a penalty of two thousand dollars, to be recovered in the Supreme Court.

Penalty for fraud.

33. Every licensed mill owner who shall in all respects have complied with this Act shall be entitled to receive from the Chief Gold Commissioner at the end or expiration of every three months from the date of his license a sum equal to five per cent. upon the amount paid over by him as royalty during such period.

Compensation to mill owner.

34. A licensed mill owner may at any time surrender his license by delivering the same into the office of the Gold Commissioner, with a written surrender endorsed thereon, but no such surrender shall take effect till after the lapse of ten days from the filing at the office of the Chief Gold Commissioner of a notice in writing of the intention of such mill owner to surrender the same.

License may be surrendered.

35. Upon such surrender taking effect as aforesaid, such mill shall cease to be a "licensed mill" until again licensed under the provisions of this Act.

Effect of surrender.

36. The licensed mill owner so surrendering his lease and his sureties shall remain liable under their bond for all obligations accruing thereunder up to the time when the surrender takes effect, as aforesaid, but shall not be liable for obligations accruing thereafter.

Sureties liable up to time of surrender.

37. Lessees of mines shall be bound to make to the office of the Chief Gold Commissioner or his deputy for the district, on the first day of January, April, July and October in each year, a true and correct return to the best of their knowledge and belief, on forms to be supplied by the Chief Gold Commissioner in which shall be comprised the following particulars:

Returns to be made by owners of mines.

I. The number of days' labor performed on the demised premises during the preceding quarter.

II. The number of tons of quartz raised from the demised premises during the preceding quarter.

III. The person or persons to whom the same has been sold or disposed of, and the different lots or parcels in which the same have been sold or disposed of, with dates.

IV. The weight of quartz sent by him during the quarter to any licensed mill, and the name and description of the mill to which the same has been sent; and when the same has been sent and kept in distinct parcels, the weight of each separate parcel.

V. The yield of each separate parcel or lot as returned and allotted by the mill owner, with the date of allotment and of receipt.

VI. The quantity of all gold obtained from the mine in any manner during the quarter, distinguishing that resulting from the quartz crushed at licensed mills from the gold otherwise obtained; which return shall be verified by affidavit to be made before the Gold Commissioner or a Justice of the Peace.

Lessee liable for Royalty—except from quartz crushed in mills.

38. The lessee of each mine shall be liable for royalty upon all gold obtained from his mine in any other way than from quartz crushed by licensed mills; but he shall be exempted from any claim in respect of gold obtained from quartz so crushed, the liability of the mill owner for such royalty being hereby substituted instead of that of the lessee.

Royalty to be returned to owner of free mine.

39. When any parcel of quartz from a free mine shall have been crushed at a licensed mill, the owner of the quartz on proof of the facts to the satisfaction of the Gold Commissioner, shall be entitled to receive from the Chief Gold Commissioner the amount deducted by the licensed mill owner and paid as royalty under the provisions of this Act.

In default of payment lessee liable to action.

40. In case any holder of a lease granted under this Act shall fail to make payment of any royalty accruing under the terms of the last section within ten days after the time prescribed by this Act for making his return to the Chief Gold Commissioner, or his deputy, he shall be liable to an action at the suit of Her Majesty, as for money had and received to her use for the value of the royalty so accruing, estimating the same at nineteen dollars per ounce troy.

Action—how brought.

41. Such action may be brought in the name of the Chief Gold Commissioner, according to the amount claimed before the same court, which will have jurisdiction in case the amount claimed were an ordinary private debt.

Leases—how rendered void.

42. No lease of gold mines shall become void by reason of failure to pay the royalties arising from quartz crushed at a licensed mill; but the same shall be void on failure to pay any rents or royalties other than those arising from quartz crushed at a licensed mill, or to comply with any other of the provisions and stipulations in the lease contained.

Cases of forfeiture to be reported.

43. The Chief Gold Commissioner shall from time to time report to his Excellency the Governor all cases of alleged forfeiture.

Proceedings thereon.

44. The Governor in council shall order such proceedings to be taken in reference to such forfeitures as shall be deemed just.

Before whom taken.

45. In case the forfeiture shall be alleged to arise from failure to perform on the premises demised the quantity of labor prescribed by the lease, or to pay the rents or royalties

other than those arising from quartz crushed at a licensed mill, the Governor in council may direct proceedings to be taken under this Act before the Chief Gold Commissioner in respect of such forfeiture.

46. The Chief Gold Commissioner, when the same shall be referred to him by the Governor in council, shall have power to inquire into and adjudicate upon all cases of alleged forfeiture from causes specified in the last section.

Power of Chief Gold Commissioner.

47. In all such cases the Chief Gold Commissioner, before proceeding to make the inquiry, shall notify the party interested in the lease of the time and place of making such inquiry.

Parties to be notified.

48. Such notification shall be in writing or in print, or partly in writing and partly in print, and where the party interested is known and is resident within the county wherein the gold district lies, shall be served upon him personally at least ten days before the time of inquiry where the party is unknown or cannot be found within the county, the notification shall be served on some person on the demised premises (if any person be found thereon), and also shall be posted up in five different public places in the neighborhood of the demised premises at least twenty days before the day fixed for the inquiry. In case the residence of the party is known and is without the county, a copy of the notification shall be mailed to his address in such time as by the ordinary course of post to reach the post office or way office nearest to his residence at least twenty days before the day fixed for the inquiry.

Form of notices—how served, &c.

49. The inquiry, when the premises are within the limits of a proclaimed gold district, shall be held at some place in the district, when they are beyond such limits it shall be held at some convenient place near the demised premises.

Inquiry—where held.

50. The party interested in the lease may appear and contest the forfeiture.

Parties interested may contest forfeiture.

51. All testimony on such inquiry shall be upon oath, which the Chief Gold Commissioner is hereby authorized to administer, and shall be reduced to writing and filed in the Commissioner's office.

Testimony—how taken.

52. From the judgment of the Chief Gold Commissioner the party interested may appeal to a judge at chambers, provided that notice of such appeal be given to the Chief Gold Commissioner within ten days from the date of his decision; provided also that the party appealing shall on applying for such appeal make and file with the Chief Gold Commissioner an affidavit that he is dissatisfied with such judgment, and that he verily believes the lease has not been forfeited, and that the conditions in respect of which the forfeiture has been declared have really and truly been performed and fulfilled.

Appeal—proceedings to perfect same.

53. On such appeal being perfected the Chief Gold Com-

Proceedings to try case on appeal.

missioner shall transmit to the prothonotary at Halifax the notes of testimony taken before him, and the judge at chambers shall confirm or set aside the judgment or try the case *de novo*, or make such order thereon as is agreeable to justice and in conformity with law.

Judge may send case to jury. Where to be tried, &c.

54. If the judge shall consider that the case involves questions of controverted fact on which he may be of opinion the verdict of a jury should pass, he may make an order remitting the trial of the question or questions of fact to the county where the land lies, in which case all the papers shall be transmitted to the prothonotary of that county; and the cause shall come on for trial in its place in the same way as ordinary appeals ordered to be tried by a jury.

Proceedings on judgment.

55. Upon the finding of the jury on the facts the judge shall pronounce judgment on the whole case. So soon as judgment declaring forfeiture of the lease shall be given, either by the Chief Gold Commissioner, or by the court of appeal when the Commissioner's judgment is appealed from, the lessee and all persons holding under him shall thereafter cease to have any interest in the mine leased, and the same shall be open to be leased to any other applicant in the same way as if no lease thereof had ever passed.

Removal of party in possession.

56. The Chief Gold Commissioner shall have power by warrant to the bailiff of the gold district to remove any party in possession of a mine so adjudged to be forfeited.

Forfeitures from other causes not affected.

57. Nothing in this Act contained shall prevent Her Majesty from having or using any other remedy now available to recover possession of any mine forfeited from causes cognizable before the Gold Commissioner, or from any other cause from which the same may be liable to forfeiture.

Governor in Council may make rules, &c.

58. The Governor in Council shall have power to make any rules and regulations not repugnant to this Act for the carrying out the objects thereof.

Second arbitration, if first rejected.

59. In case an award for damages shall be rejected by the Governor in Council under the provisions of section 40 of the principal Act, a second arbitration shall be had, the award on which shall be final.

Inconsistent part of Principal Act repealed.

60. So much of the Principal Act as is inconsistent with the provisions of this Act is repealed.

SCHEDULE A.

PROSPECTING LICENSE.

Province of Nova Scotia :

License is hereby granted to A B, of _____ in the county of _____ to prospect for gold for a period of three months from the date hereof in a tract of land situate at _____ in the county of _____ and particularly described as follows, that is to say: (*Here follows description of miles and bounds*) the said A B having caused the said land to be duly staked off, and having in all other respects complied with the provisions of the Gold Fields Amendment Act, 1863.

(Sg'd)

C D,
Chief Gold Commissioner.

SCHEDULE B.

Bond to Her Majesty with two sureties in the usual form, and the penalty in cases under five acres, of one hundred dollars; over five acres, and under ten acres, one hundred and fifty dollars; over ten acres, and under twenty acres, two hundred dollars; over twenty acres, three hundred dollars.

Whereas a license has this day been granted to the above bounden A B, to prospect for gold for a period of three months from the date thereof, in a tract of land situate at _____ in the county of _____ and particularly described as follows: (*Here follows description as in license.*)

The condition of the bond is as follows :

If the said A B shall within the period of the said license apply and lay out in prospecting the above described lands labor to the extent of _____ men per day.

Then this bond shall be void; otherwise it shall be and remain in force.

Signed, sealed, and
delivered, in pre-
sence of } _____

A B, (Seal.)
C D, (Seal.)
E F. (Seal.)

SCHEDULE C.

MILL LICENSE.

Province of Nova Scotia :

License is hereby granted to A B of _____ in the county of _____ to use and employ conformably to the provisions of the "Gold Fields Amendment Act, 1863," the mill and machinery now in the occupation of the said A B, and standing and erected on the premises situate at _____ in the county of (*here particularly describe the premises*), in the crushing and reduction of quartz, and in the obtaining of the gold therefrom by crushing, stamping, amalgamating, or otherwise.

Dated at Halifax this day of _____

A. D., 186

C D,
Chief Gold Commissioner.

SCHEDULE D.

BOND ON

MILL LICENSE.

Bond or penalty of two thousand dollars with two sureties to Her Majesty in usual form.

Whereas A B of _____ in the county of _____ has this day applied under the provisions of the "Gold Fields Amendment Act, 1863," for a license to use and employ the mill and machinery now in the occupation of the said A. B, and standing and erected on the premises situate at (*as in license*) in the crushing and reduction of quartz, and in the obtaining of the gold therefrom by crushing, stamping, amalgamating or otherwise, and the said applicant has been required to give security agreeably to said act.

Now the condition of this obligation is such that if the said A B, his executors or administrators, do and shall well and truly in all respects deliver up all gold and moneys, and perform, fulfil and keep all the duties, obligations and provisions which under the said Act are required to be delivered,

paid, performed, fulfilled and kept by licensed mill owners, and shall in all respects obey and perform the stipulations and provisions of the said Act,

Then this obligation shall be void, otherwise the same shall remain in force.

Signed, sealed, and delivered in pre- sence of	}	A B.	(Seal.)
		C D.	(Seal.)
		E F.	(Seal.)

SCHEDULE E.

AFFIDAVITS TO ACCOMPANY PAYMENTS OF ROYALTY.

I, A B, of _____ in the county of _____ being the person principally employed in keeping on the premises at _____ used as a licensed mill, and whereof C D of _____ is the licensed mill owner, the books of account prescribed by the twenty-third section of the Gold Fields Amendment Act, 1863, do hereby swear that the above is a true and correct copy and extract from said books of all the original entries therein, touching or referring to the parcel (or parcels) of quartz crushed or reduced at said mill, in respect of which payment of royalty in gold (or money) to the Gold Commissioner (or Deputy Gold Commissioner) has this day been made or tendered.

Sworn at _____

CHAPTER 5.

An Act to empower Notaries Public to perform certain acts relative to the Execution of Deeds.

(Passed the 31st day of March, A. D. 1863.)

SECTION.

1. Notary to take acknowledgments, &c., to same extent as Justice of Peace.

SECTION.

2. No fees.

Be it enacted by the Governor, Council and Assembly, as follows:

1. Every Notary Public, being a Barrister of the Supreme Court of this Province, is hereby empowered to take acknowledgments of married women of the execution of deeds throughout this Province, and to administer oaths to subscribing witnesses to deeds relative to the execution of the

Notary to take acknowledgments, &c., to same extent as Justice of the Peace.

same throughout this Province, and to certify all such acknowledgments of married women and of the attestations of such witnesses in the same manner and to the same extent as a Justice of the Peace is now authorized to do.

No fees.

2. No fee shall be charged or taken by any Notary Public for services performed under this Act.

CHAPTER 6.

An Act to repeal the Act to authorize a Loan for the Public Service, and to provide for the repayment thereof.

(Passed the 31st day of March, A. D. 1863.)

Preamble. SECTION 1.—Act repealed.

Preamble

Whereas the money borrowed under chapter 33 of the Acts of 1862, entitled "An Act to authorize a loan for the public service, and to provide for the repayment thereof," has been repaid in full, and the provisions of such Act are therefore no longer requisite.

Be it therefore enacted by the Governor, Council, and Assembly, as follows:

Act repealed.

1. From and after the first day of April next, the Act to authorize a loan for the public service, and to provide for the repayment thereof, shall be, and is hereby repealed.

CHAPTER 7.

An Act to alter the division lines between certain Polling Sections in the County of Pictou.

(Passed the 31st day of March, A. D. 1863.)

SECTION.

1. Line between Secs. 19 and 20.
2. Boundary of Poor Secs. to correspond.

SECTION.

1. Western line of No. 2.

Be it enacted by the Governor, Council and Assembly, as follows:

Line between
Secs. 19 and 20.

1. The division line between polling sections numbers nineteen and twenty in the County of Pictou shall hereafter be as follows: Beginning on the north side of the Marshy Hope road on the line between the Counties of Pictou and Sydney, to run from thence northwardly on said county line to the rear line of the first range of lots on the north side of the Marshy Hope road, thence along such rear line until it strikes the present dividing line between sections numbers nineteen and

twenty on the rear line of the first range of lots on the east side of Barney's River.

2. The boundaries of Poor Sections numbers nineteen and twenty are altered to correspond with the alteration on the lines of the polling sections herein before described.

Boundary of
Poor Secs. to
correspond.

3. The western line of polling Section number two in the County of Pictou shall hereafter be the eastern line of James Fogo's farm, instead of the eastern line of Henry Lowden's farm; and all persons residing between those lines and entitled to vote shall poll their votes in section number two.

Western line of
No. 2.

CHAPTER 8.

An Act to add an Electoral District in the County of Inverness.

(Passed the 31st day of March, A. D. 1863.)

SECTION 1.—Boundaries. Polling place.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The district comprised within the following limits shall be a separate polling district in the County of Inverness, that is to say: commencing at the bridge at Seely's Cove; thence by the waters of River Denie's Basin and the Bras d'Or Lake to the county line at the head of West Bay, including the second range of lots to the westward of the main road, and all points and islands lying in front of such district; and the polling place shall be at or near Ronald McDonald's, North Mountain.

Boundaries.

Polling place.

CHAPTER 9.

An Act to amend Chapter 46 of the Revised Statutes, "Of County Assessments," so far as relates to the County of Pictou.

(Passed the 31st day of March, A. D. 1863.)

SECTION 1.—Assessor and Collector for Fisher's Grant to be appointed, and separate assessment made.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The Grand Jury and Sessions for the County of Pictou shall appoint one Assessor and one Collector for that part of Electoral District number one, called "Fisher's Grant," now established as a Poor District, and a separate assessment shall be made upon the rateable inhabitants of Fisher's Grant by such Assessor, and collected by such Collector, as the other Assessment Rolls are now made and collected.

Assessor and
Collector for
Fisher's Grant
to be appointed
and separate as-
sessment made.

CHAPTER 10.

An Act to add an Electoral District in the Western Division of the County of Halifax.

(Passed the 31st day of March, A. D. 1863.)

SECTION 1.—Boundaries of No. 34. Polling Place.

Be it enacted by the Governor, Council, and Assembly, as follows :

Boundaries of No. 34.

1. The District comprised within the following limits shall be a separate Polling District in the Western Division of the County of Halifax, to be designated number thirty-four ; that is to say, to include the settlements lying between the western line of District number nine and a line drawn from a point on the south-western line of District number thirteen, equidistant from the head of Prospect Basin and Terence Bay, to run southerly into the sea and passing the eastern side of Shannahan's Island ; this description to comprehend Lower Prospect and its Islands, Terence Bay and Terence Bay river with its Islands ; and the polling place to be at or near the residence of Samuel Blackburne, senior.

Polling place.

CHAPTER 11.

(Passed the 29th day of April, A. D. 1863.)

Preamble. SECTION 1.—Cap. 66 Acts '56 to be in force.

An Act relating to the Representation of the County of Queen's.

Preamble.

Whereas the provisions of Chapter 66 of the Acts of 1856, entitled "An act to alter the Representation of Queen's County" should have been inserted in the Revised Statutes by the commissioners employed for the consolidation of the laws ; and whereas the same were accidentally omitted, and doubts may arise whether such Chapter is still in force, which doubts it is expedient to remove.

Be it therefore declared and enacted by the Governor, Council, and Assembly, as follows :

Cap. 66 Acts '56 to be in force.

1. Chapter 66 of the Acts of 1856 shall henceforth be and continue in force in the same manner and to the same extent as if Chapter 35 of the Acts of 1858, entitled "An Act for the consolidation of the Laws," had not passed.

CHAPTER 12.

(Passed the 29th day of April, A. D. 1863.)

An Act to alter the division line between the Counties of Halifax and Guysborough, and to add a Polling District in the County of Guysborough.

SECTION.

1. Division line between Halifax and Guysborough.
2. Area annexed to Guysborough to be District No. 13.

SECTION.

2. Boundary.
Polling place.
3. Acts repealed.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. The dividing line between the Counties of Halifax and Guysborough is hereby established as follows: that is to say, commencing at the south-east angle of the County of Colchester, thence southwardly by a right line to a point on Ecum Secum River, at or near the bridge crossing said river, and thence by said river down stream to the ocean, and all the area lying to the eastward of said line and heretofore known as part of the County of Halifax, shall hereafter form and be known as part of the County of Guysborough.

Division line between Halifax and Guysboro'.

2. The area annexed to the County of Guysborough by this Act shall hereafter constitute a Polling District in such County to be called number thirteen, and the boundaries of such Polling District shall be as follows: commencing at the south-east angle of the County of Colchester, thence southwardly by a right line to a point on Ecum Secum River, at or near the bridge crossing said river, thence northwardly by the line heretofore known as the dividing line between the Counties of Halifax and Guysborough, to the southern boundary line of the County of Pictou, thence westwardly by said last mentioned boundary line to the place of beginning; and the polling place in such Polling District shall be at or near the school house between Daniel Hattie's and Wallace bridge.

Area annexed to Guysboro' to be District No. 13.

Boundaries.

Polling place.

3. So much of Chapter 7 of the Revised Statutes of the manner "Of conducting elections," and of Chapter 39 of the Revised Statutes "Of the boundaries of Counties," as is inconsistent with this Act is hereby repealed.

Acts repealed.

CHAPTER 13.

An Act to alter the bounds of certain Polling Districts in certain Counties.

(Passed the 29th day of April, A. D. 1863.)

SECTION.

1. Halifax—additional Polling District. Polling Place. Western boundary of District No. 27.
2. Boundaries of No. 28. Polling place.
3. Polling place District 29.
4. Hants—additional Polling District No. 13. Boundaries.
5. Additional District No. 14. Boundaries. Polling place.
6. Polling place No. 6.
7. Colchester—division line between 3 and 4.

SECTION.

8. Court for Northern District, where held.
9. Additional District No. 14. Polling place.
10. Kings. Polling District No. 7. Polling place No. 10.
11. Lunenburg. Additional District. Polling place.
12. Guysboro'. No. 1 divided. New District to be No. 14. Polling place.

Be it enacted by the Governor, Council, and Assembly, as follows :

COUNTY OF HALIFAX.

Halifax — additional Polling District.

1. In the County of Halifax there shall be an additional Polling District, to be called No. 36, which shall be bounded as follows: Commencing at the Big Marsh Gully at Chezzetcooke Harbor, on the south line of Preston Township; thence west by said line to Lake Porter; thence northerly by said lake to the mouth of West Brook, and by said brook to the rear line of Preston Township; thence easterly by said rear line and the southern line of District number twenty to Musquodoboit River; thence by said River down stream to the head of Musquodoboit Harbour, and by the channel of said harbour to the sea; thence westerly to the entrance of Chezzetcooke Harbour; thence up said harbour to place of commencement. The polling place shall be at or near Gaetz's, at head of Chezzetcooke Harbour. The western boundary of District number twenty-seven shall be Musquodoboit Harbour and River.

Polling place.

Western boundary of District No. 27.

Boundaries of No. 28.

2. Electoral District number twenty-eight shall hereafter be bounded as follows: Commencing at Big Marsh Gully at the head of Chezzetcooke Harbour, on the south line of Preston Township; thence westerly by said line to Lake Porter; thence southerly by the centre of said lake down stream to the sea, and eastwardly to Chezzetcooke Harbour; thence up said harbor to the place of commencement, to include the settlers on the Islands in Lake Porter and Shut-in-Island.

The polling place to be at or near George Neiforth's, at Three Fathom Harbour. Polling place.

3. The polling place in District number twenty-nine shall be removed from at or near Robinson's, and shall be at or near David Conrod's barn. Polling place
District 29.

COUNTY OF HANTS.

4. The District in the County of Hants, comprised within the following limits, shall be an additional Polling District, to be designated number thirteen: commencing on the Shubenacadie River, the division line between North and South Hants; thence by said line, and the course thereof, until it strikes the road from Burton's to Indian Road; thence by said Burton's road south and east to the Indian Road; thence by the Indian Road east to St. John or McGure Road; thence along said road south-eastwardly to the Hardwood Land Settlement; thence by a straight line to the rear or base line of the Nine Mile River lots; thence on said line eastwardly to the Shubenacadie River; thence down stream to the place of beginning, and the polling place shall be at or near the Railway Station. Hants—additional
Polling District No. 13.
Boundaries.

Polling place.

5. The Township of Walton and so much of District number nine as lies to the westward of a line commencing at the mouth of Moose Brook, and running south to the base line of the second tier of lots; thence west until it intersects the line between East and West Hants; and thence by said line to the Bay shore; and thence by the Bay shore to the place of beginning, shall be a separate Polling District in the County of Hants, to be designated number fourteen, and the polling place shall be at or near the house of captain John McLellen. Additional Dis-
trict No. 14.
Boundaries.

Polling place.

6. The polling place of District number six, in the present Township of Kempt, shall be at or near Chiverie Bridge. Polling place
No. 6.

COUNTY OF COLCHESTER.

7. The division line of the County of Colchester between Polling District number three and Polling District number four shall, on the south side of Stewiacke River, hereafter be as follows: Beginning as now at the River Stewiacke, it shall run in such a direction southwardly to the County line as shall throw to the eastward of said line, and to the distance of half a mile therefrom, the dwelling house lately owned and occupied by Samuel Davis. Colchester—di-
vision line be-
tween 3 and 4.

8. The Court for the nomination of Candidates for the Northern Electoral Division of the County of Colchester shall hereafter be held at or near the Public Hall in Great Village. Court for North-
ern District,
where held.

9. That part of Polling District number five in said Additional Dis-
trict No. 14.

Polling place.

County which is comprised within the limits of Kempt Town shall hereafter be a separate Polling District, to be called number fourteen, and the polling place thereof shall be at or near the School House in the neighborhood of Alexander S. Hingley's.

COUNTY OF KING'S.

Kings. Polling District No. 7.

10. In the Southern Electoral Division of King's County the polling place in Polling District number seven shall hereafter be in Gaspereau Valley, near Sherman Caldwell's. The polling place of District number ten shall hereafter be at or near Waterville.

Polling place No. 10.

COUNTY OF LUNENBURG.

Lunenburg.

Additional District.

11. The District in the County of Lunenburg comprised within the following limits shall be an additional polling place in the Township of New Dublin, beginning on the western side of LaHave River, near Pentz's, thence by the road leading from Doyle's until it meets the main post road, thence following the main post road until it meets the road leading to the Dublin shore church, thence to run a west course through the County until it meets Petite Riviere Stream, thence up said stream until it meets Fancy's and Naugleis' mills, thence westerly by the Conquerall road, to include John and Joseph Hebb's settlement, and all the inhabitants between the above named settlement and the Fancy's and Naugleis' mills, and to extend eastwardly until it meets LaHave river, and to include all the inhabitants on both sides of the Conquerall road and settlement as far up the river as Dewolfe's, and the polling place shall be at or near the school house, near William McKeen's.

Polling place.

COUNTY OF GUYSBOROUGH.

Guysboro'. No. 1 divided.

12. The present Polling District number 1 in the County of Guysborough shall be divided by a line to commence at the head of Murdoch Campbell's brook, that being the south-west corner of Polling District number 2, and to run in a southerly and westerly direction until it strikes the bridge over Salmon River at or near Lawler's, and thence in a southerly direction until it strikes the Country Harbor Polling District line, and thence by the several boundaries of that portion of number 1 District as is now set off to the place of beginning; such new Polling District to contain all the electors west and north of such line, and to be called Polling District number 14, and the polling place to be at the school house near Charles Kenney's, on Salmon River lakes

New District to be No. 14. Polling place.

CHAPTER 14.

An Act to suspend the operation of Chapter 15 of the Acts of 1862, in certain Counties.

(Passed the 29th day of April, A. D. 1863.)

SECTION 1.—Operation of Cap. 15 Acts '62 suspended in certain Counties. Acts revived

Be it enacted by the Governor, Council, and Assembly, as follows :

1. The operation of Chapter 15 of the Acts of 1862, entitled "An Act to regulate Labor on the Highways," is suspended until the first day of September in the year 1864, as respects the Counties of Cape Breton, Inverness, Victoria, Digby, Cumberland, and Lunenburg, and in the mean time the Highway Labor in those Counties shall be performed under Chapter 63 of the Revised Statutes and Chapter 40 of the Acts of 1860, which Chapters are hereby respectively revived and continued in force in such Counties.

Operation of
Cap. 15 Acts '62
suspended in
certain Counties.

Acts revived.

CHAPTER 15.

An Act to legalize certain proceedings relative to County Assessments.

(Passed the 29th day of April, A. D. 1863.)

SECTION.

1. Assessment Rolls for present year legalized.

SECTION.

