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THE

W. H. Bayly
Massfield Vol 34

ACTS

OF THE

GENERAL ASSEMBLY

OF

PRINCE EDWARD ISLAND.

From

THE EIGHTH YEAR OF THE REIGN OF HER PRESENT
MAJESTY QUEEN VICTORIA, A. D. 1845,

TO

THE FOURTEENTH YEAR OF THE SAME REIGN, A. D. 1851, INCLUSIVE.

VOL. II.



CHARLOTTETOWN, PRINTED BY GEORGE THOS. HASZARD.

1852.

Published under the authority of 11 Vic. CAP. 32, and
12 Vic. CAP. 23.

ROBERT HODGSON,
JOHN LONGWORTH, } Commissioners.
JOSEPH HENSLEY, }

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ANNO OCTAVO

VICTORIÆ REGINÆ.

At the General Assembly of Her Majesty's 1845.
Island of *Prince Edward*, begun and hold-
den at *Charlottetown*, the Twenty-fourth
day of *January, Anno Domini 1843*, in
the Sixth year of the Reign of our Sove-
reign Lady VICTORIA, by the Grace of
God, of the United Kingdom of *Great*
Britain and Ireland, Queen, Defender of
the Faith:

SIR HENRY
V. HUNTLEY,
Lt. Governor.

R. HODGSON,
President of
Council.

JOSEPH POPE,
Speaker.

And from thence continued, by several Proro-
gations, to the Fourth day of *March, 1845*,
and in the Eighth Year of Her said Majesty's
Reign; being the Third Session of the Six-
teenth General Assembly convened in the said
Island.

C A P. I.

An Act for the increase of the Revenue of this
Island.

Expired.

[Passed 17th April, 1845.]

CAP. II.

Expired.

An Act for the better prevention of Smuggling.

[Passed 17th April, 1845.]

CAP. III.

Explained and
amended by 11
Vic. c. 11.

An Act to make new provisions for the support of Light Houses, Buoys and Beacons.

[Passed 17th April, 1845.]

6 W. 4, c. 12.

WHIEREAS in pursuance of an Act of the General Assembly of this Island, made and passed in the Sixth year of the Reign of His late Majesty, intituled *An Act for the appointment of a Commissioner to ascertain and determine the amount to be paid by this Island towards the support and maintenance of Light Houses*—His Honor the President, then administering the Government of this Island, by his Commission, under his hand and the Seal of the said Island, bearing date the Twentieth day of May, *Anno Domini*, One thousand eight hundred and Thirty-six, did constitute and appoint Thomas Owen, of Three Rivers, Esquire, a Commissioner for the purpose of determining and deciding jointly with the Commissioners who should be appointed for the same purpose, by the Provinces of Lower Canada, Nova Scotia, and New Brunswick, with respect to the fittest Sites for certain Light Houses proposed to be built on the Islands of Saint Paul and Scatari, off the coast of Cape Breton, together with necessary humane Establishments; and the sums of money required for the erection of the same, as well as for their future support after they should have been erected, and also, to determine under what management and control the yearly expenses of the said Light Houses ought to be placed, and to apportion the sums of money which this Island ought to con-

tribute annually towards the maintenance of the said Light Houses, to be estimated in manner in the said recited Act mentioned: And whereas the said Thomas Owen having taken upon himself the said office, did, in conjunction with certain other Commissioners, authorised and appointed for like purposes, by the respective Provinces of Lower Canada, New Brunswick, and Nova Scotia, make a final award pursuant to the Duties of their office respectively assigned to them, which said Award bears date the Sixteenth day of August, *Anno Domini* One thousand eight hundred and Thirty-six, and one part thereof hath been duly laid before the Legislature of this Island, agreeably to the directions of the said recited Act, whereby and wherein it is awarded and determined, amongst other particulars, that the superintendence of building the said Light House shall be vested in the Board of Commissioners appointed by the Government of Nova Scotia, that two good and sufficient Light Houses, with bells and guns, shall be erected on Saint Paul's Island, at the extreme point, so as to be conspicuous on entering and leaving the Gulph of Saint Lawrence; that the Light House on the Island of Scatari, shall be erected on the East Point of the said Island, and so forth; and as to the maintenance of the said Lights and humane Establishments, the said Commissioners did award and determine that New Brunswick shall pay to the Government of Nova Scotia, into the Treasury thereof, Two hundred and Fifty Pounds, Halifax currency, on the first day of July, in each and every year after the said Light Houses and humane Establishments shall be in operation, and as long as they continue to be so in conformity with the provisions of the said Award, that Lower Canada shall annually pay Five hundred Pounds; Prince Edward Island Thirty Pounds, and Nova Scotia Two hundred and Fifty Pounds, making the whole annual amount One thousand and

Thirty Pounds; and that with the amount so contributed, the Government of Nova Scotia shall support, uphold and maintain the said Light Houses and humane Establishments; it being well understood that in case the said amount should prove insufficient in any one year, the deficiency ought to be provided by the respective Legislatures of Lower Canada, Nova Scotia, and Prince Edward Island, in such manner as shall appear to them most eligible, and in the same ratio as settled in the said Award; but as to New Brunswick, the sum of Two hundred and Fifty Pounds aforesaid shall be a settled and permanent contribution, the overplus (if any) going to Nova Scotia, and the proportionate deficiency being borne altogether by the said last mentioned Province; provided however, that should Her Majesty's Government contribute at a future period to the support of the said Establishments by an annual grant, a rateable deduction shall be made from the amount of each Provincial contribution; and it was also by the said Award expressed that if the said Light Houses and Establishments are destroyed by fire, tempest, or other causes, the expense of rebuilding the same shall not devolve upon Nova Scotia; and also, that the Board of Commissioners of Nova Scotia shall render accounts in each and every year to the House of Assembly of Nova Scotia, duplicates of which shall be transmitted annually to the Legislatures of Lower Canada, New Brunswick, and Prince Edward Island, respectively: And whereas the said Light Houses and humane Establishments have been duly erected and completed, and the said Light Houses are now in operation, and the contribution thereto from this Colony hath been hitherto paid as fixed by the said recited Award, and in order to raise and provide a fund out of which to continue such payment, and for the other purposes hereinafter mentioned: Be it enacted, That from the passing

of this Act until the period at which the Light House to be erected on Point Prim as hereinafter mentioned, shall be complete and in operation, and the same announced by order of the Government of this Island in some public Newspaper or Newspapers published therein, the Light Duty to be paid and collected on all vessels clearing out at any of the Custom Houses of this Island, for any other Port or Colony whatsoever, shall be only one penny per ton, for each and every ton, which each and every such Vessel shall admeasure, agreeably to their Registers, which said Duty shall be paid at the time and recoverable in the manner hereinafter mentioned; and the Collector of the Duties in this Section mentioned, shall receive for his services Fifteen *per centum* on the amount he shall collect and pay over thereunder, and from and immediately after the time when the said intended Light House to be erected at Point Prim, shall be completed and in operation, and announced as in this Section is mentioned and provided for, the Light Duty to be paid and collected on all Vessels clearing out from any of the following Ports or places in this Island *videlicet*: Charlottetown, Pownal Bay, Orwell Bay and Pinette; for any other Port, place, or Colony whatsoever, shall be Three-pence per Ton for each and every Ton which each and every such Vessel shall admeasure, agreeably to their Registers; and from all other Ports and places in this Island such Light Duty shall be Two-pence per like Register Ton; and when any of the last mentioned Vessels shall on any voyage, have paid Two-pence per Ton for Light Duty as aforesaid, and shall afterwards on the same voyage, enter any of the aforesaid Ports of Charlottetown, Pownal Bay, Orwell Bay, and Pinette; then such Vessels shall pay One penny per Ton more, and in addition to the said sum of Two-pence so paid by them as aforesaid; which said respective Duties shall be paid in all cases by the Masters of such Vessels as aforesaid,

Until a Light-house is erected on Point Prim, 1d. per ton to be paid on all vessels clearing for other Colonies or Ports.

Payable on register tonnage.

Compensation to Collector of Light Duty, so long as the same remains at 1d. per ton.

After erection of Light House on Point Prim, 3d. per ton to be paid for all vessels clearing from certain Ports.

Enumerated Ports.

2d. per ton to be paid for all vessels clearing from other ports in this Colony, not enumerated herein.

And 1d. additional on such vessels entering other ports in this Colony on same voyage.

By whom, and when payable, and to whom.

Mode of recovery of Light Duty imposed by this Act.

Vessels engaged in the fishery and vessels carrying the Mails, exempted from Light Duty.

before the clearing of any such Vessels at the Custom House to such person or persons as are now or may hereafter be appointed by the Administrator of the Government of this Island for the time being, to receive the same, and upon refusal of payment, the person so appointed as aforesaid is hereby authorised and directed to sue for and recover such Duty before any one of Her Majesty's Justices of the Peace, which Justice is hereby directed and required, on Oath being made by such Collector, of the amount being due, to cause a Capias to be issued for the recovery of the same, and immediately to proceed and adjudicate thereon: Provided always, and be it enacted, That all vessels belonging to this Island, while actually and exclusively engaged in the Fishery, and also the Steamer Saint George, or any other Vessel carrying the Mails, shall be exempted from paying any Light Duty—anything in this Act to the contrary, notwithstanding.

£30 to be paid to Lieut. Governot of Nova Scotia, annually, as the contribution agreed to be paid by the Government of this Colony, towards support of Light House, &c. in Nova Scotia.

II. And be it enacted, That from and out of the Duties to be raised and levied by this Act, there be, and is hereby granted to the Lieutenant Governor, or the Administrator of the Government for the time being, of the Province of Nova Scotia, to be paid into the Treasury of the said Province, the sum of Thirty Pounds, of the Currency of Nova Scotia; and on the First day of July in every year, as long as the said Light Houses and humane Establishments are in operation, in conformity with the provisions of the said Award, there shall be paid in like manner a proportionate part of a sum, which added to the unexpended balance of the aforesaid One thousand and Thirty Pounds, if any remaining from the preceding year, would amount to the said sum of One thousand and Thirty Pounds, the said proportionate part bearing such proportion to the sum so required to be added, as Thirty Pounds doth bear to the said sum of One thousand and Thirty Pounds, such annual amount to

be drawn out of the Treasury of this Island, by Warrant of the Administrator of the Government with the advice and consent of Her Majesty's Executive Council: Provided always, and be it enacted, That no second or subsequent payment of the said yearly sum of Thirty Pounds shall be made, nor shall any Warrant be issued for the same, until full accounts, duly certified, of the expenses incurred in the maintenance of the said Light Houses and Establishments during the preceding year, shall have been transmitted to, and received by the Administrator of the Government of this Island for the time being, nor shall any such payment be made, or Warrant issued, until and unless it shall be made to appear by Certificates from the respective Commissioners and Superintendents of the said Light Houses and Establishments, that the same have been in continued and uninterrupted operation, provided and furnished with men, provisions, and other necessaries, according to the terms of the said Award.

And to be drawn for by Warrant on Treasurer of this Island.

No second payment to be made, until accounts are furnished showing expense of said Light Houses, &c.

III. And be it enacted, That if Her Majesty's Government shall at any time hereafter contribute to the support of the said Light Houses and Establishments, by an annual grant or other pecuniary assistance, a rateable deduction from the amount of the grant hereinbefore given shall be made, and the balance only, after making such deduction, shall be drawn out of the Treasury of this Island, and paid to the Province of Nova Scotia.

If Imperial Government contributes to support of said Light Houses, &c. a rateable deduction to be made from said sum of £30.

IV. And whereas it is intended to grant and appropriate, by an Act of the present Session, a sum to defray the expense of constructing a Light House at Point Prim, in this Island; and it is necessary to provide for the keeping up of that Establishment, by having proper Lights, payment of Attendants, and other necessary contingencies: Be it therefore enacted, That from and out of the

After deducting said sum of £30, appropriates

from the moneys to be raised under this Act, a sufficient sum to keep and maintain Light House to be erected upon Point Prim.

Duties to be raised and levied as aforesaid, after paying the annual sum as fixed by the Award hereinbefore recited, there shall be paid a sum sufficient to defray the necessary cost of keeping Lights in the said Light House at Point Prim, and paying the Salaries of Attendants, and for all other requisite purposes and services connected with the due maintenance of that Establishment.

After payment of the said sum of £30 to Government of Nova Scotia, and deduction of sufficient sum to maintain Point Prim Light House any balance of moneys raised under this Act, appropriated to support Buoys and Beacons.

V. And whereas it hath been deemed necessary for the encouragement of Navigation, and the safety and preservation of Shipping, that Buoys should be laid down, and Beacons erected in and at the principal Ports and Harbours of this Island, and the same hath been already done in and at the following Ports or Harbours (that is to say): Charlottetown and New London, in Queen's County; Three Rivers, Murray Harbour, St. Peter's and Grand River, in King's County; and at Bedeque, Richmond Bay, and Cascumpec, in Prince County; and it is not only necessary to provide for the future maintenance of such Buoys and Beacons as are already established, but also to authorise others to be placed where it may be deemed necessary: therefore, Be it enacted, that after payment of the annual sum appointed to be paid under and by the before recited Award; and the necessary annual amount hereinbefore appropriated for the maintenance of the Light House at Point Prim; the surplus money to be raised by this Act shall be applied by the Administrator of the Government and Her Majesty's Council, in maintaining the Buoys and Beacons already placed as aforesaid, and in defraying the expenses and cost of constructing, laying down, and erecting Buoys and Beacons in and at any of the other Harbours of this Island, not hereinbefore named, and in maintaining them afterwards.

Collector of Light Duty to

VI. And be it enacted, That the Collector to be appointed as aforesaid, shall pay all moneys received by him under and by virtue of this Act,

into the hands of the public Treasurer of this Island, to and for the purposes specified in this Act; and all payments to be made as by this Act directed, shall be drawn for by Warrant under the hand of the Administrator of the Government of this Island, in Council, and such Collector shall, for his services, be paid Seven and one-half *per centum*, on all moneys so received, and paid over by him as aforesaid.

pay and account for the same.

All payments under this Act to be drawn for by Warrant, &c.

Compensation to Collector for his services.

VII. And be it enacted, That an Act made and passed in the First year of the Reign of Her present Majesty, intituled *An Act to make provision for the payment of a portion of the expense of maintaining Light Houses, and for the erection and maintenance of Buoys and Beacons*; and an Act made and passed in the Second year of Her said Majesty's Reign, intituled *An Act for providing Buoys and Beacons for the Harbours therein mentioned; and for a Nautical Survey of the Harbours of Charlottetown and Three Rivers*, be, and the same are hereby respectively repealed.

Repeals Act of the 1st Vic. c. 8.

Also Act of the 2d Vic. c. 5.

C A P . I V .

An Act to authorize the Commissioners of Small Debts, in their respective Courts, to appoint Bailiffs to execute the Processes of the said Courts, and to take security from such Bailiffs for the due execution of the same.

Repealed by 11 Vic. c. 30, save and except for the purpose of enforcing all Bonds given thereunder.

[Passed 17th April, 1845.]

CAP. V.

Repealed by 14
Vic. c. 1.

See 10 Geo. 4,
c. 10, and note.

An Act to continue an Act intituled *An Act to alter, and in addition to an Act made and passed in the Tenth year of the Reign of His late Majesty King George the Fourth, relating to the laying out and altering of Highways, and for other purposes therein mentioned.*

[Passed 17th April, 1845.]

* * * This Act was passed for ten years.

CAP. VI.

Amended by 14
Vic. c. 13—*quod
videt.*

An Act to explain and amend Two Acts therein mentioned, relating to Distress for Rent and Replevins.

[Passed 17th April, 1845.]

5 W. 4, c. 6.

WHEREAS by an Act of Assembly passed in the Fifth year of the Reign of His late Majesty King William the Fourth, intituled *An Act relating to Distress for Rent, and to regulate the practice of the Supreme Court in cases of Replevin*, it is enacted, that no Goods or Chattels to be hereafter distrained for Rent in arrear, should be sold towards satisfaction of such Rent within a less time than Twenty days from the day of distraining, including the day of Distress and the day of Sale; Provided that the Owner or Owners of such Goods and Chattels, or some person on his or their behalf, shall, within Two days* after such Distress made, enter into a Warrant of Attorney, with Two responsible Sureties, payable to the Lessor or Landlord, in double the appraised value of the Goods with a Defeasance for the due return and forthcoming of the Goods so distrained, or the appraised value thereof, on the day of Sale: But no directions are given in the said Act, how the Distrainer shall proceed in

* Altered to Four days by 14 Vic., c. 13, Sec. 11.

cases where such Warrant of Attorney is not granted, and doubts having arisen concerning the same; Therefore, be it enacted and declared, by the Lieutenant Governor, Council and Assembly, That in all cases where any Distress as aforesaid shall be made after the passing of this Act, except as hereinafter mentioned, and where no Warrant of Attorney shall be given and executed, as in and by the said recited Act is permitted, the person distraining shall duly advertise the Goods and Chattels distrained on, upon the third day after Distress made, to be sold on the fifth day after such advertising, unless in the meantime the same shall be replevied in due course of Law, or further time for sale shall be agreed on between the parties interested.

Goods, &c., distrained for rent, may be advertised on 3d day after distress made, and sold on the 5th day thereafter, unless Warrant of Attorney be given for return, &c., except as herein-after is provided.

II. And whereas, by an Act of Assembly passed in the Sixth year of the Reign of Her present Majesty, intituled *An Act to amend the Act relating to Distress for Rent, and to regulate the practice of the Supreme Court in cases of Replevin*, it is enacted, That in all cases of Distress that may be thereafter made, between the First day of December in any year, and the First day of June in the next ensuing year, for Rent of Land in arrear, no Horse, Horses, or Cattle so distrained, shall be sold towards satisfaction of the Rent in arrear, until the First day of June ensuing the time of Distraint; but no provision appears to be made in or by this and the last mentioned Act, for the forthcoming of such Live Stock, at the day of Sale, or otherwise, except in cases of the same being replevied: For remedy whereof, Be it enacted, That where any such Live Stock, as last aforesaid, shall be taken as a Distress for Rent, between the times aforesaid, then if a Warrant of Attorney, as mentioned in the said first herein recited Act, with a Defeasance for the due return and forthcoming of the Stock so distrained, or the appraised value thereof, on the day of Sale, be not granted within Two

6 Vic. c. 19.

Live Stock distrained for rent, may be advertised 2 days after distress made, and sold within 5 days after, unless a Warrant of Attorney be given, &c. under provisions of Act of 6th Vic. c. 19.

Who may take
Warrant of At-
torney.
Fee for taking
same.

Live Stock dis-
trained between
20 days before
month of June,
and afterwards
before month of
December, not to
be sold within 20
days, if Warrant
of Attorney for
return be given.

days* from the time of taking such last mentioned Distress, the same may be advertised and sold within Five days after advertising, as directed under the said first recited Act, and the person making the Distress may take the Warrants of Attorney mentioned in this Act, and shall be entitled to Five Shillings for the same, and no more; but shall not in any case be authorized to receive the amount thereby secured, unless he shall be in possession of the Warrant of Attorney at the time of such Receipt, and produce the same to the party paying; and it is hereby declared, that in all cases of Live Stock being taken as a Distress for Rent within the period of Twenty days before the First day of June or afterwards, and before the First day of December in any year, if such Warrant of Attorney as aforesaid shall be duly given, then such Stock shall not be sold within Twenty days from the time of distraining, as is hereinbefore mentioned.

* Altered to Four days by 14 Vic., c. 13, Sec. 11.

CAP. VII.

An Act to render valid certain proceedings heretofore had before the Court of Commissioners for the recovery of Small Debts, for the District of De Sable, in Queen's County.

[Passed 17th April, 1845.]

** This Act is not reprinted, the purposes for which it was passed, having been answered.

CAP. VIII.

An Act to continue an Act to prevent Hawkers and Pedlars travelling and selling in this Island without License. Expired.

[Passed 17th April, 1845.]

. This Act continued 5 W. 4, c. 12, for three years, and to the end of the then next Session of the General Assembly.

CAP. IX.

An Act to continue and amend an Act relating to sick and indigent Emigrants. Repealed by 11 Vic. c. 3.

[Passed 17th April, 1845.]

. This Act continued 5 Vic. cap. 5, for three years.

CAP. X.

An Act to dispense with Convictions in form as now required, in certain cases, heard before Justices of the Peace.

[Passed 17th April, 1845.]

WHEREAS by divers Acts of the General Assembly of this Island, jurisdiction is allowed to Justices of the Peace and Commissioners for the Recovery of Small Debts, to hear and determine, in a summary way, cases of Assault, Trespass, and also Suits for the Recovery of Fines and Penalties: And whereas such causes are frequently carried into the Supreme Court of Judicature, by Appeal, or Certiorari, to be heard upon errors of fact, as well as in law, but the Judgments rendered therein by such Justices of the Peace or Commissioners, are oftentimes reversed or set aside by the said Supreme Court, by reason of some defect or informality in the Convictions, as drawn up by

As to Certiorari,
see 4 W. 4, c. 7.

Dispenses with production of Convictions before Justices of the Peace, &c. and with form in such convictions when removed to Supreme Court, and such Court authorised on motion of either party to hear the same on the merits.

such Justices or Commissioners, and without the said Causes being heard at large upon the matters of fact therein, although the party Appellant, may have removed such cause, intending to have the same heard wholly upon the merits thereof; for remedy whereof, Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing hereof, in all cases tried before any Justice of the Peace or Commissioner for the Recovery of Small Debts, and which shall be removed by Appeal or Certiorari into the Supreme Court of Judicature, whether the right of action shall be given by any Act of Assembly, now or hereafter to be passed, it shall be lawful for the said Supreme Court of Judicature, upon motion of either party, to proceed to hear and determine such cause, by due course of Law, upon the full merits thereof, in matters of fact as well as in matters of Law, although the Conviction in the said cause, as adjudged by the said Justices of the Peace, or Commissioners for the Recovery of Small Debts, be not produced to the said Supreme Court of Judicature, or be not drawn up in form—any Law or practice heretofore to the contrary notwithstanding.

Not to dispense with the duty imposed on Justices of the Peace, &c. to send up recognizances, &c. to Supreme Court.

II. Provided always, and be it enacted, That nothing in this Act contained shall be deemed to dispense with any Law or established rule, by which Justices of the Peace or Commissioners for the Recovery of Small Debts, or their Clerks, are now required, to send up to the said Supreme Court of Judicature, or to the Clerk thereof, Recognizances, Affidavits, Appeal Papers, or any other Paper or Document, other than the before mentioned Convictions, pertaining to any cause or suit heard or determined before them.

CAP. XI.

An Act to suspend a certain Clause in the Land Assessment Act, relating to the cancelling of Treasury Notes.

[Passed 17th *April*, 1845.]

*** This Act was disallowed by Her Majesty, as appears by a Despatch from Lord Stanley, Her Majesty's Principal Secretary of State for the Colonies, bearing date the 18th day of August, 1845.

CAP. XII.

An Act to authorize the Sale of the Government ^{Excited.} Shares in the Steam Boat *Saint George*.

[Passed 17th *April*, 1845.]

CAP. XIII.

An Act further to alter a certain part of the ^{6 Vic. cap. 1} Laws now in force, regulating the performance of Statute Labour on the Highways, as relates to Charlottetown, its Common and Royalty.

[Passed 17th *April*, 1845.]

*** The Act to which this is an amendment has been repealed by 14 Vic. c. 16.

CAP. XIV.

Explained by 9
Vic. c. 11.

An Act to repeal the several Acts now in force regarding Apprentices, and to substitute other provisions in lieu thereof.

[Passed 17th April, 1845.]

Repeals Act of
the 3th G. 4, c. 1

And Act of the
5th Vic. c. 19.

And also, Act of
the 3d Vic. cap.
9.

WHEREAS the Acts now in force regarding Apprentices, contain no sufficient Enactments for their security, and are in other respects defective: Be it enacted, by the Lieutenant Governor, Council and Assembly, That the Act of the Eighth year of the Reign of His late Majesty King George the Fourth, intituled *An Act for regulating Apprentices*, and the Act of the Fifth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to amend the Act now in force relating to Apprentices, and to repeal a certain Act therein mentioned*, and also the Act of the Third year of the Reign of Her present Majesty, intituled *An Act to amend the Act now in force regulating Apprentices*, repealed by the last hereinbefore mentioned Act, be, and they are hereby repealed.

Parent or Guardian may bind children as Apprentices until they are 21 years of age.

II. And be it further enacted, That it shall be lawful for any Parent or Parents, Guardian or Guardians, to bind out as an Apprentice, any Child of any age as an Indented Servant, to any Tradesman, Artisan, or Farmer, for a period not exceeding the time when such Child shall attain the age of Twenty-one years.

Infants of the age of 12 years, may be indentured with their own consent if they have no parent or guardian, until 21 years of age.
Indenture in such case, how to be made.

III. And be it further enacted, That any Infant of the age of Twelve years, may be lawfully indentured to any Tradesman, Farmer, or other, by his or her own consent, if such Infant have no Parent or Guardian within the Island, until such Infant attain the age of Twenty-one years, provided that every such Indenture shall be entered into by the respective Parties, in the presence of and with the consent of two Justices of the Peace,

each of whom shall sign the said Indentures, which shall be equally binding as if they had been signed by the Parent or Guardian of the said Infant: Provided that any two Justices acting in this behalf, may if they think fit, and in like manner, indent such Infant for a shorter period than his or her attaining the age of Twenty-one years.

Justices in such case may indent child for a less period than 21 years.

IV. And be it enacted, That all Infants of the age of Sixteen and upwards, having no Parents or Guardians within the Island, may lawfully indent themselves to service to any Tradesman, Farmer or other, until he or she shall attain the age of Twenty-one years, by Indenture under Seal, and shall be fully bound thereby.

Minors of the age of 16 years and upwards having no parents or guardians may indent themselves until the age of 21 years.

V. And be it further enacted, That every Indenture entered into as aforesaid, shall contain a stipulation on the part of the Master or Mistress, his or her Executors, Administrators or Assigns, to cause the indented Child to be taught Reading, Writing and the common rules of Arithmetic.

Every Indenture to contain a stipulation, that child shall be taught reading, writing, &c.

VI. And be it further enacted, That whenever it shall be made to appear to any two of Her Majesty's Justices of the Peace either upon the oath of any one or more credible Witness or Witnesses, or from a Certificate under the hands of any Eight or more respectable Housekeepers residing in any Town, or Royalty, or Township, within this Island, that any Mendicant Child between the ages of two and twelve years, being an Orphan, or whose Parent or Parents shall have abandoned the care of such Child, and shall have left this Island under such circumstances as to such Justices shall be deemed a final departure therefrom, and that such Child hath been in the habit of soliciting alms, or receiving charitable contributions or allowances regulated by any charitable association, or being supported by any

In certain cases mendicant children between the age of 2 and 12 years may be bound as Apprentices by two Justices of the Peace until they arrive at the age of 21 years, or for a less Term in the discretion of such Justices.

sums voted by the Legislature of this Island, and hath not otherwise means for his or her necessary permanent support, that then and in every such case, it shall be lawful for such Justices to indent any such Child as aforesaid, until the age of Twenty-one years, or for any less term in the discretion of such Justices, and upon such terms as may be agreed upon between the Master or Mistress and the said Justices, to any Tradesman, Farmer or any other person in manner hereinbefore described. Provided that every Indenture so to be made, shall contain a Covenant or Stipulation on the part of the Master or Mistress, his or her Executors, Administrators or Assigns, to cause the Indented Child to be taught Reading, Writing, and the common rules of Arithmetic.

Upon such terms as may be agreed upon between Justices and persons taking them as Apprentices.

Every such Indenture to contain a stipulation on the part of Master, &c. that Apprentice shall be instructed in reading, writing, &c.

Suits for breach of Master's covenant in such Indenture how to be brought.

VII. And be it further enacted, That in all Actions at Law or Suits in Equity arising out of any breach of the Conditions of any Indenture entered into in manner aforesaid in behalf of any Pauper, Orphan, or abandoned Child, such Actions or Suits shall be brought in the name of the two Justices, their Executors or Administrators, who have been Parties to the Indenture as aforesaid, and such Apprentice, with the permission of the Court in which such Suit or Action shall be brought, shall be allowed to sue *in forma pauperis*.

Action to be in *forma pauperis*.

Mode of proceeding against Apprentice deserting or absenting himself, or herself from service, or otherwise misconducting himself or herself.

VIII. And be it further enacted, That if any Apprentice indented by virtue of this Act, shall desert or without leave absent himself or herself from the service of his or her said Master or Mistress, or otherwise misconduct himself or herself, then it shall and may be lawful for any Justice of the Peace to issue his Warrant on the application, on Oath, of the Master or Mistress of such Apprentice, for his or her apprehension, which Warrant so issued, it shall be lawful for any Constable or Constables to whom it may be addressed to execute in any County of this Island,

notwithstanding it may have been issued by one of Her Majesty's Justices of the Peace not qualified in the County where its execution may be required; and on such Apprentice being brought before such Justice, he shall upon the evidence on oath of the said Master or Mistress, or of any other Person, either order him, or her, to return to the service of such Master or Mistress immediately, or commit the said Apprentice to the common Jail of the County wherein such Master or Mistress resides, there to remain for any term not exceeding two Calendar Months, with or without hard labour, (if a male,) for any part of such time, and to require such Apprentice thereafter to return to the service of such Master or Mistress, as he may in his discretion adjudge, and to continue to fulfil the conditions of the Indenture; and the Justice's and Officer's fees of proceeding in every such case against any Apprentice, shall be paid by the Parent or Guardian of such Apprentice, and shall and may be recovered by Warrant of distress, or such other usual process as the case may require.

Justice may order Apprentice to return to service, or commit him or her to Jail.

Term of commitment.

And may be required to return to service after expiration of term of Commitment.

Expense of proceeding by whom to be paid and how recoverable.

IX. And be it further enacted, That any Person or Persons wilfully harbouring an Apprentice deserting or being absent without leave from his or her Master's or Mistress's service, or shall in his or their house, suffer or permit any Apprentice to play at Cards, Dice, or any other unlawful game, or therein to be engaged in any unlawful employment, or who not being licensed to retail Spirituous Liquors, shall suffer any such Apprentice to sit drinking in his or her house, or give him or her, or suffer to be given to him or her, any intoxicating Liquors, each and every person so offending, shall forfeit and pay for every such offence, any sum not exceeding Five Pounds, to be recovered with costs before any one of Her Majesty's Justices of the Peace for the County wherein the offence may have been committed, on

Imposes a penalty on persons harbouring Apprentice, or suffering him to play at Cards, &c. in their houses, or to drink spirituous liquors there.

Amount of such penalty.

How recoverable.

the oath of any one or more credible Witness or Witnesses.

Penalty on parent or guardian representing any Apprentice to be younger than he or she really is.

Amount of penalty.

How recoverable.

X. And be it further enacted, That if any Parent or Guardian becoming bound for any Apprentice, shall wilfully represent, that such Apprentice is younger than his real or true age, every such Parent or Guardian shall forfeit and pay for every such offence, any sum not exceeding Twenty Pounds, the said sum of Twenty Pounds to be recovered in Her Majesty's Supreme Court of Judicature, by Bill, Plaint, or Information; and if not more than Eight Pounds, before any Court of Commissioners for the recovery of Small Debts, for the County where such Parent or Guardian shall reside, or before any two of Her Majesty's Justices of the Peace, for the same County, in the like manner as Small Debts are now recovered, on the oath of one or more credible Witness or Witnesses.

Mode of proceeding against Master, &c. on Complaint of ill usage, neglect or inability to instruct, lodge or maintain Apprentice.

Power of Justices of the Peace herein.

Justices may cancel Indenture in certain cases.

XI. And be it further enacted, That it shall be lawful in all cases of complaint against a Master or Mistress, by an Apprentice, or his or her Parent or Guardian, on the ground of ill usage, neglect, or inability to instruct, or lawfully to maintain, lodge or clothe any such Apprentice, for any one of Her Majesty's Justices of the Peace, having Jurisdiction, to summon the Master or Mistress of such Apprentice, to appear before any three of Her Majesty's Justices of the Peace, in order that such complaint may be investigated, who shall (if the Master or Mistress being lawfully summoned, do not appear,) proceed to adjudicate thereon in his or her absence, and it shall and may be lawful for the said three Justices to cancel any Indentures between any such Apprentice and their Master or Mistress, proof being made on oath of continued ill usage on the part of such Master or Mistress, or of his or her neglect or inability to instruct or duly and law-

fully to maintain, lodge or clothe any such Apprentice, as the case may be.

XII. And be it further enacted, That if it shall be made to appear to such three Justices, that any premium has been paid with any such Apprentice, or any wages be due, or clothing unprovided, according to Covenants contained in any Indenture entered into and produced before such Justices, together with sufficient evidence, on oath, respecting any matters of account, or provision which may be in dispute, it shall and may be lawful for such Justices to include, in any Order for the cancelling any such Indentures, an order for the equitable restitution of the whole or part of any such premium or payment of any sum that shall appear a just equivalent for any clothing, provision, or any other necessary, to which the said Apprentice shall appear, by the Covenants of the said Indenture, to be entitled, and not to have received.

Power of Justices of the Peace when premium has been paid to Master, &c.

Or any wages or clothing, be due to Apprentice.

XIII. And whereas it may seem just to the three Justices acting under the authority of this Act, to order, in certain cases, the person to whom any complainant may be indented, to receive such indented person back into their houses, if such person has been compelled by any Master or Mistress to leave the same: Be it enacted, that it shall be lawful for such Justices to insert in such Order, a Clause directing such amount *per diem*, to be paid to such Apprentice, his or her Parent or Guardian, as shall seem reasonable for the maintenance, as well during the time such Apprentice shall have been compelled to be absent from the House of such Master or Mistress, previous to the hearing of any complaint before such Justices, as subsequent to the making such Order; and such order shall set forth the amount *per diem* which shall accrue in case of a continued refusal to admit such Apprentice.

Power of Justices in allowing a maintenance to Apprentice when Master or Mistress may not receive Apprentice when ordered by them.

Orders of Justices how to be made and where to be returned.

Not to be quashed for want of form, &c.

Power of Supreme Court to hear, &c.

XIV. And be it further enacted, That all Orders so made, shall be returned under the hands and seals of the two Justices so adjudicating as aforesaid, into the Prothonotary's Office of the Supreme Court of this Island, for the County where such Justices reside, there to be filed, and such orders so made; shall not be quashed for want of form; but only, if they contain any thing repugnant to the plain meaning of this Act, or the Indentures on which they are founded, and the said Supreme Court is hereby authorized and empowered to hear the said Appeal, and to quash or vary the said Order of the said Justices, with or without Costs, as it shall seem just and equitable, and to award Judgment, and grant Execution, in the usual and customary manner, to the party or parties in whose favour the same shall be determined by the said Court.

Master &c. may appeal against order made by Justices.

Notice to be given in writing of such Appeal to Justices.

Time for giving such notice.

Security to be first given before Appeal allowed to satisfaction of Justices.

How to be given and amount.

Order to be suspended on Appeal made, &c.

XV. And be it further enacted, That if any Master or Mistress, against whom any such Order as aforesaid shall be made, shall be dissatisfied therewith, it shall be lawful for such Master or Mistress to give notice of his or her intention to Appeal against such Order to the next sitting of Her Majesty's Supreme Court of Judicature; and Provided that such notice be given in writing to either of the two Justices, whose hands and seals are set to such order, within four days after the delivery thereof; and Provided also, that security be entered into within such period, to the satisfaction of such Justices by the Appellant, and one other sufficient surety, by Recognizance, in such amount as they may deem necessary for the due prosecution of the said Appeal; then and in such case, the operation of such Order shall be suspended.

Justices to return Recognizances on Appeal to Supreme Court.

XVI. And be it further enacted, That either one of such Justices aforesaid, shall return the Recognizances so entered, into the Prothonotary's Office of the Supreme Court for the County, who

shall file the same, together with the Order of the said Justices as aforesaid, and in case the conditions thereof be not complied with, then the said Recognizances shall be forfeited by the order of the Court, without further proof or application, and the said Court shall, as it is hereby authorized, to grant Execution against the said parties so bound in the said Recognizance for the amount of such sum as shall have been ordered to be paid by the said Justices, together with reasonable costs, to be taxed in the usual and customary manner.

And also order
appealed from.

Forfeited Recognizances how recoverable.

XVII. And be it further enacted, That in case the Order remain uncomplied with, it shall be lawful for the Justices aforesaid, to issue a Warrant of Distress for the amount so ordered to be paid as aforesaid, from time to time, against the Goods and Chattels of the Party against whom such Order shall have been made; and if no Goods and Chattels can be found whereon to levy, then it shall be lawful for the said Justices to commit the Party or Parties to the Jail of the County, for a period (if the sum ordered to be paid shall not exceed Forty Shillings) of One month; and if above Forty Shillings, and not exceeding Three Pounds, for the space of Three months; and if for any sum above Three Pounds, and not exceeding Five Pounds, for the space of Five months; and if for any sum above Five Pounds, and not exceeding Eight Pounds, for the space of Six months.

Mode of proceeding to enforce Justice's order, when not appealed from.

Period for which parties may be imprisoned when no goods, &c. can be found to levy upon.

CAP. XV.

Expired.

An Act for suspending for a limited period certain parts of an Act passed in the Fourth year of His late Majesty's Reign, intituled *An Act for ascertaining and establishing the Boundary Lines of Counties and Townships and parts of Townships, and for regulating the Duties of Surveyors, and to repeal a certain Act therein mentioned.*

[Passed 17th April, 1845.]

* * * This Act suspended operation of Act 4 Will. 4, cap. 15, so far as regards Townships Nos. 10, 9, 8, 7, 6, 5, 4, 3, 2 and 1, to the end of the then next Session of the General Assembly, and also empowered the Executive Government to suspend the same in regard to any other Townships in the Island for a like period.

CAP. XVI.

Expired.

An Act relating to the appointment of Harbour Masters, and for the better regulation of the Public Wharfs of the Port of Charlottetown.

[Passed 17th April, 1845.]

CAP. XVII.

An Act to confirm the Titles to Lands purchased under the several Acts for levying an Assessment on Lands in this Island.

[Passed 17th April, 1845.]

WHEREAS divers Tracts of Land have been sold by the Sheriffs, and also by the Coroner of this Island, for non-payment of Assessment, in pursuance of an Act passed in the Eleventh year of the Reign of His late Majesty King George the Fourth, intituled *An Act for raising a fund by an Assessment on Land, for erecting a Government House and other Public Buildings within this Island*, and of an Act passed in the Seventh year of the Reign of His

11 Geo. 4, c. 17,
7 W. 4, c. 31.

late Majesty King William the Fourth, intituled *An Act for levying an Assessment on all Lands in this Island*, and also as well in pursuance of the said Acts, together with the Acts of the Assembly passed in amendment of the said Two recited Acts respectively; and whereas in many instances, it is uncertain whether an actual levy of the Writ of *Fieri Facias* hath been made by the Sheriff or Coroner, on the identical Lands so sold before the sale thereof, and in most instances it has happened that the locality of such Tracts of Land was uncertain at the time of sale, and the metes and bounds thereof certain only by, and made subject to, the election of the purchaser after such sale, whence doubts have arisen as to the validity of the Titles of the purchasers and theirs Heirs and Assigns, in and to such Lands; For remedy whereof: Be it declared and enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, all Deeds of Conveyance, executed by the Sheriff or Coroner, or which shall within Six Calendar Months after the passing of this Act, be so executed for sales already made, under and by virtue of the said recited Acts, or of any, or of either of them, to the purchaser or purchasers of any Lands whatsoever sold by him, for non-payment of the Assessment charged thereon by the said recited Acts, or either, or any of them, shall, and they are hereby declared to pass effectually and completely to the purchaser or purchasers, his, her, or their Heirs and Assigns, a good and valid Title of and in the Lands therein, or to be therein mentioned and described, and intended to be thereby conveyed, notwithstanding such Sheriff or Coroner may not have actually levied the Execution on the identical Lands described in such Deed or Deeds of Conveyance, and notwithstanding the locality of such Lands may not have been certain, or described, or known, by metes and bounds previous to the time of the sale thereof. Provided always, That this Act shall

3 W. 4, c. 29.
7 W. 4, c. 15

Renders valid all Deeds heretofore made of Lands sold under Land Assessment Acts, or made within 6 months after passing of this Act, notwithstanding Sheriff or Coroner may not have actually levied upon such Land, and notwithstanding the same may not have been sold by metes or bounds.

Not to render valid Deeds of Land so sold if Assessment had really been paid.

not be deemed to give validity or effect to any Deed or Conveyance of Land, purporting to have been sold for non-payment of the Land Assessment, and which, before the passing hereof, might have been shewn to be invalid, by reason of the Assessment on the Land purporting to be therein conveyed, having been actually paid in conformity with the said Acts, and that the persons so claiming on the ground of having paid the Assessment, had actually paid for all the Land on such Township then claimed by him.

No omission of form of notices or forms of proceeding under Land Assessment Acts previous to sale to render such sale invalid.

II. And be it enacted, That no omission of any direction contained in the Act hereinbefore first recited, or in any Act in amendment thereof, relative to the notices or forms of proceeding previous to, or at any sale made under such mentioned Acts, shall extend to render such sale invalid, but the person guilty of any such omission or neglect shall be liable to punishment therefor, and shall answer the party for any damage occasioned thereby in any legal proceeding that may be properly instituted for that purpose.

Person guilty of omission or neglect to be nevertheless liable for damages.

Reserves an equity of redemption to former owner, &c. of 2 years from the period when actual possession shall be taken of any Land by virtue of any Deed under this Act.

III. Provided also, and be it further enacted, in case of any Deeds confirmed by the authority of this Act, that an equity of redemption shall nevertheless be open to the former owner or owners, proprietor or proprietors, his, her or their Heirs or Assigns, for the space of Two years, next after the period at which the purchaser or his assigns shall have taken actual possession in terms of his, her or their Deed of the Land, under and by virtue of his Deed, whether such Deed shall be executed before or after the passing of this Act, the former owner or owners, proprietor or proprietors, his, her or their Agents, Heirs or Assigns repaying the purchase money with the lawful interest thereon, and also all expenses attending the same, and a fair allowance for such improvements as shall or may be made thereon,

Former owner to repay purchase money, &c.

the same, in case of a dispute, to be ascertained by the Supreme Court.

IV. And provided also, That no Deed of any sale heretofore made, shall be deemed valid, unless such Deed be executed within Six Months after the passing of this Act, nor shall any such Deed as aforesaid be valid, before the same be duly registered: Provided further, that nothing herein contained, shall extend, or be construed to extend, to any lands with respect to which any action or actions are now pending, any thing herein contained to the contrary thereof notwithstanding.

No Deed of any sale heretofore made, to be valid unless executed within 6 months, nor unless duly registered.

This Act not to extend to lands for which actions are now pending.

CAP. XVIII.

An Act to incorporate the Trustees of the Baptist Church in Charlottetown.

[Passed 17th April, 1845.]

WHEREAS a certain body of Christians in this Island, called Baptists, now hold Land and are desirous of purchasing other Land in Charlottetown, to serve as a site for a Meeting-house, Mission-house, and such other Buildings as may be necessary thereto, and their being no provision made in the Laws of the Island by which a number of persons holding trust for such purpose can have perpetual succession, or a sole legal existence or representation in any Court of Law or Equity; Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, the following persons, that is to say: *Thomas Desbrisay, Donald Nicholson, Lawrence Tremain, Jacob Dockendorff, and Thomas Brodwell*, and each and every one of them, so long as they respectively continue Members of the Baptist Church at Charlottetown, and all and every

Incorporates certain persons members of Baptist Church in Charlottetown.

And others chosen upon vacancy.

Trustees to hold real and personal Estate,

for Baptist Church.

Style of Corporation.

Powers of Corporation.

Vacancy in such Corporation by death, &c. how to be filled up.

Who may vote for Trustees on vacancy, &c.

Trustees may sue or be sued, &c.

person or persons, who at any time or times hereafter, shall be chosen upon any vacancy in the said trust and in the manner hereafter mentioned to supply the same, shall be and be deemed to all intents and purposes whatsoever the Trustees of, and for all and singular the Estate, Real and personal of the said Baptist Church, or for the use and benefit thereof, now obtained or possessed by, or belonging to the said Baptist Church, or any in trust therefor, or hereafter to be obtained by, or conveyed to the said Trustees or their successors, for the benefit and purposes of the said Baptist Church, and the said persons and their successors shall constitute and form one continuing trust or board of Five Members, to be called the Trustees of the Baptist Church at Charlottetown, and shall be a Body Politic and Corporate in name and in deed by the style aforesaid, and shall have perpetual succession, and a common seal, with power to break, change and alter the same at pleasure.

II. And be it enacted, That when any vacancy in the said trust shall arise by death, resignation or otherwise, that the Pastor of the said Baptist Church shall give notice that a Meeting of the said Baptist Church shall be held on a given day for the election of one or more Trustees to fill up the said vacancy or vacancies, who in all cases shall be Members of the said Church, and that the said notice shall be given in the Baptist Meeting-house in Charlottetown immediately after Divine Service on the morning of the Four Sabbaths next preceding the said Meeting; and the choice of the said Trustee or Trustees, shall be determined by the vote of the majority of the male Members then present, being of the age of Twenty-one years or upwards.

III. And be it enacted, That the said Trustees hereby appointed, and their Successors, shall and are hereby authorized and empowered in their

name of Office, to bring or defend, or cause to be brought or defended, any Action, Suit or Prosecution, criminal as well as civil, in Law or Equity touching or concerning the Lands, Real or Personal Estate, Debts, Claims, Rights and Property of the said Trustees, as such, or of the said Baptist Church at Charlottetown; and the said Trustees by their said name of Office, shall and may in all cases concerning the said Lands or other Real or Personal Estate, vested in them, Debts, Claims, Rights and property of the said Board of Trustees, or of the said Baptist Church whatsoever, sue and be sued, implead and be impleaded, and no such Suit, Action or Prosecution shall be discontinued or abate by the death of any such Trustee, or on his ceasing to be such Trustee, but shall and may be proceeded in by the remaining Trustee or Trustees, for the time being, any Law, usage or custom to the contrary notwithstanding, and the Trustees for the time being shall pay or receive the like moneys, costs, and expenses as if the Action or Suit had been prosecuted by individuals and for the benefit of, or to be reimbursed from the Trust Funds of the said Baptist Church.

by style of Corporation.

No suit to be discontinued, or to abate by reason of death of any Trustee.

Corporation entitled to same costs in suits as individual suitors.

IV. And be it enacted, That it shall and may be lawful for the Trustees for the time being, to be appointed by or in pursuance of this Act, or the major part of them, and they are hereby empowered in their several names and under their designation of the "Trustees of the Baptist Church at Charlottetown," to contract for and purchase, or in any lawful mode, whether by devise, bequest or otherwise, to acquire or obtain either in fee simple, or for any life or lives, or term or terms of years, for the benefit or purposes of the said Baptist Church, any Messuages, Lands, Tenements, Buildings or Hereditaments, real or personal Estate whatsoever in this Island, and to take and receive the necessary and legal Conveyances, Leases, Deeds, Assignments, de-

Trustees by style of Corporation may purchase Lands, &c., or take same by devise or gift, &c.