2. Also those under Cap. 9 Act 1861.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. The Assessment Rolls for the present year for any County or District are hereby legalized and confirmed, notwithstanding that the same may not have been completed within the period limited in that behalf by Chapter 46 of the Revised Statutes; provided such Assessment Rolls conform in other respects to the requisites of such Chapter.

Assessment
Rolls for present
year legalized.

2. The Assessment Rolls made up under Chapter 9 of the Acts of 1861 are hereby legalized, although the Assessors may not have strictly complied with the requisites of Section 4 of the last mentioned Chapter in making up such Assessment Rolls.

Also those under
Cap. 9 Act
1861.

CHAPTER 16.

An Act to continue the Act to authorize a Provincial Loan.

(Passed the 29th day of April, A. D. 1863.)

SECTION 1. Cap. 3 Act '58 continued.

Be it enacted by the Governor, Council, and Assembly, as follows:

Cap. 3 Act '58
continued.

1. Chapter Three of the Acts of 1858, entitled An Act to authorise a Provincial Loan, is continued for one year, and from thence to the end of the then next Session of the General Assembly.

CHAPTER 17.

An Act to amend the License Law.

(Passed the 29th day of April, A. D. 1863.)

SECTION.

1. Penalties for breach of License Law.
2. License to be refused in any Polling District where majority of rate payers petition against it.
3. Clerk of License may be compelled to prosecute.
4. Agents for sale of Alcoholic Liquors—how appointed, duties, &c.
6. No License to be granted to Justice of Peace.
7. License required for sale of bottled liquors.
8. Sec. 16 of Cap. 22 R. S. to include accts. stated.

SECTION.

9. Need not be pleaded.
10. Penalty for selling to an Indian.
11. Chief Comr. of Railways may seize liquors within limits of Railway.
12. No Licenses to be granted within limits of Railway or Gold District.
13. Penalties—how recovered.
14. Fees to be paid, and bonds entered into, within 15 days.
15. Acts repealed.
16. Application of Act.

Be it enacted by the Governor, Council, and Assembly, as follows:

Penalties for
breach of Li-
cense Law.

1. The penalties for the sale of Intoxicating Liquors shall be as follows: For the first offence ten dollars, or imprisonment for twenty days in the County Jail in the event of non-payment of fine; for the second offence twenty dollars, or thirty days imprisonment; for the third offence forty dollars, or sixty days imprisonment; and for every subsequent offence eighty dollars, or three months imprisonment.

License to be
refused in any
Polling District
where majority
of rate payers
petition against
it.

2. In any County in which the majority of the Sessions may be disposed to grant Licenses to sell Intoxicating Liquors for beverage purposes, they shall nevertheless withhold such License in any Polling District where a majority of the rate payers petition the Sessions against the granting of such Li-

censes; and such decision shall remain in full force and effect until reversed by a majority of the rate payers in any Polling District where said action shall have been taken.

3. On information being given to the Clerk of License in writing, and on his having the costs guaranteed by two or more responsible parties, he shall be compelled to prosecute the person informed against under the penalty of the same amount of fine as would be imposed on the party informed against if convicted, to be recovered as an ordinary debt in the name of the person making such request and information, to be appropriated in the same way as other penalties for breach of the License Law, and the Clerk of the License on applying for a summons shall file the written information with the Justices.

Clerk of License may be compelled to prosecute.

4. In any County or Township in which Licenses for the sale of Intoxicating Liquors are not granted, it shall be the duty of the General Sessions for such County or Township, or a Special Sessions convened by the Custos on application of five Justices for such purpose, to appoint one suitable person for each Township, or so many for each County as may be requisite, not exceeding five in number, to be called agents for the sale of Alcoholic Liquors; provided that they shall reside not less than ten miles apart, to import and sell such Alcoholic Liquors as may be required for medicinal, mechanical, manufacturing and other purposes not inconsistent with the provisions of this Act, and such agents shall keep a list of the names of persons purchasing liquor, the quantity and description purchased by each person, and the purposes to which such liquor is intended to be applied, and shall receive such compensation for his services, and shall conform to such other regulations for the importation and sale of such liquors, and shall also be liable to such penalty for neglect or violation of duty as the Court of Sessions appointing him shall prescribe. No such agent shall have any interest in such liquors, nor in the profits of the sale thereof.

Agents for sale of Alcoholic Liquors—how appointed, duties, &c.

6. No Justice of the Peace shall hold a Shop or Tavern License.

No Licenses to be granted to Justice of Peace.

7. Bottled liquors shall in no case be sold without License, as contained in the original package, unless such package contain at least ten gallons.

License required for sale of bottled Liquors.

8. Accounts stated shall be included among securities made void by the sixteenth clause of Chapter 22 of the Revised Statutes.

Sec. 16 of Cap. 22 R. S. to include acc'ts. stated.

9. It shall not be necessary for any person wishing to take advantage of the sixteenth clause of Chapter 22 of the Revised Statutes to plead the same specially; but advantage may be taken thereof at any stage of the trial on motion for nonsuit.

Need not be pleaded.

10. Any person holding a License who shall sell Intoxi-

Penalty for selling to an Indian.

cating Liquors to an Indian, shall, on proof thereof before a Justice of the Peace, forfeit his license, and also shall be liable to a penalty of twenty dollars for each offence, and in default of payment shall be imprisoned for a term of not less than ten days nor more than twenty days.

Chief Comr. of Railways may seize Liquors within limits of Railway.

11. It shall be lawful for the Chief Commissioner of Railways, or any person authorized by him, to seize and destroy all intoxicating liquors found exposed or intended for sale, within the limits of the Railway, and for that reason, if necessary, upon reasonable ground of suspicion, forcibly to enter into any house or building within such limits, and to seize and take away all such Intoxicating Liquors.

No Licenses to be granted within limits of Railway or Gold District.

12. No Licenses shall be granted to any person who shall reside or have his place of business within the limits of the Railway, nor to any person who shall reside or have his occupation within any proclaimed Gold District; and all sales of Intoxicating Liquors within such limits, or within such proclaimed Gold District, shall be deemed as made without License, notwithstanding the seller may hold a License, and he shall be liable to all penalties and forfeitures incurred by those who sell without License.

Penalties—how recovered.

13. All penalties under this Act shall be appropriated in the same manner as those under the Acts hereby amended.

Fees to be paid, and bonds to be entered into, within 15 days.

14. No person shall be entitled to receive a Tavern License unless within fifteen days after the confirmation by the Court of Sessions of the recommendation of the Grand Jury he shall have paid the fees for such License and entered into the bonds required by law.

Acts repealed.

15. Section Three of Chapter 30 of the Acts of 1859, and the Schedule to such Chapter, and so much of Chapter 22 of the Revised Statutes as is inconsistent with this Act, is repealed.

Application of Act.

16. No part of this Act, except the 11th and 12th Sections thereof, shall apply to the City of Halifax.

CHAPTER 18.

An Act to prevent Imposition in the Selling of Coal.

(Passed the 29th day of April, A. D. 1863.)

SECTION.

1. Penalty for selling Coal under false name.
2. Master must exhibit certificate from shipping officer.

SECTION.

3. Penalty for refusing to give, or exhibiting false, certificate.
4. Certificate to be delivered to Collector of Customs.

Be it enacted by the Governor, Council and Assembly as follows:

Penalty for selling Coal under false name.

1. Hereafter any person who shall wilfully sell or dispose of any Coal within this Province, under any name or design-

nation other than that of the mine or locality from whence the same may have been obtained, shall forfeit a penalty of forty dollars.

2. Any shipmaster or other person bringing Coal to any port in this Province, from any mine therein, shall exhibit, on demand thereof, to any person desirous of purchasing Coal, a certificate from the proprietor or shipping officer of the mine from whence such Coal has been shipped, stating the name or locality, or other known designation of such Coal, and the date of the shipment thereof, which certificate the proprietor or shipping officer is hereby required to give to the shipmaster at the time of the shipment of such Coal.

Master must exhibit certificate from shipping officer.

3. Any proprietor or shipping officer refusing to give such certificate, or giving a false certificate, or any shipmaster or seller of Coal refusing to exhibit such certificate on demand, or exhibiting a false certificate, shall respectively forfeit twenty dollars.

Penalty for refusing to give, or exhibiting false, certificate

4. Every such certificate shall, on the discharge of the cargo of Coal to which it refers, be delivered up by the holder thereof to the Collector of Customs of the port, to be placed upon the files in his office.

Certificate to be delivered to the Collector of Customs.

CHAPTER 19.

An Act to amend Chapter 27 of the Revised Statutes, "Of the Coal Mines."

(Passed the 29th day of April, A. D. 1863.)

SECTION 1. Preamble. Queen may grant ways and easement subsequent to lease.

Whereas power is reserved to Her Majesty, upon the granting of any lease of mines outside the General Mining Association reserves, to grant certain ways and easements over these reserves, to be particularly specified in such lease; and whereas it has been found impracticable upon the first granting of any lease to define with accuracy what ways and easements may be required for the effectual working of the same; and whereas Her Majesty, by accepting the surrender of any lease and granting a new lease, may indirectly exercise the power of granting such ways and privileges after the lessees have been enabled to define with precision where the same should be granted; and whereas it is desirable to avoid the trouble and expense of unnecessary proceedings—

Preamble.

Be it therefore enacted by the Governor, Council and Assembly as follows:

1. Her Majesty may, on any instrument granted subsequently to the making of any lease of mines outside such reserves, grant any ways or easements which she has power to grant in the original lease, so as in the granting thereof

Queen may grant ways and easement subsequent to lease

all the provisos and restrictions contained in the lease to the Association shall in all other respects be complied with, and compensation shall be awarded as prescribed by the said lease.

CHAPTER 20.

An Act to amend Chapter 78 of the Revised Statutes, "Of Pilotage, Harbors and Harbor Masters," and the Act in amendment thereof.

(Passed the 29th day of April, A. D. 1863.)

SECTION.

1. Pilots for River Philip.
2. Pilots for Glace Bay.
3. Commissioners for Bras d'Or.

SECTION.

4. Additional charge for entering Pugwash or Wallace.
5. Section 2 Cap. 26, Acts 1862, amended and confined to foreign vessels.

Be it enacted by the Governor, Council and Assembly as follows:

Pilots for River Philip.

1. The commissioners of pilots for the port of Pugwash are hereby authorized to appoint pilots for River Philip, in the County of Cumberland, and the jurisdiction of such commissioners is extended to such river:

Pilots for Glace Bay.

2. The commissioners of pilots for the port of Sydney, in Cape Breton, are hereby authorized to appoint pilots for Glace Bay, in that County, and the jurisdiction of such commissioners is extended to such port of Glace Bay.

Commissioners for Bras d'Or.

3. The port of Bras d'Or is added to the ports named in the first Section of the Chapter hereby amended, as one of those ports for which commissioners of pilots are authorized to be appointed.

Additional charge for entering Pugwash or Wallace.

4. All vessels over three hundred tons burthen entering or leaving the ports of Pugwash or Wallace, shall, in addition to the present charge, be liable to a further charge of one dollar for every hundred tons over such burthen.

Sect. 2 Cap. 26, Acts 1862, amended and confined to foreign vessels.

5. Section two of Chapter 26 of the Acts of 1862, in amendment of such Chapter 78 of the Revised Statutes, is repealed, and the following Section is substituted in lieu thereof:

"The masters of foreign vessels outward bound, when ready for sea shall be bound to take the services of the first licensed pilot offering the same, or otherwise to pay half pilotage to such licensed pilot; but if the licensed pilot who piloted such vessel into port shall be in attendance, when his services are required, he shall have the preference and be entitled to pilot the vessel out, or to receive half pilotage in case his services are refused; but the provisions of this Section shall not apply in cases where such foreign outward bound vessel is towed to sea by a steamboat."

CHAPTER 21.

An Act to authorize a Loan, and for the construction and management of an Intercolonial Railway.

(Passed the 29th day of April, A. D. 1863.)

SECTION.

Preamble.

1. Governor in Council may borrow $3\frac{1}{2}$ twelfths of £3,000,000 stg.
2. Not to be contracted unless Canada and New Brunswick empowered to borrow.
3. Application of loan.
4. To be a charge on revenue.
5. Repayment.
6. How provided for.
7. Commissioners for construction—appointment of, &c.
8. Conveyance of troops, &c.
9. Commissioner for Nova Scotia—when to be appointed.
10. May enter into agreement with a company to build road. Terms, &c.

SECTION.

11. In case no company found.
12. Work—when to be commenced.
13. Possibility of making road under terms of guarantee to be shewn before loan contracted.
14. Quorum of Commissioners, &c.
15. Members of Legislature to be unconnected with contract.
16. Grant of crown lands where road passes.
17. Commissioners to make regulations.
18. Act to be repealed in two years if Canada and New Brunswick do not provide for construction of their part.
19. Further provisions to be made by Legislature.

Whereas, in reply to an application for Imperial aid to construct a Railroad from Truro, in Nova Scotia, through New Brunswick to Riviere du Loup, in Canada, His Grace the Duke of Newcastle, Her Majesty's Principal Secretary of State for the Colonies, transmitted to the Governor-General of Canada, and to each of the Lieutenant-Governors of Nova Scotia and New Brunswick, a despatch bearing date the twelfth day of April, in the year of our Lord one thousand eight hundred and sixty-two, in which among other things it is declared that "Her Majesty's Government, anxious to promote as far as they can the important object of completing the great line of railway communication, on British ground, between the Atlantic and the westernmost parts of Canada, and to assist the Provinces in a scheme which would materially promote their interests, Her Majesty's government are willing to offer to the Provincial governments an Imperial guarantee of interest towards enabling them to raise by public loan, if they should desire it, at a moderate rate, the requisite funds for constructing the railway:"

Preamble.

And whereas, at a meeting of delegates from the Provinces of Nova Scotia and New Brunswick with members of the government of Canada, held at Quebec on the 10th day of September, in the year last aforesaid, to consider such proposition and to adjust the terms upon which the same should be accepted, after deliberation had, two Memoranda, in writing, were drawn up and signed on behalf of the governments of Canada, Nova Scotia and New Brunswick, relating to the

several matters under consideration, copies of which are contained in a schedule hereto annexed, marked respectively A and B.

And whereas, in pursuance of the provisions in said Memoranda contained, a delegation from the Provinces of Canada, Nova Scotia and New Brunswick, proceeded to London with a view of carrying out the objects therein set forth, and after consultation with members of Her Majesty's government, a paper stating the terms and conditions upon which the British government would afford their guarantee, was submitted by Sir Frederick Rogers, on the 13th December, in the year aforesaid, as a basis for Colonial legislation, a copy of which paper is set forth in said schedule, and marked C, followed by a despatch from the Duke of Newcastle, dated 31st January 1863, transmitting a copy of a minute by the secretary to the Treasury, dated 23rd January 1863, also hereto annexed and marked D.

And whereas, on the part of the Province of Nova Scotia it has been determined to accept this offer of Imperial aid to construct the said railway, upon the terms in the said papers set forth, and to assume the liability of three and one-half twelfths of three millions of pounds sterling, as specified therein:—

Be it therefore enacted by the Governor, Council and Assembly as follows:

1. The Governor in Council is hereby authorized to borrow through and upon the guarantee of the British government, three and one-half twelfths of three millions of pounds sterling, for the purpose of aiding in the construction of an intercolonial line of railway between Truro, in the Province of Nova Scotia, through the Province of New Brunswick, and Riviere du Loup, in the Province of Canada.

2. No such loan shall be contracted on behalf of the Province of Nova Scotia until corresponding powers have been given by the Legislature of Canada to the government of Canada to borrow, under like guarantee, five-twelfths of three millions of pounds sterling, nor until corresponding powers shall have been given by the legislature of New Brunswick to the government of New Brunswick to borrow, under like guarantee, three and one-half twelfths of three millions of pounds sterling for the same object.

3. The amount so borrowed shall be applied towards the completion of the said railway, on a line to be approved by the Imperial Government.

4. The principal and interest on the said loan of three and one-half twelfths of three millions of pounds sterling, shall be a first charge on the revenue of the Province, after the civil list and the principal and interest of existing debts and liabilities.

Governor in Council may borrow $3\frac{1}{2}$ twelfths of £3,000,000 stg.

Not to be contracted unless Canada and New Brunswick empowered to borrow.

Application of loan.

To be a charge on revenue.

5. The loan to be liquidated as follows: three and one-half twelfths of two hundred and fifty thousand pounds sterling to be payable ten years after contracting such loan; three and one-half twelfths of five hundred thousand pounds sterling, twenty years; three and one-half twelfths of one million of pounds sterling, thirty years; and three and one-half twelfths of one million two hundred and fifty thousand pounds sterling, forty years after contracting such loan.

Repayment.

6. The payment of the three last instalments to be provided for as follows:

How provided for.

2nd decade (say 1873 to 1882 inclusive)—A sinking fund of three and one-half twelfths of forty thousand pounds sterling to be remitted annually to the Imperial treasury, being an amount adequate, if invested at five per cent compound interest, to provide three and one-half twelfths of five hundred thousand pounds sterling at the end of the decade; the sum to be remitted annually, to be invested, in the names of trustees, in Colonial securities, of any of the three Provinces aforesaid, prior to or forming part of the loan to be raised, or in such other Colonial securities as Her Majesty's government shall direct, and the government of Nova Scotia shall approve.

3rd decade (say 1883 to 1892 inclusive)—A sinking fund of three and one-half twelfths of eighty thousand pounds sterling to be remitted annually to the Imperial treasury, being an amount adequate, if invested at five per cent compound interest, to provide three and one-half twelfths of one million of pounds sterling at the end of the decade; the amount, when remitted, to be invested, as in the case of the sinking fund, for the preceding decade.

4th decade (say 1893 to 1902 inclusive)—A sinking fund of three and one-half twelfths of one hundred thousand pounds sterling to be remitted annually to the Imperial treasury, being an amount adequate, if invested at five per cent compound interest, to provide three and one-half twelfths of one million two hundred and fifty thousand pounds sterling, being the balance of the loan at the end of the decade; this amount, when remitted, to be invested as in the preceding decade.

Should the sinking fund of any decade produce a surplus, it will go to the credit of the next decade; and in the last decade, the sinking fund will be remitted or reduced accordingly.

7. The construction of said railway, if by the governments, shall be conducted by five commissioners—two to be appointed by Canada, one by Nova Scotia, and one by New Brunswick; these four to choose the remaining commissioner. The preliminary surveys shall be effected at the expense of the Colonies, by three engineers and other officers to be nominated—two of such engineers to be chosen by the governments of Canada, Nova Scotia, and New Brunswick, and one by the

Commissioners for constructing—appointment of, &c.

Imperial Government; and of such expense the Province of Nova Scotia shall be liable for three and one-half twelfths.

Conveyance of
troops, &c.

8. The road to be at the service of the Imperial Government for the carriage of troops and munitions of war, on such terms and at such rate of tariff as may from time to time be agreed upon between the Imperial and Colonial Governments.

Commissioner
for Nova Scotia
—when to be
appointed.

9. As soon as the Provinces of Canada and New Brunswick shall have provided the necessary legislation to carry into effect the stipulations contained in the memoranda A and B, and upon the terms and conditions set forth in the paper marked C in the schedule annexed, furnished by the British government, the Governor in Council may appoint a suitable person, to hold office during pleasure, as one of the commissioners, to be selected in conformity with the provisions of section one of memorandum B, in said schedule, who shall be clothed with all the powers necessary to carry out the provisions of this Act, in conjunction with commissioners to be appointed by the governments of Canada and New Brunswick, as in said section set forth.

May enter into
agreement with
a company to
build road.

10. If any company or body corporate, now or hereafter to be organized, possessing sufficient capital, shall offer to construct the contemplated railway between Truro, in Nova Scotia, and Riviere du Loup, in Canada, and shall give such guarantee or assurance that they will complete the same as the several governments of Canada, Nova Scotia and New Brunswick may deem necessary, the Governor, in Council, is hereby authorized and empowered, on the part and behalf of Nova Scotia, to enter into an agreement conjointly with Canada and New Brunswick with such company or body corporate, for the construction of said railway upon the following terms, viz:—That upon the completion of such railway the Province of Nova Scotia shall each and every year for and during the first period of ten years thereafter, in which the said railway shall be effectually worked, pay to the said company or body corporate, a sum which, together with the net earnings of the said railway, shall be equal to the interest at the rate of three and a half per cent on three and one-half twelfths of three millions of pounds sterling; each and every year for and during the second period of ten years thereafter in which the said railway shall be effectually worked, a sum which, together with the net earnings of said railway, shall be equal to the interest at the rate of three and a half per cent on three and one-half twelfths of three millions of pounds sterling, but not exceeding in any one year the sum of twenty thousand pounds sterling; each and every year for and during the third period of ten years thereafter in which the said railway shall be effectually worked, a sum which, together with the net earnings of said railway, shall be equal to the interest at the rate of three and a half per cent on

Terms, &c.

three and one-half twelfths of three millions of pounds sterling, but not exceeding in any one year the sum of twelve thousand pounds sterling; each and every year for and during the fourth period of ten years thereafter, in which the said railway shall be effectually worked, a sum which, together with the net earnings of the said railway, shall be equal to the interest at three and a half per cent on three and one-half twelfths of three millions pounds sterling, but not exceeding in any one year the sum of six thousand pounds sterling; which said payments shall be and are hereby made a first charge upon the revenues of the province, next after the civil list and the debts and liabilities existing at the time of the passing of this Act.

11. In case that no suitable company or body corporate shall offer or be found willing to construct and manage the said railway upon terms and conditions provided in the preceding section, then the commissioner to be appointed on behalf of this province, shall be empowered to act conjointly with the other commissioners, to construct the said road by public tender and contract in the cheapest and most efficient manner the said commissioners can devise, and upon the site that shall have been surveyed and approved by the governments of the three provinces, as above provided.

In case no company found.

12. When the preliminary surveys shall have been completed in the manner above provided, and the British government shall have approved of a line and surveys, the work shall commence and be continued simultaneously in each of the provinces, and such portions, or the whole of the line, shall be immediately put under contract of construction, in sections or otherwise, to be finished at such dates, with such guarantees and securities for completion as shall be deemed most advisable by such commissioners.

Work—when to be commenced.

13. No such loan shall be contracted without the assent of the legislature until it shall be satisfactorily made to appear to the Governor in council by the estimates and certificates of the engineers appointed under the authority of this Act, that a first class railway can be constructed from Truro, in Nova Scotia, to Riviere du Loup, in Canada, on the line selected and under the terms of the proffered guarantee.

Possibility of making road under terms of guarantee to be shown before loan contracted!

14. Three of the five commissioners shall be a quorum for the transaction of business, and in case of disagreement, the decision of a majority shall be binding.

Quorum of Commissioners, &c.

15. No person holding a seat in the legislature, shall become security for the performance of any contract with the commissioners, or for any work or engagement in relation to the railway to be constructed, referred to in this Act; and no member of the legislature of this province, shall hold, or be appointed to any office of emolument under the commissioners, or be a contractor or party to any contract arising

Members of legislature to be unconnected with contracts.

out of the construction, management, or working of the road, or any part thereof.

Grant of crown lands where road passes.

16. Where the road shall pass through crown lands, the Governor in council is hereby authorized to grant, for the purposes of the road, the necessary crown lands for track, sidings, and stations.

Commissioners to make regulations.

17. The commissioners to be appointed for carrying out the provisions of this Act, when the line shall be constructed, are authorized to make rules and regulations for managing and working the entire line, in conformity with the stipulations in the memoranda aforesaid mentioned; and so far as the province of Nova Scotia is concerned, such rules and regulations when approved by the Governor in council, shall have all the force of law within the boundaries of this province.

Act to be repealed in two years if Canada and New Brunswick do not provide for the construction of their part.

18. If either the province of Canada or the province of New Brunswick shall not legislate within two years after the passing of this Act, providing for the construction of the said Inter-colonial railway on the terms of the said memoranda and papers in the said schedule, or some modification of them to be agreed upon by the legislatures of the three provinces and the imperial government, then this Act, and every matter and thing herein contained, shall, at the end of two years from the passing hereof, be and stand repealed.

Further provisions to be made by legislature.

19. The legislature will make such further provisions as may be deemed necessary to give effect to this Act, for the purpose of raising the loan, paying the interest, liquidating the debt, and for the construction and management of the road.

SCHEDULE IN THE FOREGOING ACT REFERRED TO.

Memorandum A.

The undersigned, representing the three governments of Canada, Nova Scotia and New Brunswick, convened to consider the despatch of His Grace the Duke of Newcastle, of 12th April, 1862, with reference to the Intercolonial railway, having given the very important matters contained in that despatch their attentive consideration, are agreed:

I. That whilst they have learned with very great regret that Her Majesty's Imperial government has finally declined to sanction the proposal made on behalf of these Provinces in December, 1861, and at previous periods, they at the same time acknowledge the consideration exhibited in substituting the proposal of "an Imperial guarantee of interest towards enabling them to raise by public loan, if they should desire it, at a moderate rate, the requisite funds for constructing the railway."

II. That with an anxious desire to bind the Provinces more closely together, to strengthen their connexion with the mother country, to promote their common commercial interest, and to provide facilities essential for the public defence of these provinces as integral parts of the empire, the undersigned are prepared to assume, under the imperial guarantee, the liability necessary to construct this great work.

III. That the three governments are agreed that the proportions of liability for the necessary expenditure shall be apportioned as follows, namely: five-twelfths for Canada, and seven-twelfths to be equally divided between the provinces of Nova Scotia and New Brunswick.

IV. But it is understood that the liability for principal and interest shall be borne by each province to the extent only of the proportion hereby agreed upon.

V. That in arriving at this conclusion, the undersigned have been greatly influenced by the conviction, that the construction of the road between Halifax and Quebec must supply an essential link in the chain of an unbroken highway extending through British territory from the Atlantic to the Pacific, in the completion of which, every imperial interest in North America is most deeply involved: and the undersigned are agreed that to present properly this part of the subject to the imperial authorities, the three provinces will unite at an early day in a joint representation, on the immense political and commercial importance of the western extension of the projected work.

(Signed)	J. S. McDONALD,	}	Representing Canada.
	L. V. SICOTTE,		
	J. MORRIS,		
	W. P. HOWLAND,		
	WILLIAM McDUGALL,		
	M. J. TESSIER,		
	T. D'ARCY MCGEE,		
	F. EVANTUREL,		
	ADAM WILSON,		
	JOSEPH HOWE,		
	J. McCULLY,	}	Representing Nova Scotia.
	WM. ANNAND,		
	S. L. TILLEY,		
	W. H. STEEVES,	}	Representing New Brunswick.
	P. MITCHELL,		

Quebec, 12th September, 1862.

Memorandum B.

Agreed at the conference of the delegates of Nova Scotia and New Brunswick and the government of Canada:

I. If it should be concluded that the work shall be constructed and managed by a joint commission of the three provinces, it shall be constituted in the proportion of two appointed by the government of Canada, and one each by the governments of Nova Scotia and New Brunswick; the four to select a fifth before entering upon the discharge of their duties.