For the benefit of Baptist Church.

And take legal conveyances, &c.

How much property is to be used and disposed of.

Trustees may sell, mortgage or exchange Lands as directed by majority of members of Baptist Church.

Deeds, Mortgages, &c. in style of Corporation and under Common seal to be valid.

vises or other transfers thereof, respectively to hold, for, upon, under, and subject to the uses and purposes in this Act mentioned, and that the said Messuages, Lands, and Tenements, with the Appurtenances, shall be and remain vested in the said Trustees, subject nevertheless, in all cases, to be used and disposed of according to the decision of the majority of the male Members of the said Baptist Church, for the time being, of the age aforesaid.

V. And be it enacted, That it shall and may be lawful for the said Trustees for the time being, and they are hereby authorized and empowered to grant, sell, exchange, mortgage, lease, convey or dispose of, to such person or persons as the majority of the said male Members of the said Baptist Church, shall think proper, and for such prices, sums, rents, or terms as shall be agreed upon, as well all, or any part of the said Lands, Hereditaments and Premises, now held or hereafter to be conveyed to or held by the said Trustees for the time being, as all or any of the personal Estate and property of the said Trustees or Baptist Church for the time being, and to such extent and such proportions, and at such times as the Trustees, for the time being, shall think proper to exchange, sell, mortgage, lease, convey, or dispose of the same, and every such Deed, Mortgage, Lease, or Conveyance, thereof executed, by the Trustees, for the time being, in their name of office aforesaid, under the common Seal of the said Corporation, shall be sufficient and valid in law to convey to the Grantee, Mortgagee, Lessee or Purchaser, or Grantees, Mortgagees, Lessees, or Purchasers respectively either in perpetuity, or by way of Mortgage or Lease for years, or otherwise, as the case may be, all such Estate, Title and Interest therein, as the said Trustees and Corporation, or the said Baptist Church now have, or are entitled to, or they shall hold or be entitled unto, or into or out

of any such Real Estate or Property whatsoever now held or hereafter to be obtained, so Granted, Mortgaged, Leased, or disposed of, or as the said Trustees for the time being, and Corporation on behalf of the said Baptist Church, can lawfully by such Deed, Mortgage, Lease or Conveyance respectively vest in the Grantee, Mortgagee, or Lessee named therein.

VI. And be it enacted, That that the said Corporation shall retain or be paid and allowed out of the Trust Funds all reasonable costs, charges and expenses incurred in and about the Trust aforesaid. Provided always, that it shall not be lawful for the said Corporation to hold Real Estate for the use of the said Church, which shall exceed in value and yield at any time, more than a clear net yearly income of Five Hundred Pounds sterling.

Corporation to retain reasonable charges, &c. out of trust funds.

Not to hold Real Estate of greater annual value than £500 sterling.

VII. And be it enacted, That nothing herein contained shall affect, or be construed to affect, in any manner or way, the rights of Her Majesty, Her Heirs or Successors, or of any person or persons, or of any Body Politic or Corporate, such only excepted as are herein mentioned.

Saves the rights of Her Majesty and others.

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

Act to be deemed a public Act.

CAP. XIX.

An Act to continue an Act intituled *An Act to consolidate, amend, and reduce into one Act the several Acts and parts of Acts relating to the qualifications and mode of summoning Grand and Petit Jurors.*

Expired.

[Passed 17th April, 1845.]

* * This Act continued 5 Vic. cap. 6, for three years.

CAP. XX.

An Act for the regulation of the Mackerel Fishery.

[Passed 17th April, 1845.]

WHEREAS it is expedient to make provisions for the regulation of the Mackerel Fishery: Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, no person or persons shall set any Net or Nets in the day time, for the purpose of catching Mackerel, or shall leave any such Net or Nets set in or on any part of the Bays, Shores, Harbors or Rivers of this Island, between sunrise and sunset; and any person or persons who may feel aggrieved thereby, may, and they are hereby required to give notice to the owner or owners thereof, or to any other person or persons intrusted with or concerned in such Net or Nets, to remove the same forthwith, and on refusal or neglect to proceed immediately to take up all such Nets, they shall be subject and liable to a penalty not exceeding Twenty Shillings for the first offence, and for the second and every future offence shall be liable to a fine not exceeding Five Pounds; the said Fines to be recovered and disposed of as hereinafter mentioned: Provided always, that this Act shall not subject any person to a penalty when gales of wind or stress of weather shall render it impracticable or endanger the life of any person or persons to remove such Net or Nets in the day time, as may have been previously set.

Nets not to be set in the day time for the purpose of catching Mackerel, nor to be left in any Bay, Harbor, &c. between sunrise and sunset.

Mode of proceeding to obtain removal of nets in such cases.

Penalty on party not removing nets on notice, &c.

Unless prevented by stress of weather.

Penalty on persons wilfully destroying or injuring nets.

II. And be it enacted, That any person or persons who shall wilfully or designedly injure or destroy any Net or Nets set or placed for the purposes aforesaid, and properly buoyed or secured, shall, for every such offence, forfeit and pay to the party injured a sum not exceeding

Five Pounds, together with reasonable costs, to be recovered as hereinafter mentioned.

III. And be it enacted, That no person or persons shall hereafter set or place either one or more Nets, the length of which shall exceed Forty-five fathoms, affixed or joined together on any part of the Bays, Shores, Harbours or Rivers of this Island; and every person who may set or place one or more Nets therein, of the length aforesaid, shall leave a space of at least Sixty fathoms between each and every Net or length of Nets, when connected as aforesaid, that the course or passage of Mackerel or other Fish may not be hindered or obstructed thereby.

Regulates the setting of Mackerel nets and the distances at which they may be set.

IV. And be it enacted, That no person or persons shall hereafter set or place any Net-moorings nearer than Sixty fathoms to any other Net-moorings that may be set or placed on any part of the Shores, Harbours, Bays or Rivers of this Island, nor shall any person or persons suffer or permit his, her, or their Net-moorings or Net-moorings to remain so set and placed, unless such person or persons shall set and affix a Net or Nets, or cause a Net or Nets to be affixed or set thereto at least Twelve hours in every Forty-eight hours during the Fishing season; provided such person or persons be not necessarily prevented from setting and affixing any Net or Nets to his, her or their Net-moorings by sickness, stress of weather, or other unavoidable cause. And any person or persons offending against the provisions of this, or the last preceding Clause, shall be liable to a penalty not exceeding Twenty Shillings, for each offence.

Distances at which such nets are to be set from each other, &c.

Penalty on persons offending herein or against last preceding section.

V. And be it enacted, That no person or persons shall hereafter, set or place any Net or Nets, Net-moorings or Net-moorings, within One hundred and Fifty Fathoms from low water mark, on any or either of the Hauling Grounds, on the

Distance at which nets are to be set from low water mark, when a seine shall be in use at the same place.

Shores, and in the Bays, Harbours or Rivers of this Island during the hauling season, and while there shall be stationed at any such hauling ground or grounds at least one Seine, manned and prepared for hauling Mackerel thereat, under a penalty not exceeding Fifty Shillings for the first offence, nor more than Five Pounds for every subsequent offence.

No person to lay hold of Seine, fasten boat thereto, or dip fish therefrom, without consent of owner.

Penalty for offending herein.

VI. And be it enacted, That no person or persons, other than the Seine men, shall presume to lay hold of, tie or fasten, his or their Boat or Boats to any Seine or Seines, enclosing, encircling or containing any Mackerel or other Fish on the Hauling Grounds of this Island, or presume to dip any Fish from and out of any Seine or Seines that may be there hauled, until the owner or owners of such Seine, or other person having the charge and management thereof, shall publicly declare his assent thereto, or give his permission to such person or persons to dip and take Fish thereout, under a penalty not exceeding Twenty Shillings for the first offence, nor exceeding Fifty Shillings for every subsequent offence.

Mode of recovery of Penalties imposed by this Act.

To whom payable.

Offender to be imprisoned if no Goods or Chattels can be found to levy upon for Penalty.

VII. And be it enacted, That all Fines and Penalties arising under or by virtue of this Act, shall be recovered, with Costs, on the oath of (at least) one credible Witness, before any one of Her Majesty's Justices of the Peace or Commissioner for the Recovery of Small Debts, being a Justice or Commissioner for the County or District wherein (or off the shores of which) the offence shall have been committed, and shall be paid to the party who may sue for and recover the same; and if Goods and Chattels cannot be found whereon to levy such Fines and Costs, then the offender shall be committed to the Jail of the County wherein the offence, as before stated, was committed, for a period not exceeding Sixty days, there to remain, without being entitled to the

benefit of any Act made for the relief of Insolvent Debtors, or for granting the Limits of Jails in this Island.

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

Continuance of Act.

* * * By Act 14 Vic. c. 18, Bounties are granted for the encouragement of the Cod and Mackerel Fisheries.

CAP. XXI.

An Act for the appointment of Clerks to Justices of the Peace, and to regulate proceedings had before them.

Expired, but re-enacted by 12 Vic. c. 34.

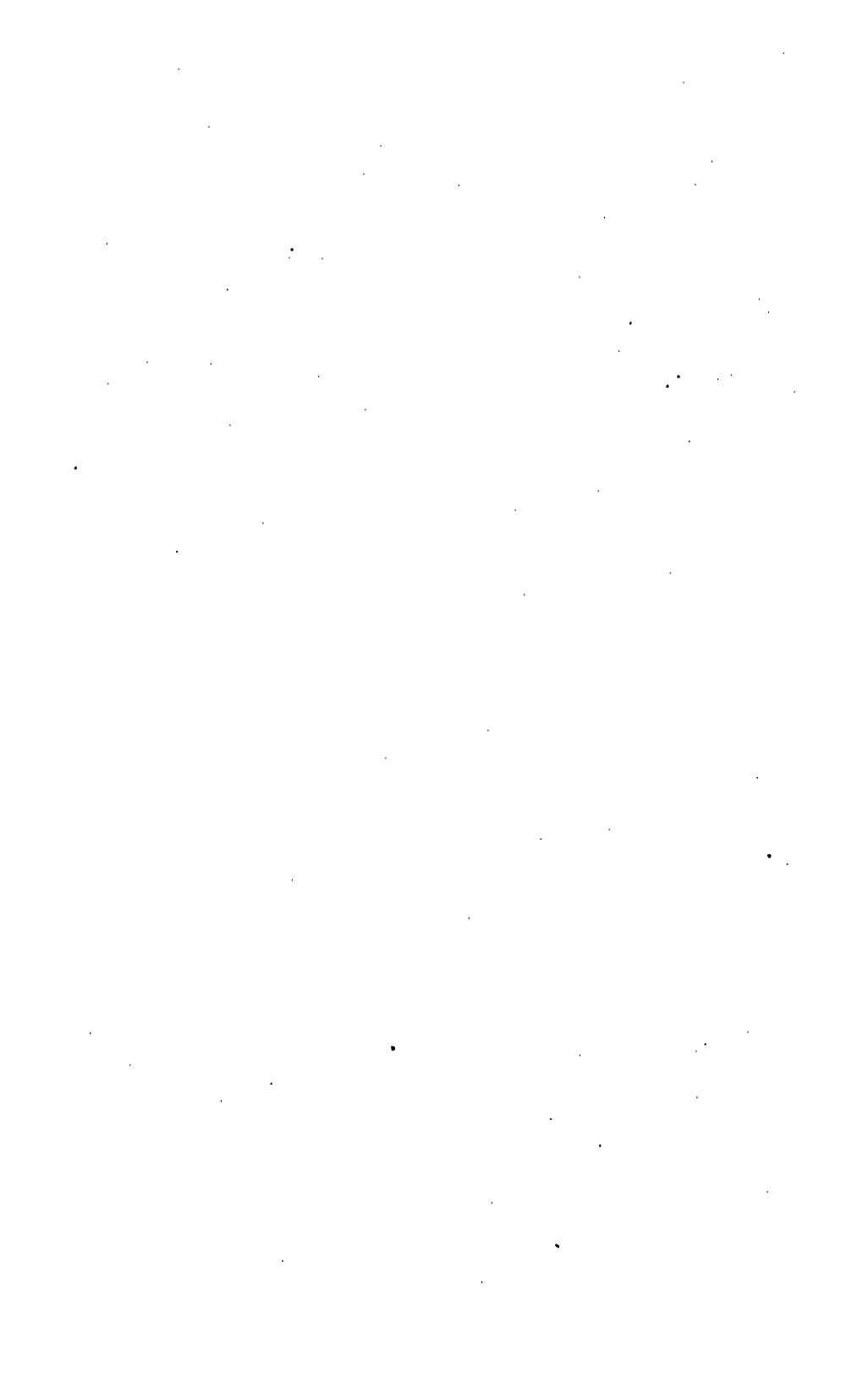
[Passed 17th April, 1845.]

CAP. XXII.

An Act for appropriating certain Moneys therein mentioned, for the service of the year of our Lord One thousand Eight hundred and forty-five.

Executed.

[Passed 17th April, 1845.]



ANNO NONO

VICTORIÆ REGINÆ.

At the General Assembly of Her Majesty's Island of Prince Edward, begun and holden at Charlottetown, the Twenty-fourth day of January, *Anno Domini* 1843, in the 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: 1846.
Sir HENRY V. HUNTLEY,
Lieut. Governor.
R. HODGSON,
President of the Council.
JOSEPH POPE,
Speaker.

And from thence continued, by several Prorogations, to the Seventeenth day of February, 1846, and in the Ninth Year of Her said Majesty's Reign, being the Fourth Session of the Sixteenth General Assembly convened in the said Island.

CAP. I.

An Act to provide Seed and Food for certain Settlers, and to regulate the distribution thereof, and mode of re-payment. Executed.

[Passed April 18th, 1846.]

CAP. II.

An Act for raising a Revenue. Expired.

[Passed April 18th, 1846.]

CAP. III.

Continued by 13
Vic. cap. 1.

An Act to consolidate and amend the several Acts relating to Dogs, and the Taxation thereon.

[Passed April 18th, 1846.]

Repeals Act of
the 3d Victoria,
cap. 4.

Also Act of the
7th Victoria,
cap. 16.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the Third year of the Reign of Her present Majesty, intituled *An Act to continue and amend an Act intituled "An Act to impose a Tax on Dogs, with certain exceptions, and relating to other matters connected with them,"* and an Act made and passed in the Seventh year of the Reign of Her present Majesty, intituled *An Act for the protection of Sheep against vicious Dogs,* be, and the same are hereby respectively repealed.

Imposes a Tax
on Dogs kept in
Charlottetown
after 1st May,
1846.

Amount of such
Tax.

II. And be it enacted, That from and after the First day of May next, there be imposed and levied, the following Tax or Duty yearly, and every year, on all Dogs which shall or may be owned or kept by any person residing in Charlottetown, that is to say: For one Dog, provided the person keeps but one, the sum of Two Shillings and Sixpence; for two Dogs, owned or kept by one person in or about the same house, the sum of Seven Shillings and Sixpence; for three or more Dogs, owned or kept by one person in or about the same house, the sum of Five Shillings each, the said Tax to be paid by the person owning or keeping such Dog or Dogs for the space of Thirty days in the year, and so on yearly in each year, during the continuance of this Act.

Arrear of Dog
Tax under former
Acts to be
recovered.

III. And be it enacted, That the several amounts of Tax which shall be in arrear and unpaid for the year ending on the First day of May next ensuing the passing of this Act, shall and

may be recovered in like manner in all respects as if this Act had not been passed, but shall be appropriated in manner by this Act directed.

Appropriation of such arrear.

IV. And be it enacted, That in all other parts of this Island, except Charlotte town, as aforesaid, every occupier of one entire or whole house, shall be entitled to keep One Dog free of Duty, but for every other Dog kept or owned by any such occupier, and for every Dog kept or owned by all other persons in such other parts of this Island, there shall be paid by the respective owners or keepers of such Dogs the sum of Five Shillings, at the respective times, and subject to the condition in the preceding clause mentioned; and which sums shall be paid annually to such persons as shall be appointed by the Commissioners of Roads of the several Districts throughout the Island, except as aforesaid, to collect the same, and such Commissioners are hereby authorized and required to appoint as many persons within their several Districts as by them shall be deemed necessary.

Imposes a Tax on Dogs kept in all other parts of this Island,

With the exception of one Dog kept by occupier of an entire house.

Amount of such Tax and when payable, &c.

To whom payable.

Road Commissioners to appoint persons to collect Tax.

V. And be it enacted, That the Collectors appointed by the said Commissioners as aforesaid, shall annually pay the amount of Taxes respectively by them collected, into the hands of the respective Road Commissioners of the several Districts; and such Road Commissioners are hereby authorized and required to receive the respective amounts of such Tax, and appropriate them to the repairs of the Roads in the several Districts in which they shall respectively reside, and every such Collector duly complying with the terms of this Act shall be allowed to retain for his trouble the sum of Twenty *per centum* on all Moneys so by him collected, besides being exempted from performing his Statute Labour.

Collector to pay over Tax collected annually to Road Commissioners.

Appropriation of Tax.

Allowance to Collector for collecting Tax. Exempts Collector from Statute Labour.

VI. And be it enacted, That each and every person keeping one or more Dogs, shall, on re-

Owners of Dogs to give and sub-

scribe a true return of all Dogs kept by them to Collector.

Penalty on owners not giving such return.

requisition duly made by the said Collectors or Overseers as aforesaid, respectively give and subscribe a just and true Account and Return of each and every Dog kept by him, or them, for the aforesaid number of days, under a Penalty of Twenty Shillings, on proof being duly given by any such Collector or Overseer respectively, that such requisition has been duly made, and that no Return hath within Fourteen days from the period of such requisition been given by the owner or owners of such Dog or Dogs.

Collectors to subscribe Certificate to Road Commissioners.

VII. And be it enacted, That every Collector so appointed in manner aforesaid, shall subscribe a Certificate in form following, and return the same to the Commissioner of Roads in whose District he may have been appointed, which Certificate shall be made and returned on or before the First day of July in each year.

Form of such Certificate.

“ I *A. B.* do hereby certify that I have called on the several Householders and other persons liable to pay the Tax on Dogs within my District, who have respectively complied with my requisition, and signed a just and true Account of all Dogs kept within the period for which they are liable to pay for Dog Tax, and which Account is as follows: (*here insert the names of persons with the number of Dogs for which each is liable opposite to each name.*)”

Penalty on Collector or Overseer refusing or neglecting to collect Tax, or not duly accounting.

Amount of penalty:

Also liable to be prosecuted for amount collected or which ought to have been collected.

VIII. And be it enacted, That if any Collector or Overseer appointed under this Act, shall refuse to collect such Tax, or shall not duly account for the same in manner enjoined and required by this Act, every such Collector and Overseer shall forfeit and pay for every such offence the sum of Two Pounds, besides being liable to be prosecuted at the suit of Her Majesty for all such sums as he may have collected, and ought to have collected, with costs of recovery; the same, if not exceeding Eight Pounds,

to be recovered in the manner as Small Debts, with costs, before any Justice of the Peace or Commissioner for the County or place wherein such default shall have happened, and if above the sum of Eight Pounds, then to be recovered with Costs, in the Supreme Court of Judicature.

How to be recovered.

IX. And be it enacted, That from and after the passing of this Act, if any person quietly passing through or along the Streets, Squares, Roads, or other parts of this Island, shall have been attacked and bitten by any Dog, on complaint made before any Two Justices of the Peace appointed for the County where such person shall have been so attacked and bitten, accompanied by sufficient proof of the injury sustained, the said Justices shall forthwith order the owner or keeper of the said Dog to destroy him, and if he shall refuse to neglect to do so within Twenty-four hours after such order has been served upon him, the said owner or keeper of such Dog shall forfeit and pay the sum of Two Shillings for each and every day such Dog shall be allowed to remain undestroyed, and besides shall be compelled to pay all damages and expenses the injured party may have sustained, which damages and expenses may be sued for and recovered, if not exceeding Eight Pounds, before any Two of Her Majesty's Justices of the Peace appointed for the County in which the owner of such Dog may reside, but if the said damages and expenses shall exceed the said sum, then and in such case to be recovered by Action in Her Majesty's Supreme Court of Judicature, and all damages, fines or penalties that shall or may be recovered by any person who may have been so attacked and bitten by any such Dog, shall be paid over to him or her as a compensation for the injury sustained, and every person so injured shall be a competent witness to prove such injury, and the conviction thereupon shall be allowed as evidence of the fact of the injury

Two Justices of the Peace may order the owner of any Dog that shall bite any person, to destroy such Dog within 24 hours.

Penalty on owner neglecting or refusing to destroy such Dog.

And owner also to be liable for all damages, &c.

How damages, &c. are to be recovered.

Appropriation of damages, fines and penalties.

Injured person a competent witness.

Conviction of Justices to be evidence of the fact of injury in action for damages, &c

having been sustained in any Action for damages as aforesaid.

X. And be it enacted, That every person owning or keeping a Bitch who shall suffer such Bitch to run at large during the season of her being in heat, thereby collecting a number of Dogs, every such person, for each and every such offence, shall forfeit and pay a Penalty of Twenty Shillings.

Penalty on owner or keeper of Bitch at large during the season of heat.

XI. And be it enacted, That if any Dog or Dogs shall kill or injure any Sheep, Lamb or Lambs, within this Island, the owner of such Dog, upon complaint and conviction thereof, before any Two Justices of the Peace, shall make compensation for such injury to any extent not exceeding Eight Pounds, in the discretion of the said Justices, and shall cause such Dog to be immediately killed, and in case such Sheep, Lamb or Lambs shall be killed by such Dog, then the owner thereof shall be liable to pay the owner of such Sheep or Lamb so killed, the full value thereof, to be recovered before any Two of Her Majesty's Justices of the Peace in the County where such offence shall be committed, who are hereby authorized finally to determine the same, provided the sum so to be recovered does not exceed the sum of Eight Pounds; and on non-payment thereof within such time after judgment as the Justices of the Peace shall deem proper, not exceeding One Month, to issue their Warrant to a Constable to distrain on so much of the Offender's Goods and Chattels as may be sufficient to discharge the same with the charges arising thereby, and to sell such Goods at Public Auction, returning the overplus (if any there be) to the owner or owners thereof.

Owner of any dog killing or injuring any Sheep, &c. liable to make compensation therefor.

Before whom complaint to be made.

Limits extent of such liability.

Full value of Sheep, &c. killed, how to be recovered.

Limits amount of value of Sheep, &c. killed so recoverable.

Penalty of owner of such Dog refusing, &c. to kill same.

XII. And be it enacted, That in every case where the owner of a Dog shall neglect or refuse to kill such Dog, so having killed or injured any

Sheep, Lamb or Lambs as aforesaid, he shall be liable to a Penalty of Five Pounds, to be recovered before any one of Her Majesty's Justices of the Peace, to be levied by Warrant of Distress on his Goods and Chattels, such Fine to be paid, one half to the informer, and the other half into the Public Treasury of this Island.

How to be recovered.

Appropriation of penalty.

XIII. And be it enacted, That in all cases where no Goods and Chattels shall be found whereon to levy for the recovery of any Penalty imposed by, or damages recoverable under all or any of the three last foregoing Sections of this Act, then and in every such case the Offender or Offenders shall suffer imprisonment for a period not exceeding Three Months, at the discretion of the Justice of the Peace or Commissioner of Small Debts who may convict the Offender.

If no goods, &c. can be found to levy upon for penalties, party may be imprisoned.

XIV. And be it enacted, That all Fines and Penalties that may be levied and recovered under and by virtue of this Act, if not otherwise appropriated by the foregoing Clauses, shall be appropriated to the same purposes as the Tax on Dogs hereby imposed, and in the respective Districts or places where such Fines and Penalties shall or may respectively be incurred.

Appropriation of penalties not specifically appropriated.

XV. And be it enacted, That all sums of money intended to be raised and levied under the authority of this Act, and arising from the Tax on Dogs, Fines and Penalties, may be sued for and recovered in a summary way, before any Two (except as hereinbefore excepted) of Her Majesty's Justices of the Peace residing in the County in which such Tax shall become due, or the Fines and Penalties shall be incurred respectively, and shall be recovered in the manner prescribed by the Act passed in the Seventh year of the reign of Her present Majesty, intituled *An Act relating to the Recovery of Small Debts, and*

Tax on dogs and penalties how to be recovered.

7 Vic. c. 2.

to repeal certain Acts therein mentioned: Provided always, That no imprisonment under the authority of this Act, except as hereinbefore mentioned, shall be for a less period than Ten days, nor more than Ninety days, after which the party imprisoned shall be forthwith discharged.

Dog Tax in
Charlottetown,
how to be col-
lected, &c.

And paid, &c.

Appropriation
of dog tax in
Charlottetown.

XVI. And be it enacted, That the amount of the Tax hereby imposed upon Dogs kept in Charlottetown shall be collected by and accounted for, by the several Overseers of Statute Labour to be yearly appointed for the said Town and Royalty,* and paid in like manner and under the like per centage for collection as the rate or duty for Statute Labour into the hands of the Chairman of the Justices appointed for carrying into effect the Laws regulating the collecting and appropriating of Statute Labour Duty in Charlottetown, and shall be applied under the directions of the said Justices in the repairs of the Streets and Roads within the said Town, particular regard being had in the application thereof, to the state of the Roads in the Winter season.

Collector of Dog
tax for Charlot-
tew, how to
make return and
to whom.

XVII. And be it enacted, That such Overseers shall make the Return hereinbefore prescribed to be made by parties appointed to collect the Tax on Dogs in other parts of the Island to the Chairman of the aforesaid last mentioned Justices, at the time and in the manner hereinbefore directed.

Continuance
of Act.

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

* By Act 12th Vic. c. 11, sec. 8 this Tax is to be collected by the Overseers of Roads for Charlottetown and Royalty, appointed thereunder.

CAP. IV.

An Act to prohibit the exportation of Potatoes Expired.
for a limited period.

[Passed 18th April, 1846.]

CAP. V.

An Act relating to Stray Cattle.

[Passed 18th April, 1846.]

Continued for 1
year by 8 Vic.
c. 1.
Expired.

CAP. VI.

An Act to render the Militia more efficient,
and to repeal certain parts of an Act
therein mentioned.

[Passed 18th April, 1846.]

For Acts relating
to this subject,
see 20 G. 3, c. 1;
3 W. 4, c. 30; &
14 Vic. c. 6.

WHEREAS many of the loyal Inhabitants
of this Island, liable to be enrolled in the
Militia thereof, desire to become more perfect in
their training, and to have the use of Arms and
Accoutrements when under drill, in order that
they may be enabled to give speedy and effective
service when required: Therefore, to encourage
their patriotic spirit, Be it enacted, by the Lieuten-
ant Governor, Council and Assembly, That
from and after the passing of this Act, it shall be
lawful for the Lieutenant Governor of this Island,
or other Administrator of the Government thereof
for the time being, and he is hereby authorized, in
such cases as he may deem it expedient, to order
and direct the Officer in command of any Regi-
ment of Militia within this Island, to receive
Volunteers from the several Companies in his
Regiment, to the number of Fifty at least, for
the purpose of training; and such Commanding
Officer shall then enrol such Volunteers for any

Lieut. Governor
may authorize the
formation of Vo-
lunteer Compa-
nies in any Regi-
ment of Militia.

Numbers of such
Volunteers.

Term of Enrol-
ment.

Days of training.

term not exceeding Two years, appoint the Officers to each Volunteer Company respectively, and require them to assemble for Muster and Training, not exceeding Twenty days in any one year.

Subjects Volunteers to penalty imposed by 5th Section of Act of 3d W. 4th, c. 30.

II. And be it enacted, That every enrolled Militiaman, who shall have so volunteered and be enrolled on a Muster Roll to be kept for this purpose, and being duly called and ordered to assemble for training as aforesaid, and shall make default therein, shall be liable to be fined under the provisions contained in the Fifth Section of an Act passed in the Third year of the Reign of His late Majesty King William the Fourth, intituled *An Act for repealing certain parts of the Act intituled "An Act for the establishing and regulating a Militia, and for substituting other provisions in lieu thereof."*

Lieut. Governor may direct arms to be issued to Commanding Officer of any Militia Regiment.

III. And be it enacted, That it shall be lawful for the Lieutenant Governor, or other Administrator of the Government, to direct Arms and Accoutrements, in such numbers as may be deemed necessary, to be issued from Her Majesty's Magazines, under the direction of the Adjutant General of Militia, or other Officer, to be placed in charge of the Officer commanding such Regiment of Militia, and under such Regulations as shall be deemed necessary by the Commander in Chief.

Arms, &c. to be given out to Volunteers during period of training.

Custody of arms, &c. after training.

IV. And be it enacted, That such Arms and Accoutrements, in order to their due preservation, shall only be given out to such Volunteers during the period of Training, and each Commanding Officer, at the close of each period of Training, shall receive such Arms and Accoutrements into his custody, if he shall deem it fit to do so.

V. And be it enacted, That any enrolled Volunteer, neglecting to return such Arms and Accoutrements as may have been delivered into his possession, or any of them, to the place ordered by his Commanding Officer, shall be subject for every day's neglect, to the Fine imposed by the said Fifth Section of the before mentioned Act.

Subjects Volunteers for neglecting to return arms, &c. to penalty imposed by 5th Section of Act of 3d W. 4th, c. 30.

VI. And be it enacted, That the Ninth and Twenty-sixth Sections of an Act made and passed in the Twentieth year of the Reign of his late Majesty King George the Third, intituled *An Act for the establishing and regulating a Militia*, be, and the same are hereby repealed.

Repeals 9th and 26th Sections of Act of the 20th G. 3d, c. 1.

CAP. VII.

An Act to amend an Act passed in the Seventh year of Her present Majesty's Reign, relating to the recovery of Small Debts.

7 Vic. c. 2.

[Passed 18th April, 1846.]

WHEREAS in and by an Act made and passed in the Seventh year of Her present Majesty's Reign, intituled *An Act relating to the Recovery of Small Debts, and to repeal certain Acts therein mentioned*, it is enacted, that it shall and may be lawful for the Clerk of any of the Courts of Commissioners in the said Act mentioned, upon application made to him on Oath, in the form prescribed in Schedule (K) to the said Act annexed, in cases where the Debt should not exceed Eight Pounds, to issue Summons to cause the Wife, Agent, or other person having the custody of any absconding or absent Debtor's Goods and Chattels, to appear before the said Court to answer the Plaintiff, and that the said Court should proceed to try the cause, give Judgment and issue Execution against such Goods and

Chattels, but no authority is by the said Act given to attach and impound or secure any such Goods and Chattels, to respond the Judgment until after Execution shall have issued, and it often happens that between the service of Summons on the Agent, and levying Execution, the property is secreted, or otherwise disposed of to the loss and injury of the Plaintiff: For remedy whereof, Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and immediately after the passing of this Act, it shall and may be lawful for the Clerk of any of the said Courts of Commissioners, upon application made to him on Oath, in manner prescribed in the Thirty-sixth Clause in the said recited Act, and in the form prescribed in the Schedule annexed to the said Act marked (K), and where the Debt shall not exceed Eight Pounds, as aforesaid, to issue an Attachment in the form prescribed in the Schedule marked (A) to this Act annexed, and any Bailiff or Constable of such Court, or of any other Commissioners' Court for the County wherein such Court, whence the Attachment shall issue, shall be held, may thereupon attach the Goods and Chattels of the absconding or absent Debtor, in whatsoever County found, to the amount of the debt and probable costs of suit, and secure the same to be forthcoming, to satisfy the Execution which may issue in the cause with all costs thereon, unless such Goods and Chattels shall be forthwith released on security being given, as hereinafter prescribed and allowed; and the Bailiff or Constable shall, at the time of making Attachment, deliver to the Wife or other Agent of the Debtor, in whose charge or custody such Goods or Chattels may then appear to be, or serve in like manner as a Summons for a Small Debt, a notice, in the form prescribed in the Schedule marked (B) to this Act annexed; that he may inform his Principal of the proceeding, or attend at the hearing of the case, and assert any claim he may have, if he shall see fit, and such Attach-

Clerk of Small Debt Court may issue Attachments against Goods, &c. of absent Debtors.

On Oath being made before him, &c.

Form of Oath.

Form of Attachment.

Duty and power of Bailiff, &c., of Small Debt Court under such Attachment.

Goods, &c., attached may be released on security given, &c.

Notice to be served on wife, agent, &c. of absent debtor.

Form of notice.

Agent, &c., may attend at hearing of cause, &c.

ment and notice being duly returned to the Court from whence such Attachment shall have been issued, shall be sufficient to warrant the said Court in hearing the case at its next sitting. Provided always, That any person in whose hands or possession property may be attached, as aforesaid, shall be at liberty to retain possession of the same upon giving security by himself or herself, and one or more Sureties, to the satisfaction of the Officer making the Attachment, to the fair apparent value in his opinion, of the property attached, and in the form prescribed in the Schedule marked (C) to this Act annexed, that the articles shall be forthcoming, or the value thereof paid on demand, if requisite, to satisfy the Judgment which may afterwards be given; and in case Judgment shall be given for the Plaintiff, then after the expiry of Three Months, Execution may issue against the property so attached; and in case the same be not forthcoming, or any part thereof, then against the proper Goods and Chattels of the Sureties, to levy the Sum for which they shall have become bound, as aforesaid, with costs of demand and Execution, and in default thereof, against their persons, as in cases of Execution against Defendants for Small Debts, unless such Sureties shall comply with their obligation given, as aforesaid; the non-compliance to be first ascertained on Affidavit made before and filed with the Clerk of the Court wherein such Judgment shall have been given: Provided also, That no Execution shall issue under this Act until security shall have been given by the Plaintiff to make restitution, as prescribed in the hereinbefore in part recited Act.

Attachment, &c. duly returned sufficient to warrant Court to adjudicate.

Agent, &c. to be allowed to retain possession of goods, &c., on giving security, &c.

Amount of security.

Form of security.

Condition of security.

If Goods, &c. be not forthcoming, Execution may issue against goods, &c. of Sureties.

Provided Affidavit be first made of the fact.

No Execution to issue until Plaintiff gives security for restitution as prescribed in Act of 7 Vic. c. 2.

II. And be it enacted, That any person who shall have been duly summoned as the Agent, Wife, Factor or Trustee of an absent or absconding Debtor, as provided for in the said hereinbefore in part recited Act, passed in the Seventh

Agent, &c., neglecting, &c., to attend Court, or refusing to be sworn and give evidence, may be committed to prison.

year of the Reign of Her present Majesty, and who shall neglect to attend the Court of Commissioners, as such Summons may require (without cause to be allowed by the Court), or shall, when before the Court, pursuant to such Summons refuse to be sworn and examined touching the matters in question, to the satisfaction of the Court, such person shall be forthwith committed to the Jail of the County in which such Court shall be held, there to remain until he or she shall comply with the terms of the Summons so served upon him or her, and pay the costs of his or her contempt.

Bailiff, &c. under Capias issued by virtue of Act 7th Vic. c. 2, to take Bail.

III. And be it enacted, That any Bailiff or Constable, who may execute a Capias issued under the said hereinbefore in part recited Act, is hereby authorized and required to take Bail (being good and sufficient) for the appearance of the Defendant named in such Capias, in the form prescribed in Schedule marked (P.) in the said Act, and such security, when taken, shall be of the same force and effect as if taken under that Act.

Form of Recognizance of Bail.

No Fees to be taken except as prescribed in this Act.

IV. And be it enacted, That no person acting under and by virtue of this Act, shall take or receive, directly or indirectly, any greater or other Fee or Fees for his services than is or are mentioned and allowed in the Table of Fees to this Act annexed.

TABLE OF FEES.

Commissioners' Fees.

Commissioners' Fees.

For issuing every Attachment, Two Shillings and Sixpence.

For every Subpœna, Sixpence.

For drawing and engrossing every Affidavit and Swearing, One Shilling and Sixpence.

For Trial and Judgment, One Shilling.

Clerks' Fees.

For every Attachment, One Shilling and Six- Clerk's Fees.
pence.

For every Execution issued at Plaintiff's request, One Shilling.

Witnesses' Fees.

The same as in cases of Small Debt.

Witnesses' Fees.

Constable's or Bailiff's Fees.

For levying Attachment, Two Shillings and Bailiff or Con-
Sixpence. stables' Fees.

For Inventory notice and service, One Shilling.

For taking Bond for forthcoming of property, One Shilling and Sixpence.

For making demand on Sureties for payment and Oath, One Shilling.

For levying Execution, Two Shillings and Sixpence.

For every mile actually travelled to serve any process or make demand, Twopence.

For advertising Property taken in Execution, One Shilling and Sixpence.

For sale of Goods under Execution, at the rate of One Shilling in the Pound.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

*Form of Attachment.*Form of Attach-
ment.Prince Edward Island, }
County. }In the Court of Commissioners for the Recovery
of Small Debts, at in the said County.*A. B.* Plaintiff, }
C. D. (sued as an absent Debtor) Defendant. }To the Bailiffs and Constables of the said Court,
or to any for any other Commissioners'
Court for the said County.

YOU are hereby authorized and required to at-
tach the Goods and Chattels of *C. D.*, late of
in the said Island, an absent or ab-
sconding Debtor, to the value of (*here insert the
debt sworn to, and add these words, "with the
further sum of as the probable costs of suit"*),
wheresoever you may find the same within the
said Island; and the same to detain in your cus-
tody, to answer the suit of *A. B.* against the said
C. D., for (*here state the cause of action*), and
you are to make return of your doings hereunder
to this Court at its next sitting after the date
hereof.

Given under my Hand and the Seal of the said
Court, this day of 18*E. F.*,

Clerk.

(L. S.)

By oath for £

SCHEDULE (B.)

Form of Notice to Agent.

Prince Edward Island, }
 County. }

In the Court of Commissioners for the Recovery of Small Debts, at _____ in the said County. Form of notice to Agent.

A. B., Plaintiff, }
C. D., (sued as an absent Debtor) Defendant. }

Sir, or Madam ;

TAKE notice that I have attached the Goods and Chattels specified in the Schedule hereunder written, which I am informed are the property of the Defendant in your possession, to answer the suit of the above named Plaintiff, for £ debt, and £ , the probable costs of suit, and the Attachment is returnable into the said Court on the day of , when the case will be heard.

Dated this day of , 18

Yours, &c., *J. K.*

“ Bailiff ” or “ Constable ” of said Court.

To Mr.

One Horse,
 One Cart,
 One Stack Hay,
 Six Chairs,
 One Table, &c.

SCHEDULE (C.)

Form of Bail for return of Goods, &c.

Prince Edward Island, }
 County. }

In the Court of Commissioners for the Recovery of Small Debts, at _____ in the said County.

A. B., Plaintiff.
C. D., (sued as an absent Debtor) Defendant.

We *E. F.* and *G. H.*, do jointly and severally promise and undertake, that if Judgment be given

Form of Bail for return of Goods, &c.

against the Defendant in this action, the Goods and Chattels attached by the Plaintiff, and left in the hands of the said *E. F.*, viz.: (*here specify the articles*) and valued at £ _____, shall be forthcoming and delivered up on demand, to respond the Judgment which may be given in this action, and in as good order as the same now are, or the aforesaid value thereof shall be paid by us if so much shall be required to satisfy the Judgment and Costs of Suit.

Witness our hands, this _____ day of _____, 18
E. F.,
G. H.

Witness, *J. K.*, "Bailiff" or "Constable."

CAP. VIII.

See 3 Will. 4, c. 19; 4 Vic. c. 7; 14 Vic. c. 17.

An Act in addition to two several Acts, therein mentioned relating to Weights and Measures.

[Passed 18th April, 1846.]

Beam Balance, &c. for public use for weighing hay, &c. to be examined and approved of by Assayer of Weights;

And stamped by him.

WHEREAS it is necessary to add to the Laws relating to Weights and Measures, in order to make provision for the weighing of Hay, Straw and other Fodder, as also for the measurement of Lime: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing hereof, no Beam, Balance or other Machine, or Standard of any construction, (except common hand Steelyards) shall be allowed for public use, for the weighing of Hay, Straw or other Fodder, unless the same shall have been examined, and the construction thereof approved of, and the Weights or Beam thereof duly assayed, and stamped by the Assayer of Weights and Measures for the Town, Township or place wherein such Beam, Balance or other Machine, or Standard shall be stationed

or used ; and every such Assayer shall give to the Owner or Keeper of every such Beam, Balance, Machine or other Standard, a certificate under his hand stating that the construction thereof hath been by him approved of, and that the Weights or Beam thereof, hath been duly assayed.

And Assayer to grant a Certificate thereof.

II. And be it enacted, That each and every person who shall own or keep for public use, or for any gain or reward shall suffer to be used, any such Beam, Balance or Machine, without the same having been duly assayed, and approved of in manner aforesaid shall forfeit and pay for each and every hundred weight of Hay, Straw or other Fodder weighed thereby, the sum of Two Shillings, and so in proportion for any less quantity than One hundred weight, weighed therein.

Penalty on persons keeping for public use, &c., any such Beam Balance, &c. not duly assayed.

III. And be it enacted, That every Assayer as aforesaid, shall have power, and he is hereby required, once every Two Months, or oftener if he shall see cause, to visit and examine every such Weighing Machine as aforesaid, and to adjust or to cause the same to be adjusted, and in case the same shall appear to such Assayer, to have become wholly unfit for its purpose, then to make an order in writing, to prohibit the use of such Weighing Machine, which order shall be delivered to the Owner or Keeper of such Weighing Machine, and from thence it shall be unlawful for such Owner or Keeper to use, or suffer to be used, such weighing Machine, under the like penalty as is imposed in the Second Section of this Act.

Duty and power of Assayer of Weights, &c.

Penalty on owner of Weighing Machine using same after order made to the contrary by Assayer.

IV. And be it enacted, That the Measure to be used hereafter, for the Sale, Exchange or Barter of Lime, shall be of a cylindrical form, and of capacity to contain exactly Six Winchester half-bushels, struck or water measure, (level with the brim,) which shall be deemed and taken as One

Measure to be hereafter used for the sale of Lime.

Measure to be stamped by Assayer.

barrel, and which Measure shall not exceed Twenty Inches, nor shall be less than Eighteen Inches in diameter at the brim, and shall be stamped and assayed, in manner as similar Measures are now required to be, by the Laws of this Island.

Penalty on persons selling Lime by any other measure.

V. And be it enacted, That every person who shall Vend, Exchange, Sell or Barter any Lime, except a quantity less than One barrel, by any other Vessel or Measure of capacity than the barrel hereinbefore prescribed, or by any such barrel, without the same being duly assayed and stamped, or by any other barrel, vessel or measure, being of less capacity than that by this Act required, shall forfeit and pay for each and every act of measurement, by any such unlawful vessel or measure, any sum not exceeding Five Pounds nor less than Five Shillings.

Penalties imposed by this Act, how to be recovered.

VI. And be it enacted, That all and every the Penalties imposed by this Act, shall and may be recovered with Costs of Suit, in any Court of Commissioners for the recovery of Small Debts, situate in the County wherein the offence shall be committed, or before any Justice of the Peace for such County, upon the Oath of the Assayer of Weights and Measures, or of any other credible witness, or upon confession of the party delinquent, and shall be levied by distraint upon the Goods and Chattels of such delinquent, and in default thereof, it shall be lawful for the said Court or Justice, to commit the said delinquent, to the Jail for the County wherein the offence shall be committed, for any term not exceeding Six months nor less than Six days, one-half of which Fine shall be paid to the party who shall prosecute or sue for the same, and the other half shall be paid into the Treasury of this Island, to and for the use of Her Majesty's Government.

Appropriation of penalties.

CAP. IX.

An Act to oblige Husbands and other Natural Relatives of indigent and impotent persons, unable to maintain themselves, to contribute to their support.

Continued by 13 Vic. c. 1.—Repealed by 14 Vic. c. 7.

[Passed 18th April, 1846.]

CAP. X.

An Act to continue an Act relating to Landlord and Tenant.

[Passed 18th April, 1846.]

BE it enacted, by the Lieutenant Governor, Council and Assembly, That an Act passed in the Sixth year of the Reign of Her present Majesty, intituled *An Act relating to Landlord and Tenant*, be, and same is hereby continued, and declared to be in force for Five years after the passing hereof, and from thence to the end of the then next Session of the General Assembly, and no longer.

Continues Act of the 6th Vic. c. 20 for Five years, and to the end of the then next Session of General Assembly.

CAP. XI.

An Act to amend and explain an Act made and passed in the Eighth year of the Reign of Her present Majesty, intituled *An Act to repeal the several Acts now in force, regarding Apprentices, and to substitute other provisions in lieu thereof.*

8 Vic. c. 14.

[Passed 18th April, 1846.]

WHEREAS doubts have arisen whether the said Act, which repeals all former Acts relating to Apprentices, does not make void all Indentures of Apprenticeship previously entered

All Indentures of Apprenticeship entered into previous to the passing of the Act of the 5th Vic. c. 14, declared to be valid & binding, and Masters, &c. and Apprentices parties to such Indentures declared to be subject to the provisions of the said Act.

into, before the passing of the said Act: Be it therefore declared and enacted, by the Lieutenant Governor, Council and Assembly, That nothing in the said Act, intituled *An Act to repeal the several Acts now in force regarding Apprentices, and to substitute other provisions in lieu thereof*, contained, shall be construed in any way or manner whatsoever, to make void any Indenture of Apprenticeship duly entered into previous to the passing of the same, under any Act or Acts of the General Assembly of this Island, previously in force in this Island; and all Masters and Apprentices parties to any such Indenture of Apprenticeship, are hereby declared to be, and shall be, liable to all the provisions and enactments in the said recited Act contained, any thing in the said recited Act contained to the contrary thereof notwithstanding.

CAP. XII.

Repealed by 12 Vic. c. 17.

An Act to authorize the appointment of Commissioners, in King's and Prince Counties, to accept and take the render of Principals, by their Bail.

[Passed 18th April, 1846.]

CAP. XIII.

For the different Acts relating to Land Assessment, see Note to 11 Vic. c. 7.

An Act relating to certain surplus Moneys arising from the Sales of Land, proceeded against for Land Tax, and to provide for the re-payment of the same, when legally claimed by the Owners thereof.

[Passed 18th April, 1846.]

WHEREAS by a Return made by the Treasurer of this Island, there appears to be now remaining in the Treasury of this Island,

the sum of Five hundred and Forty-nine Pounds Eight Shillings and Two-pence, arising from the Sales of Lands proceeded against for Land Tax, which have not been claimed by the Owners thereof; and whereas it is expedient that such Moneys should be applied to the public service, until the Owners thereof shall claim the same: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That immediately upon the passing of this Act, it shall and may be lawful for the Treasurer of this Island, and he is hereby required to call in and pay off, so many of the outstanding Warrants upon the Treasury of this Island bearing interest, as shall amount to the sum of Five hundred and Forty-nine Pounds Eight Shillings and Two-pence, now in his hands as surplus Moneys, under and by virtue of any Act or Acts of the General Assembly, of this Island, imposing an Assessment upon Land, and such Warrants so to be called in and paid off as aforesaid, shall be the next in rotation in point of numbers and dates, to the last Warrant previously called in and paid off by the said Treasurer, under the Act of the General Assembly of the said Island, now in force, regulating the paying off Treasury Warrants: Provided always nevertheless, That whenever the persons duly entitled to the said surplus Moneys, or any of them, shall establish their or his right to the same, or to any part thereof, in the mode pointed out by the said Acts of the General Assembly of the said Island, under which the same shall have been received, it shall and may be lawful for the Treasurer of the said Island, from time to time, out of any moneys then in his hands, being part of the General Revenue of this Island, to pay over to the said persons, or to any of them, the said surplus Moneys belonging to them or him, as heretofore used and accustomed, under and by virtue of the said Acts or either of them.