II. That a joint delegation proceed, with as little loss of time as possible, to England, to arrange with the imperial government the terms of the loans, the nature of the securities required, the amount to be paid for the transport of troops and mails, and, if possible, to obtain a modification of the terms proposed to the extent of the interest accruing during the construction of the work.

III. That no surveys be authorised until the laws contemplated shall have been passed, and the joint commissioners appointed.

IV. That any profit or loss, after paying working expenses, shall be divided in proportion to the contributions of the several provinces.

V. That such portions of the railways now owned by the governments of Nova Scotia and New Brunswick, which may be required to form part of the Inter-colonial road, shall be worked under such joint authority as may be appointed by the three provinces. That the rates collected shall be uniform over each respective portion of the road. That all net gain or loss resulting from the working and keeping in repair of any portion of the road constructed by Nova Scotia and New Brunswick, and to be used as a part of the Inter-colonial railway, shall be received and borne by the said provinces respectively; and the surplus, if any, after the payment of interest, shall go in abatement of interest on the whole line between Halifax and the Riviere du Loup.

VI. That crown lands, required for the line or for stations, shall be provided by each province.

(Signed) THOMAS D'ARCY MCGEE,
For Canada.
JOSEPH HOWE,
For Nova Scotia.
S. L. TILLEY,
For New Brunswick.

C.

Paper furnished by Sir Frederick Rogers.

It is proposed—

1. That bills shall be immediately submitted to the legislatures of Canada, Nova Scotia, and New Brunswick,

authorising the respective governments to borrow £3,000,000, under the guarantee of the British government, in the following proportions; five-twelfths Canada; three and a half twelfths Nova Scotia; three and a half twelfths New Brunswick.

2. But no such loan to be contracted on behalf of any one colony until corresponding powers have been given to the governments of the other two colonies concerned, nor unless the imperial government shall guarantee payment of interest on such loan until repaid.

3. The money to be applied to the completion of a railway connecting Halifax with Quebec, on a line to be approved by the imperial government.

4. The interest to be a first charge on the consolidated revenue funds of the different Provinces after the civil list and the interest of existing debts; and as regards Canada, after the rest of the six charges enumerated in the 5th and 6th Victoria, Cap. 118, and 3rd and 4th Victoria, Cap. 35 (Act of Union).

5. The debentures to be in series as follows, viz: £250,000 to be payable ten years after contracting loan; £500,000 twenty years; £1,000,000 thirty years; £1,250,000 forty years. In the event of these debentures, or any of them, not being redeemed by the Colonies at the period when they fall due, the amount unpaid shall become a charge on their respective revenues, next after the loan, until paid. The principal to be repaid as follows:

1st decade (say 1863 to 1872 inclusive)—£250,000, in redemption of the first series, at or before the close of the first decade from the contracting of the loan.

2nd decade (say 1873 to 1882 inclusive)—A sinking fund of £40,000 to be remitted annually, being an amount adequate, if invested at five per cent compound interest, to provide £500,000 at the end of the decade; the sum to be remitted annually to be invested, in the names of trustees, in Colonial securities of any of the three Provinces, prior to or forming part of the loan now to be raised, or in such other Colonial securities as Her Majesty's government shall direct and the Colonial governments approve.

3rd decade (say 1883 to 1892 inclusive)—A sinking fund of £80,000 to be remitted annually, being an amount adequate, if invested at five per cent compound interest, to provide £1,000,000 at the end of the decade; the amount, when remitted to be invested, as in the case of the sinking fund for the preceding decade.

4th decade (say 1893 to 1902 inclusive)—A sinking fund of £100,000, to be remitted annually, being an amount adequate, if invested at five per cent compound interest, to provide £1,250,000; being the balance of the loan at the end

of the decade. This amount, when remitted, to be invested, as in the preceding decade.

Should the sinking fund of any decade produce a surplus, it will go to the credit of the next decade; and in the last decade, the sinking fund will be remitted or reduced accordingly.

It is of course understood that the assent of the treasury to these arrangements, pre-supposes adequate proof of the sufficiency of the Colonial revenues to meet the charges intended to be imposed upon them.

6. The construction of the railway to be conducted by five commissioners, two to be appointed by Canada, one by Nova Scotia, and one by New Brunswick; these four to choose the remaining commissioner.

7. The preliminary surveys to be effected at the expense of the Colonies, by three engineers or other officers nominated; two by the commissioners, and one by the home government.

8. Fitting provision to be made for carriage of troops, &c.

9. Parliament not to be asked for this guarantee until the line and surveys shall have been submitted to and approved of by Her Majesty's government, and until it shall have been shown to the satisfaction of Her Majesty's government, that the line can be constructed without further application for an Imperial guarantee.

D.

Downing Street,
31st January, 1863.

MY LORD,

With reference to my despatch, No. 4, of the 24th of January, I have the honor to transmit to your Lordship a copy of a minute by the Secretary to the Treasury upon two questions raised in the annexed letter from Mr. Tilley, the delegate of New Brunswick, on the subject of the proposed loan for the construction of the Intercolonial railway, viz., the mode in which the loan should be raised, and the extent to which it should form a first charge on the provincial revenue.

I have, &c.

(Signed)

NEWCASTLE.

Lieut. Governor

The Right Honorable

The EARL OF MULGRAVE, &c. &c. &c.

With reference to the two questions raised by Mr. Tilley upon the stipulations embodied in the memorandum relating to the proposed loan for the construction of an Intercolonial

railway, the Treasury considers that an answer should be sent to the following effect :

1. Her Majesty's government never contemplated acquiring a precedence over existing engagements of the colonial governments, whether for interest or principal; but the assent of the Treasury to the arrangement, as stated in Article V, pre-supposes adequate proof of the sufficiency of the colonial revenues to meet the charges imposed upon them, which charges would comprise not only the civil list and the accruing interest of any existing debt standing in priority to the proposed railway loan, but also any payment of principal standing in the same priority which may fall due within the period at the expiration of which the railway loan is required to be fully liquidated, as well as the current interest and the decennial accumulations for extinction of principal of the proposed railway loan.

No statement of revenue or liabilities which would afford this evidence has as yet been exhibited to Her Majesty's government.

2. In the event of the proposed arrangement being carried into effect, the Treasury will not object to issue the debentures upon the precedent of the Canada guaranteed loan of 1843, under the hands of the Lords Commissioners, and to authorize one of their officers to act as trustee, together with a nominee of the colony, for the investment, in their joint names, of the instalments remitted from time to time on account of sinking fund, provided such a course should be deemed advisable by the colonial governments.

(Signed)

G. A. H. 23rd Jany. 1863.

CHAPTER 22.

An Act to authorize the construction of a further section of Provincial Railway.

(Passed the 29th day of April, A. D. 1863.)

SECTION.

1. Further section to be constructed. Site.
2. Cap. 70 R. S. applicable.

SECTION.

3. Savings Bank deposits to be appropriated and debentures issued.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. The Governor in Council is hereby authorized to contract for the construction of a further section of Railway, not to exceed eleven miles, to commence at the Station House at Truro, and run northerly and easterly on a site to be selected which shall be best adapted as a common line for the Inter-colonial Railway, if such should hereafter be decided upon, and which shall at the same time be most suitable for a

Further sections
to be constructed.
Site.

Railway to touch the navigable waters of the harbor of Pictou.

Cap. 70 R. S.
applicable.

2. The provisions of Chapter 70 of the Revised Statutes and of the Acts in amendment thereof, so far as may be, are hereby made applicable to the construction and management of such section.

Savings' Bank
deposits to be
appropriated
and debentures
issued.

3. The Governor in Council may appropriate any deposits to be received at the Savings' Bank towards defraying the construction of such section, and may also issue Provincial Debentures, if necessary, bearing interest at a rate not to exceed six per cent., redeemable in twenty years, not to exceed the sum of four hundred thousand dollars, in the same manner as is provided for issuing debentures under Chapter 70 of the Revised Statutes, which debentures may be used, if required, to carry out the provisions and objects of this Act.

CHAPTER 23.

An Act further to amend Chapter 46 of the Revised Statutes,
"Of County Assessments."

(Passed the 29th day of April, A. D. 1863.)

SECTION 1. Demand on rate payer, how made.

Be it enacted by the Governor, Council, and Assembly, as follows:

Demand on
rate payer, how
made.

1. The collector may make the demand referred to in the forty-eighth section of the Chapter hereby amended, either personally on the party rated, or by leaving at his residence a written or printed demand of such rate; and such last mentioned demand shall be deemed the same to all intents and purposes as if made personally on the party rated.

CHAPTER 24.

An Act for the regulation and support of Dalhousie College.

(Passed the 29th day of April, A. D. 1863.)

SECTION.

Preamble.

1. Governors incorporated. Vacancies, how filled.
2. Religious bodies endowing a professorship may appoint a Professor and a Governor.
3. Any one endowing a professorship may nominate Professor.

SECTION.

4. Power of Governors, &c.
5. College to be an University.
6. No religious test required.
7. Internal regulations.
8. Control of Legislature.
9. Acts repealed.

Preamble.

Whereas it is expedient to extend the basis on which the said College is established, and to alter the constitution thereof, so as the benefits that may be fairly expected from

its invested capital, and its central position may, if possible, be realized, and the design of its original founders as nearly as may be carried out.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. The Board of Governors now appointed, consisting of the Honorable William Young, the Honorable Joseph Howe, Charles Tupper, S. Leonard Shannon, John W. Ritchie, and James F. Avery, Esquires, shall be a body politic and corporate, by the name and style of the Governors of Dalhousie College at Halifax, and shall have and exercise all usual powers and authorities as such, and have the title, control and disposition of the building on the Parade at Halifax and of the property and funds belonging to the said College, and held for the use thereof by the present Governors; and all vacancies at the Board shall be filled up on recommendation of the remaining members thereof by the Governor in Council, and any of the Governors shall be removable by the Governor in Council, at the instance of the Board of Governors.

Governors incorporated.

Vacancies, how filled.

2. Whenever any body of Christians of any religious persuasion whatsoever shall satisfy the Board that they are in a condition to endow and support one or more chairs or professorships in the said College, for any branch of literature or science, approved of by the Board, such body in making such endowment to the extent of twelve hundred dollars a year, shall have a right from time to time, for every chair endowed, to nominate a Governor to take his seat at the Board, with the approval of the Board of Governors and of the Governor in Council, and shall also have a right, from time to time, to nominate a Professor for such chair, subject to the approval of the Board of Governors; and in the event of the death, removal or resignation of any person nominated under this section, the body nominating shall have power to supply the vacancy thus created.

Religious bodies endowing a professorship may appoint a Professor and a Governor.

3. The same right of nominating a Professor from time to time shall belong to any individual or number of individuals who shall endow to the same extent and support a chair or professorship, and to the nominee of any testator by whose will a chair or professorship may be so endowed.

Any one endowing a professorship may nominate Professor.

4. The Governors shall have power to appoint and to determine the duties and salaries of the President, Professors, Lecturers, Tutors and other officers of the College, and from time to time to make statutes and bye-laws for the regulation and management thereof, and shall assemble together as often as they shall think fit, and upon such notice as to them shall seem meet for the execution of the trust hereby reposed in them.

Power of Governors, &c.

College to be a University.

5. The said College shall be deemed and taken to be a University, with all the usual and necessary privileges of such institutions; and the students shall have liberty and faculty of taking the degrees of bachelor, master, and doctor, in the several arts and faculties at the appointed times; and shall have liberty within themselves of performing all scholastic exercises for the conferring of such degrees, and in such manner as shall be directed by the statutes and bye-laws.

No religious test required.

6. No religious tests or subscriptions shall be required of the professors, scholars, graduates, students, or officers of the College.

Internal regulations.

7. The internal regulation of the said College shall be committed to the Senatus Academicus formed by the respective chairs or professorships thereof, subject in all cases to the approval of the Governors.

Control of Legislature.

8. The Legislature shall have power from time to time to modify and control the powers conferred by this act.

Acts repealed.

9. The acts heretofore passed in relation to Dalhousie College are hereby repealed, except the act passed in the fourth year of his late Majesty King George the Fourth, entitled, "An Act authorizing the lending a sum of money to the Governors of Dalhousie College, and for securing the repayment thereof."

CHAPTER 25.

An Act to provide for Agricultural Exhibitions and the Improvement of Stock.

(Passed the 29th day of April, A. D. 1863.)

SECTION.

1. Province to be divided into 6 districts.
No. 1. No. 2. No. 3. No. 4. No. 5.
No. 6.
2. Exhibitions, when held.
3. Exhibitions, how conducted, &c.

SECTION.

4. Expenses, how provided for.
5. Agricultural associations may elect a member of committee, &c.
6. Annual report.

Be it enacted by the Governor, Council, and Assembly, as follows:

Province to be divided into 6 districts.

1. For the purposes of this Act the Province shall be divided into six districts:

No. 1.

District number one shall include the Counties of Halifax, Hants, Colchester and Cumberland.

No. 2.

District number two shall include the Counties of Digby, Yarmouth, Queens and Shelburne.

No. 3.

District number three shall include the Counties of Annapolis, Lunenburg and Kings.

No. 4.

District number four shall include the Counties of Pictou, Guysborough and Sydney.

No. 5.

District number five shall include the Counties of Victoria and Inverness.

District number six shall include the Counties of Cape Breton and Richmond. No. 6.

2. On such days as may be fixed by the Governor in Council, an exhibition of cattle, stock and agricultural and horticultural productions, shall be held in districts numbers three and four during the present year; similar exhibitions shall be held in districts numbers two, five, and six in 1864; and in the year 1865 an exhibition shall be held in district number one.

Exhibitions,
when held.

3. The Governor in Council may select a committee of management from each of these districts, who, with two members to be selected from the Council, shall conduct these exhibitions, under such regulations as they may make and publish at least four months before the days fixed for the exhibition, which shall continue for two or three days, at the discretion of the committee.

Exhibitions,
how conducted,
&c.

4. For the purposes of this Act, to cover the necessary expenses of these exhibitions, and of the premiums to be offered thereat, there shall be drawn from the treasury, year by year, a sum not to exceed four thousand dollars.

Expenses, how
provided for.

5. If agricultural associations are formed in any of the districts named in this Act, they may elect one member from each association who shall be added to the committee of management, and any premiums which they may desire to offer, out of the funds subscribed, shall be added to the list of premiums provided for at the expense of the Province.

Agricultural associations may
elect a member
of committee,
&c.

6. A report of their proceedings under this Act, with an account of their expenditure, shall be annually prepared by the committee of management for the information of the Legislature.

Annual report.

CHAPTER 26.

An Act to provide for the distribution and settlement of
industrious Immigrants.

(Passed the 29th day of April, A. D. 1863.)

SECTION.

1. Immigrant agent—appointment, salary, duties, &c.
2. Temporary provision for immigrants.

SECTION.

3. Settlement of Crown Lands.
4. Credit for purchase money—application of same.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. On the passage of this Act it shall be lawful for the Governor to appoint an Immigrant Agent, with a salary not to exceed eight hundred dollars, who shall have power and whose duties shall be to correspond with the Secretary of the Board of Land and Emigration in London, and with the agents appointed by that Board, with the offi-

Immigrant
agent—appoint-
ment, salary,
duties, &c.

cers of any associations, or with public spirited persons desirous of promoting emigration to the Colonies; and to furnish from time to time such information as may be useful, to enable them to send out emigrants for whom there is likely to be suitable employment in this Province.

To open a book in which persons wishing to engage mechanics, laborers and apprentices, can enter their names and addresses.

To correspond with County officers, and keep a registry of the distribution of immigrants sent into the interior.

To act as the guardian of orphan children, to bind them as apprentices, and to protect them in case of necessity.

To render accounts quarterly to the Financial Secretary, and to make an annual report of his proceedings for the information of the Government and the Legislature.

To act under such instructions as may be issued by the Governor in Council, from time to time.

Temporary provision for immigrants.

2. The Governor in Council may authorize the Immigrant Agent to draw from the Treasury such sums as may be necessary to temporarily provide for and distribute such immigrants as may be sent into this Province; but no part of the monies so to be drawn shall be disbursed on account of passages to or from this country.

Settlement of Crown Lands.

3. Wherever there are tracts of land suitable for settlement it shall be lawful for the Commissioner of Crown Lands, when so instructed by the Governor in Council, to lay them off in one hundred acre lots, with convenient roads running through them, and to place them at the disposal of the Immigrant Agent for actual settlement.

Credit for purchase money—application of same.

4. Whenever such lands are required, either by inhabitants of the Province or by industrious immigrants coming into it for actual settlement, surveys shall be made and the applicants put in possession and allowed a credit of three years for the purchase money, which shall be expended in opening such roads as may be required for the formation and improvement of the settlement, and upon payment grants shall issue.

CHAPTER 27.

An Act to amend Chapter 136 of the Revised Statutes "Of Juries."

(Passed the 29th day of April, A. D. 1863.)

SECTION.

1. Jury panels legalized.

SECTION.

2. Committee to revise lists. Lists to be revised every second year.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. All jury panels, whether grand or petit, drawn from any jury lists at the last sittings of the Supreme Court in the several Counties, and all venires and other proceedings connected therewith are hereby declared legal and valid, notwithstanding the lists from which such panels were drawn may have been from any cause whatever informally or illegally drawn up, and although such lists may not have been revised according to law, and although copies of such lists may not have been given to the Clerk of the Peace and Prothonotary, or posted up as required by law.

Jury panels
legalized.

2. The committee of justices to be appointed by the Sessions shall be three, instead of five as required by the fourth section of such chapter; and such committee shall revise the jury lists every second year instead of annually as at present.

Committee to
revise lists.
Lists to be re-
vised every
second year.

CHAPTER 28.

An Act to regulate the Election of Members to serve in the General Assembly.

(Passed the 29th day of April, A. D. 1863.)

SECTION.

1. Qualification of voters.
2. Qualification of voters at elections before registry is made up. Proviso.
3. Copy of present assessment roll to be sent to Prov. Sec. by Clerk of the Peace.
4. Penalty for refusal or neglect.
5. Copy to be posted in office of Clerk of Peace.
6. And be open to all.
7. Original rolls open to inspection. Fee.
8. Penalty for refusing inspection.
9. Clerk of Peace to furnish copy on payment therefor. Penalty.
10. Rolls to be furnished to the Sheriff.
11. In case assessment and polling districts do not correspond.
12. Witnesses may be summoned to ascertain limits, &c. Their expenses.
13. Rolls for districts under sec. 11 to be posted.
14. "Revisal sections"—how formed. Revisors, appointment of, &c.
15. In case Clerk shall insert name in wrong roll.
16. Revisal in the City of Halifax.
17. Lists to be made and given to revisors.
18. List of voters to be prepared and posted. Notice therewith.
19. List of voters added or struck off to be posted. Notice therewith.
20. Notice to party objected to, &c.
21. Meeting of revisors—proceedings at, &c.
22. Firms. Equies Corporate.

SECTION.

23. Paupers to be struck out.
24. Penalty for neglect or refusal of Assessors.
25. List of non-resident electors.
26. List to be signed by Sheriff and deposited with Clerk of Peace.
27. If register not made, that of year previous to be used.
28. Revisors may summon witnesses, &c. Penalty for non-attendance of witnesses. Fees.
29. Register for City of Halifax—how made up, revised, &c.
30. Expenses of preparing register—how paid.
31. Electoral districts to remain as at present.
32. Form of writs for the election—length of notice, &c.
33. Proceedings of Sheriff on receipt of writ.
34. Elections for County and other members to be conducted at same time.
35. Sheriff's court, when to be held, &c.—oaths to be administered.
36. Proceedings at Sheriff's Court.
37. If candidates withdraw.
38. Qualification of candidates. Declaration.
39. Declaration to be subscribed.
40. If qualification not specified, candidate disqualified.
41. Votes for candidates not on Sheriff's books to be refused.

SECTION.

42. Poll—when and where opened, &c.
43. Proceedings to take the poll.
44. Sheriff may act as presiding officer.
45. At elections previous to 1864 Sheriff shall furnish roll to presiding officer.
46. At subsequent elections register to be furnished.
47. Elector to vote in one district only.
48. Must vote where resident at teste of writ.
49. At elections previous to 1864 electors to vote in districts in which they are named in list.
50. Non-resident may vote in any district in which he is qualified. Oath.
51. Name and residence of elector to be entered, and marked, if on list.
52. Proceedings of presiding officer on opening poll.
53. Inspector, agent and clerk for candidate—appointment of. Oath.
54. Votes of presiding officers, clerks, &c.—how taken.
55. Electors' oaths.
56. Teachers and schoolmasters entitled to vote. Oaths.
57. In case of death of person assessed on real estate or dissolution of firm, representatives or partners entitled to vote. Oath.
58. Penalty for neglect or refusal of Sheriff.
59. Penalty for fraudulent vote or voting twice.
60. If elector refuse oath.
61. No delay to take place at polling—questions to be asked.

SECTION.

62. Proceedings of presiding officer on close of poll.
63. Poll book to be sealed.
64. Penalty for misconduct of presiding officer.
65. Penalty for not returning or altering poll book.
66. Penalty for misconduct of clerk.
67. Powers of presiding officers, &c.
68. In case of incapacity of presiding officer.
69. In case of incapacity of poll clerk.
70. Proceedings of meeting of Sheriff's court after the poll.
71. Penalty for Sheriff making false returns.
72. Proceeding in case all poll books are not returned.
73. Return of poll book—how compelled.
74. Penalty, how prosecuted and applied.
75. Judgment how levied.
76. Instruction as to penalties. Evidence.
77. Sheriff's fees. When to be paid.
78. Making false declarations, &c., considered perjury.
79. Quakers may affirm.
80. Penalty for disobedience to provisions of this Act. How recovered.
81. Limitation and term of action.
82. Appropriation of penalties.
83. Parol proof of election sufficient.
84. Meaning of terms used in Act.
85. Acts repealed.
86. Elections previous to 1864 to be under existing laws.

Be it enacted by the Governor, Council, and Assembly, as follows :

Qualification of voters.

1. Every male subject of her Majesty, by birth or naturalization, being of the age of twenty-one years, and not disqualified by law, who shall have been assessed for the year for which the registry hereinafter provided is made up, in respect of real estate, to the value of one hundred and fifty dollars, or in respect of personal estate, or of personal and real estate together, to the value of three hundred dollars, shall be qualified to vote at elections of members to serve in the House of Assembly, for the County, Township, or Electoral Division in which he shall be so assessed.

Qualification of voters at elections before registry is made up.

2. For every election to be held before the time shall have elapsed for making up such registry, as prescribed by this Act, every such male subject who in the assessment rolls last made up, before the first day of March, in the year one thousand eight hundred and sixty-three, shall have been assessed in respect of real estate to any value, or in respect of personal estate to the value of two hundred dollars, shall be entitled to vote at such election, provided always that, at

Provide

any election held after the passing of this Act no person shall be entitled to vote who within twelve calendar months next before the day of polling shall have received aid as a pauper under any poor law in this Province, or aid as a poor person from any public grant of Government money.

3. Immediately after the passing of this Act every Clerk of the Peace shall make a true copy of the entire assessment roll for his County or District last made up before said first day of March, in the year one thousand eight hundred and sixty-three, as furnished and filed by the Assessors, and verify the correctness of such copy by an affidavit to be made and subscribed by him and sworn to before a Justice of the Peace, in the form as prescribed in Schedule A annexed to this Act, and shall forthwith transmit such verified copy to the office of the Provincial Secretary at Halifax.

Copy of present assessment roll to be sent to Prov. Sec. by Clerk of the Peace.

4. Any Clerk of the Peace neglecting or refusing to forward such verified copy as aforesaid, for ten days after publication of this Act in the Royal Gazette newspaper, shall be liable to a penalty of one hundred dollars for every day's delay after the expiration of such period of ten days.

Penalty for refusal or neglect.

5. The Clerk of the Peace shall forthwith thereafter post up in his office another true copy of the roll for his County or District, duly verified by his affidavit, made and sworn to in manner aforesaid.

Copy to be posted in office of Clerk of Peace.

6. The copy of the assessment roll posted by the Clerk of the Peace in his office shall without fee or reward be at all reasonable times accessible to any person who may apply to inspect the same.

And be open to all.

7. The original assessment rolls prepared by the assessors, and filed with the Clerk of the Peace, shall at all reasonable times be open to the inspection and examination of any person or persons who shall apply to see the same, upon payment or tender of twelve and a half cents for each inspection or examination.

Original rolls open to inspection.

Fee.

8. Any Clerk of the Peace refusing or neglecting, upon application as aforesaid, to allow the said rolls or the said posted copy to be inspected and examined as aforesaid, shall be liable to a penalty of forty dollars for each offence.

Penalty for refusing inspection.

9. Every Clerk of the Peace shall be bound to furnish to any applicant, on payment or tender of a fee of five cents per folio of one hundred words, a certified copy of the assessment rolls, in respect of any one or more of the polling districts of the County, Township or Electoral Division; and any such Clerk who, upon application and tender as aforesaid, shall refuse or neglect to furnish such copy within a reasonable time after application, shall be liable to a penalty of forty dollars for each offence.

Clerk of Peace to furnish copy on payment therefor.

Penalty.

10. The Clerk of the Peace shall without delay deliver to

Rolls to be furnished to the Sheriff.

the Sheriff a copy of the roll applicable to each polling district in the County, Township or Electoral Division, alphabetically arranged, and shall verify the same as a true copy by affidavit, to be made before a Justice of the Peace to the effect following :

I, A B, Clerk of the Peace for the County (or District) of _____, do swear that the above is a true and correct copy of the assessment roll, alphabetically arranged, for polling district number _____ in said County (or District) last made up before the first day of March, in the year one thousand eight hundred and sixty-three, as returned by the Assessors and filed in my office.

Sworn to at _____ }
 this _____ day of _____ A. D. 1863. } A. B.

Before me,

J. P.

In case assessment and polling district do not correspond.

11. In any case where the limits of an assessment district shall be different from those of a polling district, the Clerk of the Peace, in making up the copy of the roll for the Sheriff, shall include in the copy for each polling district all that part of the roll which is applicable to said polling district, and so as to include in one or other of the copies of the polling districts every name on the assessment roll, and in such case he shall verify the same by affidavit to the effect following :

I, A B, Clerk of the Peace for the County (or District) of _____, do swear that the above is, to the best of my knowledge and belief, a true and correct copy of so much of the assessment rolls last made up before the first of March, in the year one thousand eight hundred and sixty-three, returned by the Assessors and filed in my office, as is applicable to polling district number _____ in said County (or District).

Witnesses may be summoned to ascertain limits, &c.