Treasurer to expend surplus moneys in his hands under Land Assessment Acts in paying off outstanding Warrants on Treasury.

Such Warrants to be next in rotation in date, &c. to Warrant last previously paid.

Persons duly entitled to such surplus moneys on establishing their right, as provided in Land Assessment Acts, to be paid the same—

out of what fund.

CAP. XIV.

See 6 W. 4. c. 21. and 8 W. 4. c. 22.

An Act for enabling Courts to abstain from pronouncing Sentence of Death in certain cases.

[Passed 18th April, 1846.]

WHEREAS it is expedient, that in all cases of Felony, except Murder, the Court before which the offender or offenders shall be convicted, shall be authorized to abstain from pronouncing Judgment of Death, whenever such Court shall be of opinion that, under the particular circumstances of any case, the offender or offenders is or are a fit and proper subject, or fit and proper subjects to be recommended for the Royal Mercy: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, whenever any person shall be convicted of any Felony punishable with death, except Murder, and the Court before which such offender shall be convicted, shall be of opinion, that under the particular circumstances of the case, such offender is a fit and proper subject to be recommended for the Royal Mercy, it shall and may be lawful for such Court, if it shall think fit so to do, to direct the proper officer, then being present in Court, to require and ask, whereupon such officer shall require and ask, if such offender hath or knoweth any thing to say why Judgment of Death shall not be recorded against such offender, and in case such offender shall not allege any matter or thing sufficient in Law to arrest or bar such Judgment, the Court shall and may, and is hereby authorized to abstain from pronouncing Judgment of Death upon such offender, and instead of pronouncing such Judgment to order the same to be entered of Record, and thereupon such proper officer as aforesaid, shall and may, and is hereby authorized to enter Judgment of Death on Record against such offender in the

When any person is convicted of felony punishable with death, and Court shall be of opinion that such person is a fit subject for the Royal Mercy, Court may abstain from pronouncing sentence and order the same to be recorded by the proper officer.

usual and accustomed form, and in such and the same manner as is now used, and as if Judgment of Death had actually been pronounced in open Court against such offender, by the Court before which such offender shall have been convicted.

II. And be it enacted, That a Record of every such Judgment so entered as aforesaid, shall have the like effect, to all intents and purposes, and be followed by all the same consequences, as if such Judgment had actually been pronounced in open Court, and the offender had been reprieved by the Court.

Record of such entry to have the like effect, as if Judgment had been pronounced, and the offender reprieved.

CAP. XV.

An Act for suspending for a limited period certain parts of an Act passed in the Fourth year of His late Majesty's Reign, intituled *An Act for ascertaining and establishing the Boundary Lines of Counties and Townships and parts of Townships, and for regulating the duties of Surveyors, and to repeal a certain Act therein mentioned.*

Expired.

[Passed 18th April, 1846.]

. This Act suspended operation of Boundary Act, 4 W. 4, c. 15, so far as regards Townships Nos. 10, 9, 8, 7, 6, 5, 4, 3, 2, and 1, to the end of the then next Session of the General Assembly.

CAP. XVI.

An Act for authorizing the apprehension of persons in any County or place upon Warrants granted by Justices of the Peace of any other County.

[Passed 18th April, 1846.]

WHEREAS it frequently happens that persons against whom Warrants are granted

by the Justices of the Peace for the several Counties within this Island, escape into other Counties or places out of the jurisdiction of the Justices of the Peace granting such Warrants, and thereby avoid punishment for the offences wherewith they are charged: For remedy whereof, Be it enacted, by the Lieutenant Governor, Council and Assembly, That in case any person against whom a legal Warrant shall be issued by any Justice or Justices of the Peace of any County, shall escape out of the jurisdiction of such Justice or Justices granting such Warrant, it shall and may be lawful for any Justice or Justices of the Peace of the County to which such person shall escape, go into, reside, or be, and such Justice or Justices is and are hereby required to indorse his or their name or names on such Warrant, which shall be a sufficient authority to the person or persons bringing such Warrant, and to all other persons to whom such Warrant was originally directed, to execute such Warrant in such other County out of the jurisdiction of the Justice or Justices granting such Warrant as aforesaid, and to apprehend and carry such offender or offenders before the Justice or Justices who indorsed such Warrant, or some other Justice or Justices of such other County, where such Warrant was indorsed, in case the offence for which such offender shall be so apprehended in such other County as aforesaid, shall be bailable in Law, and such offender or offenders shall be willing and ready to give bail for his appearance at the next General Jail Delivery, to be held in and for the said County where the offence was committed, such Justice or Justices of such other County before whom such offender or offenders shall be brought, shall and may take Bail of such offender or offenders for his or their appearance at the next General Jail Delivery, to be held in and for the County where such offence was committed, in the same manner as the Justices of the Peace of the County should or might have done in such proper

Where parties against whom Warrants are issued escape into another County, they may be apprehended in such other County on the Warrant being indorsed by a Justice of the Peace for the County into which they have escaped.

What shall be a sufficient indorsement.

It apprehended, and the offence bailable, to be carried before Justice who indorsed Warrant or some other Justice for same County,

Who is required to take bail, &c.

County; and the Justice or Justices of such other County, so taking Bail as aforesaid, shall deliver the Recognizance, together with the examination or confession of such offender or offenders, and all other proceedings relating thereto, to the Constable or other person or persons so apprehending such offender or offenders as aforesaid, who are hereby required to receive the same, and to deliver over such Recognizance, Examination, and other proceedings to the Clerk of the Crown where such offender or offenders is or are required to appear by virtue of such Recognizance, which examination or confession shall be as good and effectual in Law, to all intents and purposes, and of the same force and validity as if the same had been entered into, taken and acknowledged before any Justice or Justices of the Peace in and for the proper County where the offence was committed, and the same proceedings shall be had thereon, and in case such Constable or other person to whom such Recognizance, Examination, Confession, or other proceedings shall be so delivered as aforesaid, shall neglect or refuse to deliver the same without delay to the Clerk of the Crown, or Clerk of the Peace of the County where such offender or offenders is or are required to appear by virtue of such Recognizance, such Constable or other person shall forfeit the sum of Ten Pounds, to be recovered against him by Bill, Plaint, or Information in any Court of Record proper to try the same, by any person or persons who will prosecute or sue for the same; and in case the offence for which such offender or offenders shall be apprehended and taken in any other County shall not be bailable in Law, or such offender or offenders shall not give Bail for his appearance at the next General Jail Delivery, to be held in and for the said County where the offence was committed, to the satisfaction of the Justice before whom such offender or offenders shall be brought in such

Justice to deliver Recognizance, &c. to Constable, &c. who apprehended the parties.

Constable, &c. to deliver the same to Clerk of the Crown, &c.

Effect of examination or confession taken by or made before Justice of the Peace for the County in which parties are apprehended.

Penalty on Constable, &c. neglecting to deliver Recognizance, &c. to Clerk of the Crown.

Penalty, how to be recovered,

and by whom.

If offence not bailable, or parties do not give bail, then to be committed to Jail of County in which the offence has been perpetrated.

other County, then and in that case the Constable or other person or persons so apprehending such offender or offenders shall carry and convey such offender or offenders before One of Her Majesty's Justices of the Peace of the proper County where such offence was committed, there to be dealt with according to Law.

Justice of the Peace not liable to any action for indorsing Warrant.

Parties aggrieved may bring their Actions against Justice who issued the Warrant.

II. And be it further enacted, That no action of Trespass, False Imprisonment, Information, or Indictment, or other action, shall be brought, sued, commenced, or prosecuted by any person or persons whatsoever, against the Justice or Justices who shall indorse such Warrant, for, or by reason of his or their indorsing such Warrant: Provided nevertheless, That such person or persons shall be at liberty to bring or prosecute his or their action or suit against the Justice or Justices who originally granted such Warrant, in the same manner as such person or persons might or could have done, in case this Act had not been made.

CAP. XVII.

Expired.

An Act to prevent the going at large of Swine and Geese at all Seasons, and of Horses at certain Seasons, in the Square and Streets of Georgetown.

[Passed 18th April, 1846.]

CAP. XVIII.

Expired.

An Act to continue the Act relating to Nuisances on the Streets and Squares of Charlottetown.

[Passed 18th April, 1846.]

. This Act continued the 1st Vic. c. 13, for one year.

CAP. XIX.

An Act further to continue the Act regulating the weight and quality of Bread.

[Passed 18th April, 1846.]

BE it enacted, by the Lieutenant Governor, Council and Assembly, That an Act passed in the Third year of the Reign of His late Majesty King William the Fourth, intituled *An Act to regulate the weight and quality of Bread within the Town and Royalty of Charlottetown*, be, and the same is hereby continued for the term of Ten years, and from thence to the end of the then next Session of the General Assembly and no longer.

Continues Act of the 3d W. 4th, c. 21, for 10 years, and to the end of then next Session of General Assembly.

CAP. XX.

An Act relating to the Meridional Line. See 49 G. 3, c. 1.

[Passed 18th April, 1846.]

WHEREAS by an Act made and passed in the Forty-ninth year of the Reign of His late Majesty King George the Third, intituled *An Act for establishing a Meridional Line, to regulate Surveyors in this Colony*, it was, among other things, enacted, that a Meridional Line should be properly drawn, ascertained and fixed in a North and South course and direction, pursuant to the said recited Act: And whereas it is found necessary, for the better correction of Land Surveying Instruments, that a Line to be run in an Easterly and Westerly direction, at right angles with the said first mentioned Line, and adjoining thereto, should be drawn and fixed: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That it shall be

Lieut. Governor, &c. to issue a Commission to authorize a line to be run, &c. at right angles, &c. with Meridional Line established under Act of 49th G. 3d, c. 1.

How such Line is to be established, &c.

Land Surveyors to be subject to same regulations as respects Line to be run under this Act, as they are subject to as regards Line established under Act 49th G. 3d, c. 1.

lawful for the Lieutenant Governor, or other Administrator of the Government of this Island, for the time being, and he is hereby authorized and required, within Three Calendar months from the passing of this Act, to issue a Commission, in the manner required in and by the said recited Act, for the purpose of causing a Line to be run and established at right angles with the said North and South Line already ascertained and fixed, in an Easterly and Westerly direction as aforesaid, and to set up such other mark or marks, at such distances as may be necessary to mark the said Line, which said Line shall be so ascertained and fixed within One month after such Commission shall be issued; and all Land Surveyors using the Magnetic Needle, shall be made subject to all the forms and regulations in respect to the Lines hereby to be established, to which they are now subject, regarding the Line now established in a Northerly and Southerly direction, as laid down in the said Act hereinbefore recited.

CAP. XXI.

An Act for the better regulation of Business in the Public Treasury of this Island.

[Passed 18th April, 1846.]

For other Acts relating to duties, &c. of Treasurer see 25 G. 3, c. 4, sec. 32; 5 G. 4, c. 18; 11 G. 4, c. 9; 3 W. 4, c. 31; 5 Vic. c. 13; 9 Vic. c. 1, sec. 35; 11 Vic. c. 7; 12 Vic. c. 7; 14 Vic. c. 9, sec. 7 & 8; 14 Vic. c. 20; & 14 Vic. c. 25.

Mode in which Books of Account, &c. of Public Treasury of this Colony are to be kept, &c.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That from and immediately after the passing of this Act, the Books of Account containing all entries of Debit and Credit of the Public Treasurer of this Island, as such Officer, shall be kept by the method of Book-keeping called Double Entry, and shall consist of a Cash Book, Journal and Ledger, and every transaction shall be therein immediately and correctly recorded, according to the actual nature of such transaction, and all Cash transactions shall immediately upon their taking place,

be entered in the Cash Book, from which they shall be journalized and posted into the Ledger, at least once a week, and the Cash Book shall be balanced at the end of every month, and the balance carried to the next month's account; also the Treasurer shall keep a Book, in which the name, to whom payable, and for what service, date, number and amount of every Warrant, for money drawn upon him as Treasurer shall be entered, in order; and as the same may come in for payment, they shall be duly filed and carefully preserved by the Treasurer; and that on the receipt and payment of any Treasury Warrant, the Treasurer shall have the same receipted by the person presenting and receiving payment of the same, by writing his name and the date of the transaction across the face of said Warrant, and the amount of Interest received therewith; and a similar Register or Entry shall be kept of all Bonds, for Duties of Impost and other Securities received by the Treasurer as such Officer.

II. And be it enacted, That the Treasurer shall open separate Accounts with every Office of Impost, including Accounts with every Outport of this Island; and also with all persons who have granted or may hereafter grant Bonds, and other Securities to the Treasury of this Island.

Separate Accounts to be kept by Treasurer with different Collectors of Impost and with persons indebted for duties, &c.

III. And be it enacted, That it shall also be the duty of the Treasurer, and he is hereby required to strike a trial balance of all his Accounts as Treasurer, on the last day of every month, and submit the same forthwith to the Lieutenant Governor in Council; and it shall and may be lawful for the Lieutenant Governor in Council, to appoint one or more fit and proper person or persons, as Auditor or Auditors, to attend at the Office of the Treasurer, on the last day of every

Treasurer to strike a trial balance monthly, and submit same to Lt. Governor in Council, &c.

Lieut. Governor in Council to appoint Auditors.

Duty of Auditors.

Further duty of
Auditors, and of
Treasurer.

Further duty of
Treasurer.

Quarter, and to examine the Accounts, and to assist him in reckoning the cash then in the Treasury; and a Certificate of the amount of the cash in hand, specifying the different sorts of moneys and amount of each, shall be signed by the Treasurer and such Auditor or Auditors, and together with the said balance, be forthwith laid by the Treasurer, before the Lieutenant Governor in Council; and it shall be the duty of the Treasurer to lay before the Legislature, during the first week of its sitting, all necessary Accounts and statements in writing relating to said Office, when and as often as it may meet for the despatch of business.

Place where
Treasurer's Of-
fice is to be kept,
and hours of
business.

IV. And be it enacted, That the Treasurer shall keep his Office in the new Colonial Building now erecting in Charlottetown, when such Office is finished, and his Office hours every day during the year, shall be from Ten o'clock in the forenoon until Three o'clock in the afternoon (Sundays and Holidays excepted.)

Collector of Im-
post for Char-
lottetown to pay
over to Treasurer
monthly balance
of moneys in his
hands.

V. And be it enacted, That from and after the passing of this Act, it shall be the duty of the Collector of Impost for Charlottetown, to pay any balance of moneys in his hands arising from duties received at his Office, at least once a month, into the Office of the Treasurer of this Island, any Law, usage, or custom to the contrary notwithstanding.

Periods within
which Collectors
of Impost are
required to fur-
nish their Ac-
counts.

VI. And be it enacted, That all Collectors and Officers of Impost in this Island, shall, and they are hereby required, within Fifteen days after the termination of each Quarter, to furnish to the Treasurer at his Office, a full account of all business done in their respective Offices, as such Collectors and Officers, up to the end of each Quarter.

VII. And be it enacted, That it shall be the duty of the Colonial Secretary and Clerk of the Executive Council, and he is required to furnish the Treasurer immediately after the meeting of the Executive Council, with a Copy of the Warrant Book, containing a list of any Warrants that may have been ordered or directed to be issued at such meeting of the said Council, and specifying the service for which such Warrants may be ordered.

Colonial Secretary and Clerk of Executive Council to furnish Treasurer with copy of Warrant Book.

VIII. And be it enacted, That on the resignation, death or removal from office of the present Treasurer, the Salary to be paid to his Successor in office shall not exceed the sum of Four hundred Pounds currency, of this Island, in lieu of all Fees, emolument or percentage whatsoever, any Law or usage to the contrary notwithstanding.

Future Treasurer to be only allowed £400 per annum.

3 W. 4, c. 31.

CAP. XXII.

An ACT to facilitate the intercourse between this Island and the Provinces of Nova Scotia and New Brunswick.

Continued by 13 Vic., c. 1.

[Passed 18th April, 1846.]

WHEREAS it would greatly improve the commerce of this Colony, if the Public were afforded a more general and constant intercourse with the Provinces of Nova Scotia and New Brunswick, than is now maintained or may hereafter be maintained, through the means of the Packet employed by the Government of this Island to run with the Mails between the Harbours of Charlottetown, Pictou and Miramichi, and it is expedient to give encouragement to such persons as will provide and maintain Packet Vessels, at the different stations hereinafter mentioned, which will serve at all times, as occasion may require, for the conveyance of Goods and Passengers to

Lieut. Governor,
&c., to grant a
license for a
Packet between
Georgetown and
Pictou, in Nova
Scotia, and for a
Packet between
Bedeque and
Shediac, in New
Brunswick.

Tenders to be
made by owners,
&c.

Conditions to be
inserted in such
licenses.

or from this Island, and of any Government Mails or Despatches: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, it shall and may be lawful for His Excellency the Lieutenant Governor, by and with the advice and consent of Her Majesty's Council, to authorize by License under his Hand and Seal, any person or persons, tendering at the lowest rate, to run a Packet Vessel or Vessels between the Harbour of Georgetown in this Island, and the Harbour of Pictou in Nova Scotia, and between the Harbour of Bedeque in this Island, and the Harbour of Shediac in the Province of New Brunswick, calling at Green's Wharf on his arrival at Bedeque, and proceeding from thence to Hurd's Point, and returning to Green's Shore, previous to his departure from the said Harbour of Bedeque; in every which Licence it shall be required, of the person to whom granted, that the Packet Vessel to be employed, shall be of the burthen of not less than Thirty-five tons Old measurement, and shall be sufficiently manned and furnished, for the safe keeping and conveyance of all and every such Public Mail or Mails, Packages, Despatches and Letters, delivered from the Post Office at Charlottetown in this Island, and which may be committed to the care of the person or persons to whom such License shall be given, and also that such Packet Vessel shall have necessary and sufficient accommodations for Passengers, and shall run between the Harbours at the respective stations of such Packets before mentioned, at least once in every week, between the opening of the Navigation and the closing of the same, during the period for which such License shall be granted, and such License shall also contain such further regulations to be observed by the person to whom granted, as to His Excellency the Lieutenant Governor in Council shall seem needful and necessary, for the safe and speedy reception, transmission and delivery of such Mail, Packages,

Letters and Despatches, and for the safety of such Passengers as aforesaid.

II. And be it enacted, That in the event of a suitable Steamer being placed upon the station, to run weekly between the Harbour of Bedeque aforesaid, and the Harbour of Shediac, in the Province of New Brunswick, in the place of the Sailing Packet before mentioned; that then and in such case, there shall be granted and paid out of the Public Treasury of this Island, by Warrant under the Hand and Seal of the Administrator of the Government for the time being, a sum not exceeding Eighty Pounds, to the person or persons who shall be Licensed to run such Steam Vessel, subject nevertheless to all such rules and regulations as are enjoined by this Act: Provided also that any License granted to the owner of any Sailing Packet for that station, shall in such case be cancelled.

If a Steamer be offered to ply between Bedeque and Shediac, £80 granted as a bounty.

Steamer to be liable to same conditions as Sailing Packet. If Steamer licensed, any license to sailing vessel to be cancelled.

III. And be it enacted, That during the continuance of this Act, there shall be granted and paid out of the Public Treasury of this Island, by Warrant under the hand and Seal of the Administrator of the Government for the time being, to the person who shall be Licensed to run the Sailing Packet between Georgetown and Pictou aforesaid, an annual sum not exceeding Thirty Pounds; and to the person who shall be Licensed to run the Sailing Packet between Bedeque and Shediac aforesaid, an annual sum not exceeding Thirty Pounds, during the continuance of their respective Licenses, the one-half of which payment to be made on the Fifteenth day of August, and the remainder at the closing of the Navigation in each year: Provided that in every instance, before any of the said payments shall be made, the person or persons so Licensed shall make it appear to the satisfaction of the Administrator of the Government for the time being, and Her Majesty's Council, that he or they have in all things

£30 for sailing Packet between Georgetown and Pictou.

£30 for sailing Packet between Bedeque and Shediac.

Bounties when payable.

Proof of performance of conditions in license to be made before payment.

If a Steam Boat
plies between
Charlottetown
and Pictou, grant
of £30 for
Georgetown
Packet to be
void.

fulfilled and complied with the conditions in his or their said License contained: Provided always, that in the event of a Steam Boat being placed on the station, to run between Charlottetown in this Island, and Pictou in the Province of Nova Scotia, that then and in such case, the aforesaid grant of Thirty Pounds to the Georgetown Packet, shall be void and of none effect.

Lt. Governor to
appoint 2 compe-
tent persons at
Bedeque and
Georgetown, to
inspect Packets.

IV. And be it enacted, That before any License shall be granted in any case under and by virtue of this Act, it shall be lawful for the Administrator of the Government in Council, for the time being, to appoint Two competent persons resident in Bedeque, no way interested in the Vessel offered to be run as a Packet between that Port and Shediac, in the Province of New Brunswick, and Two competent persons resident in Georgetown, no way interested in the Vessel offered to be run as a Packet between that Port and Pictou aforesaid, whose duties it shall be, respectively, to inspect such Vessel, and ascertain the fitness of such Vessel for such purpose; and also, to examine into, enquire and ascertain the capacity and character of the respective masters of said Vessels for their offices, and who shall report thereon to the Administrator of the Government in Council, for the time being; and such License shall only be granted in the event of such report being satisfactory on the said several points hereinbefore mentioned, any thing in this Act to the contrary notwithstanding.

Duties of Inspectors.

Licenses only to
be on favorable
report of Inspectors.

For refusal or
neglect to fulfil
conditions in
license, license
may be cancelled
by Lt. Governor.

V. And be it further enacted, That if it shall be made to appear to the satisfaction of the Lieutenant Governor and Council, that any person or persons, who shall or may have obtained a License to run a Packet at either of the stations mentioned in this Act, shall have wilfully neglected or refused to fulfil the conditions prescribed by such License, it shall be lawful for the Lieutenant Governor in Council, to cancel such License, and

to grant a new License to any other person or persons who shall be willing to comply with the provisions of this Act, and the person or persons so neglecting or refusing to comply with the regulations contained in such License as aforesaid, shall not be entitled to any portion of the bounty granted by this Act.

And Bounty to be forfeited.

VI. And be it enacted, That any person or persons applying to the Lieutenant Governor in Council, for a License as aforesaid, shall submit a Schedule of the several rates to be by such person or persons charged for Passengers, Goods and Cattle, which if agreed to, shall together with the stated times of sailing such Packet, be published three times in the *Royal Gazette* Newspaper for public information, and a copy thereof kept posted in a conspicuous part of such Packet; and such person or persons shall not be entitled to the bounty allowed by this Act, if he or they shall increase the amount of such rates during the continuance of such License as aforesaid.

Applicants for licenses for Packets to submit a Schedule to Lt. Governor, &c.

Particulars of Schedule.

Rates of passage, &c., to be published in *Royal Gazette*.

Bounty forfeited if terms and rates are varied, &c.

VII. And be it enacted, That this Act shall continue and be in force for Three years, and from thence to the end of the then next Session of the General Assembly.

Continuance of Act.

CAP. XXIII.

An ACT to continue an Act to make and keep in repair the Pumps and Wells of Charlotte-town, and for other purposes, and to repeal a certain Act therein mentioned.

Expired.

[Passed 18th April, 1846.]

. This Act continued 3 W. 4, c. 37, for one year.

CAP. XXIV.

5 W. 4, c. 2.

An Act to add to and further continue the Act authorizing Hard Labour to be added to the sentence of Imprisonment.

[Passed 18th April, 1846.]

*** This Act continued for ten years, and amended the Act 5 W. 4, c. 2, which has since been repealed by 12 V., c. 12.

CAP. XXV.

Expired.

An Act to continue for one year an Act for the Summary Trial of Common Assaults and Batteries.

[Passed 18th April, 1846.]

*** This Act continued 4 W. 4, c. 2.

CAP. XXVI.

Altered and amended by 10 V. c. 11.

An Act to consolidate the several Acts regulating the Sale by License of Spirituous and other Liquors.

[Passed 18th April, 1846.]

Repeals Act of 13 G. 3, c. 12.

Also Act of 25 G. 3, c. 5.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the Thirteenth year of the Reign of His late Majesty King George the Third, intituled *An Act prohibiting the Sale by retail of Rum or other distilled Spirituous Liquors, without first having a License for that purpose, and for the due regulation of such as shall be Licensed;* and an Act made and passed in the Twenty-fifth year of the Reign of His late Majesty King George the Third, intituled *An Act in addition to, and amendment of an Act, made and passed in the Thirteenth year of His present Majesty's Reign, intituled An Act prohibiting the Sale by retail of Rum or other distilled Spirituous Li-*

quors, without first having a License for that purpose, and for the due regulation of such as shall be Licensed; and also an Act made and passed in the Eleventh year of the Reign of His late Majesty King George the Fourth, intituled *An Act for granting Licenses to Tavern or Innkeepers and Storekeepers, and for regulating persons Licensed, and to suspend the operation of the Acts therein mentioned*; and an Act made and passed in the First year of the Reign of His late Majesty, intituled *An Act to amend an Act, made and passed in the Eleventh year of His late Majesty's Reign, intituled An Act for granting Licenses to Tavern or Innkeepers, and Storekeepers, and for regulating persons so Licensed, and to suspend the operation of the Acts therein mentioned; and to suspend part of an Act passed in the Thirty-fifth year of the Reign of King George the Third, intituled An Act for regulating Servants*, be, and the same are hereby respectively repealed.

Also Act of 11
G. 4, c. 18.

Also Act of 1
W. 4, c. 16.

II. And be it enacted, That from and after the First day of July next after the passing of this Act, no License shall be granted for keeping any Tavern or Inn, within this Island, on any other than the following conditions, which shall be inserted in the said License: that is to say, that the person to whom such License shall be granted, shall keep at all times during the continuance of such License, in his or her Tavern or Inn, if in Charlottetown, at least Six good and sufficient Beds and Bedding, Four of which Beds at least shall be Feather Beds, for the accommodation of Travellers, with good stalled Stabling, and necessary and wholesome provender for Eight Horses, and the Stables to be within One hundred yards distance of each Tavern or Inn; and if in the Country, Three such Beds with Bedding, and the like good stalled Stabling and provender for Six Horses: Provided always, that before any such License shall be granted, the person or persons

Conditions on
which Tavern
Licenses are to
be granted after
1st day of July,
1846.

And to be insert-
ed in License.

Taverns in Char-
lottetown.

Taverns in the
country.

No License to be
granted unless a
certificate be pro-

duced from 2 Justices of the Peace residing in the neighbourhood of the applicant.

Requisites of such certificate. Oath also to be taken.

Form and requisites of oath. Bond also to be entered into.

Penalty in Bond. Condition of Bond.

Form of Bond.

Mode of enforcing Bond.

Fee to Justice for Bond.

Custody of Bond.

Penalty on Tavern keepers not

applying for the same, shall produce a Certificate from two neighbouring Justices of the Peace, verifying that he, she or they hath or have, in all respects, the accommodations hereinbefore required, and have taken and subscribed an Oath, in the form prescribed in Schedule marked (A)* to this Act annexed, and also hath or have entered into a Bond or Obligation to Her Majesty, Her Heirs and Successors, whereby the person or persons to be Licensed with one or more sufficient Securities, to be approved by the Justices granting the Certificate, shall become bound in the sum of Fifteen Pounds, with Condition that he, she or they shall at all times keep and maintain good order in the House of Entertainment for which such License is requested, and such Bond and Condition shall be according to the form therefor, contained in the Schedule marked (B), to this Act annexed.

III. And be it enacted, That any two Justices of the Peace, for the Town or County wherein such Tavern or Inn may be situate, shall, on their own view, or on the Oath of one or more credible Witness or Witnesses, have power to enforce payment of the said Bond with Costs, after breach of the condition thereof, and the Penalty and Costs may be recovered before them, in the same manner as Small Debts may now by Law be recovered; and for which Bond the sum of Three Shillings and Fourpence, and no more, shall be taken by the Justice who may prepare and witness the execution thereof, who shall be one of the Justices granting the before mentioned Certificate, and such Bond, with the Affidavit and Certificate hereinbefore mentioned, shall be left with the Colonial Secretary at the time of obtaining the License.

IV. And be it enacted, That any person or persons who shall obtain such License, and shall

* Vide note to Schedule (A).

neglect to keep accommodations as aforesaid, or shall refuse to accommodate Travellers to the extent thereof, shall, upon conviction on every complaint thereof, made on Oath before any one of Her Majesty's Justices of the Peace, forfeit and pay the sum of Forty Shillings.

keeping accommodation, &c., and mode of recovery.

V. And be it enacted, That from and after the First day of July next ensuing, it shall and may be lawful for the Lieutenant Governor, or other Administrator of the Government, for the time being, to grant Licenses to retail fermented or distilled Spirituous Liquors, and that the rate or price of such Licenses yearly, shall be as follows, (that is to say,) for any person keeping a Tavern or Inn in Charlottetown, having the accommodations hereinbefore required, the sum of Five Pounds; and for any person keeping a Tavern or Inn in the Country, having the accommodations as hereinbefore required, the sum of Forty Shillings; and for any person not keeping such Inn or Tavern, but who shall require a License for the sale of fermented or distilled Spirituous Liquors, in quantities not less than One Quart, the sum of Three Pounds Ten Shillings, and for any person not keeping such Inn or Tavern, but who shall require a License for the sale of fermented or distilled Spirituous Liquors by retail, in less quantities than One Quart, the sum of Ten Pounds; all which sums respectively shall be paid into the Treasury of this Island, for the use of Her Majesty's Government, the same to be appropriated as may hereafter be directed, in and by any Act of the Legislature of this Island.

After 1st July, 1846, Lt. Governor to grant Licenses to retail Spirituous Liquors, &c.

License duty payable by Tavern-keepers in Charlottetown.

License duty payable by Tavern-keepers in the Country.

License duty payable by persons retailing in quantities not less than 1 quart.

License duty payable by persons retailing in less quantities than 1 quart.

License duty, how payable and appropriated.

VI. And be it enacted, That any person or persons who shall retail any fermented or distilled Spirituous Liquors in less quantities than Two Gallons, without having first obtained a License to that effect, shall for the first offence forfeit and pay the sum of Five Pounds, and for every succeeding offence the sum of Ten Pounds, and if

Penalty for selling by retail without License.

Penalty on Licensed Retailers of not less than 1 quart, selling a smaller quantity, or suffering liquor to be drunk in their houses, &c.

How to be recovered.

Persons paying, deducting or setting off wages of Artificer, &c. in spirituous liquors to be deemed unlicensed retailers and liable to penalties as such.

any person or persons, except such as shall have obtained a Tavern License,* shall hereafter sell or retail any distilled Spirituous Liquors, in quantities less than One Quart, or shall suffer any such Liquors sold by him, her, or them, to be drunk in his, her, or their Store, House, Shop, Booth, or other premises, he, she, or they shall forfeit and pay for the first offence the sum of Five Pounds, and for every other and subsequent offence the sum of Ten Pounds, to be recovered, together with Costs, in way and manner directed by the Fifteenth Section† of this Act.

VII. And be it enacted, That all persons within this Island, or the Territories thereunto belonging, who shall from and after the publication hereof, agree or contract with any Artificer, Journeyman, Servant, Labourer or other person employed by them to pay such Artificer, Journeyman, Servant, Labourer or other person, any part of his, her or their wages, in Rum or other distilled Spirituous Liquors, or shall set-off or deduct all or any part of the wages so due to them respectively, for any or either of those articles so paid or delivered, shall be deemed unlicensed Retailers within the true intent and meaning of this Act, and shall for the first, second and every other succeeding offence, be subject to all and singular, the penalties, forfeitures and punishments that are hereinbefore enacted against unlicensed Retailers; and all such Artificers, Journeymen, Servants, Labourers or other persons, shall be entitled to his, her or their whole wages, notwithstanding any such agreement, set-off or deduction, and shall have the like remedy in Law for the recovery of the same, as if all or any part of such wages were not paid or in any manner satisfied.

* By 10 Vic. c. 11, sec. 3, instead of the words "Tavern License," the words "License therefor" are to be inserted.

† The word "Fifteenth" has been here erroneously inserted instead of the word "Eighteenth," which error is corrected by 10 Vic. c. 11, sec. 2.

VIII. And be it enacted, That all persons having Licenses as aforesaid, who shall take or receive any Pawn or Pledge whatsoever by way of security, for the payment of any sum or sums of money, owing for Rum or other distilled Spirituous Liquors, shall, upon complaint on Oath before any of the said Justices of the Peace, and in virtue of his direction and Order thereupon, be compelled to restore the said Pawn or Pledge to the Pawner thereof, and the Pawner shall also be exonerated from the payment of the sum for which the said Pawn or Pledge was made, and if the said Pawnee shall have destroyed or otherwise disposed of the said Pawn or Pledge, that then and in such case, the said Justice to whom such complaint may have been made, shall order the full value thereof, at the time of making the same, to be paid to the Pawner, and which value may be ascertained and established on his Oath only, and if such Pawnee should refuse or neglect to obey such Order, the said Justice may thereupon issue a Warrant of Distress, to levy by Sale of the said Pawnee's Goods and Chattels to the value, so as aforesaid proved, together with all the Costs attending the same: Provided nevertheless, that such complaint be exhibited and made within Three months next after the time of making such Pawn or Pledge.

Pawns or Pledges taken by licensed Retailers to be restored.

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

Complaint to be made to Justice of the Peace within 3 months.

IX. And whereas much inconvenience and loss of property has heretofore been sustained by Travellers with Sleights, Carioles, Carts and other Carriages, from Pigs, Sheep, Cattle and other animals running at large, about Houses of Entertainment: Be it therefore further enacted, by the authority aforesaid, That every person keeping a Tavern or Inn in the Country, shall have a place enclosed for the exclusion of all such animals, with Gates or Bars, for the free ingress and egress of all such Sleights, Carioles,

Innkeepers in the country to provide an enclosed place under a penalty.

Carts and other Carriages belonging to Travelers, who may have occasion to call at such House for refreshment, on pain of forfeiting, for every Complaint on Oath, the sum of Twenty Shillings.

Licensed Retailers by themselves or their wives, servants, &c. retailing liquor in any other place than where they reside liable to penalty as unlicensed retailers.

X. And be it enacted, That all persons who either themselves or by their Wives, or by any of their Children, or known or reputed Servants, or substitutes under them, shall directly or indirectly, sell any fermented or distilled Spirituous Liquors, by virtue, or under pretence of any License obtained as in this Act is directed, in any other place whatsoever than at the House or place, where such person or persons themselves shall actually and constantly reside and dwell, or keep such Store, on conviction thereof, shall be subject and liable to the like pains and penalties, as persons convicted of selling Spirituous Liquors without License, are by Law made subject and liable to.

Penalty on Licensed Retailers, &c. selling spirituous liquors on Sunday, except to Lodgers.

XI. And be it enacted, That no Licensed Tavernkeeper, or other Retailer, shall sell to or supply any person or persons, except Lodgers and Boarders, in the House of any Licensed Tavernkeeper, or knowingly suffer him, her, or them to be supplied with Spirituous Liquors of any kind on the Lord's Day, commonly called Sunday, on pain of forfeiting, for the first offence, the sum of Two Pounds, and for every succeeding offence the sum of Four Pounds.

Penalty on Licensed Tavernkeepers not having sign-boards.

XII. And be it enacted, That all Licensed Tavernkeepers shall cause Sign-boards to be affixed over their doors outside, or on some other conspicuous part on the outside of their Houses, with the name of the party so Licensed, and the words "Licensed Tavernkeeper," painted thereon, under a penalty of Twenty Shillings.

XIII. And be it enacted, That it shall and may be lawful for any Justice of the Peace, and he is hereby authorized to summon before him any person or persons, to give evidence relative to any breach of this Act, or any part or clause thereof, except the party or his Wife, who may so sell or supply Liquor against its enactments, and any person or persons who shall or may refuse to attend, and declare on Oath, when thereto required, his, her or their knowledge of the premises,, shall forfeit and pay a sum not exceeding Five Pounds.

Penalty on persons refusing to give evidence before a Justice of the Peace under this Act.

XIV. And be it enacted, That all Penalties, fines and forfeitures inflicted by this Act, shall and may be recovered if not exceeding Five Pounds, before any one of Her Majesty's Justices of the Peace, on view of the fact, or on the Oath of the informer, or any other credible Witness or Witnesses, or upon the confession of the offender; and if exceeding the sum of Five Pounds, then before Two Justices of the Peace, all which said Fines and Penalties shall be recovered over and above the costs attending the recovery thereof.

Penalties imposed by this Act how recoverable.

XV. And be it enacted, That no Licensed Retailer shall be deprived of his License, except by the Grand Jury as hereinafter mentioned, or by Judgment rendered by Two or more of Her Majesty's Justices of the Peace, upon complaint to them made of the irregularity or improper behaviour of such Licensed Retailer, the said Judgment being grounded upon a Summons duly issued by the said Justices, requiring such Retailer to appear before them, and upon proof made of the charge therein contained; and thereupon it shall and may be lawful for the said Justices to suspend the License of such Retailer, or wholly to vacate and make void the same, as they shall or may in equity and good conscience, see cause.

How Licensed Retailer may be deprived of License or License suspended.

In Actions brought against Justice, &c., for any thing done under this Act, general issue may be pleaded and special matter given in evidence thereunder.

XVI. And be it enacted, That if any action or suit shall be commenced or brought against any of the said Justices or other Officer or Person for doing or causing to be done, anything in pursuance of this Act, the Defendent in such actions may plead the General Issue, and give the special matter in evidence.

Penalty on Justice, &c., for non-performance of duty under this Act.

XVII. And be it enacted, That if any of the said Justices or other qualified person shall wilfully omit the performance of his duty, in the execution of any part or clause of this Act, he or they so offending shall forfeit and pay the sum of **Ten Pounds**, one moiety thereof for the use of the Informer, and the other moiety to be paid into the Treasury of this Island, to and for the use of Her Majesty's Government: Provided always, that nothing herein contained, shall extend or be construed to extend to prevent the Lieutenant Governor or other Administrator of the Government for the time being, to grant a free License to retail fermented or distilled Spirituous Liquors to any person or persons to whom he may judge it expedient to grant the same.

Appropriation of such penalty.

Lieut. Governor may grant free licenses for retail of spirituous liquors.

Penalties how to be recovered.

XVIII. And be it enacted, That it shall and may be lawful, for any Justice or Justices of the Peace before whom any person or persons shall be convicted in any fine, of any offence committed against the provisions of this Act, to order the payment thereof, and in default of payment of the Fine or Penalty adjudged to be paid by the said person or persons so convicted as aforesaid, when directed by the said Justice or Justices, to issue a Warrant of Distress against the Goods and Chattels of the said person or persons, for the amount of the said Fine, or Penalty and Costs, and cause the same to be sold to satisfy the said Fine or Penalty and Costs, and in case no Goods or Chattels shall be found whereon to levy the same, the said Justice or Justices shall and may commit the person or persons so convicted, to the

Jail of Charlottetown, or to any other Jail within this Island, near to where the offence or offences may have been committed, for a period not less than One Calendar Month nor exceeding Two Calendar Months.

XIX. And be it enacted, That no Retailer or person whatsoever having a License to Retail Spirituous or fermented Liquors, shall knowingly harbour or suffer any Apprentice or Servant whatsoever to sit drinking in his or her house, nor sell or give him, her or them, nor suffer to be sold or given him, her or them, any of the Liquors aforesaid, without special order or allowance of their respective Masters or Mistresses, on pain of forfeiting for each and every offence, a sum not exceeding Twenty Shillings, to be recovered together with Costs, upon Conviction before any one of Her Majesty's Justices of the Peace within the County where the offence shall be committed, the payment of said Fine and Costs, to be enforced as hereinbefore directed, and which Fines shall be paid into the Treasury of this Island, to and for the use of Her Majesty's Government.

Penalty on licensed retailers suffering servants &c., to drink in their houses, &c., without leave of their masters.

How to be recovered.

Appropriation of penalty.

XX. And be it enacted, That no unlicensed Retailer of Spirituous Liquors, shall hereafter maintain any Action or Suit for the recovery of the price of any Spirituous Liquors sold by him, her or them, in less quantities than Two Gallons: Provided always, that nothing in this Act contained shall be construed to prevent any person from retailing Spirituous Liquors in the terms of the License which such person may have obtained before the passing of this Act, during the continuance of such License, and subject to the Laws now in force.

Action for recovery of price of spirituous liquors not maintainable by unlicensed retailers.

Not to prevent persons licensed before passing of this Act from retailing in terms of their licenses.

XXI. And be it enacted, That from and after the passing of this Act, no person shall be allowed

No license to be granted until li-

cense duty, be paid to Treasurer.

Duty of Treasurer on payment made.

Further duty of Treasurer when license is continued for a longer period than original term of license.

to obtain a License for the sale of Spirituous Liquors, until he or she shall have paid unto the Treasurer of this Island the amount of his or her License Duty, and upon every such payment, the said Treasurer is hereby directed and required to give a receipt therefor, which the said person in applying for such License shall produce, on making such application; and that when and so often as any person shall require a continuance of his or her License, from year to year, he or she shall receive the same on payment of their License Duty, and by a receipt therefor being annually endorsed on such License by the said Treasurer, who is hereby required to make such endorsement, on the person requiring the same, producing the beforementioned Certificate of Two Justices, granted before the License was obtained, and such person shall not be required to take out a new License in each year.

Appropriation of penalties under this Act.

XXII. And be it enacted, That one-half of the Moneys arising from the several Penalties, Fines and Forfeitures imposed by this Act, shall be paid respectively into the hands of the Treasurer of this Island to and for the use of Her Majesty's Government, and the other half shall belong and be paid to him, her or them, who shall inform and sue for the same.

Limits the period for recovery of penalties imposed by this Act.

XXIII. And be it enacted, That all Prosecutions in pursuance of this Act for Penalties, Fines and Forfeitures, shall be commenced within Three Calendar Months, after the same shall have been incurred, and in computing the time, the day on which the Offence shall have been committed, shall be considered as the first, any usage to the contrary notwithstanding.

What shall be deemed disorderly conduct within the meaning of this Act.

XXIV. And be it enacted, That it shall be considered (amongst other things) to be disorderly conduct, within the meaning of this Act, if any Tavern or Innkeeper shall knowingly, suffer

or permit on his or her premises, by any Guest or Guests, Card or Dice-playing, Raffling, Shuffle-board, Skittles or any other Game of chance, or shall furnish intoxicating drink to any person or persons then evidently in a state of inebriation, or shall himself or herself be openly and repeatedly intoxicated, or shall unnecessarily keep his, or her Tavern or Inn open at late and unseasonable hours, or shall permit Guests in his or her Tavern or Inn, to quarrel and fight, or become otherwise riotous and guilty of breaking the Peace, without giving speedy information thereof to the proper Authorities, and using all requisite endeavours to bring the offenders to justice.

XXV. And be it enacted, That all persons deeming themselves aggrieved at the sentence or determination of the Justices, relative to any of the offences before mentioned, may appeal therefrom to Her Majesty's Supreme Court; provided such appeal be prayed in Forty-eight hours after conviction, and Security given in manner as the Law in such cases directs, in regard to the recovery of Small Debts.

Appeal allowed from Judgment of Justice of the Peace.

XXVI. And be it enacted, That at the opening of the Supreme Court of Judicature, at each and every of its sittings in the several Counties of this Island, the Justices or Justice presiding at said Court, shall cause a list of all the Tavern-keepers, Innkeepers and Retailers respectively, in the respective Counties, to whom Licenses have been granted as aforesaid, to be delivered to the Grand Jurors, at such sittings of the said Court respectively, and it shall be particularly given in charge to such Grand Jurors, to make diligent enquiry and presentment of all and every such person or persons as shall be guilty of any breach of or offence against the provisions of this Act, and such presentment shall be deemed to be the commencement of a prosecution for the offence therein set forth; and upon the same being

List of Licensed Retailers to be laid before Grand Jury at every Term of Supreme Court.

Duty of presiding Judge of such Court in relation to Grand Jury.

Duty of such Judge on presentment of unlicensed Retailers by Grand Jury.

made, it shall and may be lawful for the Justices or any Justice presiding at such Court, to cause such presentment to be delivered or transmitted to any Justice or Justices of the Peace, or Commissioner or Commissioners of Small Debts, residing in the County where the offence may have been committed, who is and are hereby authorized and required to issue a Summons against the offender in the name of Her Majesty, Her Heirs or Successors, and to proceed and adjudicate thereupon, in manner prescribed by this Act; and any penalty adjudged against any person prosecuted by reason of such presentment, shall be paid into the Public Treasury of this Island.

Duty of Justice of the Peace, &c., when presentment is forwarded to him.

Notice of Appeal from Conviction for penalties or of Writ of Certiorari to be served upon Attorney General for time being.

Duty of Attorney General thereon.

XXVII. And be it enacted, That notice of any Appeal or Writ of Certiorari, had or obtained from or upon any Judgment given, upon any such Prosecution as aforesaid, shall be served on or at the Office of Her Majesty's Attorney General for the time being, who shall thereupon defend the same, in the name of Her Majesty, Her Heirs or Successors.

Powers of Grand Juries as to Licensed Retailers.

XXVIII. And be it enacted, That the Grand Jury shall be, and they are hereby authorized and empowered to suspend or wholly to annul and make void, the License of any Retailer of Spirituous or fermented Liquors, in like manner as Justices of the Peace are hereinbefore empowered to do by this Act, and that no right of appeal from any Judgment or order of the said Grand Jury shall be allowed, any thing herein contained to the contrary notwithstanding.

Penalty on Tavernkeeper, &c. having in his possession Wine, &c. illegally imported.

XXIX. And be it enacted, That if any Tavernkeeper, Innkeeper or Retailer shall sell, offer for sale, or have in his possession any Wine, Brandy, Gin, Rum, Strong Beer, Ale or any other strong or Spirituous Liquors, knowing the same to have been illegally imported into this Island, such Tavernkeeper, Innkeeper or Retailer, upon Con-

viction thereof, on the Oath of one or more credible Witness or Witnesses, before any one of Her Majesty's Justices of the Peace of the County in which such offence hath been committed, shall forfeit and pay the sum of Five Pounds, with Costs of Prosecution, one half of which sum shall be paid to any person who shall prosecute and sue for the same, and the other half into the Public Treasury of this Island, to and for the use of Her Majesty's Government.

And how recoverable.

Appropriation of penalty.