12. In cases within the eleventh section of this Act, the Clerk of the Peace may, if necessary, summon and examine on oath any witnesses he may require to enable him to prove what portion of the names included in the roll belongs to the several polling districts to which the said roll extends, and the reasonable charges and expenses of said witnesses shall be a County charge.

Their expenses

Rolls for districts under sec. 11 to be posted.

13. In cases within the eleventh section of this Act, so soon as the roll for each polling district to which such section applies is made up and completed, the Clerk of the Peace shall post up in his office a copy of the same, verified by

affidavit, as above prescribed; and the same shall, at all reasonable times, be accessible without fee or reward to any person or persons who may desire to inspect the same.

14. The General Sessions at their first meeting, after the passing of this Act, shall divide the County or District over which they have jurisdiction into so many sections, to be called "revisal sections," as they shall deem fit, including in each section not less than two nor more than five polling districts, and for each revisal section the Grand Jury shall annually nominate as revisors six persons, out of whom the Justices shall select three, who shall be duly sworn to the impartial performance of their duty, in the form prescribed in Schedule B to this Act annexed.

"Revisal sections" how formed.

Revisors. appointment of, &c.

15. When under the authority given by the eleventh section of this act the Clerk of the Peace shall insert the name of any person on the assessment roll in a wrong polling district of the County, Township or Electoral Division, such person shall, for the purposes of this Act, be considered as having been assessed in the polling district in which the name is so inserted by the Clerk.

In case clerk shall insert name in wrong roll.

16. In the City of Halifax any three or more of the Aldermen to be appointed in each year, as other City officers are appointed, shall annually revise the list of electors within the City qualified to vote at elections for the Assembly, in the manner and at the times herein prescribed; and such persons shall be duly sworn, as prescribed in the fourteenth section of this Act.

Revisal in the City of Halifax.

17. The Assessors of each Assessment District shall, on or before the twentieth day of January, in each year, deliver to the revisors a copy of the assessment roll for the polling districts within the revisal section; and if for any cause any part of the inhabitants therein are exempt from taxation, the Assessors shall either include their names in the same or make a separate list of such parties, so that the list shall contain the names of all persons possessed of real or personal estate, in the form following, and deliver it to the revisors:

Lists to be made and given to revisors.

Assessment Roll for Polling District Number

NAME.	Real Estate of Residents within County.	Personal Estate of Residents within County.	Real Estate of Non-residents.	Personal Estate of Non-residents.
A B	\$100.00	\$0.00	\$0.00	\$0.00
C D	0.00	100.00	0.00	0.00
E F	0.00	0.00	25.00	0.00
G H	0.00	0.00	0.00	80.00

18. The revisors shall, before the first day of March, in

Lists of voters
to be prepared
and posted.

each year, select and prepare from the assessment roll alphabetical lists of the qualified electors of each polling district in the revisal sections, distinguishing the residents within the County from the non-residents, and affixing the place of the non-residents when known; and shall, on or before the said first day of March, in each year, post up a copy of the said list in three of the most public places in each polling district, with the following notice:

Notice there-
with.

"The revisors will meet at _____ on the second (*if Sunday on the third*) day of April next, at eleven o'clock, A. M., to revise the list of electors for each of the polling district numbers _____ within the revisal section number _____; and any person claiming to add to or strike off a name from the list must give notice thereof in writing, with the cause of objection, to either of us, on or before the fifteenth day of March next, and also notify every person proposed to be struck off.

Dated the _____ day of _____ A. D. 186

A B	}	Revisors.
C D		
E F		

List of voters
added or struck
off to be posted.

19. The revisors shall, on or before the twentieth day of March, in each year, post up in three of the most public places of each polling district an alphabetical list of the persons proposed to be added or struck off respectively in each polling district, with a notice appended to each list, to the effect following:

Notice there-
with.

"The revisors will, on the second (*if Sunday the third*) day of April next, at _____ in the revisal section number _____ adjudicate upon the propriety of adding (*or striking off, as the case may be*), the foregoing names to (*or from*) the list of qualified voters for district number _____

Dated the _____ day of _____ A. D. 186

A B	}	Revisors.
C D		
E F		

Notice to party
objected to, &c.

20. The person who proposes to strike a name from the list shall, on or before the fifteenth day of March, give notice in writing to the party objected to either personally or by leaving it at his last or usual place of abode, and shall prove on oath the giving the notice to the satisfaction of the revisors before they hear the objection.

Meeting of re-
visors proceed-
ings at, &c.

21. At the time and place appointed the revisors shall attend and correct the lists, and shall with all convenient despatch make out for each polling district an alphabetical list of the electors thereof, resident within the County, and of the non-resident electors, stating residence when known;

and on or before the tenth day of May in each year transmit the same to the Clerk of the Peace. They shall add to or strike from the list the name of any person whose qualification or disqualification is satisfactorily proved to have existed at the date of the last assessment, provided notice of the claim has been given to a revisor on or before the fifteenth day of March; and in case of disqualification, provided it be proved to the satisfaction of the revisors, that notice in writing has been given to the party objected to within the same period.

22. When a firm is assessed, in respect of property, sufficient to give each member a qualification, the names of the several persons comprising such firm shall be inserted in the list; but if the property be held by a body corporate, no one of the members thereof shall be entitled to vote or be entered on the list of voters in respect of said property.

Firms.

Bodies corporate.

23. The revisors, when correcting the list, shall strike therefrom the name of any person who within the twelve calendar months then next preceding shall have received aid as a pauper under any poor law of this Province, or aid as a poor person from any public grant of Government money.

Paupers to be struck out.

24. If the assessors neglect to make up and deliver the lists or wilfully deliver an incorrect list, or if the revisors neglect to revise the list so delivered, or wilfully transmit an incorrect list, for every neglect or wilful delivery or transmission of an incorrect list every assessor or revisor so contravening this Act shall pay a penalty of one hundred dollars, which any person may recover with costs, and each day a list is delayed shall be a separate offence.

Penalty for neglect or refusal of assessors.

25. The Sheriff of the County shall on or before the twentieth day of May in each year attend at the office of the Clerk of the Peace to ascertain the non-resident electors who may be qualified to vote in more than one polling district, and the Clerk shall under his direction make a copy of the list of each polling district with the name of any non-resident elector marked as such who may have selected that polling district. He shall make an alphabetical list of the remaining non-resident electors. When a non-resident elector shall before the said twentieth day of May have notified the Sheriff in writing of his selection of a particular polling district his name shall be inserted, and entered on the list of that polling district until he become disqualified or direct otherwise. In case no such notification has been made the names of such non-resident electors shall be added to the list for any one of the polling districts in which their qualification exists.

List of non-resident electors

26. The list shall be made up, signed by the sheriff, and deposited with the Clerks of the Peace, on or before the twenty-fourth day of June in each year, and shall thence-

List to be signed by Sheriff and deposited with Clerk of Peace.

forth be the register of electors for the County, Township or Electoral Division.

If register not made that of year previous to be used.

27. If from any cause the register of electors for any polling district is not made up in any year, the register last made up shall be used in its stead for the purpose of election.

Revisors may summon witnesses, &c.

28. The revisors shall have power to summon witnesses to attend at the time and place appointed to give evidence as to the qualification or disqualification of any person, and to administer an oath and examine the parties, and such witnesses on oath and any person so summoned, who shall neglect to attend without good cause shewn therefor to the revisors, or attending shall refuse to be sworn or give evidence, shall be liable to a penalty of twenty dollars; and every witness attending shall be entitled to receive the same fees and travelling charges as witnesses attending before Justices of the Peace in civil suits, to be paid by the person at whose instance the respective witnesses may be summoned.

Penalty for non-attendance of witnesses.

Fees.

Register for City of Halifax—how made up, revised, &c.

29. The list of electors for the City of Halifax shall be revised and corrected by the Aldermen, as above prescribed; and the City Council may regulate the same by bye-laws not inconsistent with this Act; and when the list is corrected, and an alphabetical list of every ward or polling district is made up it shall be signed by the Mayor and filed with the City Clerk, and be the register of electors for the said City.

Expenses of preparing register—how paid.

30. The reasonable charges of the Sheriff, Clerk of the Peace, City Clerk, Assessors and Revisors, and of any other person required to assist in preparing the register of electors, shall be a County or City charge, and shall be presented, assessed, levied and collected like other County and City charges.

Electoral districts to remain as at present.

31. The electoral districts and polling places shall remain as now established.

Form of writs for election—length of notice, &c.

32. When a new Assembly shall be summoned, or more than one vacancy occur at or about the same time, the writs shall be so transmitted that the same may be received by the respective Sheriffs as nearly as may be at the same time. There shall be at least forty days between the teste and return of writs. The writs shall in the body thereof express the day when the Sheriff shall hold his Court for the commencement of the election, allowance being made for enabling him to give at least ten days' notice of the election throughout the County, Township or Electoral Division; and in cases of general elections, or where more than one writ shall be required to be issued at or about the same time, the day named for holding the Sheriff's Court for commencing the elections shall be the same in all the writs.

Proceedings of Sheriff on receipt of writ.

33. The Sheriff shall, immediately on the receipt of a writ, endorse thereon the day of receipt, and shall forthwith

cause notice in writing or by printed handbills to be posted in some of the most public places within every polling district in the County, Township or Electoral Division for which representatives are to be elected, which notices shall express the day when the Sheriff will hold his Court at the County Court House, or other place prescribed by law for opening the election, being the day named in the writ therefor; and also the time and place at which, in case a poll be demanded, the same will be taken, and the number of representatives to be elected, and for what places in particular under the writs then under the Sheriff's hands; and that all persons who are guilty of bribery or undue influence at the said election will, on conviction of such offence, be liable to the penalties mentioned in that behalf in "The Corrupt Practices Prevention Act," and the poll shall be taken in the week next following that wherein the Sheriff's Court for opening the election shall be appointed to be held, and on the same day of the week as the day appointed for holding such Court.

34. The election for a County, and the Townships or Electoral Divisions within it that return representatives, shall be conducted at the same time; and the polling for the County and Townships, or Electoral Divisions, shall, within the Townships or Electoral Divisions, be taken by the same presiding officers and Sheriff's poll clerks, and at the same times and polling places.

Election for county and other members to be conducted at same time.

35. On the day appointed for opening the election, the Sheriff or his Deputy shall open his Court at the County Court House, or other place by law prescribed, between the hours of ten and twelve of the clock in the forenoon, and shall read his writs, and shall take the following oath, to be administered by a Justice of the Peace, or any two electors then present:

Sheriff's court when to be held &c.—oaths to be administered.

"I, A B, do swear that I have not received, and will not receive, any sum of money, office or employment, or gratuity, or any bond, bill or note, or promise of gratuity whatsoever, either by myself or another, to my use or advantage, for appointing any presiding officer to take the poll, or for appointing any poll clerk, or for making any return at this election; and that I will make such appointments impartially and according to law."

And the Sheriff shall then administer to the clerk whom he shall have appointed to assist him in the election an oath for the faithful and impartial discharge of his duty, and shall continue the Court open until two of the clock in the afternoon of that day; and on the same day, and as soon after two of the clock as the duties remaining to be performed will permit, shall finally close the Court, or adjourn the same to another day, as the case may require.

Proceedings at
Sheriff's court.

36. The Sheriff shall, at his Court, receive the names of the candidates, proposed by two electors of the County, Township or Electoral Division, previously to two o'clock; and their names shall be by the clerk, under the Sheriff's direction, entered in the Sheriff's record book, and no candidate's name shall be entered after two o'clock, and at that hour the Sheriff shall proclaim the names of candidates, and shall receive the schedules of and administer the qualification oaths to candidates whose qualifications may be questioned, and who shall not have previously qualified; and in the case of each election, in respect of which, previously to two o'clock, no more candidates are proposed than are required to be returned, the election shall be forthwith determined, and the Sheriff shall declare the candidates proposed, and who shall have qualified, if thereto required, duly elected members, and shall make return of the writ accordingly; and in cases of elections where opposing candidates shall be proposed, previously to two o'clock, who shall have qualified, if required, as directed by this chapter, and where a poll has been demanded, the Sheriff shall then grant the poll, and make proclamation of the time and place at which the poll will be taken in the several polling districts, conformably with the notices before conditionally given, and then adjourn the Court, as regards the elections, in which a poll shall be demanded, to some day within five days next after the day for taking the poll then to be held at the same place.

If candidates
withdraw.

37. Any candidate proposed at such election may, at any time before one o'clock of nomination day, by writing under his hand, or publicly and openly in the Sheriff's Court, direct his name to be withdrawn. In which case the entry in the Sheriff's record book shall be erased, and the Sheriff shall immediately give public notice by proclamation aloud, and thereupon such party shall not be considered as having been proposed as a candidate.

Qualification of
candidate.

A person capable of being elected a member of the assembly shall be a male British subject of the age of twenty-one years and upwards, and qualified to be an elector under the provisions of this Act in some county, township or electoral division of this Province, or shall have a legal or equitable freehold estate in possession of the clear yearly value of eight dollars, and any candidate at any election shall, if required by any other candidate or any elector or the Sheriff make before the Sheriff the following declaration:

Declaration.

I, A B, do declare and testify that I am a British subject of the age of twenty-one years, and that I am duly qualified under the act to regulate the election of members to serve in the General Assembly* to be an elector in the county, township or electoral division of this Province, and that my right

to vote as said elector is in polling district number _____ in the county, (or township or electoral division) of _____. If the candidate claims to be qualified as a freeholder, then after the asterisk insert the words "in right of freehold property of the clear yearly value of eight dollars owned by me and described as follows: (here briefly describe the same, setting forth the county or township, or electoral division, where situate, and further particulars.)"

39. The candidate, or any elector for him, may make and subscribe the declaration in the presence of a credible witness, and present it to the Sheriff, or it may be made on behalf of the candidate by an elector in presence of the Sheriff.

Declaration to be subscribed.

40. If the qualification of a candidate when questioned shall not before the close or adjournment of the court be specified as in the preceding section directed, the candidate shall be incapable of being elected, nor shall his name be entered on the record book, or if entered the same shall be expunged at or before the close or adjournment of the court.

If qualification not specified candidate disqualified.

41. No presiding officer shall receive nor shall any poll clerk record the name of a person as a candidate, nor shall any vote be received for him unless his name shall have been entered as a candidate in the Sheriff's record book at the court, and shall not have been expunged, and votes entered on a poll book contrary to this provision shall in respect of such person be expunged and not counted by the Sheriff in casting up the votes.

Votes for candidates not on Sheriff's books to be refused.

42. When a poll shall have been granted it shall be opened in the different districts at or near the polling place at eight o'clock in the morning of the day appointed, and be kept open until five o'clock in the afternoon when it shall finally close, and the Sheriff shall, prior to the polling, cause booths to be erected, or procure buildings at which the poll may be taken.

Poll—when and where opened, &c.

43. When a poll has been granted the Sheriff shall by precept under his hand appoint a presiding officer for taking the poll in each district, who shall be then resident within the county, and shall have been so for a year then next preceding, and shall thereby direct the presiding officer at the appointed time and place to take the poll within the district as well for the county as the township or electoral division, if such district includes any part of a township or electoral division that is to return a representative, and the Sheriff shall also appoint a poll clerk for taking the votes under the direction of the presiding officer in each district, and the clerk shall prepare a poll book and enter therein in separate columns the names of the candidates for whom votes are to be given within the district; and the names of the candidates, and the necessary information regarding them shall before the opening of the poll be furnished by the Sheriff to the presiding officers, who shall communicate the same to the electors

Proceedings to take the poll.

when required, and the Sheriff shall be responsible for the conduct of his presiding officers and poll clerks.

Sheriff may act as presiding officer.

44. The Sheriff may act as presiding officer in a district without precept and without taking the presiding officer's oath.

At elections previous to 1864 Sheriff shall furnish roll to presiding officer.

45. At any election held before the twenty-fourth day of June, in the year one thousand eight hundred and sixty-four, the Sheriff shall furnish the presiding officer of each polling district with the verified copy of roll applicable thereto, received by the Sheriff from the Clerk of the Peace as prescribed by this Act.

At subsequent election register to be furnished.

46. At any election held thereafter the Sheriff shall furnish the presiding officer of each polling district with a true copy of the register of electors of the polling district for which he is appointed.

Elector to vote in one district only.

47. No elector shall be permitted to vote in more than one polling district in this Province on the same day.

Must vote where resident at teste of writ.

48. No elector having at any election a right to vote in the county, township, or electoral division in which at the teste of the writ he resided, shall be permitted to vote in any other county, township or electoral division.

At election previous to 1864 electors to vote in districts in which they are named in list.

49. In any election held before the twenty-fourth day of June, in the year one thousand eight hundred and sixty-four, electors residing within the county, township, or electoral division shall vote in the polling district in which their names appear in the list furnished under this Act by the Clerk of the Peace to the Sheriff.

Non-resident may vote in any district in which he is qualified.

50. In any such election non-resident electors having a qualification in more than one polling district may at their option vote in either, and any such non-resident elector before he shall be permitted to vote shall if required by the presiding officer, candidate, or his agent, or an elector, take in addition to the oaths hereafter prescribed the oath following:

Oath.

I, A B, do swear that at the teste of the writ for this election I resided at _____ in polling district number _____ in the county (or township or electoral division as the case may be), of _____ That I am not qualified to vote in the said county (or township or electoral division as the case may be), and that I have not this day voted in any other polling district in this Province.

Name and residence of elector to be entered and marked if on list.

51. Before any elector is permitted to vote he shall state his name and residence, the clerk shall under the direction of the presiding officer enter his name on the polling book, and the presiding officer, except in cases within the 56th and 57th sections of this Act, must find it on the register or assessment roll (as the case may be) and mark it.

Proceedings of presiding officer on opening poll.

52. The presiding officer shall at the opening of the poll read aloud his precept and declare the names of candidates, and whether for county, township, or electoral division, and

shall at or before the opening of the poll and before receiving a vote take the following oath :

"I, A B, do swear that I have not received any sum of money, office, employment, or gratuity, or any bond, bill, or note, or any promise of gratuity by myself or another to my use or advantage for making any return at this election, and that I will faithfully discharge my duty at the election to the best of my knowledge and judgment,* and that I will return to the Sheriff a true and faithful account of the votes polled in this district wherein I preside."

And the poll clerk shall before or at the opening of the poll take an oath in the same form down to the asterisk, with the addition of these words thereafter : "and I will faithfully record the votes received in the district where I act as poll clerk."

The sheriff a justice of the peace, and in their absence any two electors are authorized and required to administer the oaths.

53. The presiding officer shall appoint an inspector, an agent, and a clerk when nominated by or on behalf of a candidate, and their names shall be immediately entered in the poll book, and a candidate's clerk shall take the following oath, to be administered by the presiding officer :

Inspector,
agent and clerk
for candidate—
appointment of.

"I, A B, do swear that I will take this poll fairly and impartially by entering the names and places of abode of the electors, and the names of the candidates for whom they shall vote."

Oath.

54. Presiding officers, polling clerks, candidates and their agents, inspectors and their clerks may poll their votes in the polling district where they are acting, though they are not qualified to vote therein, if on the day of nomination their names are certified and entered as qualified by the Sheriff on the poll book, and the Sheriff shall strike such names out of the district in which they are qualified to vote. If the presiding officer vote the poll clerk shall administer the necessary oath to him if required.

Votes of pre-
siding officers,
clerks, &c., how
taken.

55. Every elector, except those voting under the 56th or 57th sections of this Act, before he shall be permitted to vote shall, if required by the presiding officer, candidate, or his agent, or an elector, take the oaths following, or either of them, to be administered to him by the presiding officer, that is to say :

Elector's oaths.

OATH NUMBER ONE.

"I, A B, do swear that I am qualified to vote at this election, that I am of the full age of twenty-one years, and am a British subject, that I reside at _____ that I am the person named in the register (or assessment roll as the case may be), and that I have not before given my vote at this election. So help me God."

OATH NUMBER TWO.

"I, A B, do swear that I have not received by myself, or another, or any person in trust for me, or to my use, directly or indirectly, any sum of money, office, place of employment, or gift, reward, or any promise or security for any money, office or employment, or gift, in order to give my vote at this election. So help me God."

OATH NUMBER THREE.

"I, A B, do swear that I have not within twelve calendar months next before this day received aid as a pauper under any poor law of this Province, or aid as a poor person from any public grant of Government money. So help me God."

Teachers and
schoolmasters
entitled to vote.

56. At any election held before the twenty-fourth day of June, in the year one thousand eight hundred and sixty-four, licensed schoolmasters who, for six calendar months next before the teste of the writ for holding an election, shall have been actually engaged in teaching school, professors of colleges, teachers of academies (being of full age and British subjects by birth or naturalization), may vote for the County, Township or Electoral Division in which they reside, provided they shall have been resident in the polling district in which they claim to vote for a period of three months next before the teste of the writ; and any person claiming to vote under this section shall, if required by the presiding officer, candidate or his agent, or an elector, take the second and third oaths prescribed in the fifty-fifth section of this Act, and also the oath following:

"I, A B, do swear that I am qualified to vote at this election, in this polling district, that at the teste of the writ for holding this election, and for the three calendar months then next preceding, I have resided in this polling district, and that I am a professor of college, (or a teacher of the academy at or a licensed schoolmaster,) and that during the six months next preceding the teste of the writ for this election I was actually engaged in teaching school in this Province."

In case of death
of person as-
sessed on real
estate or disso-
lution of firm,
representatives
or partners en-
titled to vote.

57. At any such election where real property has been assessed as the estate of any person deceased, or as the estate of a firm, or as the estate of any person, and son or sons the heirs of the deceased in actual occupation at the time of the assessment, the persons who were partners of the firm at the time of assessment, and the sons in actual occupation at the time of the assessment, shall be entitled to vote in the same way as if their names had been specifically mentioned in the assessment, and any person claiming to vote under this section shall, if required by the presiding officer, candidate or his agent, or an elector, take the second and third oaths

prescribed in the 55th section of this Act, and also the oath following :

I, A B, do swear that I am qualified to vote at this election, that I am an heir of C D, deceased, whose property is mentioned in the assessment roll as the estate of C D, and that at the time of such assessment I was as such heir in actual occupation of my share of the assessed premises,—(or that at the time of the making of the assessment roll I was a partner in the firm of C D & Co. therein mentioned,—or that at the time of the making of the assessment roll I was in actual occupation with C D of the property assessed in the roll as the property of C D and Son or C D and Sons).

Oath.

58. Every Sheriff or presiding officer who shall on request neglect or refuse to administer any or either of the oaths required to be taken by any elector shall for every offence forfeit the sum of two hundred dollars.

Penalty for neglect or refusal of Sheriff.

59. If any person shall fraudulently vote at any election by personating any elector, or being qualified shall vote or offer to vote more than once at any election, for every such offence the person shall forfeit the sum of forty dollars, and it shall be the duty of the Sheriff to prosecute therefor.

Penalty for fraudulent vote or voting twice.

60. If an elector when required shall not take the oaths prescribed, his vote shall be expunged.

If elector refuse oath.

61. The presiding officer shall prevent unnecessary delay in polling, and no person shall be permitted to interrupt the polling by addressing the electors or otherwise; and for avoiding needless and factious questioning of voters, the elector shall immediately state for whom he votes, and thereupon the candidate against whom he votes, or his inspector or agent, may require the presiding officer to put such necessary and pertinent questions as may be proper for ascertaining the elector's right to vote, and the presiding officer shall allow no other questions to be put, nor shall any questions be put except through him, nor shall he permit the same to be unnecessarily protracted, on pretence of questioning a voter; and the presiding officer shall promptly put the questions, and the poll clerk shall instantly enter in the poll book the purport of the answers, and read the same aloud to the voter. If the elector shall not promptly answer the questions, his vote shall be expunged, and he shall not be allowed to vote again.

No delay to take place at polling—questions to be asked.

62. The presiding officer, after the close of the poll, and before making return to his precept shall subscribe in the poll book the following oath, to be administered by a justice of the peace or two electors of the polling district :

Proceedings of presiding officer on close of poll.

" I, A B, presiding officer for the polling district in the county of do swear that the poll clerks were duly sworn, and that to the best of my belief this poll book was truly and correctly taken under my direction, and con-

tains a true and correct statement of the votes taken at the poll for the district, held in pursuance of the Sheriff's precept, to me directed, and dated the day of in the year of our Lord one thousand eight hundred and

Poll book to be sealed.

63. The poll clerk, after the presiding officer shall have taken the oath in the preceding section, shall enclose and seal the poll book, and deliver it to the presiding officer at the poll, who shall give a receipt therefor, and shall forthwith return the same, so sealed, to the Sheriff.

Penalty for misconduct of presiding officer.

64. If a presiding officer shall not, when required, administer the oaths to an elector, in a competent state of mind to take them, or shall allow any person to interfere or put questions to voters, by which time is taken up, or shall put questions other than in this chapter specified, contrary to the wish of any candidate, or his agent, or shall wilfully protract, or permit to be protracted, the polling, or shall otherwise offend in the premises, he shall forfeit forty dollars for every offence.

Penalty for not returning or altering poll book.

65. If a presiding officer shall not, before the opening of the Sheriff's Court, on the day to which the same was adjourned, return the poll book or his precept to the Sheriff, or shall alter the poll book, he shall be liable to an action for damages, at the suit of any party aggrieved, and shall also forfeit for every offence two hundred dollars, and the further sum of twenty dollars for every day's neglect to return the poll book.

Penalty for misconduct of clerk.

66. If a poll clerk shall offend in the premises, he shall forfeit forty dollars for every offence.

Powers of presiding officers, &c.

67. The Sheriff at his Courts, and the presiding officers at their polling places, shall be, during the day on which the election or polling may be prosecuted, conservators of the peace, and vested with the same powers for the preservation of the peace, and the apprehension and committal for trial, or holding to bail, or trying and convicting violators of the law and good order, as are vested in justices of the peace; and for the purpose of preserving peace and good order at the election or polling, the Sheriff or presiding officer may require the assistance of all persons present, and may on view commit any persons for breach of the peace, violating or threatening electors at, or coming to, or returning from the election or polling, or for any violation of good order, to the custody of any person, for any time not exceeding twelve hours; or may, by a writing under his hand, commit to prison for a like offence for a period not extending beyond the second day thereafter, and, at the expiration thereof, may cause the offender to be brought before a Justice of the Peace, who shall enquire into the matter, and may fine the offender in a sum not exceeding eight dollars and costs, and commit him to jail until the fine be paid;

and all persons present are enjoined to assist the officer presiding and Justices in discharging such duties, under pain of being guilty of misdemeanor; and Justices residing in the district, upon being notified in writing by the Sheriff or presiding officer, shall attend to aid in preserving peace and order; and the Justices, Sheriff and presiding officer may, when considered necessary, swear in special constables to act as peace officers, and assist in maintaining peace and order; and upon the written application of a candidate or his agent, or two electors, the Sheriff or presiding officer shall swear in such special constables as may be requisite.

68. If a presiding officer, before the termination of a poll, shall die, or be incapable of performing, or shall not perform his duty, the poll clerk shall act in his stead, and perform his duties; but before commencing his new duties he shall appoint a poll clerk, who shall, with the new presiding officer, previously to entering upon their duties, take the oath prescribed for presiding officers and poll clerks, and they shall have the same powers, and be liable to the same penalties in their new capacities, as if originally appointed.

In case of incapacity of presiding officer.

69. If a poll clerk shall, before the termination of a poll, die, or be incapable of performing, or shall not perform his duty, the presiding officer shall appoint another poll clerk to act in his stead; and the new poll clerk, before entering on his duties, shall take, in manner as if originally appointed, the oath prescribed; and he shall have the same powers, and be liable to the same penalties, as if originally appointed poll clerk.

In case of incapacity of poll clerk.

70. The Sheriff shall keep the poll books unopened until the reassembling of his Court on the day to which the same shall have been adjourned; and then he shall openly break the seals thereon, and cast up the votes as they appear on the poll books, and shall then openly declare the state of the poll; and if within one hour thereafter any candidate, or two electors, demand a scrutiny of the qualification of any candidate previously qualified, and about to be returned, or protest against the whole election, or return of any member, on grounds to be stated in writing, the Sheriff shall enter the same on the record book, and annex a copy thereof to his return, with the writ; and such candidate, or two electors, may, by writing, signify to the Sheriff, at any time, before the next meeting of the Legislature, the abandonment of the protest or scrutiny.

Proceedings of Sheriff's court after the poll.

71. Any Sheriff who shall make a false return, or return more than are required by the writ to be chosen, shall forfeit for every offence the sum of four hundred dollars; and the party aggrieved may also recover the damages he shall sustain thereby, with costs, in an action against him, or any person who shall knowingly procure the same.

Penalty for Sheriff making false returns.

Proceeding in case all poll books are not returned.

72. When any of the precepts for taking the poll shall not be returned at the time to which the Sheriff's Court was adjourned, the Sheriff shall not examine the returns made, but shall further adjourn the Court to the following day, and so from day to day until the precepts and poll books shall have been all returned; and in making such adjournment the Sheriff shall publicly declare the reason, and he shall in no case continue the adjournment if the House of Assembly be in Session, or to so late a day as shall interfere with the return of his writ in time for the then next Session; but he shall in such cases complete the election, and return his writ, notwithstanding the deficiency of returns, and he shall in his return mention the deficiencies.

Return of poll book—how compelled.

73. If a presiding officer shall not have returned his precept and poll book at the proper time, the Sheriff or a candidate, or an elector, may make complaint thereof on oath, before a Justice of the Peace, who shall summon the presiding officer to answer the same; and if he shall not appear and shew good cause for the delay, the Justice shall by warrant commit him to jail, until he shall make due return of his precept and proceedings thereon, together with his poll book.

Penalties, how prosecuted and applied.

74. A candidate against whom a vote shall be wrongfully polled, or against whom, or to the prejudice, or with the intent to prejudice whose interest, any act shall be wrongfully done, contrary to this chapter, and for which vote or act a forfeiture is herein imposed, may within six months from the commission of the offence, prosecute for the forfeiture, and, upon recovery, the amount, after deducting charges incurred by the candidate about the prosecution, shall be paid to the overseers of the poor for the place where the offence was committed, for the use of the poor thereof. If no prosecution shall be pending, or have been prosecuted to final judgment, then any person may prosecute for the penalty at any time after the expiration of the six months, and before the expiration of twelve months from the commission of the offence.

Judgment, how levied.

75. Judgments for penalties under this chapter shall be levied with costs on the goods or lands of the defendant, and for want thereof, or of payment by the defendant, may be levied on his body, and the defendant shall thereupon be committed to jail, there to remain until the judgments be paid, or until he shall have continued in jail for a period proportioned to the amount of the penalty, that is to say: one week for every four dollars thereof, but such imprisonment shall in no case exceed three months.

Jurisdiction as to penalties.

76. Penalties imposed by this chapter shall be recovered with costs as follows: when the penalty shall not exceed forty dollars, it shall be recovered in a summary manner before

two justices of the county, from whose judgment either party may appeal to the Supreme Court on giving good security as follows: in the case of the plaintiff for payment of the defendant's costs, and in case of the defendant for payment of the penalty and costs if judgment shall be given against the appellant; and the Supreme Court shall try the same, and give judgment in manner practised in summary causes. When the penalty shall exceed forty dollars, the same shall be recoverable by action of debt in the Supreme Court, in which action it shall suffice for the plaintiff to set forth in his declaration that the defendant is indebted to him in the amount of the penalty sought to be recovered, and to allege the particular offence for which the action is brought, and that the defendant hath therein acted contrary to this Act, without mentioning the writ for holding the election, or the return thereof, and on the trial parol proof of the election shall be sufficient prima facie evidence without producing the writ.

Evidence.

77. On the return of a writ the Sheriff shall be entitled to receive from the provincial treasury six dollars for every member returned. When there is no contest he shall be entitled to two dollars from every candidate. And where there shall be a contest and a poll demanded four dollars from every candidate instead of two dollars. And further when there shall be a contest there shall be paid to the Sheriff by the candidates in just proportions, according to the number of the polling places in which each candidate is interested, the following sums: four dollars for providing a booth or polling place for each polling district, except where the polling place shall be a public building that can be had without charge, four dollars for every presiding officer, and two dollars for every poll clerk, to include their travelling fees, and the fees shall be paid to the Sheriff on the day of opening his court for commencing the election; and the name of no candidate shall be entered on the Sheriff's poll book, or returned to presiding officers, who shall not have paid or tendered the Sheriff the full amount due from him under this section before the adjournment of the court on that day.

Sheriff's fees.

When to be paid

78. Whoever shall wilfully, falsely, and corruptly make any declaration, oath, or affirmation required by this Act, or shall corruptly procure or suborn any other person to make any of them, shall be guilty of perjury, and for every offence incur the penalty of a person guilty of perjury.

Making false declaration, &c., considered perjury.

79. Quakers may affirm in any cases where an oath is required.

Quakers may affirm.

80. If any sheriff, presiding officer, poll clerk, assessor, revisor, clerk of the peace, or other person whosoever, appointed or acting under the authority of this Act, shall wilfully contravene or disobey any of the provisions of this Act

Penalty for disobedience to provisions of this Act.

with respect to any matter or thing such person is required to do, and for which default or offence no specific penalty is provided, he shall be liable to the penalty of one hundred dollars, to be recovered in an action at the suit of a candidate or elector; and the jury may find their verdict for the full sum of one hundred dollars, or any sum not less than twenty dollars they think just for the offence, and the plaintiff shall have judgment and execution therefor with costs of suit.

How recovered.

Limitation and form of actions.

Form.

Appropriation of penalty.

Parol proof of election sufficient.

Meaning of terms used in Act.

Acts repealed.

Elections previous to 1864 to be under existing laws.

81. Penalties imposed by this Act must be prosecuted within four months after the commission of the offence, and may be recovered by action in any court of competent jurisdiction; and the plaintiff may set forth in his declaration that the defendant is indebted to him in the amount of the penalty sought to be recovered, allege the particular offence for which the action is brought, and that the defendant hath therein acted contrary to this Act, without mentioning the writ for holding the election, or the return thereof.

82. The penalty, when recovered, shall be appropriated, one half to the person who shall sue therefor, and the other half to the Treasurer of the county, district or city where the offence was committed, for the use of the county, district or city.

83. On trial of any action or prosecution for any penalty imposed by this Act, or any other proceeding arising out of any election, parol proof of the election shall be sufficient prima facie evidence without producing the writ.

84. The word "Sheriff," herein, shall mean Sheriff, under Sheriff or Deputy Sheriff; "Presiding Officer" shall mean the person presiding to take the poll; "County," in cases where a county is divided into two districts for municipal purposes, shall mean such municipal districts; "Clerk of the Peace" shall include the City Clerk, Halifax; "District" shall mean Polling District; and "Election" the election of members to serve in General Assembly, when the sense requires such constructions.

85. Chapters five, seven and eight of the Revised Statutes, and all other Acts inconsistent with this Act, are hereby repealed.

86. All elections of representatives to serve in General Assembly, held before the twenty-fourth day of June, in the year of our Lord 1864, shall be held under the laws now in force in this Province; and until that day, and until the perfecting of the Register of Elections, pursuant to section twenty-six, chapter five, seven and eight of the Revised Statutes, and all Acts in amendment thereof shall be and remain in force, anything herein contained to the contrary notwithstanding.

SCHEDULE A.

I, A B, Clerk of the Peace for the County (or District, as the case may be,) of (or Clerk of the City of Halifax) do hereby solemnly swear that I have carefully compared the annexed paper writing with the original assessment rolls of the different polling districts within the County (or District or City) aforesaid, last made and returned to my office, before the first day of March, in the year one thousand eight hundred and sixty-three, and that the same is a true and correct copy of such rolls.

Sworn to at this day of A. D. 1863.

Before me,

J. P.

SCHEDULE B.

We the undersigned revisors, duly appointed for revisal section , number , in the County of , do hereby solemnly swear that we will well and faithfully discharge the duties assigned to us, without favor or partiality, that we will place no name on the list of registry, and will strike no name off the same, unless we shall be satisfied that the same, by the law under which we have been appointed as revisor, should be placed on or struck off the same, and that we shall in all respects conform to the said law, to the best of our judgment and ability.

Sworn to at , this day of , A. D.

Before me,

J. P.

CHAPTER 29.

An Act to amend Chapter 23 of the Revised Statutes "Of the Post Office," and the Act in amendment thereof.

(Passed the 29th day of April, A. D. 1863.)

SECTION.

1. Letter may go from one Way Office to another.
2. Postage within County.
3. Postage if not prepaid.
4. British and Colonial papers, &c., free.
5. Postage on other papers.

SECTION.

6. Exchange copy free.
7. Postage on printed circulars, &c.
8. Periodicals.
9. Meaning of terms—Newspaper, Periodical.
10. Acts repealed.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. Letters prepaid by stamp may be sent from way office to way office without passing through a post office.

Letter may go from one Way Office to another.

Postage within
County.

2. Letters mailed at any office in the Province for delivery within the county in which the office is situated shall, if prepaid by stamp, be liable to a charge of two cents per half ounce. If not prepaid such letters shall be subject to the ordinary rate.

Postage if not
prepaid.

3. The postage on all letters posted in Nova Scotia to be delivered within the Province, and not prepaid shall be seven cents per each half ounce, payable on delivery.

British and
Colonial papers,
&c., free.

4. British and Colonial newspapers, and small religious periodicals, such as the Child's Paper, the Play Hour, the Sabbath School Visitor, and others of a like description, whether British or Foreign, shall pass through the Nova Scotia Post Office, whether posted within or without the Province, free of charge, for Nova Scotia postage.

Postage on
other papers.

5. All other newspapers passing through the Post Office shall be liable to a charge of one cent each. If mailed within the Province such postage must be prepaid by stamp. If mailed without, for delivery within the Province, the postage shall be collected on delivery.

Exchange copy
free.

6. One copy, to be called an exchange copy of any newspaper, which, under the fifth section of this Act, would be liable to postage, shall nevertheless, if addressed to a newspaper publisher, in Nova Scotia, pass free of Nova Scotia postage.

Postage on
printed circu-
lars, &c.

7. Circulars, handbills, lithographed letters, and other printed matter of like character, posted in Nova Scotia, and addressed to any place in or out of Nova Scotia, shall be liable to one cent per ounce up to forty-eight ounces, to be prepaid by postage stamps.

Periodicals.

8. Periodicals passing through any office in this Province, if posted without the Province, shall be liable, in addition to any charge prepaid on posting to an additional charge on delivery, of two cents for each number. If posted within the Province, for delivery within or without the Province, they shall be liable to a charge of two cents each, to be prepaid by stamp.

Meaning of
terms—Newspaper, Periodical.

9. For the purposes of this Act, the word newspaper shall be held to mean any publication issued not less frequently than once a week, and containing notices of passing events. The word periodical shall be held to mean any publication issued at regular intervals, but less frequently than once a week.

Acts repealed.

10. Sections 12 and 13 of chapter 23 of the Revised Statutes, and sections 2, 5, 6 and 7 of chapter 11 of the Acts of 1862, and all other provisions of the said chapter of the Revised Statutes, and of the said chapter of the Acts of 1862, as are inconsistent with this Act, are hereby repealed.

CHAPTER 30.

An Act relating to Guide Boards on Public Highways.

(Passed the 29th day of April, A. D. 1863.)

SECTION.

1. Sessions may erect guide boards.
2. Arm, Lettering, &c.

SECTION.

3. How erected and maintained.
4. Penalty for not erecting, &c.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. Whenever the General Sessions, or a Special Sessions called for the purpose, shall by order direct that guide boards shall be erected on any public roads within their respective counties, and shall specify on what roads and branching and crossing thereof such guide boards shall be erected, the Surveyors of Highways and Road Commissioners shall thereupon erect or set up, and afterwards keep and maintain, all such guide boards within their respective districts.

Sessions may erect guide boards.

2. Every such guide board shall have an arm corresponding to each road at the branching or crossing whereof it is erected, on which arm the name and distance of the place to which such road leads shall be painted, on a white ground, in black letters and figures at least two inches in size.

Arm, Lettering, &c.

3. Surveyors of Highways and Road Commissioners may appropriate so much of the Statute Labor, or of the Statute Labor fund, of their district, as shall be sufficient to erect and maintain thereon the guide boards required by this Act.

How erected and maintained

4. Surveyors of Highways or Road Commissioners neglecting to erect and maintain within their district the guide boards required by this Act, shall pay a fine not exceeding ten dollars, to be appropriated one-half to the road fund, and one-half to the prosecutor.

Penalty for not erecting, &c.

CHAPTER 31.

An Act relating to the office of County Treasurer.

(Passed the 29th day of April, A. D. 1863.)

SECTION.

1. Treasurer may appoint deputies.

SECTION.

2. Proceedings in case of Treasurer's death.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The County Treasurers in the several counties and

Treasurer may appoint deputies.

districts in this Province, may with the consent of the Custos, appoint by writing under their hands and filed in the office of the Clerk of the Peace, deputies to act for them in case of sickness or of temporary absence, for whose conduct the principal and his sureties shall be responsible; and the deputies so appointed shall have the same powers vested in them for the time being as by law are vested in the principal, and their acts shall be equally valid.

Proceedings in case of Treasurer's death.

2. In case of the death of a County Treasurer a special sessions shall be convened according to law wherein a treasurer shall be appointed for the time being, or until a county treasurer shall be appointed as provided by section 1 of Chapter 46 of the Revised Statutes "of County Assessments," and the temporary treasurer so appointed at such special sessions shall give bonds in the manner required by such first section of such Chapter.

CHAPTER 32.

An Act to amend Chapter 9 of the Acts of 1862, entitled "An Act in reference to the Militia."

(Passed the 29th day of April, A. D. 1863.)

SECTION.

1. Militia, if called out for service, subject to articles of war. Exceptions.
2. On resignation of officer, bond to be given up.
3. Militia debts—how recovered.
4. Officers with acting rank.
5. Regimental and company districts.

SECTION.

6. In certain cases may be defined without reference to Counties.
7. Company officers.
8. Adjutants. Pay.
9. Erection of Drill Rooms.
10. Fee for Doctor's certificate.
11. Clauses repealed.

Be it enacted by the Governor, Council, and Assembly, as follows:

Militia, if called out for service, subject to articles of war.

1. Whenever the Militia shall be called out for actual service in case of invasion, or imminent danger thereof, the Militia so called out, and every officer and man belonging to it, shall be subject from the time he has been ordered or drafted for actual service to the articles of war, and to the Act for punishing mutiny and desertion, and to all other laws then applicable to Her Majesty's troops in this Province, and not inconsistent with this Act, except that no Militia man shall be subject to any corporal punishment, except death or imprisonment, for any contravention of such laws, and except also that the Commander-in-Chief may direct that any provisions of the said laws shall not apply to the Militia.

Exceptions.

On resignation of officer, bond to be given up.

2. On the resignation of any officer having charge of arms or other government property, the Commander-in-Chief may give up or return the bond given by such officer whenever

he is satisfied that the terms thereof have been complied with.

3. Mutual military debts between officers, and officers and men, of Militia or Volunteer Corps, may be recovered as common debts.

Militia debts,
how recovered.

4. Officers appointed with acting rank, although not actually commissioned, shall, pending the pleasure of the Commander-in-Chief, have the same power and authority as if they were commissioned.

Officers with
acting rank.

5. Each county shall be divided by the Commander-in-Chief into regimental districts, according to population, and regimental districts may be subdivided into company districts; and the Commander-in-Chief may at any time alter the limits of such districts, and name and number companies and regiments.

Regimental and
company dis-
tricts.

6. In thinly settled districts the Commander-in-Chief may define the limits of companies' districts without reference to county lines, and may at any time consolidate companies.

In certain cases
may be defined
without refer-
ence to Coun-
ties.

7. For every company of not more than sixty men there shall be one captain and two subalterns, and every larger company may have an additional subaltern.

Company offi-
cers.

8. Adjutants shall in future be divided into two classes. First class adjutants shall be entitled to receive forty dollars per annum, and second class adjutants twenty dollars, to be drawn from the provincial treasury on the certificate of the commanding officer of the regiment to which such adjutant is attached, that he has faithfully discharged his duties.

Adjutants.

Pay.

9. When any battalion, regiment, district or company, shall have erected and completed an armory or drill room in any part of this province, and shall show to the satisfaction of the Commander-in-Chief that such drill room or armory is completed and ready for use, the commanding officer of such battalion, regiment or company, shall be entitled to draw from the provincial treasury one-third of the cost of such erection, such cost to be ascertained and verified by accounts and vouchers under oath.

Erection of
Drill Rooms.

10. A physician or surgeon, not belonging to the regiment, applied to under the 123 Section of the Act hereby amended, shall be entitled to a fee of one dollar for his certificate under that section, and shall not be obliged to give such certificate, or be liable to a penalty for refusing the same, unless such fee be first paid or tendered by the applicant.

Fee for Doctor's
certificates.

11. Clauses 10, 11, 12, and 82 of the Act hereby amended are repealed.

Clauses repea-
ed.

CHAPTER 33.

An Act to continue and amend Chapter 60 of the Revised Statutes "Of Public Instruction."

(Passed the 29th day of April, A. D. 1863.)

SECTION.

1. Acts continued.
2. Division of Grammar School money for East Halifax.

SECTION.

3. School Houses, ac., how repaired, sold, ac.

Be it enacted by the Governor, Council, and Assembly, as follows:

Acts continued.

1. Chapter 60 of the Revised Statutes "of Public Instruction," as amended by Chapters 12 and 25 of the Acts of 1859, and by Chapter 30 of the Acts of 1861, and by Chapter 25 of the Acts of 1862; and also the Act 13th Victoria Chapter 36, entitled an Act relating to the Pictou Academy," are hereby respectively continued until the first day of May, in the year one thousand eight hundred and sixty-four.

Division of Grammar School money for East Halifax

2. The amount of grammar school money applicable to the shore and rural districts of Eastern Halifax shall, after the first day of May next, be divided equally between those districts.

School houses, ac., how repaired, sold, ac.

3. The trustees of any school district may call a public meeting of the shareholders owning any school house or academy within such district, after at least ten days notice in writing to each shareholder, and a majority in interest of such shareholders present at such meeting may by resolution decide to enlarge, alter or repair such school house or academy, or if it be deemed necessary to sell the same with the land whereon such building stands; and such resolution when so passed by such two-thirds majority in interest shall be binding upon the other shareholders interested therein; and every shareholder shall be liable to contribute to such repairs or alterations in the proportion of his interest in the building, and may be sued for such proportion by the trustees in the same manner as if the amount were a private debt due to such trustees.

CHAPTER 34.

An Act to enlarge the amount of Deposits in the Savings' Bank.

(Passed the 29th day of April, A. D. 1863.)

SECTION.

1. Deposits increased to \$560,000.
2. Further enlargement.

SECTION.

3. Amount to be received in one year.
4. Application of deposits.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The whole amount of deposits in the Savings' Bank is hereby enlarged, so as the same shall not in the whole exceed the sum of five hundred and sixty thousand dollars. Deposits increased to \$560,000.

2. In case the Act of this session, entitled, "An Act to authorize the construction of a further section of the Provincial Railway," shall become law, the amount of such deposits still further enlarged, so as the same shall not in the whole exceed nine hundred thousand dollars. Further enlargement.

3. In the case mentioned in the last section, so much of section 11 of chapter 38 of the Revised Statutes as limits the amount to be received in any one year, from any one depositor, to fifty pounds, shall be repealed; and the limit shall thereafter be fixed by the Governor in Council. Amount to be received in one year.

4. Monies deposited under this Act shall be applied by the Governor in Council, from time to time, for such uses as shall have been approved of and sanctioned by the Legislature. Application of deposits.

CHAPTER 35.

An Act for extending to Tuskent the jurisdiction of Commissioners of Streets.

(Passed the 29th day of April, A. D. 1863.)

SECTION 1. To include all roads, &c., within a mile of Court House.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The provisions of Chapter 64 of the Revised Statutes "of Commissioners of Streets" are hereby extended to all the roads and streets which are comprehended within a circle of one mile in every direction from the court house in the village of Tuskent, in the county of Yarmouth. To include all roads, &c., within a mile of Court House.

CHAPTER 36.

An Act to amend Chapter 32 of the Revised Statutes, "Of the Naturalization and Privilege of Aliens."

(Passed the 29th day of April, A. D. 1863.)

SECTION.

1. May be naturalized after one year's residence.
2. Oath—how administered, &c.

SECTION.

3. Oath—where filed.
4. Her Majesty's assent required.

Be it enacted by the Governor, Council, and Assembly, as follows:

May be nat-
uralized after
one year's resi-
dence.

1. Every alien who shall have resided in this Province for one year previous to the passing of this Act, or who shall at any time thereafter come into this Province, with intent to settle therein, and shall reside continuously therein for one year, shall, upon taking and subscribing the oath of allegiance, in manner hereinafter mentioned, become within this Province a naturalized subject of Her Majesty, entitled to all the rights of such subject, as fully as the same can be conferred under or by virtue of the Act of the Imperial Parliament, passed in the tenth and eleventh years of her Majesty's reign, entitled, "An Act for the Naturalization of Aliens."

Oath—how ad-
ministered, &c.

2. Such oath shall be taken and subscribed in duplicate by such alien, and shall be administered by the Clerk of the Peace of the county or district within which such alien resides; and the Clerk of the Peace shall attest the same, and shall thereupon deliver to the alien a certificate, under his hand and seal, that such oath has been taken, which certificate shall be evidence of its contents, and for which he shall be entitled to receive from such alien one dollar.

Oath—where
filed.

3. One copy of such oath shall be filed in the office of the Clerk of the Peace of the county or district wherein such alien resides; and the duplicate, certified by such Clerk, shall by him be transmitted, to be filed in the Provincial Secretary's office.

Her Majesty's
assent required

4. This act shall not go into operation until Her Majesty's assent shall be signified thereto.

CHAPTER 37.

An Act to change the name of the County of Sydney.

(Passed the 29th day of April, A. D. 1863.)

SECTION 1. Name to be Antigonishe.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. The County of Sydney in the Province of Nova Scotia shall hereafter be called and known as the County of Antigonishe ; and all laws now in force with reference to the County of Sydney, shall hereafter be applicable to the County of Antigonishe.

Name to be Antigonishe.

CHAPTER 38.

An Act to provide for defraying certain expenses of the Civil Government of this Province.

(Passed the 29th day of April, A. D. 1883.)

SECTION.

1. Civil List, \$7,590. Militia, \$12,000. Education, \$6135. Public Works, \$95,050. Post Office, \$68,750. Roads and bridges, \$140,000. Collection of Revenue, \$43,990. Steam boats and ferries, \$11,282. Navigation Securities, \$9,900. Crown Lands, \$12,100. Gold Fields, \$16,000. Railway, \$100,000. Railway construction, \$4,000. Agri-

SECTION.

culture, \$5,000. Immigration, \$5,000. Printing, \$3,000. Legislature, \$39,110. Land damages, \$320. Indians, \$1,333. Transient paupers, \$8,652. Poor Asylum, \$8,100. Distressed seamen, \$200. Miscellaneous, \$8,510. 2. To be paid on warrant of Financial Secretary.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. There shall be granted to His Excellency the Governor the several sums of money hereinafter mentioned, to provide for defraying certain expenses :

A sum not exceeding seven thousand five hundred and ninety dollars to defray certain charges on the civil list.

Civil list, \$7,590.

A sum not exceeding twelve thousand dollars, towards defraying the expense of the military defence of the Province.

Militia, \$12,000.

A sum not exceeding eight thousand one hundred and thirty-five dollars, for certain educational purposes.

Education, \$6135

A sum not exceeding ninety-five thousand and fifty dollars to provide for certain public works.

Public Works, \$95,050.

A sum not exceeding sixty-eight thousand seven hundred and fifty dollars, to defray the expense of the Post Office department.

Post Office, \$68,750.

A sum not exceeding one hundred and forty thousand dollars, to provide for the great and bye roads and bridges.

Roads and bridges, \$140,000

Collection of
revenue, \$53,990

A sum not exceeding forty-three thousand nine hundred and ninety dollars, to defray certain charges for the collection and protection of the Revenue.

Steamboats and
ferries, \$11,232

A sum not exceeding eleven thousand two hundred and eighty-two dollars for steamboats, packets and ferries.

Navigation se-
curities, \$9,900.

A sum not exceeding nine thousand nine hundred dollars to provide for certain navigation securities.

Crown Land,
\$12,100.

A sum not exceeding twelve thousand one hundred dollars to provide for the expense of the Crown Land department.

Gold Fields,
\$18,000.

A sum not exceeding sixteen thousand dollars towards defraying the expenses connected with the management of the Gold Fields.

Railway, \$100,000

A sum not exceeding one hundred thousand dollars to provide for the expenses of the Provincial Railway.

Railway con-
struction, \$4,000.

A sum not exceeding four thousand dollars to provide for Railway construction.

Agriculture
\$3,000.

A sum not exceeding five thousand dollars, for the encouragement of agriculture.

Immigration,
\$3,000.

A sum not exceeding five thousand dollars, to provide for expenses connected with immigration.

Printing, \$8,000.

A sum not exceeding eight thousand dollars, towards providing for the expense of public printing.

Legislature,
\$39,110.

A sum not exceeding thirty-nine thousand one hundred and ten dollars, to provide for the pay of the members and officers, and the contingent expenses of the Legislature.

Land damages,
\$320.

A sum not exceeding three hundred and twenty dollars, to pay certain land damages.