XXX. And be it enacted, That every Licensed Store or Tavern Keeper, shall keep a Copy of his, her or their License, certified by any one of Her Majesty's Justices of the Peace, posted up in some conspicuous place in his, her or their Store or Tavern, where it may be exposed to the inspection of the Public, and if any Store or Tavern Keeper shall neglect thus to post up such certified Copy within his, her or their Store or Tavern, then they shall forfeit and pay for every such offence the penalty of Forty Shillings, which Fine shall be recovered, with Costs, before any one of Her Majesty's Justices of the Peace; one half of the said Fine to be paid into the Treasury of this Island, to and for the use of Her Majesty's Government, and the other half shall be paid to the person prosecuting for the same.

Penalty on Licensed Retailer not keeping copy of license suspended to view in store, &c.

How recoverable.

Appropriation thereof.

XXXI. And be it enacted and declared, That no person shall sell or expose for sale, any distilled Spirituous Liquors, fermented Wines, or Liquors of any description, either out of doors, or in an, Booth, Tent, or other erection or building, other than the constant place of residence of a Licensed Retailer of Liquors, at any Fair, Market, Race Ground, or other public place of meeting, on pain of being fined as unlicensed Retailers of Spirituous Liquors, and it shall be lawful for any of Her Majesty's Justices of the Peace or any Constable, upon view of the fact, to destroy, or cause to be destroyed, all such

Prohibits the sale of any Spirituous Liquors, &c. in any Booth, Tent, &c.

Justice of the Peace, &c., on view, may destroy Liquors so exposed for sale, &c.

Liquors as aforesaid, as shall be exposed for sale contrary to the terms of this Section.

In cases of Appeal the evidence of witness, &c. before Justice of the Peace in the event of his absence, &c. to be received by Supreme Court, if taken by Justice as prescribed in this section.

XXXII. And be it enacted, That in case any person shall Appeal from a Conviction for the breach of any of the provisions of this Act, and the Witness or Witnesses who proved the same shall be absent from this Island, or otherwise unable from some cause to be allowed by the Court, to attend to give evidence on the hearing of such Appeal, then and in every such case, the substance of the evidence given by such absent or infirm Witness, at the time when such Conviction took place, shall be received and taken to be as good evidence, to support the same before the Court of Appeal, as if such Witness had been again examined *viva voce*, on the hearing of such Appeal: Provided always nevertheless, that the evidence of any such Witness or Witnesses, sought to be so used as aforesaid, on the hearing of any Appeal, shall have been read over to the Prosecutor and Defendant, and to such Witness or Witnesses, by the said Justice or Justices, at the period of Conviction by the said Justice or Justices, and any objection made by the Witness or Witnesses, or parties, or either of them to such written evidence, shall be noted thereon at the time, if the evidence shall not be altered by the said Justice or Justices at the time, in the presence of the parties, and the Justice or Clerk of the Court, by or before whom such Conviction shall be given or made, shall in all cases take down the evidence on which any such Conviction may be grounded, and the same shall be received as evidence in the Court of Appeal in the cases last aforesaid, saving all just exceptions thereto.

Oath to be taken by Constables in addition to usual Oath of Office.

XXXIII. And be it enacted, That every Constable, when sworn into office annually, shall take the following Oath, in addition to the usual Oath

of office, heretofore taken by Constables, that is to say—

I, *A. B.*, do swear, that while I act as Constable in this Island for the present year, and in the District for which I am appointed, I will well and faithfully execute the duties imposed on me by the Laws of this Island, made to regulate the sale of Spirituous and fermented Liquors, and without fear or favour.

So help me God.

XXXIV. And be it enacted, That it shall be the duty of every Constable, while in office as such, to visit all Houses and places where he has reason to suspect that any breach of this Act is then being, or has been committed, at all hours by day or night, first giving intimation of the object of his visit at the door or entrance, if required so to do, and every person shall admit such Constable, and produce such License to such Constable, when reasonably demanded, on pain of being fined as an unlicensed Retailer of Spirituous Liquors, in case it shall appear that such person had so retailed contrary to this Act, and all Constables are hereby required, whenever it shall become known to them on their own view, or from any noise or tumult, or by credible information from others, that any breach of this Act has been or is being committed, to repair to the place complained of, and ascertain the facts of the case, and in every instance where there appears probable ground to convict, the Constable shall forthwith fully lay the case on Oath before a Justice of the Peace, and in case of Conviction taking place, he shall be paid his Fees, as the same are allowed by the Courts of Commissioners for the recovery of Small Debts, and in case of Judgment of non-suit or for Defendant, the said Constable shall be entitled, in the discretion of the Justice or Justices who shall

Duties of Constables under this Act.

6 W. 4, c. 5.

have heard and tried the case, to his fees and expenses, to be paid in manner prescribed by the Act of the General Assembly, passed in the Sixth year of the Reign of His late Majesty, intituled *An Act to amend the Act for the summary Trial of Common Assaults and Batteries*, and for every neglect of his duty herein, the Constable shall be liable to a Fine not exceeding Five Pounds.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

FORM OF AFFIDAVIT BEFORE LICENSE GRANTED.*

SCHEDULE (B.)

FORM OF BOND.

Form of Bond to be given by Tavernkeeper.

Know all men by these presents, that we
 are held and firmly bound unto our
 Sovereign Lady Victoria by the Grace of God,
 of the United Kingdom of Great Britain and Ire-
 land, Queen, Defender of the Faith, Her Heirs
 and Successors, in the sum of Ten Pounds,† law-
 ful currency of this Island, to which payment we
 jointly and severally bind ourselves, our Heirs,
 Executors and Administrators firmly by these
 presents: In Witness whereof we have hereunto
 set our Hands and Seals this day of
 in the year of our Lord One thousand Eight
 hundred and

Whereas the above bounden is about
 to apply for a License, for the sale by retail of

* Act 10 Vic. c. 11, abolishes the Form of Oath here prescribed, and substitutes another in lieu thereof.

† Altered to "Fifteen Pounds" by 10 Vic. c. 11.

fermented or distilled Spirituous Liquors, in the Tavern or House of Public Entertainment, kept by the said

Now the condition of the foregoing obligation is such, that if the above bound

shall obtain a License as aforesaid, and shall in no way or manner, at any time, offend against or violate, but at all times well and truly comply with and yield obedience to all and singular the regulations and provisions of the Act or Acts of the General Assembly of this Island, made in relation to persons Licensed to sell Liquors by such Tavern License aforesaid, and shall keep and maintain good order in the Tavern or House of Entertainment, which the said has been Licensed to keep, then and in such case, the foregoing Bond or Obligation to be null and void, otherwise to be and remain in full force and effect.

Signed, sealed and delivered this day of
18 , in the presence of

CAP. XXVII.

An Act to make provision for the regulation of Seamen shipped on board of any Ship or Vessel owned in or belonging to Prince Edward Island, while such Ship or Vessel shall be within the precincts of the said Island.

Continued by 13
Vic. c. 1.

[Passed 18th April, 1846.]

WHEREAS by an Act of Parliament, made and passed in the Seventh and Eighth years of the Reign of Her Majesty Queen Victoria, intituled *An Act to amend and consolidate the Laws relating to Merchant Seamen, and for keeping a Register of Seamen*, it is, in and by the Sixty-first Section thereof, among other things enacted, that the said Act shall not extend or apply to any Ship registered in or belonging to

any British Colony having a Legislature, or to the Crew of any such Ship, while such Ship shall be within the precincts of such Colony, by reason whereof, the provisions of the said Act, so far as the same relate to Ships or Vessels registered in or belonging to this Island, or to the Crew of any such Ship, while such Ship shall be within this Island, or its precincts or dependencies, do not extend to the same: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That so much and such part of an Act of the General Assembly of this Island, made and passed in the Fiftieth year of the Reign of His late Majesty King George the Third, intituled *An Act to prevent the harbouring Deserters from His Majesty's Navy or Army, and for giving a Reward for apprehending Deserters, and to prevent harbouring Deserters from Ships in the Merchant Service*, as relates to Merchant Seamen; an Act made and passed in the Fifty-ninth year of his said late Majesty's Reign, intituled *An Act for the better regulation of Merchant Seamen, and to repeal part of an Act passed in the Fiftieth year of His present Majesty's Reign, intituled An Act to prevent the harbouring Deserters from His Majesty's Navy or Army, and for giving a Reward for apprehending Deserters, and to prevent harbouring Deserters from Ships in the Merchant Service*; an Act made and passed in the Seventh year of the Reign of His late Majesty King William the Fourth, intituled *An Act relating to Merchant Seamen of this Island*; and an Act made and passed in the Seventh year of the Reign of Her present Majesty, intituled *An Act to consolidate, amend, and continue the Acts relating to Merchant Seamen*, be, and the same are hereby respectively repealed.

Repeals so much of the Act of the 50th G. 3d, c. 3, as relates to Merchant Seamen.

Also Act of the 59th G. 3d, c. 8.

Also Act of the 7th W. 4th, c. 3.

And also Act of the 7th Vic. c. 18.

No Capins for debt contracted without the allowance of the Master of the

II. And be it enacted, That immediately after the passing of this Act, if any person or persons in this Island, shall trust or give Credit to any Mariner or Seaman, belonging to any Ship or

Vessel registered in or belonging to this Island, while such Ship shall be within the precincts of this Island, without the knowledge or allowance of the Master or Commander thereof, no Capias or other process of arrest of the person of such Mariner or Seaman, for any Debt so contracted, shall be issued against, or secured upon the person of such Mariner or Seaman, until he shall have performed the voyage which he may be then entered upon and discharged of the same, and every such process so issued shall be deemed and adjudged utterly void in law; and any one Justice of the Court from which such Process shall issue, or Justice of the Peace in case the Debt demanded may not exceed Eight Pounds, to whom it shall be made to appear, that any Mariner or Seaman is committed or detained upon Process granted, for any such Debt contracted while he was engaged, and actually entered and on pay, on any voyage, shall forthwith order his release.

vessel, whilst within the precincts of this Island, to have effect against a seaman belonging to a vessel registered in this Colony, until after the voyage.

III. And be it enacted, That if any Mariner or Seaman, having shipped himself on board of any such Ship or Vessel so within this Island, or which hath been launched, or is actually preparing for sea, to proceed on any voyage and upon pay, shall neglect his attendance or refuse to do his duty on board, or shall absent himself without leave from his said service, upon complaint thereof made on Oath or Affirmation (in the case of persons allowed by Law to Affirm), by the Owner, Consignee, or Master, or other officer of said Ship or Vessel, to any Justice of the Peace within the said County, such Justice is hereby empowered to cause such Mariner or Seaman to be forthwith brought before him by Warrant, and upon conviction of his neglecting his attendance, or refusing to do his duty on board, or absenting himself without leave as aforesaid, to commit such Mariner or Seaman to prison, that he may be secured and forthcoming to proceed on the voyage he has so agreed for, to be delivered by order of

Seamen refusing to do duty, &c., may be committed to Jail by Warrant of a Justice of the Peace.

Charges of such commitment may be deducted from wages.

To be supplied with bedding and maintenance by owner, &c., and Jailer's fees to be paid.

7 Vic., c. 2.

Hiring or concealing article-d seamen knowing them to be deserters.

the Justice who committed him, or some other Justice in the same County, and all necessary charges attending his being so secured, and which have been actually paid by the said Owner or Master, may be deducted from such Mariner's or Seaman's wages, as the same may become due, and it shall be the duty of the Owner, or the Master, or the Officer, or the Consignee of such Ship or Vessel, complaining as aforesaid, to supply, for the use of the said Mariner or Seaman, all necessary bedding, provisions and maintenance during the time of his detention in prison as aforesaid, and pay to the Jailer of said Prison his lawful Fees on receiving and discharging such Mariner or Seaman, and in default thereof, the said Jailer may make the supplies aforesaid, and maintain an action therefor, together with the Fees aforesaid, against the Owner of the said Vessel, or the Master, or the Officer or Consignee complaining as aforesaid, in any Court of Record, or if the sum shall not exceed Eight Pounds, before any Justice of the Peace, according to the provisions of the Act, intituled *An Act relating to the recovery of Small Debts, and to repeal certain Acts therein mentioned.*

IV. And be it enacted, 'That if any Master or Commander of any such Ship or Vessel, or any other person or persons, shall hire or engage, harbour or conceal any Mariner or Seaman, who shall have signed any former Contract or Articles, knowing him to have deserted from, or to belong to any other Ship or Vessel in this Island, registered in and belonging to this Island, every such Master, Commander or other person or persons so offending, and being thereof convicted before any Two of Her Majesty's Justices of the Peace for the County where the offence is committed, upon the Oath or Affirmation (in the case of persons allowed by Law to Affirm), of one or more credible Witness or Witnesses, or confession of the party charged, shall forfeit and pay

such sum as the said Justices shall adjudge, not exceeding Ten Pounds, and not less than Two Pounds, to be levied by Warrant of Distress and Sale of the Offender's Goods, under the Hands and Seals of such Justices; and when recovered, one moiety to be paid to the person so prosecuting for the same, and the other moiety into the Treasury of this Island, to and for the use of Her Majesty's Government; and if there be no Goods or Chattels of such Offender, whereon the said Penalty may be levied, it shall and may be lawful for such Justices by Warrant under their Hands and Seals, to commit such Offender to the Jail of the County where such offence shall be committed, there to remain for a space of time not exceeding Sixty Days, and not less than Ten Days, and such Mariner or Seaman who shall desert at any time during the voyage on which he is engaged by written Contract or Articles, shall, over and above the Penalties and Forfeitures to which he is now by Law subject, forfeit all the wages he may be entitled to, on board the Vessel entered by him after such desertion, to be detained by the Master or Owner of such Vessel, to and for the use of the Owner of the Vessel from which he deserted, or to be sued for and recovered from him by such last mentioned Owner, by action of Debt, or on the case, in any Court of Record, or before any Justice of the Peace, if the sum claimed do not exceed Eight Pounds, agreeably to the above recited Act, relating to the recovery of Small Debts.

Penalty.

Appropriation of penalty.

Deserting seamen to forfeit wages earned on board of vessel afterwards entered by him, in addition to the penalties.

Mode of recovery.

V. And be it enacted, That if proof be made upon Oath or Affirmation (in the case of persons allowed by Law to Affirm), by the Owner, Agent or Master of any such Ship or Vessel, before any of Her Majesty's Justices of the Peace in this Island, that any Seaman or Mariner belonging to such Ship or Vessel, and who may have deserted or absented himself from the same, be kept or concealed on board of any other Ship

A Warrant to search for deserting seamen may be issued by Justice of the Peace on application made on oath.

or Vessel, within any of the Harbours of this Island, or in any Tavern, Pot-house or other house or place within the County, for which such Justice shall be appointed, or if Oath or Affirmation (in the case of persons allowed by Law to Affirm), be made, that such Owner, Agent or Master hath good reason to suspect, and doth verily believe, that such Seaman or Mariner is so concealed as aforesaid, it shall and may be lawful for such Justice to issue his Warrant, to any of the Constables or Peace Officers within the said County, to make search on board such Ship or Vessel, or in such Tavern, Pot-house or other place, and if such Seaman shall be found in such suspected place, that such Justice shall cause such Seaman to be delivered over to the Owner or Master of the Ship or Vessel, to which such Seaman shall belong, to be carried on board such Ship or Vessel, or be committed to Prison, as directed in the third Section of this Act.

If apprehended,
deserting seamen
to be delivered
over to owner,
&c.

VI. And whereas the practice of enticing Seamen to desert their Ships, is greatly promoted by the encouragement given to the Tavernkeepers and others, by giving large sums to them for procuring Seamen: Be it enacted, that from and after the passing of this Act, it shall not be lawful for any Owner, Master or Agent of any Ship or Vessel, registered in or belonging to this Island, or other person, either directly or indirectly, to pay or give any money, hire, or reward, to any Innholder, Tavernkeeper, Shopkeeper, or other person or persons, for the procuring of any Seaman or Seamen for any Ship or Vessel, and that it shall not be lawful for any Innholder, Tavernkeeper, Shopkeeper, or other person or persons, to receive any money, hire, or reward, either directly or indirectly, for the procuring such Seaman or Seamen, and that any money so to be paid, shall be considered as paid without consideration, and may be recovered back by Action.

The giving or
receiving money
for procuring sea-
men for vessels
prohibited.

Money so paid,
to be deemed
paid without
consideration.

or Suit, in any Court having competent jurisdiction, and that all Bonds, Notes, Bills, Agreements, promises or engagements for paying or giving any money, hire or reward, for the above mentioned purposes, shall be absolutely null and void, to all intents and purposes whatsoever.

VII. Provided always, and be it enacted, That no Mariner or Seaman shall be bound, by entering or shipping himself on board of any Ship or Vessel belonging to and registered in this Island, and of the burthen of Forty Tons or upwards, new measurement, unless the Agreement shall be in writing, and declare what wages such Mariner or Seaman is to have, for so long a time as he shall ship himself for, and also shall express the voyage for which such Mariner or Seaman was shipped, any thing hereinbefore contained to the contrary notwithstanding.

No seaman to be bound by shipping himself, for any vessel of 40 tons burthen or upwards, unless the agreement be in writing.

VIII. And be it enacted, That if any person or persons shall aid, entice or assist any Seaman to desert from any such Ship or Vessel, or shall provide or procure, or cause to be provided or procured, for any Seaman, the means or assistance to desert from any such Ship or Vessel, or shall aid or assist any Seaman in the removal of their Hammocks, Clothing or Apparel, from on board of any such Ship or Vessel, or shall convey any Seaman from any such Ship or Vessel, without the sanction of the Master or Commander of such Ship or Vessel, such person or persons so offending for either of the said causes, shall, upon conviction thereof, be liable to the same penalties and forfeitures contained in the Second Section of this Act, to be recovered and applied as hereinbefore provided.

Enticing or aiding seamen to desert.

Penalty thereof, and how to be recovered.

IX. And be it enacted, That if any person shall detain any Seaman or Mariner's Clothes, Chest, Hammock or other property, it shall and may be

Proceedings to recover clothes, chest, hammock, &c., of seaman

when detained by
any person.

lawful for any two of Her Majesty's Justices of the Peace upon complaint made to them by any such Seaman or Mariner, on Oath or Affirmation (in the case of persons allowed by Law to Affirm), to issue their Warrant, directed to any Constable of the County in which such Justices shall have jurisdiction, requiring the said Constable to bring such Clothes, Chest, Hammock or other property before them, and to Summon the person so detaining the same to appear before them to answer for such detainer, and upon a full hearing of the case on the Oath or Affirmation (in the case of persons allowed by Law to Affirm), of the parties and their witnesses, taken *viva voce*, or on proof that the person required to be summoned could not be found, and that a copy of such Warrant was left at his last place of abode, the said Justices shall and may make such order touching the articles mentioned in the said Warrant, and so brought before them, and the delivery thereof to the party complaining, or the restoration thereof to the party charged with detaining the same, as may be reasonable and just, and in case the articles cannot be found, on proof thereof and on the appearance of the party charged, and hearing all parties as aforesaid, on proof of the service of a copy of the said Warrant as aforesaid, then the said Justices shall and may order payment of the value thereof, together with the costs of prosecution, if the same shall to them appear reasonable and just, to be levied by Warrant of Distress and Sale of the Goods and Chattels of the party upon whom such order shall be made, to the use of the said Seaman or Mariner; and in default thereof, the said persons so detaining the same to be committed to Jail, there to remain until the payment of the sum so ordered and costs aforesaid: Provided always, that no proceedings shall be had, unless the value of the articles alleged to be detained shall not exceed Ten Pounds, and provided also, that no Innholder or Tavernkeeper or other person shall be allowed to make any claim,

Limits the amount in value for which proceedings may be taken under this Section.

before the said Justices, for any lien on the said articles mentioned in the said Warrant, or any debt due from the said Seaman or Mariner, if it shall appear that the said Seaman or Mariner was, at the time of such application, a deserter from, or belonging to any Ship or Vessel.

X. And be it enacted, That all Prosecutions instituted for the recovery of any of the penalties imposed, for the breach or breaches of any of the provisions of this Act, may be brought in the name of the Owner or Owners, Master, Agent or Consignee of the Ship or Vessel, to which such Mariner or Mariners at the time of such breach or breaches shall belong, on account of whom such penalty or penalties shall be incurred.

Prosecutions for penalties to be brought in name of master, &c., of vessel to which seaman belonged.

XI. And be it enacted, by the Lieutenant Governor, Council and Assembly, That it shall not be lawful for any Master of any Ship or Vessel, registered in and belonging to this Island, of the burthen of Forty Tons or upwards, new measurement, trading to parts beyond the seas or out of this Island, to carry to sea on any voyage from this Island, any Seaman or other person as one of his crew or complement (Apprentices excepted), without first entering into an Agreement in writing with every such Seaman, specifying what monthly or other wages each such Seaman is to be paid, the capacity in which he is to act, and the nature of the voyage in which the ship is intended to be employed, so that the Seaman may have some means of judging of the probable period for which he is likely to be engaged; and the said Agreement shall contain the day of the month and year in which the same shall be made, and shall be signed by the Master in the first instance, and by the Seamen respectively, at the Port or place where such Seamen shall be respectively shipped, and the Master shall cause the same to be by or in the presence of the party who

Articles of Agreement to be entered into between ship masters and seamen.

Particulars of such Agreement.

Agreement to be read over pre-

vious to execution, &c.

is to attest their respective signatures thereto, truly and distinctly read over to every such Seaman, before he shall be required to sign the same, in order that he may be enabled to understand the purport and meaning of the engagement he enters into, and the terms to which he is bound.

Form of Agreement.

XII. And be it enacted, That every such Agreement shall be in the form, and shall contain true entries under their respective heads, of the several particulars, as set forth in the Schedule to this Act annexed marked (A), so far as the same can be ascertained, and that the Owner and the Master of every such Ship, or one of them, shall on reporting his Ship's arrival at her Port of destination in this Island, deposit or cause to be deposited with the Collector of the Customs, at such Port, a true copy of such Agreement attested by the signature of the Master, to the intent that every person who may be interested in any such Agreement, may at all times have the means of knowing the terms and conditions thereof.

Agreement to be deposited with Collector of Customs at Port of arrival.

Taking seamen to sea without such Agreement.

XIII. And be it enacted, That if any Master of any such Ship as aforesaid, shall carry out to sea any Seaman (Apprentices excepted) without having first entered into such Agreement as is hereby required, he shall for every such offence forfeit and pay the sum of Five Pounds, for or in respect of each and every such Seaman he shall so carry out, contrary to this Act; and if any Master shall neglect to cause the Agreement to be distinctly read over to each such Seaman, as by this Act he is enjoined, he shall for every such neglect forfeit and pay the sum of Five Pounds, and if any Master shall neglect to deposit with the Collector of the Customs, a copy of the Agreement hereby required to be made, and deposited as aforesaid, or shall wilfully deposit a false copy of any such Agreement, he shall, for every such neglect or offence forfeit and pay the sum of Five Pounds.

Penalty on master for so doing.

Penalty on master for not causing Agreement to be read over to seaman before execution, or not depositing same with Collector or depositing a false copy thereof.

XIV. And be it enacted, That the Master or Owner of every Ship, shall, and he is hereby required to pay to every Seaman entering into such contract as aforesaid, his wages, if the same shall be demanded within the respective periods following, (that is to say,) within Three days after the cargo shall have been delivered, or within Ten days after the Seaman's discharge, whichever shall first happen, and in all cases the Seaman shall, at the time of his discharge, be entitled to be paid on account, a sum equal to one-fourth part of the estimated balance due to him, and in case any Master or Owner shall neglect or refuse to make payment in manner aforesaid, he shall, for every neglect or refusal, forfeit and pay to the Seaman the amount of Two day's pay, for each day not exceeding Ten days, during which payment shall without sufficient cause be delayed beyond the period at which such wages or part of wages are hereby required to be paid as aforesaid; for the recovery of which Forfeiture, the Seaman shall have the same remedies, as he is by Law entitled to, for the recovery of his wages: Provided always, that nothing in this clause contained shall extend to the cases of Ships employed on voyages for which Seamen by the terms of their Agreement, are compensated by shares in the profits of the adventure.