Indians, \$1,333.

A sum not exceeding one thousand three hundred and thirty-three dollars, to provide for the relief of Indians.

Transient pau-
pers, \$4,652.

A sum not exceeding six thousand six hundred and fifty-two dollars, for the relief of transient and lunatic paupers.

Poor Asylum,
\$8,100.

A sum not exceeding eight thousand one hundred dollars, towards the expense of the Halifax Poor Asylum.

Distressed sea-
men, \$200.

A sum not exceeding two hundred dollars, towards defraying expenses connected with distressed seamen.

Miscellaneous,
\$4,510.

A sum not exceeding eight thousand five hundred and ten dollars, to defray certain miscellaneous expenses.

To be paid on
warrant of Fi-
nancial Secy.

2. The several sums of money before mentioned shall be paid by the Receiver General, by warrant of the Financial Secretary, out of monies now in the Treasury, or as payment may be made at the same.

LOCAL ACTS.



CHAPTER 39.

An Act respecting Ancient Lights in the City of Halifax.

(Passed the 31st day of March, A. D. 1863.)

SECTION 1.—Cap. 44, Acts '60, made perpetual.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. Chapter 44 of the Acts of 1860, entitled "An Act respecting Ancient Lights in the City of Halifax," is hereby made perpetual.

Cap 44 Acts '60 made perpetual

CHAPTER 40.

An Act to authorize a Loan for the erection of a County Jail in Halifax.

(Passed the 31st day of March, A. D. 1863.)

SECTION.

1. Sessions may appoint Commissioners and erect jail.
2. Tenders to be taken.
3. Loan.
4. Repayment. If not assessed to be amerced.

SECTION.

5. Loan—how taken up.
6. Form of certificate, &c.
7. May be paid off on six months' notice.
8. In case County divided.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. The Sessions of the County of Halifax are authorized to erect a County Jail on the present Jail ground in Halifax, or on such other site as the Sessions may deem most advisable, and shall appoint three or more commissioners for that purpose.

Sessions may appoint Commissioners and erect jail.

2. The commissioners shall procure proper plans and specifications, and advertise for tenders; and when the same shall be approved of by the sessions, they shall proceed to erect such jail.

Tenders to be taken.

3. The commissioners shall borrow on the credit of the county of Halifax, a sum not exceeding twelve thousand dollars, which sum, together with the amount heretofore assessed, or which may now be in the hands of the county treasurer for the same purpose, shall be applied by the commissioners for the erection and completion of the jail.

Loan.

4. The amount to be borrowed under the preceding section shall be a county charge, and shall be repaid in twenty-five years, with interest, at a rate not exceeding six per cent, and for such repayment the sum of twelve hundred dollars shall be annually assessed, levied and collected, in the same way and manner as other assessments of the county of Hali-

Repayment

If not assessed to be assessed. fax, until the whole sum borrowed with interest shall have been repaid; and if the said sum shall not annually be assessed by the Court of Sessions, the Supreme Court shall amerce the county for the same.

Loan—how taken up. 5. Tenders for this loan, in sums not less than four hundred dollars, shall be advertised for in two or more of the newspapers, published in the city, for two weeks.

Form of certificate, &c. 6. The lender or lenders of the sum so borrowed shall receive a certificate in the form to be prescribed by the sessions, signed by the commissioners, and countersigned by the custos and clerk of the peace in favor of such lender or lenders, his, her and their indorsees and assigns, specifying the terms of loan and rate of interest, such interest to be paid half yearly. These certificates shall be transferable by indorsement of the holders' signature thereon, in the same manner as promissory notes; but notice of such indorsement or transfer shall be given to the county treasurer.

May be paid off on six months' notice. 7. Any of such certificates may be paid off at any time by giving six months notice to the holder thereof.

In case County divided. 8. In the event of a division of the county of Halifax, and a jail being hereafter erected for the Eastern division of said county, one half of the cost of such jail shall be assessed on the Western division of the county; provided nevertheless that the sum so to be assessed upon the said Western division shall not exceed the amount actually assessed upon and paid by the present Eastern division of the County towards the erection of the county jail in Halifax.

CHAPTER 41.

An Act to authorize a Loan for the erection of a Jail in the County of Colchester.

(Passed the 31st day of March, A. D. 1863.)

SECTION.

1. Loan.

SECTION.

2. Repayment.

Be it enacted by the Governor, Council, and Assembly, as follows:

Loan. 1. Charles Blanchard, George Reading, Richard Upham, and John F. Crow, Esquires, are authorized to borrow on the pledge of the funds of the County of Colchester and the security of this Act a sum not exceeding two thousand eight hundred dollars, for the purpose of erecting a Jail in such County.

Assessment. 2. Such loan, together with the interest thereon, shall be a County charge, and shall be repaid by annual instalments of one-third of the sum so borrowed with interest during the years 1864, 1865, and 1866; to be provided for by the Grand Jury and Sessions, and to be presented, levied and assessed in the same manner as other County charges.

CHAPTER 42.

An Act to alter the time of holding the Sessions for the District of St. Mary's, in the County of Guysborough.

(Passed the 31st day of March, A. D. 1863.)

SECTION.

1. To be held on 1st Tuesday in December.

SECTION.

2. Acts repealed.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. The Sessions for the District of Saint Mary's, in the County of Guysborough, shall hereafter be held on the first Tuesday of December instead of the first Tuesday of October in each year, and the Grand Jury shall attend the Sessions at the time hereby established for holding the same.

To be held on
1st Tuesday in
December.

2. So much of Section Two of Chapter 44 of the Revised Statutes as is inconsistent with this Act is repealed.

Acts repealed.

CHAPTER 43.

An Act to provide for the Building of certain Bridges and the improvement of certain Roads in the County of Victoria.

(Passed the 31st day of March, A. D. 1863.)

SECTION.

1. Members may borrow \$1,200.

2. Repayment.

SECTION.

3. How expended.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. The members for the County of Victoria may borrow on the pledge of the road monies of that County and the security of this Act a sum not to exceed twelve hundred dollars, to be applied to the building of a bridge over Middle River, and a bridge over Barrassois brook, North Shore, and the improvement of the roads in the vicinity of the said two bridges.

Members may
borrow \$1200.

2. Such loan shall be repaid by annual instalments of four hundred dollars with interest according to the amount borrowed, out of the road grants for the years 1864, 1865, and 1866, until the whole sum borrowed shall have been repaid.

Repayment.

3. The monies borrowed under this Act shall be expended by commissioners to be appointed by the Governor in Council.

How expended.

CHAPTER 44.

An Act respecting the Board of Health of the City of Halifax.

(Passed the 31st day of March, A. D. 1863.)

SECTION.

1. Mayor and Aldermen to constitute Board.

SECTION.

2. Acts repealed.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. The Mayor and Aldermen of the City of Halifax shall hereafter constitute the Board of Health for that city.

2. So much of section 162 of the Act 14th Victoria, entitled, "An Act concerning the City of Halifax," as is inconsistent with this Act is repealed.

Mayor and Aldermen to constitute Board.

Acts repealed.

CHAPTER 45.

An Act to amend the Act to regulate Highway Labor within the limits of the Commissioners of Streets for the Town of Pictou.

(Passed the 31st day of March, A. D. 1863.)

SECTION.

1. Commissioners may enter lands and dig up ground. Compensation—how awarded.

SECTION.

2. Lands excepted.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. The Commissioners, with the assent of the two nearest justices of the peace, may enter upon any lands within their limits, or within two miles from such limits, and dig up and carry away therefrom any gravel that may be required by them for the repair of the highways, streets and lanes within such limits; and if from the absence or obstinacy of the owner or possessor of the soil no agreement can be made with him, the damages done thereby shall be appraised by three indifferent freeholders, nominated by the nearest justice of the peace for the purpose, and the sum appraised shall be paid by the Commissioners to the owners of the soil if demanded within three months afterwards.

2. No entry under this Act shall be made on cultivated or ornamental grounds, or on grounds immediately adjoining any dwelling house.

Commissioners may enter lands and dig up ground.

Compensation—how awarded.

Lands excepted

CHAPTER 46.

An Act relating to Traffic in the streets of the City of Halifax.

(Passed the 29th day of April, A. D. 1863.)

SECTION 1.—Hay, &c. may be sold in streets. Proviso.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. Hereafter all persons bringing into the City of Halifax hay, straw or other country produce in carts, waggons, sleds, or other conveyances, may expose for sale and sell the same in such carts, waggons, sleds or conveyances upon the streets of the city, any provision of the Act of Incorporation, or bye law or ordinance, of the City of Halifax, to the contrary notwithstanding; and every such provision, bye-law, and ordinance, so far as the same is inconsistent with this Act, is hereby repealed: Provided that at least one-half of the street' exclusive of the side walk shall be left clear and unobstructed.

Hay, &c. may
be sold in
streets.

Proviso.

CHAPTER 47.

An Act in relation to the purchase of a site in the City of Halifax for public purposes.

(Passed the 29th day of April, A. D. 1863.)

SECTION 1.—Government may purchase Hare's block, and erect building thereon.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. Out of any monies arising from any additional issue of treasury notes which under the laws now in force may be authorized by the Governor in Council, a sum not exceeding forty thousand dollars, and out of any monies deposited in the Savings Bank under the authority of an Act of this Session, entitled "An Act to enlarge the amount of deposits in the Savings Bank," a sum not exceeding sixty thousand dollars, may be appropriated by the Governor in Council, to the purchase of the lot of land in the City of Halifax known as Hare's block, and to the erection thereon of a building for the public uses of this Province.

Government
may purchase
Hare's block
and erect build-
ing thereon.

CHAPTER 48.

An Act respecting Fire Companies and Volunteer Militia Companies within the City of Halifax.

(Passed the 29th day of April, A. D. 1863.)

SECTION.

1. List of members entitled to vote at civic elections to be prepared by officers, and handed to City Treasurer.
2. City Treasurer to give certificates to parties named in lists.

SECTION.

3. Members must be effective, &c., enrolled for 6 months.
4. Volunteer militiamen on producing certificate entitled to vote.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. On or before the first day of June next, and on or before the first day of March in each succeeding year, an alphabetical list of all members who have belonged for six months previously, with the number of the ward opposite to his name, where each member resides, either to Fire Companies, Volunteer Militia Companies, or to any other companies, who are exempt from poll taxes, and are entitled to vote at the city elections in consequence of such exemption, shall be prepared and signed by the captains or commanding officers or presidents of such companies, and countersigned by the secretaries or clerks thereof, and such secretaries or clerks shall verify the lists by affidavits as being correct, and shall on or before the said day hand into the office of the city treasurer the said lists so verified.

2. The city treasurer, upon application, shall give a certificate to any member of such companies whose name is contained and set down in such lists, stating that the name is contained and stands upon the lists so returned into the treasurer's office.

3. No member of any such companies shall be entitled to vote at any city election unless he has been enrolled in the company for six months previously to the return of the lists, and unless his name is contained in such lists as an effective member.

4. Every Volunteer Militia man who shall have been enrolled as an effective member in his company for six months, and whose name shall appear in the list returned to the city treasurer, upon producing the certificate specified in this Act shall be entitled to vote at all city elections.

List of members entitled to vote at civic elections to be prepared by officers, and handed to city treasurer.

City treasurer to give certificates to parties named in lists.

Members must be effective, &c., enrolled for 6 months.

Volunteer militiamen on producing certificate entitled to vote.

CHAPTER 49.

An Act further to amend the Act to restrain the erection of Wooden Buildings within certain portions of the City of Halifax.

(Passed the 29th day of April, A. D. 1863.)

SECTION.

1. Limits defined by Sec. 2 Cap. 45 Acts '61 extended. Drill room excepted.

SECTION.

2. Provisions of Cap. 45 Acts '61 and Cap. 37 Acts '62 to apply.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. From and after the passing of this Act, the limits defined by the second section of chapter forty-five of the Acts of 1861 hereby amended, shall be extended as follows :

Limits defined by sec. 2 cap. 45 acts '61 extended.

Beginning at the foot or north-east corner of Jacob street where it touches Water street, thence to run west along the north side of Jacob street until it strikes the western side of Barrack street, thence along the western side of Barrack street to the south-east corner of the glacis of the citadel, thence by the south side of the glacis westerly to a point opposite to the north-west corner of Queen street, thence by the various courses of Queen street on the western side thereof until it strikes the south side of Morris street, thence by the south side of Morris street easterly to the east side of Water street ; thence by the eastern side of Water street northerly to a point opposite to the place of beginning. Such limits to include also the distance of sixty feet eastwardly from the east side of Water street, from Morris street to Jacob street ; but the provisions of this section shall not prevent the erection of a wooden drill room for volunteers on the site on which the former drill room was built.

Drill room excepted.

2. All the provisions of Chapter forty-five of the acts of 1861, and of Chapter thirty-seven of the acts of 1862 in amendment thereof, shall apply to all buildings or outhouses erected after the passing of this act within the limits defined in the first section of this act.

Provisions of cap. 45 acts '61 and cap. 37 acts '62 to apply.

5. The owners of property where brick or stone side walks have been, or are being, or hereafter may be laid within the city of Halifax, shall provide stone conductors for carrying off the water from the conduits to the gutters; and where hatches or openings to cellars are placed in the side walks, such owners shall provide stone for the same at the time the conductors are provided.

Owners of property to provide stone conductors, &c. for side walks.

6. When any owner of property shall fail to provide the stone as directed by the last section, the city of Halifax, or the committee of streets appointed by the city council are hereby authorized to provide and furnish the same, and the price or sum paid for conductors and hatches, or openings, shall be recovered against the owner of the property in the name of the city of Halifax in the same manner as any debt due to the city.

Proceedings in case of failure to furnish same.

CHAPTER 51.

An Act to authorize an assessment on the County of Cape Breton.

(Passed the 29th day of April, A. D. 1863.)

SECTION 1. \$213.10 to be assessed to levy costs, &c. in suit McKinnon vs. McLean.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The Grand Jury and Sessions for the County of Cape Breton may assess that County for such an amount as shall be sufficient to reimburse Alexander McLean, Lauchlin Morrison, Alexander Beaton, and Kenneth McLean, the sum of two hundred and thirteen dollars and ten cents, being the amount of a judgment entered up against them in the Supreme Court at Sydney on the twenty-fourth day of September, in the year 1859, at the suit of Alexander McKinnon, for damages alleged to have been done to lands of the said Alexander McKinnon by the said Alexander McLean, Lauchlin Morrison, Alexander Beaton, and Kenneth McLean whilst engaged in the performance of their statute labor under the direction of the sessions of the county of Cape Breton.

\$213.10 to be assessed to levy costs, &c. in suit McKinnon vs. McLean.

CHAPTER 52.

An Act concerning the Township of Chester.

(Passed the 29th day of April, A. D. 1863.)

SECTION.

1. Chester a separate district.
2. To have Custos and Sessions.
3. Assessment—how expended.
4. Grand Jurors—how drawn.
5. How revised.

SECTION.

6. When to be drawn in future.
7. Inhabitants to serve at Lunenburg.
8. Clerks of the Peace appointed, &c.
9. Sessions—when held.

Be it enacted by the Governor, Council, and Assembly, as follows:

Chester a separate district.

1. The Township of Chester in the County of Lunenburg shall be a separate district for the purposes hereinafter mentioned.

To have Custos and Sessions.

2. A Custos Rotolurum shall be appointed, and a general sessions of the peace established for the district of Chester, with the same powers therein as if it were a separate County; but they shall exercise no control over the affairs of any other section of the County of Lunenburg.

Assessment—how expended.

3. All monies assessed and collected in the district, except one-fourth part of the sum necessary in each year for the county jail and court house, and all expenses connected therewith, and with the administration of justice, shall be laid out and expended solely within the district.

Grand Jurors—how drawn.

4. Within one month after the passing of this Act the magistrates resident in the said district shall meet, and with the clerk of the peace prepare a list of all persons eligible to serve as grand jurors therein; and immediately on the same being perfected the custos and clerk of the peace shall draw therefrom the grand jurors required to serve at the first General Sessions in the district.

How revised.

5. The Sessions shall appoint three justices to revise the list of grand jurors for the district as often as may be requisite.

When to be drawn in future

6. The clerk of the peace shall, on the last day of each sittings or term, draw from the list a grand jury, who shall be summoned by him to attend the next sittings or term of the court.

Inhabitants to serve at Lunenburg.

7. The inhabitants residing within the district shall not be liable to attend as Jurors at the Sessions held at Lunenburg; but nothing in this Act shall be construed to exempt such persons from their liability to serve as Jurors at the Supreme Court at Lunenburg.

Clerks of the Peace appointed, &c.

8. The Clerk of the Peace shall be appointed by a majority of the Justices resident in the district, and shall give a bond to Her Majesty with two sureties for the faithful per-

formance of his duties, and shall receive such salary as may be agreed upon by the Grand Jury for the district.

9. The General Sessions of the Peace for the district shall be held annually on the third Tuesday of January.

Sessions—when held.

CHAPTER 53.

An Act to provide for deepening Tusket River in the County of Yarmouth.

(Passed the 29th day of April, A. D. 1863.)

SECTION.

1. Commissioners.
2. May open east branch.

SECTION.

3. Powers of Commissioners.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The Governor in Council may appoint two commissioners for deepening and improving Tusket River.

Commissioners

2. Such Commissioners are authorized to open the eastern main branch of such river, and to remove all incumbrances and obstructions therefrom for the purpose of affording increased facilities for rafting, and of securing a free passage for fish, from Kempt Bridge to Tusket Bridge.

May open east branch.

3. The Commissioners appointed under this Act shall be clothed with all the powers vested in such officers, under Chapter 103 of the Revised Statutes.

Powers of Commissioners.

CHAPTER 54.

An Act to provide for deepening and improving the Harbor of Liverpool.

(Passed the 29th day of April, A. D. 1863.)

SECTION.

1. Commissioners—appointment of, &c.
2. Funds—how raised.
3. Commissioners to collect dues. Penalty for leaving without paying dues.
4. Dues—when to be imposed.
5. Funds—how raised.

SECTION.

6. Fees.
7. Exemptions.
8. Fees for vessels not owned at Liverpool. Exemption.
9. Fees, penalties, &c.—how collected.
10. Commissioners incorporated.

Be it enacted by the Governor, Council, and Assembly, as follows.

1. The Governor in Council may appoint commissioners, not to exceed five in number, who shall have power to draw and expend the money granted by the Legislature, together with all sums of money to be raised from private sources for the purposes of this Act.

Commissioners—appointment of, &c.

Funds—how raised.

2. The commissioners shall have power to raise the necessary funds to be expended by them for the purposes of this Act by pledging the securities herein afforded, and which they may assign in part or in whole, as may be necessary.

Commissioners to collect dues.

3. The commissioners are empowered to collect the dues imposed by this Act on all vessels not hereinafter exempted entering the port of Liverpool over the bar; and no clearances from that port shall be granted by the Collector of Customs to any vessel liable for such dues until the same are paid; and any vessel leaving, or attempting to leave, the port without having paid such dues shall pay a penalty of not less than twenty dollars, nor more than one hundred dollars, to be recovered with costs from the master or the owner of such vessel.

Penalty for leaving without paying dues.

Dues—when to be imposed.

4. The dues shall be commenced to be imposed and paid from the date of the commencement of the work as contemplated by this Act, and shall thereafter continue to be imposed and paid until such time as the whole expenditure for the work, together with the interest thereon, shall have been fully paid, unless otherwise ordered by the Governor in Council.

Funds—how raised.

5. The sum of two thousand dollars having been granted by the Legislature for the purposes of this Act, upon condition that the sum of four thousand dollars be raised from private sources: if these sums should be found insufficient to complete the work the commissioners are empowered to expend such further sums as may be necessary, provided the whole amount expended shall not exceed ten thousand dollars; the additional sums to be granted and raised upon the same conditions as those hereinbefore stated.

Fees.

6. All vessels over thirty tons entering the river over the bar shall pay a tonnage due of ten cents per ton once every year. The year to begin from the commencement of the contemplated work.

Exemptions.

7. All vessels under thirty tons entering the river over the bar, and all vessels of whatever tonnage they may be, anchoring in the harbor outside the bar, shall be exempt from the tonnage dues under this Act.

Fees for vessels not owned at Liverpool.

8. All vessels not belonging to the port of Liverpool entering such port for the purpose of landing or receiving cargo, shall be subject to a duty of four cents per ton for each voyage, and all vessels entering such port for a harbor, and not for the purpose of landing or receiving cargo or for repairs, shall be exempt from taxation under this Act.

Exemption.

Fees, penalties, &c.—how collected.

9. The Commissioners shall prosecute for the recovery of all penalties and sums of money due under this Act, as if the amount thereof were a private debt contracted with them, respectively, and such suits shall be heard and determined in the Courts or before Justices possessing jurisdiction over suits

for debts to the like amount; and the Commissioners are not empowered to charge or allow to be charged more than five per cent for the collection of such tonnage dues, nor more than five per cent on the expenditures.

10. The Commissioners shall be a body corporate by the name of "The Commissioners of Liverpool Harbor."

Commissioners
incorporated.

CHAPTER 55.

An Act relating to the County of Yarmouth, and to legalize certain assessments therein.

(Passed the 29th day of April, A. D. 1863.)

SECTION.

1. Assessments legalized — when to be made hereafter.

SECTION.

2. Township may take benefit of "Municipality Act" if desired.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. Assessments made in the township of Yarmouth though made at a different time of the year from that specified in the Act relating to county assessments, if in all other respects legal and regular shall be as valid as if made at the proper time of the year, but hereafter assessments shall be made in the township of Yarmouth at the same time as is prescribed for other counties, and the assessors appointed at the last General Sessions shall make the assessments for the township of Yarmouth in the month of November next, as well as the assessment already made by them.

Appointments
legalized—when
to be made
hereafter.

2. Nothing in the Act to repeal the Act for the municipal government of counties so far as relates to the township of Yarmouth, shall hereafter prevent that township from taking the benefit of Chapter one hundred and thirty-three "Of Municipalities," if the township shall, in the manner prescribed by that chapter, testify their desire to be again incorporated.

Township may
take benefit of
"Municipality
Act" if desired.

CHAPTER 56.

An Act to revive and continue an Act relative to certain streets in the Town of Guysborough.

(Passed the 29th day of April, A. D. 1863.)

SECTION.

1. Cap. 68, Acts 1844, revived.

SECTION.

2. Provisions of Act extended.

Be it enacted by the Governor, Council, and Assembly, as follows:

Cap. 68. Acts
1824, revived.

1. Chapter sixty-eight of the Acts of 1844, entitled "An Act relative to certain streets in the Town of Guysborough," is hereby revived and continued for five years, and from thence to the end of the then next session of the General Assembly.

Provisions of
Act extended.

2. The provisions of the Act hereby revived are extended to the whole of the town plot of the Town of Guysborough.

CHAPTER 57.

An Act to provide for improving a Road in the County of Queens.

(Passed the 29th day of April, A. D. 1863.)

SECTION.

1. Members may borrow \$500.
2. Repayment.

SECTION.

3. Loan—how expended.

Be it enacted by the Governor, Council, and Assembly, as follows:

Members may
borrow \$500.

1. The members for the County of Queens may borrow, on the pledge of the road monies of that County and the security of this Act, a sum not to exceed five hundred dollars, for the purpose of making a new line of road round Morton's Hill, Middlefield, in that County.

Repayment.

2. Such loan shall be repaid by annual instalments of one-half of the sum borrowed, with interest at a rate not exceeding six per cent per annum, out of the road monies for the years 1864 and 1865, until the whole sum borrowed shall have been repaid.

Loan—how ex-
pended.

3. The monies borrowed under this Act shall be expended by commissioners to be appointed by the Governor in Council.

CHAPTER 58.

An Act relating to the Poor District of Wallace, in the County of Cumberland.

(Passed the 29th day of April, A. D. 1863.)

SECTION 1. Meeting to be held in May.

Be it enacted by the Governor, Council, and Assembly, as follows:

Meeting to be
held in May.

1. The inhabitants of the Poor District of Wallace, in the County of Cumberland, may hereafter hold their spring meeting for the support of the poor on the first Monday of May instead of on the first Monday of April, in each year.

CHAPTER 59.

An Act relating to Poor Districts in the Counties of Cumberland and Queens.

(Passed the 29th day of April, A. D. 1863.)

SECTION.

1. Districts to be same as before cap. 9. Acts 1861.
2. Poor rate, how made out, &c.

SECTION.

3. Assessment rolls legalized.
4. Acts repealed.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. From and after the passing of this Act the poor districts in the Counties of Cumberland and Queens shall be re-established as they existed previously to the passing of Chapter nine of the Acts of 1861, entitled, An Act to amend Chapter forty-six of the Revised Statutes "Of County Assessments."

Districts to be same as before Cap. 9, Acts 1861

2. The assessors in those counties shall within the time allowed for making up the county rolls furnish to the clerks of the several poor districts wholly or in part within their respective polling districts, a list of the names of all taxable parties in such several poor districts, with the amount of property assessable against each for poor rates; and within thirty days after the receipt thereof the clerks of the poor districts shall severally make out the poor rate for their respective districts, and place the same in the hands of the collectors.

Poor rate, how made out, &c.

3. The assessment rolls for the present year for the Counties of Cumberland and Queens, made up under Chapter nine of the Acts of 1861, are hereby legalized, although the assessors in making up such rolls may not have strictly complied with the provisions of section four of such chapter.

Assessment rolls legalized.

4. Section one of Chapter forty-six of the Acts of 1862, and so much of Chapter nine of the Acts of 1861, as is inconsistent with this Act is hereby repealed.

Acts repealed.

CHAPTER 60.

An Act to provide for a Poor House at Antigonishe, in the County of Sydney.

(Passed the 29th day of April, A. D. 1863.)

SECTION.

1. Old Court House, &c., how managed.
2. Commissioners, how appointed, &c.
3. Their duties, &c.

SECTION.

4. Old Court House to be used as Poor House.
5. Accounts to be rendered to Clerk of Peace.

Be it enacted by the Governor, Council, and Assembly, as follows :

Old Court House
&c., how managed.

1. The old Court House and ground at Antigonishe, in the County of Sydney, are hereby placed under the management and control of commissioners to be appointed at a General or Special Sessions in that County for the purposes hereinafter mentioned.

Commissioners
how appointed,
&c.

2. After the first appointment of such commissioners their appointment shall be annual, and shall be made by the grand jury presenting double the number of names required for such office, from which the justices in Sessions shall appoint five to be commissioners for the year.

Their duties, &c.

3. The commissioners so appointed shall take charge of the old Court House and ground, and shall have authority to expend from time to time all monies received by them either from assessments on the County or otherwise, in fitting up and repairing such Court House, and fencing, working, and cultivating the ground attached thereto.

Court House to
be used as Poor
House.

4. Such Court House shall be used as a Poor House for the County of Sydney, and the commissioners shall have the control and management thereof, and may appoint keepers and other necessary officers therefor, and may supply vacancies from time to time created by the removal of such keepers and officers.

Accounts to be
rendered to
Clerk of Peace.

5. The commissioners shall keep a true and correct record of all the monies received and paid by them under this Act; and they shall annually render to the clerk of the peace an account of such receipts and disbursements, to be audited and laid before the General Sessions at their January meeting.

CHAPTER 61.

An Act to provide for deepening and improving the Harbor of Antigonishe.

(Passed the 29th day of April, A. D. 1863.)

SECTION.

1. Commissioners, appointment of, &c.
2. Funds, how raised.
3. Amount to be assessed on County.

SECTION.

4. Amount to be deducted from road grant
5. Duties, how levied, collected, &c.
6. Commissioners incorporated.

Be it enacted by the Governor, Council, and Assembly, as follows:

Commissioners
—appointment
of, &c.

1. The Governor in Council may appoint commissioners, not to exceed five in number, for deepening and improving the Harbor of Antigonishe, and the entrance thereto, and such commissioners shall have power to expend the money to be raised as hereinafter provided for the purposes of this Act.

Funds, how
raised

2. The commissioners shall have power to raise the funds to be expended by them, by pledging the securities afforded by this Act, which they may assign in whole or in part, as may be found necessary.

3. The grand jury and Sessions of the County of Sydney shall annually, for five years, commencing at the first sittings of the General Sessions, after the passing of this Act, assess that County in the sum of four hundred dollars, to be included in and collected with the county rates for other county purposes; and the clerk of the peace shall from time to time draw the necessary orders for such monies in favor of the commissioners or their assigns upon the county treasurer, who shall pay the same.

Amount to be assessed on County.

4. The sum of four hundred dollars shall annually, for five years, commencing in 1864, be deducted from the road grant of the County of Sydney, and paid to the commissioners for the purposes of this Act.

Amount to be deducted from road grant.

5. The justices in General Sessions shall make regulations for levying and collecting for the purposes of this Act, for five years, commencing at the next General Sessions for such County such duty on the tonnage of vessels entering Antigonishe Harbor, and for levying and collecting such tax upon exports from that harbor as they may consider suitable, and from time to time may alter such regulations.

Duties, how levied, collected, &c.

6. The commissioners shall be a body corporate, by the name of "The Commissioners of Antigonishe Harbor."

Commissioners incorporated.

CHAPTER 62.

An Act relating to School Lands in the Township of Lunenburg.

(Passed the 29th day of April, A. D. 1863.)

SECTION.

1. Estate of present trustees determined.
2. School lands, how managed.
3. Trustees, how elected—duration of office.
4. Retirement of trustees.
5. Eligible for re-election.
6. Vacancy, how filled up.
7. Elections, when and where held, &c.
8. Powers and duties of trustees.

SECTION.

9. Clerk, appointment of, to give bonds. Remuneration.
10. Accounts to be rendered to trustees, and filed with the Clerk of the Peace.
11. Trustees incorporated.
12. Present leases not affected.
13. Books and papers to be handed over to new trustees.
14. Acts repealed.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. From and after the election of trustees under this Act and not before, all the estate and interest of the present trustees in the school lands in the Township of Lunenburg is hereby divested and forever determined.

Estate of present trustees determined.

2. The said school lands shall be under the control and management of three trustees, who shall be elected by the freeholders of the Township of Lunenburg.

School lands, how managed.

3. The election of the trustees shall take place on the twentieth day of May after the passing of this Act; and the trustees when so elected shall continue in office for three years from the time of their election.

Trustees, how elected—duration of office.

Retirement of trustees.

4. At the end of three years the trustee who at election had the smallest number of votes shall retire from the trust, and another be elected in his stead, and from year to year afterwards one of the other trustees first elected shall in like manner retire, and his place shall also in like manner be filled up.

Eligible for re-election.

5. Any trustee retiring shall be eligible for re-election thereto.

Vacancy, how filled up.

6. Any vacancy occurring among the trustees by death or otherwise shall be supplied by the election of another trustee, who shall fill the place of the vacant trustee.

Elections, when and where held &c.

7. All general elections for trustees shall be held in the county court house on the twentieth day of May in each year, provided the same be not the Sabbath—and if so on the following day. And the elections shall be conducted in the same manner as those for the appointment of trustees for the common lands as provided by Chapter fifty-five of the Acts of 1862.

Powers and duties of trustees.

8. The said trustees are hereby authorized to lease any part or the whole of said school lands which are not already leased, and to have the full control over such portions of said school lands as are already leased; and they are required year by year to pay by their treasurer to the clerk of the board of commissioners for schools in the Township of Lunenburg all sums received by them for rent of the whole or any portion of said school lands, to be expended by the board for the purpose of promoting the cause of education in said township.

Clerk, appointment of, to give bonds.

9. The trustees shall appoint one person as clerk and treasurer from among themselves, or any other person they may select, and such clerk and treasurer shall, before entering upon the duties of his office, give bonds to the amount of not less than four hundred dollars to the said trustees and their successors for the security and payment, according to the provisions of this Act, of the funds which he shall or may receive, and such clerk and treasurer shall receive such remuneration as the trustees shall decide upon.

Remuneration.

10. The board of school commissioners shall present to the trustees of said school lands an account current of the receipts and expenditure during each year on or before the thirty-first day of December, and the trustees shall annually before the sittings of the General Sessions of the Peace, file with the Clerk of the Peace an account of such receipts and expenditures.

Accounts to be rendered to trustees, and filed with the Clerk of the Peace.

Trustees incorporated.

11. The trustees shall be a body corporate, by the name of "The Trustees of School Lands in the Township of Lunenburg," with power to sue and to be sued.

Present leases not affected.

12. Nothing in this Act shall extend or be construed to extend to effect the validity of any lease or agreement for a lease made by the present trustees.

13. All books and monies in the hands of the present trustees shall be handed over to their successors in office.

Books and papers to be handed over to new trustees.
Acts repealed.

14. All Acts or clauses or sections of Acts now in force, which are inconsistent with this Act, are hereby repealed.

CHAPTER 63.

An Act to authorize the sale of part of a School Lot in the Township of Barrington.

(Passed the 29th day of April, A. D. 1863.)

SECTION.

1. Sale authorized.

SECTION.

2. Application of proceeds.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. James C. Smith, Abraham C. Ross, and Paul Brown, of Cape Sable Island, in the Township of Barrington, Esquires, are hereby authorized, after giving at least thirty days' public notice of such intended sale by printed handbills posted up in the locality, to sell at public auction a part of school lot number two in the second division of lands on Cape Sable Island, in the Township of Barrington, and to execute a deed to the purchaser thereof, which shall be sufficient to vest in such purchaser the title thereto.

Sale authorized.

2. The proceeds arising from such sale shall be applied towards the completion of the school house now being erected on said lot number two.

Application of proceeds.

CHAPTER 64.

An Act to provide for building and repairing certain Bridges in the County of Cape Breton.

(Passed the 29th day of April, A. D. 1863.)

SECTION.

1. Members may borrow \$1200.
2. Repayment.

SECTION.

3. Loan, how expended.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The members for the County of Cape Breton may borrow on the pledge of the road monies of that County, and the security of this Act, a sum not to exceed twelve hundred dollars, to be expended in building a bridge over George's River, a bridge near Kelly's, East Bay, and Dodd's bridge; and in repairing other bridges on the line of the main post roads in that county.

Members may borrow \$1200.

Repayment.

2. Such loan shall be repaid by annual instalments of one-third of the sum borrowed with interest, at a rate not exceeding six per cent per annum, out of the road grants for the years 1864, 1865 and 1866, until the whole sum borrowed shall have been repaid.

Loan, how expended.

3. The monies borrowed under this Act shall be expended by commissioners to be appointed by the Governor in Council.

CHAPTER 65.

An Act to provide for improving certain Roads in the County of Sydney.

(Passed the 29th day of April, A. D. 1863.)

SECTION.

1. Members may borrow \$1200.
2. Repayment.

SECTION.

3. Loan, how expended.

Members may borrow \$1200.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. The members for the County of Sydney may borrow on the pledge of the road monies of the county, and the security of this Act, a sum not to exceed twelve hundred dollars, to be expended in improving certain roads in that county.

Repayment.

2. Such loan shall be repaid by equal annual instalments of one-half of the sum borrowed with interest at a rate not exceeding six per cent, out of the road grants for the years 1864 and 1865, until the whole sum borrowed shall have been repaid.

Loan, how expended.

3. The monies borrowed under this Act shall be expended by Commissioners to be appointed by the Governor in Council.

CHAPTER 66.

An Act to provide for rebuilding a Bridge in the County of Cumberland.

(Passed the 29th day of April, A. D. 1863.)

SECTION.

1. Members may borrow \$3000.
2. Repayment.

SECTION.

3. Loan, how expended.

Be it enacted by the Governor, Council, and Assembly, as follows :

Members may borrow \$3000.

1. The members for the County of Cumberland may borrow on the pledge of the road monies of the county, and the security of this Act, a sum not to exceed three thousand

dollars, to provide for rebuilding the bridge across the entrance of Wallace River in that county.

2. Such loan shall be repaid by annual instalments of one-half of the sum borrowed with interest at a rate not exceeding six per cent, out of the road grants for 1864 and 1865, until the whole sum borrowed shall have been repaid.

3. The monies borrowed under this Act shall be expended by commissioners to be appointed by the Governor in Council.

Repayment.

Loan, how expended.

CHAPTER 67.

An Act for the better regulation of the Town Marsh at Annapolis.

(Passed the 29th day of April, A. D. 1863.)

SECTION.

1. Supervisors, when elected—proceedings at meeting.
2. Duties, &c., of supervisors.

SECTION.

3. When to be dyked, &c.
4. Duration of Act.
5. Acts repealed.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The supervisors of the Town Marsh at Annapolis shall hereafter be elected by the commoners at an annual meeting to be held on the first Tuesday of December in each year, at which meeting the supervisors shall exhibit their accounts for the preceding year; and such other business shall be transacted as may be deemed necessary by the commoners.

Supervisors, when elected—proceedings at meeting.

2. The supervisors shall keep the Town Marsh fenced in a proper and substantial manner, and shall sell the grass thereon annually at public auction; and if they shall deem it necessary to ditch any portion of such marsh they shall call a special meeting of the commoners for the purpose of considering the matter, and of appropriating the funds to that or any other purpose which at such meeting may be deemed most judicious for the improvement of such marsh.

Duties of supervisors.

3. So soon as a sufficient sum of money shall be derived from such marsh, the supervisors shall call a meeting of the commoners for the purpose of adopting such measures as may be considered best for the purpose of dyking the same, or such parts thereof as may be thought necessary.

When to be dyked, &c.

4. This Act shall continue in force for five years, and from thence to the end of the then next session of the General Assembly.

Duration of act.

5. So much of Chapter 5 of the Acts of 1851, of Chapter 59 of the Acts of 1858, and of Chapter 56 of the Acts of 1862, as is inconsistent with this Act, is hereby repealed.

Acts repealed.

CHAPTER 68.

An Act to amend the act for improving the road from Maitland to Shubenacadie Station.

(Passed the 29th day of April, A. D. 1863.)

SECTION 1. Members may arrange with creditors for extension of time.

Be it enacted by the Governor, Council, and Assembly, as follows:

Members may
arrange with
creditors for
extension of
time.

1. The members for the County of Hants are hereby authorized to arrange with the creditors from whom was borrowed the amount required for improving the road from Maitland to the Shubenacadie Station, under Chapter sixty-one of the Acts of 1860, for an extension of the time by such Act limited for the payment of the last instalment of such loan; and such last instalment with the interest thereon may be paid out of the road grant of that county for the year 1864.

PRIVATE ACTS.

CHAPTER 69.

An Act to incorporate the Barrington Cemetery Association.

(Passed the 31st day of March, A. D. 1863.)

SECTION.

1. Proprietors incorporated.
2. Capital stock—shares.
3. Lands, &c., exempt from taxation. Not liable to be taken on execution, &c. Funds, how expended.

SECTION.

4. Regulations, &c., how made. To be approved by Governor.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. James D. Coffin, Warren Doane, James Cox, Jacob Kendrick, Alexander Watson, J. K. Wilson, A. C. A. Doane, and such other persons as are now, or shall hereafter become proprietors of lots in the burial ground known as the Barrington Cemetery, situate in the neighborhood of Barrington Head, their successors and assigns, are hereby declared to be a body corporate by the name of the Barrington Cemetery Association, and by that name shall have the usual powers and privileges incident to a corporation, may purchase and hold land, and improve and sell the same in lots, to be used exclusively for a cemetery forever.

Proprietors incorporated.

2. The capital stock of this corporation shall not exceed four thousand dollars, to be divided into as many shares as the commissioners may deem advisable, payable in such sums as the commissioners shall from time to time appoint.

Capital stock—shares.

3. The corporation, as well as the individual members thereof, shall be exempt from all rates or taxes for any purpose whatever on account of the lands or funds held by them in the corporation, neither shall the lands or funds of the corporation be liable to be taken or sold on execution either for debts of the corporation, or for the debts of the individual members thereof. The lands shall be and are hereby dedicated and set apart for the burial of the dead forever, and for no other purpose. And the funds held by the corporation shall be used for no other purpose than to enclose, ornament, and otherwise improve the grounds, and to pay all other necessary expenses.

Lands, &c., exempt from taxation.

Not liable to be taken on execution, &c.

Funds, how expended.

4. The members of this corporation are empowered to make such regulations for the management and protection of the property, and for the purchase of such additional property as may to a majority of the members present at a public meeting be deemed necessary, and shall appoint commissioners, who shall have the direction of the affairs of the corporation during their terms of office, and such regulations, when approved by the Governor in Council, shall have the force of law.

Regulations, &c. how made.

To be approved by Governor.

CHAPTER 70.

An Act to increase the Capital Stock of the Halifax Gas Light Company.

(Passed the 31st day of March, A. D. 1863.)

SECTION 1. Capital increased to £60,000.

Be it enacted by the Governor, Council, and Assembly, as follows :

Capital increased to £60,000.

1. The capital or joint stock of the Halifax Gas Light Company, which by chapter seventy-one of the Acts of 1857, was increased from twenty thousand pounds to forty thousand pounds, may be further increased and extended to the sum of sixty thousand pounds, or to such amount under that sum as shall by the company be deemed necessary; to be divided into shares of the like amount, and subject to the same bye laws, rules and regulations, as are prescribed by the original Act of Incorporation of such company.

CHAPTER 71.

An Act to incorporate Hiram Lodge of Freemasons, Yarmouth.

(Passed the 31st day of March, A. D. 1863.)

SECTION.

1. Incorporation.
2. Real estate.

SECTION.

3. May collect arrears.

Be it enacted by the Governor, Council, and Assembly, as follows :

Incorporation.

1. George W. Johnson, Zaccheus A. Raymond, Alexander Hood, Andrew W. Homer, Enos Gordon, William B. Townsend, and their associates, master masons and members of Hiram Lodge number eight hundred and sixty-eight on the registry of the Grand Lodge of England, and such other persons as shall be members of the lodge according to the rules and bye laws thereof, are hereby incorporated under the name of Hiram Lodge of Freemasons, Yarmouth.

Real estate.

2. The corporation may take, hold and enjoy real estate not exceeding in value four thousand dollars, and may mortgage, sell, lease, or otherwise dispose of the same as may be deemed expedient.

May collect arrears.

3. The corporation may collect all arrears due to them under the present bye laws of the lodge.

CHAPTER 72.

An Act to incorporate the Windsor Marine Insurance Company.

(Passed the 31st day of March, A. D. 1863.)

SECTION.

1. Incorporation.
2. Real estate.
3. Capital. Shares.
4. Liability of shareholders.
5. Holders to give security for balance of stock.
6. Calls—how made, &c.
7. Affairs of Company—how managed.
8. First meeting—when held.
9. Minutes of proceedings to be kept, &c.
10. Stock list. Transfer to be entered.
11. Company—when to go into operation.
Amount to be insured on one risk.

SECTION.

12. Capital—how invested. &c.
13. Books open to inspection. Securities to be approved by the Governor in Council.
14. If capital exhausted business to cease. If policies issued president and directors liable.
15. Company—how dissolved.
16. Cap. 57 Rev. Stat. sec. 16 not to apply to this Act.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. Bennett Smith, Nicholas Mosher, senior, David Scott, Perez M. Cunningham, Godfrey P. Payzant, Charles B. Bowman, Harry King, Edward O'Brien, James M. Geldert, Matthew Allison, Reginald B. Porter, William Dimock, William H. Blanchard, Edward W. Dimock, George Armstrong, Frederick Curry, and such other persons as now are or may hereafter become shareholders in the company hereby established, their successors and assigns, shall be a body corporate by the name of the Windsor Marine Insurance Company, for the purpose of conducting the business of Marine Insurance at Windsor in this Province.

Incorporation.

2. The company may purchase, take, and hold real estate not exceeding the value of four thousand dollars.

Real estate.

3. The original capital stock of the company shall be fifty thousand dollars, which may subsequently be increased by vote of the shareholders to one hundred thousand dollars, to be divided into shares of one hundred dollars each, which shares shall be numbered in regular progression; but no member of the company shall hold more than twenty-five shares at one time.

Capital.

Shares.

4. No member of the corporation shall be liable on account of the debts of the company to a greater amount in the whole than double the amount of the stock held by him, deducting the monies paid thereon to the company, unless he shall have rendered himself liable for a greater amount by becoming surety for the debts of the company.

Liability of shareholders.

5. Every shareholder shall, at or before the time ap-

Holders to give security for balance of stock.

pointed for payment of the first call for payments on account of the shares, execute and deliver to the company, either a bond, with a mortgage on real estate to accompany the same, or otherwise a bond with two sufficient sureties, such bonds to be renewable as often as the president and directors shall require, and to be conditioned for the payment of the residue of the calls to become due or payable on the shares held by him, which securities shall be subject to the approval of the majority of the persons named in this Act, until the board of directors shall be chosen, and afterwards to the approval of such board.

Calls—how made, &c.

6. All calls or instalments on account of the shares shall be paid by the several shareholders at such times and in such equal proportions as the directors shall appoint, and notice of the times and places of paying such calls shall be given by them, by advertisement in at least two of the Halifax newspapers thirty days at least previous to the time of payment.

Affairs of company—how managed.

7. The management of the affairs of the company shall be conducted by a board, to consist of a president and four directors, and the necessary officers of the company shall in addition thereto consist of a secretary, two auditors or examiners of the accounts of the company, and such other officers and servants as the company shall by their bye-laws direct.

First meeting—when held.

8. So soon as five hundred shares are subscribed, the company may hold their first meeting.

Minutes of proceedings to be kept, &c.

9. The proceedings of every general or special meeting of the company shall be entered by the secretary, or such other person as shall attend in his place, in a book to be kept for that purpose, and shall then be signed by the chairman of the meeting, and being so entered and signed shall be deemed to be the original orders and proceedings of the company, and when proved shall be legal evidence thereof, which book shall be kept at the office of the secretary, and shall be open for the inspection of any person who may desire the same at all reasonable times, without fee.

Stock list.

10. The secretary shall also keep in his office a book containing a record of the original subscriptions of stock, and of all additions thereto, and of all alterations in the ownership thereof, together with the amounts paid thereon; and no transfer of such stock shall be valid until it shall be entered in such book, which book being proved shall be legal evidence of the ownership of the shares, and shall be open for the inspection of any person who may desire the same at all reasonable times, without fee.

Transfer to be entered.

Company—when to go into operation.

11. As soon as the whole original capital shall have been subscribed, and the sum of twelve thousand five hundred dollars shall have been actually paid to the company by the proprietors of shares, and sufficient securities shall have been

given by them for the balances thereof, the directors may, at their office in Windsor, commence and conduct the business of marine insurance in all its branches, and may make insurance upon all subjects of marine insurance whatsoever, and may transact all matters relating to the business of a marine insurance broker, insurer or underwriter; but until the expiration of one year from the time when the company shall commence the business of insurance no greater sum than five thousand dollars, and after the expiration of the year no greater sum than ten thousand dollars in the whole shall be insured by the company and be at risk at the same time upon any one ship or vessel, her cargo, freight or other interest therein depending on the same risk.

Amount to be insured on one risk.

12. All the paid capital of the company which shall not be considered necessary to be kept on hand for the payment of losses or expenses shall be kept constantly invested at interest upon approved securities as mentioned in the fifth section, or in public funds, bank or other stocks, in the name of the company, but no part thereof beyond the sum absolutely necessary for procuring the necessary buildings for conducting the business of the company shall be invested in the purchase of real estate, nor shall any part thereof be lent on bottomry or respondentia, or on mortgage of ships or vessels, but mortgages of other personal property may be held by the company to secure a debt; nor shall the funds of the company be employed in merchandize; nor shall the company carry on trade as a merchant; nor shall any dividend be made of any part of the capital stock; nor shall any loan of any part of the capital stock be made directly or indirectly to any director of the company; nor shall any such director be a party to any security for any such loan; and no stockholder to whom any part of the capital stock shall have been lent shall be eligible as a director during the continuance of such loan.

Capital—how invested, &c.

13. The books and accounts of the company shall at all times be open to the examination of such persons as the Governor in Council shall appoint to inspect the same; and before any policy of insurance shall be issued by the company, the securities upon which the surplus capital stock and the balance of the unpaid stock of the company shall have been invested or secured, shall be first approved by the Governor in Council.

Books open to inspection.

Securities to be approved by Governor in Council.

14. If it shall happen that in consequence of any losses or misfortunes, or other means whatsoever, the original or increased capital and joint stock of the company shall at any time be wholly expended, or claims against the company shall be outstanding unsettled to an amount equal to the existing and available capital and funds of the company, then as soon as the same shall be known to the president or board of directors it shall not be lawful for the company to make,

If capital exhausted, business to cease.

If policies issued president and directors liable.

or for the board to accept, orders for, or issue any new insurance or policies whatsoever; and if any further insurance shall be made, or policies issued, after such knowledge of the affairs of the company had by the president or directors, or any of them, then for all losses under such insurance and policies the president and each of the directors who shall accept or make such insurance, or authorize or sign the same policy, shall be personally and jointly and severally liable to the full amount of such losses and all charges incident thereto.

Company—how dissolved.

15. Upon the happening of such losses or misfortunes as last mentioned to the extent of the capital and funds, or upon the vote of three-fourths in number of the proprietors in the company holding at least three-fourths of the whole number of shares in the company, the proprietors may dissolve the company and declare that the same shall cease on a day to be fixed, and thereupon the company on that day shall cease and determine.

Cap. 87 Rev. Stat. sec. 16 not to apply to this Act.

16. So much of the Sixteenth Section of Chapter Eighty-seven of the Revised Statutes as prevents incorporated companies from transacting the business of insurance shall not extend to the company hereby established.

CHAPTER 73.

An Act to amend the Act to Incorporate the Acadia Fire Insurance Company.

(Passed the 31st day of March, A. D. 1863.)

SECTION 1. Sec. 3 repealed. When to commence business. Proviso. Shareholders liable if company insure beyond amount authorized.

Be it enacted by the Governor, Council, and Assembly, as follows:

Sec. 3 repealed.

1. Section three of Chapter seventy-seven of the Acts of 1862, entitled "An Act to Incorporate the Acadia Fire Insurance Company," is repealed, and the following Section is substituted in lieu thereof.

When to commence business.

"3. When the corporation shall have provided the capital or joint stock of two hundred thousand dollars, and invested one hundred thousand dollars as hereinbefore directed, it shall be lawful for them to commence business, and to cause insurances to be made on houses, buildings, stores, goods and merchandize, from loss or damage by fire; provided always that the risk incurred by the corporation in this province upon the capital of two hundred thousand dollars shall not at any time exceed two million dollars; but for every eight thousand dollars of additional capital subscribed, of which four thousand dollars shall be invested and secured, insurances may be effected to the amount of eighty thousand dol-

Proviso.

lars; and when the whole capital of four hundred thousand dollars shall be subscribed and the sum of two hundred thousand dollars shall be invested and secured as hereinbefore directed, then it shall be lawful for such company to insure or have at risk at any one time the amount of four million dollars, and no more; and the whole of the capital or joint stock shall be pledged and liable to make good all and every loss which may happen on all or any of the policies. And in case the company shall at any time make insurances beyond the amount hereby authorized, the members of the corporation shall be liable in their own persons and estates for their respective shares or proportions of the sum insured beyond the said amounts."

Shareholders
liable if compa-
ny insure be-
yond amount
authorized.

CHAPTER 74.

An Act to amend the Act to incorporate the Londonderry Iron Company of Nova Scotia.

(Passed the 29th day of April, A. D. 1863.)

SECTION 1. Act operative if works erected in one year.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The provisions of Chapter Ninety-six of the Acts of 1858, entitled, "An Act to incorporate the Londonderry Iron Company of Nova Scotia," shall be operative in case the works therein contemplated shall be erected and in effective operation in one year after the passing of this Act.

Act operative if
works erected
in one year.

CHAPTER 75.

An Act to enable the trustees of the late Elkanah Morton to sell certain lands.

(Passed the 29th day of April, A. D. 1863.)

Preamble. SECTION 1.—Trustees empowered to sell.

Whereas Holmes Morton, Samuel Beckwith, and Elkanah Morton, the trustees above mentioned, have recently defended an action in the Supreme Court brought by the Reverend William Sommerville to recover the use or possession of certain lands situate at Berwick in West Cornwallis, in which cause the Court unanimously gave judgment in favor of such trustees, leaving each party to pay their own costs. And whereas the trustees in the defence of such action necessarily incurred costs and expenses amounting to about three hundred and sixty dollars; and being only trustees, and having no personal interest in the matter, it seems unjust that they should be personally liable for such costs and expenses.

Preamble.

Be it therefore enacted by the Governor, Council, and Assembly, as follows:

Trustees emp-
powered to sell.

1. The trustees above named, or their successors in office, may sell a sufficient part of such lands at public auction to pay and satisfy such costs and expenses, on giving three months notice of the time and place of such sale by posting up notices in Kings County, and are authorized to execute and deliver to the purchaser at such sale a deed which shall be sufficient to assure to such purchaser the title to such land.

CHAPTER 76.

An Act to revest in John Lynch the title to certain land.

(Passed the 29th day of April, A. D. 1863.)

Preamble. SECTION 1.—Land vested in Lynch.

Preamble.

Whereas the lot of land hereinafter described was dedicated to the public for the purposes of the Provincial Railway, but the same not having been required has not been appraised, and the owner has not received any value therefor.

Be it therefore enacted by the Governor, Council, and Assembly, as follows:

Land vested in
Lynch.

1. The lot of land described as follows, that is to say: "Beginning at the east side of the highway leading from Halifax to Truro at the point where the Shubenacadie station road meets that highway; thence running south forty-two degrees east four rods and twelve links to a stake; thence north forty-six degrees east twelve rods and four links to a post; thence north three degrees west four rods more or less to the highway; thence southwardly and eastwardly by the highway to the place of beginning," is hereby revested in the said John Lynch, his heirs and assigns, freed and discharged from all claim of the public thereto, under or by virtue of such dedication, in the same manner and to the same extent as such lot was vested in him previous to such dedication.

CHAPTER 77.

An Act to incorporate the Diocesan Synod of Nova Scotia.

(Passed the 29th day of April, A. D. 1863.)

SECTION.

Preamble.

1. Synod incorporated.

SECTION.

2. Right not affected.

Preamble.

Whereas it is deemed just and expedient to incorporate the Diocesan Synod of the United Church of England and

Ireland in this Province for the purpose of enabling them to hold, acquire and manage real and personal estate for religious purposes.

Be it therefore enacted by the Governor, Council, and Assembly, as follows :

1. The Synod, consisting of the Bishop, Clergy, and Representatives of the Laity of the United Church of England and Ireland in this Province, shall be a body politic and corporate by the name of "The Diocesan Synod of Nova Scotia," and by that name may take, receive and hold real and personal estate, and may let, sell, convey, or otherwise dispose of and manage the same, or any part thereof.

Synod incorporated.

2. Nothing in this Act contained shall extend to abridge or affect in any way the rights or privileges of any person or persons not being members of the said Synod, nor of any corporation, nor shall extend in any manner to confer any spiritual jurisdiction or ecclesiastical rights whatsoever upon the said Synod or their successors.

Rights not affected.

CHAPTER 78.

An Act to incorporate the Provincial Grand Lodge of Free Masons.

(Passed the 29th day of April, A. D. 1863.)

SECTION.

1. Incorporation.
2. Real estate.

SECTION.

3. Funds vested in corporation.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. The Honorable Alexander Keith, James Forman, Archibald Scott, Henry C. D. Twining, and their associates and successors, being officers of the Provincial Grand Lodge of Nova Scotia, under the authority of the Grand Lodge of England, are hereby constituted a body corporate, by the name of the "Provincial Grand Lodge of Free Masons."

Incorporation.

2. The corporation may purchase, take and hold real estate to the extent of twenty thousand dollars, and may mortgage, sell, lease or otherwise dispose of the same.

Real estate.

3. The funds and property of the Provincial Grand Lodge are vested in the corporation, who are hereby authorized to invest the same on mortgage of real estate, or other good and sufficient security.

Funds vested in corporation.

CHAPTER 79.

An Act to incorporate St. John Lodge of Free Masons, Halifax.

(Passed the 29th day of April, A. D. 1863.)

SECTION.

- 1. Incorporation.
- 2. Real estate.

SECTION.

- 3. May collect arrears.

Be it enacted by the Governor, Council, and Assembly, as follows :

Incorporation.

1. Archibald Scott, James Forman, Henry C. D. Twining, Robert Douglas Clarke, and their associates, Master Masons and members of St. John Lodge, No. 187 on the registry of the Grand Lodge of England, and such other persons as shall be members of the Lodge according to the rules and bye-laws thereof, are hereby incorporated under the name of "St. John Lodge of Free Masons, Halifax."

Real estate.

2. The funds and property of the Lodge are vested in the corporation, who are authorized to invest the same on mortgage or otherwise for the benefit of the Lodge, and the corporation may purchase, take and hold real estate to the value of four thousand dollars.

May collect arrears.

3. The corporation may collect all arrears due to them under the bye-laws of the Lodge.

CHAPTER 80.

An Act to incorporate Athole Lodge of Free Masons, Halifax.

(Passed the 29th day of April, A. D. 1863.)

SECTION.

- 1. Incorporation.
- 2. Real estate.

SECTION.

- 3. May collect arrears.

Be it enacted by the Governor, Council, and Assembly, as follows :

Incorporation.

1. George Fraser, Edward J. Lordly, William Albert Warren, James R. Graham, and their associates, Master Masons and members of Athole Lodge, No. 361 on the registry of the Grand Lodge of Scotland, and such other persons as shall be members of the Lodge according to the rules and bye-laws thereof, are hereby incorporated under the name of "Athole Lodge of Free Masons, Halifax."

Real estate.

2. The funds and property of the Lodge are vested in the corporation, who are authorized to invest the same on mortgage or otherwise for the benefit of the Lodge; and the cor-

poration may purchase, take and hold real estate to the value of four thousand dollars.

3. The corporation may collect all arrears due to them under the bye-laws of the Lodge. May collect arrears.

CHAPTER 81.

An Act to incorporate Keith Lodge of Freemasons, Halifax.

(Passed the 29th day of April, A. D. 1863.)

SECTION.

1. Incorporation.
2. Real estate.

SECTION.

3. May collect arrears.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. Norborne G. Smith, John B. Fay, William B. Smellie, William Murray, William Esson, and their associates, Master Masons and members of Keith Lodge, No. 365 on the registry of the Grand Lodge of Scotland, and such other persons as shall be members of the Lodge according to the rules and bye-laws thereof, are hereby incorporated under the name of "Keith Lodge of Freemasons, Halifax." Incorporation.

2. The funds and property of the Lodge are vested in the corporation, who are authorized to invest the same on mortgage or otherwise for the benefit of the Lodge; and the corporation may purchase, take and hold real estate to the value of four thousand dollars. Real estate.

3. The corporation may collect all arrears due to them under the bye-laws of the Lodge. May collect arrears.

CHAPTER 82.

An Act to incorporate the Royal Union Chapter of Freemasons, at Halifax.

(Passed the 29th day of April, A. D. 1863.)

SECTION.

1. Incorporation.
2. Real estate.

SECTION.

3. May collect arrears.

Be it enacted by the Governor, Council, and Assembly, as follows :

William S. Symonds, William B. Smellie, John D. Nash, William Twining, and William A. Hesson and their associates, Royal Arch Masons, and members of the Royal Union Chapter, number one hundred and thirty-seven, on the registry of the Supreme Royal Arch Chapter of England, and such other persons as shall be members of the said Chapter according to Incorporation.

the rules and bye-laws thereof, are hereby incorporated under the name of "the Royal Union Chapter."

Real estate.

2. The corporation may hold real estate not exceeding in value eight thousand dollars.

May collect arrears.

3. The corporation may collect all arrears due to them under the present bye-laws of the chapter.

CHAPTER 83.

An Act to incorporate the Halifax City Railroad Company.

(Passed the 29th day of April, A. D. 1863.)

SECTION.

1. Incorporation.
2. Capital, shares.
3. Real estate.
4. Liability of shareholders.
5. Privileges of company. &c.
6. Rails—how laid, &c.
7. Road to be kept in repair by company.
8. Style of cars—how drawn, &c. Width of double track.
9. Opening of streets.

SECTION.

10. Rates of fare.
11. Government may take railway. Compensation to company.
12. Books, &c., open to Governor in Council.
13. Gas and water pipes not to be interfered with. Expense of removing rails—how paid.
14. Bye laws to be approved.
15. Road to be built within three years.

Be it enacted by the Governor, Council, and Assembly, as follows:

Incorporation.

1. Henry R. Pierson, William D. O'Brien, and Thomas C. Kinnear, and such other persons as are or hereafter may become shareholders in the company hereby established, shall be a body corporate by the name of the "Halifax City Railroad Company," for the purpose of constructing, maintaining and operating lines of railroad for public use in the conveyance of persons and property in and through the city of Halifax for a period of twenty-five years from the passing of this Act, subject to the provisions hereinafter contained.

Capital, shares.

2. The capital stock of the company shall be two hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each.

Real estate.

3. The company may hold real estate not exceeding the value of forty thousand dollars.

Liability of shareholders.

4. No member of the corporation shall be liable for the debts of the company in his person or separate estate for a greater amount in the whole than double the amount of the stock held by him, deducting therefrom the amount actually paid to the company on account of such stock, unless he shall have rendered himself liable for a greater amount by becoming surety for the debts of the company, but nothing contained herein shall be construed to involve any director, officer, or agent of the company by reason of any official act legally performed.

5. The company shall have exclusive authority, with the consent of the City Council and subject to the regulations hereinafter contained, to construct and maintain a line of railroad with a single or double track, extending from the terminus of the railroad at Richmond through Upper Water street, Hollis street and Pleasant street to the southern limits of the city, with a branch line through Lower Water street, and through such other streets as the City Council may hereafter approve of on application to them for that purpose by the company, and to run thereon horse cars for public use and accommodation in the conveyance of persons and property.

Privileges of company, &c.

6. The rails to be used shall be of the most improved pattern used in the construction of city railroads, laid even with the surface of the pavement or street in such manner as shall not interfere with the passage of vehicles over the streets.

Rails—how laid, &c.

7. The pavement or other surface of the roadway to be kept always in thorough repair by the company within the track and three feet on each side thereof, under the direction of such competent authority as the City Council may designate.

Road to be kept in repair by company.

8. The cars to be of the most approved kind in style and finish, and of such sizes, as shall be best adapted to the routes, and to be propelled by horse power only, the horses to be provided with bells and the cars with signal lights, such number of cars shall be run as public convenience may require, and shall be subject to such prudential regulations as the City Council may from time to time adopt. The double track where laid shall not occupy more than fourteen feet six inches from outside to outside.

Style of cars—how drawn, &c.

9. The taking up of so much of the streets as shall be necessary to lay the rails, shall be subject to the supervision and direction of the City Council.

Width of double track.

10. The rates of fare for passengers and goods shall be subject to the approval of the City Council, but the rate for passengers shall not exceed eight cents, half rates for children over two and under ten years of age.

Opening of streets.

11. The provincial government may at any time after three months notice to the principal officer of the company resident within the province, become owner of and entitled to take possession of the property and stock of the company; and in case of the government giving such notice and entering upon the property under this clause, the company shall be entitled to receive from the provincial treasury the actual cost of such railroad and works; and if the net profits of the company shall not have been equal to interest at the rate of six per centum per annum, then the company shall be entitled to receive such an amount as, together with the profits, shall amount to six per centum per annum; and shall also be entitled to receive a bonus of twelve per cent upon such actual cost.

Rates of fare.

Government may take railway.

Compensation to company.

Books, &c. open
to Governor in
Council.

12. During the construction of the road and at any time thereafter the books of account of the company, and all papers of the company touching the cost of construction and working, or touching the earnings or profits of the road, shall be open to the inspection of the Governor and Council, or any person authorized by them.

Gas and water
pipes not to be
interfered with.

13. The company shall not interfere with the water pipes, or the pipes of the gas company; and if it shall become necessary at any time to remove the rails in order to repair or relay the pipes, the expense of removing and replacing the rails shall be borne by the parties desiring their removal; and reasonable notice shall be given to the company of their desire to have them removed.

Expense of running
rails—how
paid.

14. All bye-laws, rules and regulations for managing the said road shall be subject to the approval of the Governor in Council, before the same shall come into operation.

Bye laws to be
approved.

Road to be built
within 3 years.

15. This Act shall have no force or effect unless the railroad be built within three years.

CHAPTER 84.

An Act to incorporate the Presbyterian Church Congregation of Cape North.

(Passed the 29th day of April, A. D. 1863.)

SECTION.

1. Incorporation.
2. Congregation—how constituted.
3. Real estate.
4. Meeting of trustees.

SECTION.

5. Vacancies—how filled up.
6. Meetings of congregation.
7. Annual meeting of trustees.
8. Rights not affected.

Be it enacted by the Governor, Council, and Assembly, as follows:

Incorporation.

1. Joseph Hellen, Alexander McPherson, Peter Kerr, John McKinnon, Donald McLeod, and their respective successors in office, to be elected according to the rules of the church, are hereby created a body corporate by the name of the Presbyterian Church Congregation of Cape North, and the real and personal estate belonging to the congregation is vested in them under this Act.

Congregation—
how consti-
tuted.

2. The persons whose names are or shall be subscribed to the call or bond to the minister, and those receiving ordinances or enjoying the regular ministrations of the pastor, shall constitute the congregation, and be subject to the rules thereof, membership and voting in all cases to be according to the established Presbyterian rule.

Real estate.

3. The trustees may purchase, take and hold real estate for the use of the congregation not exceeding in value eight thousand dollars, and shall have power to raise funds by mortgage, loan or otherwise, for repairing and keeping in

order the old church, or for erecting a new church on some convenient locality, and may sell the old church or otherwise dispose of the same as they may think proper.

4. The trustees, three to be a quorum, may meet whenever they think proper, provided public notice be given from the pulpit, or in writing to each trustee ten days previously.

Meeting of trustees.

5. In the event of a vacancy by the death, removal or resignation of a trustee, such vacancy shall be filled up by a vote of the majority of the congregation present at a meeting convened for the purpose.

Vacancies—how filled up.

6. The congregation may hold meetings as often as necessary, provided due notice of such meetings, and of the business to be transacted thereat, be given from the pulpit at least ten days previously; the business of such meetings shall be recorded in a book kept for the purpose, and shall be signed by the chairman.

Meetings of congregation.

7. A public meeting of the trustees shall take place annually at such time as the congregation may direct, at which meeting the trustees shall submit a return of all sums received and paid by them, and of all arrears due by the congregation.

Annual meeting of trustees.

8. Nothing herein contained shall be construed to interfere with, alter or affect the rights of Her Majesty, or any body corporate, or private individual.

Rights not affected.

CHAPTER 85.

An Act to incorporate the Trustees of the Liverpool Baptist Church.

(Passed the 29th day of April, A. D. 1863.)

SECTION.

- 1. Incorporation.
- 2. Funds vested in trustees. Real estate.

SECTION.

- 3. Powers of Trustees—meetings, &c.
- 4. Rights not affected.

Be it enacted by the Governor, Council, and Assembly, as follows:

Thomas P. Calkin, Thomas R. Patillo, senior, Charles Bill, Benjamin Otis DeWolfe and George Starrett Parker, and their respective successors in office, to be elected according to the rules of the Church, are hereby created a body corporate, by the name of the "Trustees of the Liverpool Baptist Church in Queens County."

Incorporation.

2. All the real and personal estate in which the Church is now or may at any future time be interested, is hereby vested in the trustees for the use and benefit of said Church; and the trustees shall have power to purchase, take and hold real and personal estate for such use, not to exceed in value five thousand pounds.

Funds vested in trustees.

Real estate.

Powers of trustees—meetings, &c.

3. The trustees shall have power upon a vote of the majority of the Church to raise funds by mortgage, lease, loan, or otherwise, and also to sell any portion of the estate and property of the Church for the use and benefit of the Church; thirty days notice of such intended mortgage, lease, loan or sale, shall be given from the pulpit on some Sunday during morning service, and the said notice shall be repeated on each successive Sunday previous to the day appointed for the meeting of the Church in reference to such mortgage, lease, loan or sale; and no such mortgage, lease, loan or sale shall be valid unless sanctioned by two-thirds of such meeting, and a declaration of such meeting having given such sanction, entered on the records of the meeting, shall be presumptive evidence of the fact.

Rights not affected.

4. Nothing herein contained shall be construed to interfere with, alter or affect the rights of Her Majesty, or any body corporate or private individual.

CHAPTER 86.

An Act to incorporate the Halifax and Minas Navigation Company.

(Passed the 29th day of April, A. D. 1863.)

SECTION.

1. Incorporation.
2. Real estate.
3. Capital, shares.
4. First meeting when held—proceedings, &c.
5. Privileges, &c. of company.
6. May make towing paths.
7. Canals, &c. to be open to public on payment of toll.

SECTION.

8. Land required to construction, &c.—how obtained.
9. May enter lands and take materials—compensation therefor.
10. Fish gates to be made in dams.
11. Penalty for wilfully impeding navigation.
12. Liability of shareholders.
13. Rights not affected.

Be it enacted by the Governor, Council, and Assembly, as follows :

Incorporation.

1. The Honorable William A. Black, James F. Avery, George P. Mitchell, John Stairs, Martin Pinkney Black, Samuel A. White, Edward Jost, and all persons who shall from time to time become proprietors of shares in the corporation hereby established, their successors and assigns, are hereby constituted a body corporate, by the name of "The Halifax and Minas Navigation Company."

Real estate.

2. The company may purchase and hold real estate, and sell or let the same, the real estate to be held at any one time not to exceed in value the sum of sixty thousand dollars.

Capital, shares.

3. The capital stock of the company shall be eighty thousand dollars, to be divided into eight hundred shares of one hundred dollars each.

4. As soon as the sum of forty thousand dollars of the stock shall be subscribed for, and four thousand dollars paid in on account thereof, the shareholders may hold their first meeting and thereat appoint their officers, namely, a president and four directors, who shall have the appointment of all subordinate officers in accordance with any such bye-laws to be made for that purpose.

First meeting
when held—
proceedings, &c.

5. When the company shall be vested with the title to the land and land covered with water, locks, and other works and appurtenances, formerly belonging to the Inland Navigation Company, it shall be lawful for the company to open and cut a sufficient canal or water communication from the waters of the harbor of Halifax through the Dartmouth Lakes, so called, the lakes and channels or course of the river Shubenacadie or along the sides or banks of such lakes and river to such part of the river between its place of discharge in the Basin of Minas and the Great Lake, and in so doing to use, deepen, contract or widen, or otherwise alter the channel formerly cut and opened by the late Shubenacadie Canal Company and the said Inland Navigation Company, as shall be proper for making and completing a continuous navigable channel or canal for the passage of boats or vessels to and from the Basin of Minas and the harbor of Halifax respectively, and for such purpose to dig, excavate and clear such locks, pits, chambers or basins, and make, build or renew such locks, sluices, wears, dams or embankments in, over, across or upon the course of such river, or along the sides thereof, or at or near the several lakes or streams connected therewith, as may be necessary for effecting such inland water communication at all such parts of such river, lakes or streams, and in such courses and directions from one part to another of the same as may be deemed proper, and to build any slips or lines of railway which may be necessary in the course of such inland water communication, and to use the channels and waters of such rivers, lakes and streams in every way necessary for constructing such inland water communication, and for rendering and keeping the same at all times navigable and in operation, and for all and every purpose which may necessarily conduce to the benefit and advantage of such inland water communication.

Privileges, &c.
of company.

6. The company shall have power to make all necessary towing paths or roads along the shores, banks or sides of the inland water communication for the tracking or towing boats or vessels along the line thereof.

May make tow-
ing paths.

7. The inland water communication and towing paths shall at convenient times after the construction thereof be kept open for the use of the public, and all boats, vessels, goods, horses and cattle, upon the payment of a certain rate of toll money to be regulated by the company and approved of by the Governor in Council and revised every five years.

Canals, &c. to
be open to pub-
lic on payment
of toll.

Land required
to construction,
&c.—how ob-
tained.

8. Whenever it shall be necessary at any time hereafter in the construction, working or upholdance of such inland water communication, that the company shall be invested with any lands in the line thereof, or contiguous thereto, it shall be lawful for the president and directors to apply by petition either in term time or vacation to any two judges of the supreme court, setting forth the nature and situation of the lands required, and the names of the owners thereof, praying a conveyance thereof to the company, whereupon such judges shall appoint a time for considering such petition, and shall direct a proper notice in writing to be served on the owners of the lands if in the province, and if absent to be published for the period of one month in at least two of the Halifax newspapers, requiring them to attend either in person or by their agent or attorney at such time and place; and in case such owners shall attend the judges shall require the president and directors to nominate one appraiser, and such owners one appraiser, and the judges shall nominate one appraiser; but in case such owners do not attend, the judges, on proof of such service or publication of such notice, shall nominate two, and shall by an order in writing direct the said three appraisers to value the land so required, and the appraisers having first subscribed an affidavit in writing to be sworn to before a justice of the peace to be annexed to such order to the effect that they will faithfully make such appraisement, shall with all convenient speed proceed to and appraise such land, and shall make such appraisement in writing and return it with such order and affidavit to the two judges, who, if they approve thereof, shall confirm the same, and the company upon paying the amount, or tendering the same of such appraised value, and the expenses of the owners in such appraisement, and the registering such order, affidavit, appraisement and confirmation in the office of the registrar of deeds where such lands lie, who is hereby required to register the same, shall be considered the owners of such lands.

May enter lands
and take ma-
terials—com-
pensation
therefor

9. The company may from time to time enter upon any lands not under cultivation, lying within one mile from the line of such inland water communication, and there cut down any trees, prepare any timber, and quarry and dig any rock or other materials there found, and work, prepare, and carry away the same for the use of such inland water communication; and if the parties having the property in such lands or materials, shall refuse to agree with the company therefor, and for any damages occasioned thereby, or shall refuse such reasonable compensation as may be tendered therefor, the same shall be settled by arbitration under Chapter eighty-seven of the Revised Statutes; but the company shall not take or use any materials as may have been previously

wrought or prepared without the consent of the parties entitled thereto.

10. In case any wear or embankment shall be made across the present course of the River Shubenacadie below the Great Lake, the company shall make and maintain therein a sufficient fish ladder or waste gate, with proper grates and valves, for allowing at all proper seasons the passage of fish up and down such river; the company in respect of making and maintaining such fish ladder or waste gate to be subject to the rules, fines and forfeitures contained and imposed in and by Chapter ninety-five of the Revised Statutes, "Of River Fisheries," and all acts in amendment thereof except where the same may conflict with or contravene any clause or provision contained in this act.

Fish gates to be made in dams.

11. Every person who shall hereafter float any stumps of trees, chips, or other refuse wood or rubbish of any description, in or down the rivers, lakes, or streams aforesaid, so as to fill up or impede the channels of such rivers, lakes and streams, and shall thereby wilfully obstruct and injure the ways or works of the company, shall be liable to a penalty of not less than four dollars nor more than twenty dollars, to be recovered before any of Her Majesty's Justices of the Peace, at the suit of the company, or of the person in charge of the company's works.

Penalty for wilfully impeding navigation.

12. No shareholder shall be liable on account of the debts of the company for a greater amount than double the amount of the stock held by him, deducting therefrom the amount paid to the company on account of such stock, unless he shall have rendered himself liable therefor by becoming security for the debts of the company.

Liability of shareholders.

13. Nothing in this Act shall be construed to interfere with the right to enter upon and to take ice from the lakes through which the proposed Canal is to pass, or to use the said lakes and the waters thereof, so as such use does not interfere with the Canal and the working thereof, nor shall it affect the rights of the owners of the land along the line, or their enjoyment thereof to a greater extent or otherwise than is herein specifically stated and provided for.

Rights not affected.

CHAPTER 87.

An Act to incorporate the Literary Hall Company of Hantsport.

(Passed the 29th day of April, A. D. 1863.)

SECTION.

- 1. Incorporation.
- 2. Capital shares. Real estate.

SECTION.

- 3. Real estate vested in corporation.

Be it enacted by the Governor, Council, and Assembly, as follows :

Incorporation.

1. Ezra Churchill, William Davison, James Elder, Joseph Lockhart, and such other persons as now are or may hereafter become shareholders in such company, are hereby created a body corporate, by the name of the Literary Hall Company of Hantsport:

Capital, shares.

2. The capital stock of the company shall be ten thousand dollars, to be divided into shares of twenty dollars each, and the company may purchase, take, and hold real estate not exceeding in value ten thousand dollars.

Real estate.

Real estate vested in corporation.

3. All the real estate now held in the names of the parties above named, or any of them, for the benefit of such corporation is vested in the company hereby established.

CHAPTER 88.

An Act to incorporate the Bridgeport Union Coal Mining Company.

(Passed the 29th day of April, A. D. 1863.)

SECTION.

1. Incorporation.
2. Capital, shares.

SECTION.

3. When to go into operation.
4. Liability of members.

Be it enacted by the Governor, Council, and Assembly, as follows :

Incorporation.

1. Patrick Cadogan, Hugh McLeod, and John Burchell, their associates, successors and assigns, are hereby constituted a body corporate, by the name of the "Bridgeport Union Coal Mining Company," for the purpose of opening and working coal mines in the County of Cape Breton, and transacting business connected therewith, and erecting mills and manufacturing coal oils and coke, and constructing and making such railroads as may be necessary for the transportation of the productions of such mines and other articles to the place of shipment, and constructing and building such houses, wharves, docks and piers as may be necessary for the working of such mines.

Capital, shares.

2. The capital of the company shall be six thousand dollars, to be divided into shares of one hundred dollars each, which shall be personal property, transmissible and assignable as such; and the corporation shall have power to increase their capital stock to fifty thousand dollars, by issuing new shares whenever they may think it advisable so to do.

When to go into operation.

3. So soon as twenty-five shares are subscribed for, and the amount thereof actually paid up the company, may go into operation.

4. No member of the company shall be liable in his per-

son or separate estate for the debts of the company to a greater amount in the whole than double the amount of the stock held by him, deducting therefrom the amount actually paid to the company on account of such stock, unless he shall have rendered himself liable for a greater amount by becoming surety for the debts of the company.

Liability of
members

CHAPTER 89.

An Act to Naturalize certain Aliens.

(Passed the 29th day of April, A. D. 1863.)

SECTION I. Persons naturalized.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. Charles S. Cogswell and Edward Cogswell of Antigonish, in the county of Sydney, mariners, Christian Netz, sausage maker, and George A. Miller, cordwainer, both of the city and county of Halifax, Thomas P. Jones of New Glasgow, in the county of Pictou, bricklayer, Aaron Grant of Shulie, in the county of Cumberland, merchant, Casimir T. M. Riobert of Arichat, in the county of Richmond, surgeon, George H. Skinner of Truro, in the county of Colchester, cordwainer, Edwin E. Pitcher of Yarmouth, in the county of Yarmouth, machinist, Elisha Gardner of Liverpool, shipcarpenter, Albert Churchill of Milton, carpenter, John Putnam of Milton, tinsmith, Elbridge Churchill of Millsvillage, carpenter, and Thomas D. Moore of Wellington, farmer, all of the county of Queens, Louis Joseph of Pictou, grocer, and Thomas Johnson of Fishers Grant, yeoman, both of the county of Pictou, Joseph D. Davis of Liverpool, in Queens County, doctor of medicine, William Lippencott of New Glasgow, in the county of Pictou, merchant, as soon as they shall respectively take and subscribe the oath of allegiance to Her Majesty Queen Victoria and her successors, in manner prescribed by chapter thirty-two of the Revised Statutes, shall, within this province, become naturalized subjects of Her Majesty, entitled to all the rights of such subjects as fully as the same can be conferred under or by virtue of the Act of Imperial Parliament passed in the tenth and eleventh years of Her Majesty's reign, entitled "An Act for the Naturalization of Aliens."

Persons natu-
ralized.



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STATUTES OF NOVA SCOTIA.
26° VICTORIÆ.
1863.

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