Times of payment of seaman's wages.

Forfeiture incurred by Master or Owner for non-payment of wages.

XV. And be it enacted and declared, That every such payment of wages to a Seaman, shall be valid and effectual in Law, notwithstanding any Bill of Sale or Assignment, which may have been made by any such Seaman of such wages, or of any attachment or incumbrance thereon, and that no assignment or sale of wages made prior to the earning thereof, nor any power of Attorney, expressed to be irrevocable for the receipt of any such wages shall be valid or binding upon the party making the same.

Security of Seaman's wages against Bills of Sale, &c.

Seaman entitled to certificate of service on discharge.

XVI. And be it enacted, That upon the discharge of a Seaman, from the Ship in which he shall have served, he shall be entitled to receive from the Master, a certificate of his service and discharge, specifying the period of Service, and the time and place of the discharge of such Seaman, which certificate shall be signed by the Master, and if any Master shall refuse to give such certificate to any such Seaman, without having reasonable cause for his refusal, he shall for every such offence, forfeit and pay to him the sum of Five Pounds.

Penalty on Master refusing certificate.

Payment of wages delayed.

XVII. And be it enacted, That if after a Seaman shall have been discharged Three days from any such Ship or Vessel, when in this Island, he shall be desirous of proceeding to Sea on another Voyage, and in order thereto, shall require immediate payment of the wages due to him, it shall be lawful for any Justice of the Peace, in any part of this Island, on application from such Seaman, and on satisfactory proof that he would be prevented from employment by delay, to Summon the Master or Owner of such Ship or Vessel before him, and to require cause to be shewn, why immediate payment of such wages should not be made, and if it shall appear to the satisfaction of such Justice, that there is no reasonable cause for delay, he shall order payment to be made forthwith, and in default of compliance with such order, such Master or Owner shall forfeit and pay the sum of Five Pounds.

Wages in such case how to be recovered.

Penalty on Master, &c. not complying with order of Justice for payment.

Wages claimed by Seaman and disputed.

XVIII. And whereas Seamen, in cases of dispute, may be exposed to great inconvenience, expense, and delay in obtaining payment of their wages: For remedy thereof, Be it enacted, That in all cases of wages not exceeding Twenty Pounds, which shall be due and payable to a Seaman, for his service in any such Ship as aforesaid, it shall be lawful for any Justice of the Peace, in any part of this Island, near to the

place where the Ship shall have ended her voyage, entered or cleared at the Custom House, or discharged her Cargo, or near to the place where the Master or Owner, upon whom respectively the claim is made, shall be or reside, upon complaint on Oath, to be made to such Justice by any such Seaman, or on his behalf, to Summon such Master or Owner to appear before himself and any other Justice having jurisdiction therein, to answer such complaint, and upon the appearance of such Master or Owner, or in default thereof, on due proof of his having been so Summoned, such Justices are hereby empowered to examine upon the Oath of the parties and their respective Witnesses (*if there be any*) touching the complaint and the amount of wages due, and to make such order for the payment thereof, as shall to such Justices appear reasonable and just; and in case such order shall not be obeyed within Two days next after the making thereof, it shall be lawful for such Justices to issue their Warrant to levy the amount of the wages awarded to be due, by Distress and Sale of the Goods and Chattels of the party on whom such order for payment shall be made, rendering to such party the overplus (if any shall remain of the produce of the sale) after deducting thereout all the charges and expenses incurred by the Seaman in making and hearing of the complaint, as well as those incurred by the distress and levy, and in the enforcement of the Justices' Order, and in case sufficient Distress cannot be found, it shall be lawful for the said Justices to cause the amount of the said wages and expenses to be levied on the Ship, in respect of the service on board which the wages are claimed, or the tackle and apparel thereof; and if such Ship shall not be within the jurisdiction of such Justices, then they are hereby empowered to cause the party upon whom the order for payment shall be made, to be apprehended and committed to the common Jail of the County, there to remain without Bail, until payment shall

Mode of recovery
in such cases.

Decision of Justice in such case to be final.

be made of the amount of the wages so awarded, and of all costs and expenses attending the recovery thereof, and the award and decision of such Justices as aforesaid, shall be final and conclusive, as well on every such Seaman as on the Owner and Master of the Ship: Provided always that in case such Justices shall differ in opinion, as to the amount of or nature of the Judgment to be given in any such case, then the Judgment of either of such Justices, made conjointly with any other Justice of the Peace to be by them named, shall be binding and conclusive between the parties.

Vessels to be provided with Medicines.

XIX. And whereas it is necessary, that due provision should be made for the preservation of the health and lives of the Seamen employed in the Merchant Service: Be it further enacted, That every Ship belonging to, and sailing from this Island to any place out of the same, shall have and keep constantly on board the same, a sufficient supply of Medicines, suitable to accidents and diseases arising on sea voyages, which shall be renewed from time to time, as shall be requisite, and in case any default shall be made in providing or keeping supplied such Medicines as aforesaid, or in case any of the Seamen shall receive any hurt or injury, in the service of the Ship, the expenses of providing the necessary Surgical and Medical advice and attendance and Medicines, which the Seaman shall stand in need of until he shall have been cured, or shall have been brought back to some port of this Island, shall be borne and defrayed by the Owner and Master of the Ship, or one of them, without any deduction whatever, on that account, from the Seaman's wages.

Expense of surgical and medical advice, attendance, &c. by whom to be defrayed.

Recovery of penalties, &c. where no specific remedy is given therefor by this Act.

XX. And be it enacted, That all Penalties and Forfeitures imposed by this Act, and for the recovery whereof no specific mode is hereinbefore provided, shall and may be recovered with costs

of suit, in manner following, (that is to say,) all Penalties and Forfeitures not exceeding Ten Pounds, shall be recoverable at the suit of any person, by information and summary proceedings before any Two Justices of the Peace, in any part of this Island, for the County where the offence shall be committed; or where the offender shall be, which Justices shall have power to levy the amount of any such Penalty or Forfeiture and costs by distress and sale of the offender's Goods, or by commitment of the offender for the non-payment of the amount; and all penalties and forfeitures exceeding Ten Pounds shall and may be recovered with costs of suit, in any of Her Majesty's Courts of Record in this Island, at the suit of Her Majesty's Attorney General, and that all Penalties and Forfeitures mentioned in this Act, for which no specific application is hereinbefore provided, shall when recovered, be paid and applied in manner following (that is to say): one moiety of every such penalty, shall be paid to the Informer, or person upon whose discovery or information the same shall be recovered, and the residue shall be paid over to the Treasury of this Island, to and for the use of Her Majesty's Government: Provided always, that it shall be lawful for the Court before which, or the Justice or Justices before whom, any proceeding shall be instituted for the recovery of any pecuniary Penalty imposed by this Act, to mitigate or reduce such Penalty, as to such Court or Justice respectively, shall appear just and reasonable, in such manner however that no such Penalty shall be reduced below one half of its original amount; and Provided also, that all proceedings so to be instituted, shall be commenced within Two years next after the commission of the offence.

Application of penalties, &c., not specially appropriated by this Act.

Court or Justice, &c., may mitigate penalty.

But no penalty below one half.

Limits the period for recovery of penalties, &c.

XXI. And be it enacted, That no Seaman by reason of any Agreement, shall forfeit his lien upon the Ship, nor be deprived of any remedy for the recovery of his wages, to which he would

Wages of seamen in cases of ships lost.

otherwise be entitled, against any person or persons whatever, and no Agreement contrary to or inconsistent with this Act, nor any clause, contract or engagement, whereby any Seaman shall consent or promise to forego, or give up any right or claim to wages in the case of freight earned by a Ship subsequently lost, or any right or claim to salvage, or reward for salvage services, or such proportion of salvage, or reward for salvage services as shall or may be due to him by decree or award or otherwise, shall be valid or binding on such Seamen, and every copy of an Agreement so certified and delivered as aforesaid, shall in all cases, be received and taken as evidence of the contents of the Agreement, for and on behalf of the Seaman, and no Seaman shall in any case be required to produce such Agreement or copy as aforesaid, or to give notice for the production thereof; but in case the Agreement shall not be produced and proved, he shall be at liberty to prove the contents or purport thereof, or to establish his claim by other evidence, according to the nature of the case.

Seamen not bound to produce articles of Agreement in any case.

Definition of terms in this Act.

XXII. And to avoid doubts in the construction of this Act, be it enacted, That every person having the charge or command of any Ship belonging to this Island, shall within the meaning and for the purposes of this Act, be deemed and taken to be the Master of such Ship, and that every person (Apprentices excepted) who shall be employed or engaged to serve in any capacity on board the same, shall be deemed and taken to be a Seaman within the meaning and for the purposes of this Act, and that the term "Ship" shall be taken and understood to comprehend every description of Vessel of the burthen of Forty tons new measurement as aforesaid, and belonging to this Island, and the term "Owner" shall be taken and understood to comprehend all the several persons if more than one to whom the Ship shall belong.

XXIII. And be it enacted, That all rights, liens, privileges and remedies (save such remedies as are against a Master himself) which by this Act or by any Law, Statute, custom or usage, belong to any Seaman or Mariner, not being a Master Mariner in respect of the recovery of his wages, shall in the case of bankruptcy or insolvency of the Owner of the Ship, also belong and be extended to Masters of Ships or Master Mariners, in respect to the recovery of wages due to them from the Owner of any Ship belonging to any of Her Majesty's subjects, and that no suit or proceeding for the recovery of wages shall, unless they exceed Twenty Pounds, be instituted against the Ship or the Master or Owner thereof, either in any Court of Admiralty or Vice Admiralty Court, unless the Owner of the Ship shall be bankrupt or insolvent, or the Ship shall be under arrest, or sold by the authority of any Admiralty or Vice Admiralty Court.

Liens and rights of master mariners in case of insolvency or bankruptcy of owners similar to common seaman.

No suit to be instituted in Admiralty Court for recovery of wages if under £20, unless in certain cases.

XXIV. And be it enacted, That it shall and may be lawful for any Collector or Comptroller of the Customs, upon complaint made by any three or more of the crew to survey and examine, or cause to be surveyed and examined the provisions, water and medicines, put or supplied on board any Ship for the use and consumption of the crew, and if on such survey and examination, it shall be found that such Provisions, Water or Medicines are of a bad quality or unfit for use, or not appropriate, or there shall not appear to be a sufficient quantity thereof, the Surveying Officer shall signify the same in writing to the Master of the Ship, and if such Master shall not thereupon provide other fit and proper Provisions, Water or Medicines, in lieu of any which may be signified by the said Surveying Officer, to be of bad quality or unfit for use, or not appropriate, or if any such Master shall not thereupon procure the requisite quantity of Provisions, Water and Medicines, or shall use any Provisions, Water or Medicines,

On complaint made by 3 or more of crew, Collector, &c., authorized to cause survey to be held on provisions, water, &c., on board.

And if condemned or not sufficient in quantity.

Surveying officer to signify the same in writing.

And master to be guilty of misdemeanor if he shall not procure other provisions, &c.

which shall have been signified by the Surveying Officer to be of bad quality, or unfit for use, or not appropriate, he shall, in each and every of such cases, be guilty of a misdemeanor.

Not to prevent Seamen entering Her Majesty's service.

Such entry not to be deemed desertion.

XXV. Provided always, and be it enacted, That nothing in this Act or in any Agreement contained, shall prevent any Seaman or person belonging to any Ship or Vessel whatever, from entering or being received into the Naval Service of Her Majesty, nor shall any such Entry be deemed a desertion from the Ship or Vessel, nor shall such Seaman or other person thereby incur any Penalty or Forfeiture whatever, either of wages, clothes or effects, or other matter or thing, and no Master or Owner shall insert or introduce, or permit to be inserted or introduced into any Articles or Agreements, any clause, engagement or stipulation, whereby any Seaman or other person shall or may incur any Forfeiture, or be exposed to loss in case he shall enter into Her Majesty's Naval Service, and if inserted, the clause, engagement or stipulation shall be void.

On entering Naval Service, Seamen to be entitled to wages, clothing, &c.

Wages, how to be paid.

XXVI. And be it enacted, That when any Seaman shall quit any such Ship or Vessel as aforesaid, in order to enter into Her Majesty's Naval Service, and shall thereupon be actually received into such Service, not having previously committed any act amounting to and treated by the Master as desertion, he shall be entitled immediately upon such Entry, to have all his clothes and effects on board such Ship or Vessel delivered to him, and to receive from the Master the balance of the proportionate amount of his wages up to the period of such Entry, after deducting therefrom all charges such Seaman may then be liable to under the provisions of this Act, to be paid either in money, or by a bill on the Owner, all which clothes, effects, money, or bill such Master is hereby required to deliver and pay to

him accordingly, under a penalty of Twenty-five Pounds for every refusal or neglect; but in case the Master shall have no means of ascertaining the balance, he shall make out and deliver to such Seaman a Certificate of the period of his service and the rate of wages he is entitled to, producing at the same time to the Commanding or other Officer of Her Majesty's Vessel, the Agreement with the Seaman, and every such Master upon the delivery of such clothes and effects, and the settlement of such wages in manner herein mentioned, shall receive from the Officer in command of the Vessel into which the Seaman shall have entered, a Certificate of such Entry, endorsed on the Agreement and signed by the said Officer, which such Officer is hereby required to give.

Penalty on Master refusing to deliver up clothes or pay wages, &c.

XXVII. And be it enacted, That this Act shall continue and be in force until the First day of May, which will be in the year of our Lord One thousand Eight hundred and Fifty.

Continuance of Act.

SCHEDULES in this Act referred to.

SCHEDULE (A.)

AN AGREEMENT made pursuant to the directions of an Act of the General Assembly of this Island, passed in the Ninth year of the Reign of Her present Majesty Queen Victoria, between the Master of the Ship of the Port of of the burden of tons, and the several persons whose names are subscribed thereto. It is agreed by and on the part of the said persons, and they severally hereby engage to serve on board the said Ship, in the several capacities against their respective names expressed, on a voyage from the Port of to *(here the intended voyage is to be described, as nearly as can be done, and the*

Form of Seamen's Articles.

places at which it is intended the Ship shall touch, or if that cannot be done, the nature of the voyage in which she is to be employed) and back to the Port of _____ and the said crew further engage to conduct themselves in an orderly, faithful, honest, careful and sober manner, and be at all times diligent in their respective duties and stations, and to be obedient to the lawful commands of the Master in every thing relating to the said Ship, and the Materials, Stores and Cargo thereof, whether on board such Ship, in boats or on shore, (*here may be inserted any other clause which the parties may think proper to be introduced into the Agreement, provided that the same be not contrary to and inconsistent with this Act,*) in consideration of which services to be duly, honestly, carefully and faithfully performed, the said Master doth hereby promise and agree to pay to the said crew, by way of compensation or wages, the amount against their names respectively expressed.

In witness whereof the said parties have hereunto subscribed their names, on the days against their respective signatures mentioned.

Place and time of Entry.			Men's Names.	Age.	Place of Birth.	Quality.	Amount of wages per Calendar month, Share or Voyage.	Witness to Execution.	Name of Ship in which Seaman last served.
Day	Month	Year							

SCHEDULE (B.)

Form of endorsement on Warrant to enable Constable to execute same in another County.

You (*here insert the name of the Constable*) are hereby authorized to execute the within Warrant, within the County of _____

Dated at _____ the _____ day of _____ One thousand Eight hundred and _____

CAP. XXVIII.

An Act relative to Accidents by Fire, and for the improvement of Property in Georgetown, and for the removal of Nuisances from the Streets and Square thereof. Repealed by 14 Vic. c. 28.

[Passed 18th April, 1846.]

CAP. XXIX.

An Act for appropriating certain Moneys therein mentioned, for the Service of the year of our Lord One thousand Eight hundred and Forty-six. Executed.

[Passed 18th April, 1846.]



ANNO DECIMO
VICTORIÆ REGINÆ.

At the General Assembly of Her Majesty's 1847.
Island of Prince Edward, begun and holden
at Charlottetown, the Twenty-sixth day of
January, *Anno Domini* 1847, in the Tenth
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: Sir HENRY
V. HUNTLEY,
Lieut. Governor.
R. HODGSON,
President of the
Council.
JOSEPH POPE,
Speaker.

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

CAP. I.

An Act to prohibit the Exportation of Potatoes, Expired.
for a limited period.

[Passed 9th April, 1847.]

CAP. II.

An Act to provide for the Summary Trial of Continued by 13
Common Assaults and Batteries. Vic. c. 1.
Expired.

[Passed 17th April, 1847.]

CAP. III.

Expired.

An Act for raising a Revenue.

[Passed 22d April, 1847.]

CAP. IV.

An Act to repeal certain Duties and Customs set forth in a certain Act passed in the Session of Parliament, holden in the Eighth and Ninth years of Her present Majesty's Reign, intituled *An Act to regulate the Trade of the British Possessions abroad*, so far as the same relate to this Colony.

[Passed 22d April, 1847.]

WHEREAS the Imperial Parliament of Great Britain, did by an Act passed on the Twenty-eighth day of August, in the year of our Lord One thousand Eight hundred and Forty-six, intituled *An Act to enable the Legislatures of certain British Possessions, to reduce or repeal certain Duties of Customs*, authorize and empower the several Colonial Legislatures to reduce or repeal all or any of the Duties of Customs imposed by the Imperial Act passed in the Eighth and Ninth years of the Reign of Her present Majesty, intituled *An Act to regulate the Trade of the British Possessions abroad*: And whereas it would tend to facilitate Trade and Commerce between this Colony and other Countries, if the Duties imposed by the said Act were repealed: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That on, from, and after the Fifth day of July next, or from such time thereafter as the Royal Assent shall be duly signified to this Act, and Proclamation thereof made in the *Royal Gazette* Newspaper

Repeals duties of Customs relating to this Colony, imposed by Imperial Act of the 8th and 9th Vic. c. 93, after 5th

of this Colony, all Duties of Customs imposed by the said Imperial Act passed in the Eighth and Ninth years of the Reign of Her present Majesty, intituled *An Act to regulate the Trade of the British Possessions abroad, in so far as the same relate to this Colony*, shall be, and they are hereby wholly repealed.

July next, or from such time thereafter as Royal Assent be signified to this Act, and notified in *Royal Gazette* Newspaper of this Colony.

II. And be it enacted, That nothing in this Act contained shall have any force or effect, until Her Majesty's pleasure therein shall be known.

Suspending clause.

*. * This Act received the Royal Allowance 10th August, 1847, and the signification thereof was published in the *Royal Gazette* Newspaper of this Island, on the 28th day of September following.

C A P . V .

An Act relating to the Pumps and Wells of Charlottetown, and to repeal a certain Act therein mentioned.

For expired Acts on this subject, see note to 26 G. 3, c. 1.

[Passed 22d April, 1847.]

BE it enacted, by the Lieutenant Governor, Council and Assembly, That the Representatives in General Assembly of the Town and Royalty of Charlottetown, for the time being, are, or either of them is, and for want of, or in the absence of both of such Representatives, then the senior of Her Majesty's Justices of the Peace, residing within the said Town, is required to publish an Advertisement in the *Royal Gazette* Newspaper, printed in Charlottetown, and also to post Advertisements, calling together the Inhabitants and Landholders of and in the said Town, to assemble at the Court House in Charlottetown, on the First Tuesday in May next, after the passing of this Act, at noon, and also in each and every succeeding year, during the continuance of

Representatives for Charlottetown, or either of them, or in event of absence of both, senior Justice of the Peace residing in said Town, by advertisements, to call a Meeting of Inhabitants, to assemble annually on the 1st Tuesday in May.

this Act, the said Representative or Representatives, are, or either of them is, or in the absence of the said Representative, or either of them, then the senior of Her Majesty's Justices of the Peace residing within the said Town, is hereby required in like manner, to call a Meeting of such Inhabitants and Landholders, on the First Tuesday in May, at noon, at the Court House aforesaid, Eight days' Notice of all such Meetings being previously given in manner aforesaid, at which Meetings of the Inhabitants and Landholders so to be held, the said Inhabitants and Landholders then present, shall elect a Chairman, and at each of such Meetings shall proceed to choose Nine Inhabitants of the said Town, (any Five of whom to be a quorum,) who are hereby required to assess the Inhabitants and Landholders of the said Town, for such sums as shall be granted, voted, and agreed upon by the majority of Inhabitants and Landholders present, at such Meetings respectively.

Inhabitants, &c. to elect a Chairman, and choose 9 persons to assess Inhabitants and Landholders.

II. And be it enacted, That the said Inhabitants and Landholders, at each and every of their respective Meetings, shall, and they are hereby empowered to vote such sum of money as they shall judge necessary, for the then current year, for the making or repairing of Pumps and Wells in Charlottetown, and such further sum as in the discretion of the majority of such Inhabitants and Landholders at any such Meetings, shall appear necessary for the purchasing of Hose, Leather Buckets, Ladders, Saws, Axes, Firehooks, Ropes and Chains, or other requisites for the several Fire Engine Companies of Charlottetown, already or hereafter to be established, and the said Assessors are hereby required to pay a sufficient sum, in requisite proportions, into the hands of the Captains of the said several Fire Engine Companies for the purposes above mentioned, and who shall severally account to the Assessors for the expenditure thereof.

Inhabitants, &c. to vote such sum as they shall judge necessary for Pumps and Wells, &c.

Part of sum assessed to be paid to Captains of Fire Engine Companies.

III. And be it enacted, That the Inhabitants so to be elected, at the respective Meetings herein directed to be held, or any Five of them, shall be, and are hereby empowered to assess the Landholders and Inhabitants of Charlottetown, in just and equal proportions, as near as may be for the moneys voted as aforesaid, and each particular person being assessed according to the fair yearly value of the Real Estate in his or her actual possession in the said Town, shall pay the same to such person or persons as shall be appointed to collect and receive the same by the said elected Inhabitants, or any Five of them, and the said elected Inhabitants or any Five of them, are hereby empowered to assess all unoccupied Real Estate in the said Town, in manner aforesaid, the same to be recovered as hereinafter directed.

Assessors elected at such Meetings, to assess Inhabitants, &c., in equal proportions of sum voted.

Real Estate unoccupied, also to be assessed.

IV. And be it enacted, That on the Second Tuesday in April, in any year when occasion may require the Assessors elected, or to be elected under the provisions of this Act, shall and they are hereby authorized and directed by Advertisement in the *Royal Gazette* Newspaper, to call for Tenders for repairing and keeping in efficient repair, the public Pumps and Wells of Charlottetown, by the year, for a period not exceeding Five years, nor less than Three years, the said Tenders to be delivered to the said Assessors on the day before the Annual Meeting to be held as aforesaid, on the First Tuesday in May next, following the publishing of such Advertisement, and all such Tenders as shall be received by the said Assessors, pursuant to the said Advertisement, shall be submitted by them to the said Public Meeting, and the Inhabitants and Landholders present at said Meeting, or a majority of them, are hereby authorized to accept the Tender that may appear to them to be the most advantageous for the public interest, and any person whose Tender shall be so accepted, shall be

On 2d Tuesday in April, annually, Assessors to let the keeping in repair the Pumps and Wells in Charlottetown for a period not exceeding 5 years.

Tenders to be called for by advertisement.

Period of delivery of Tenders.

Tenders to be submitted to Annual Public Meeting of Inhabitants, &c.

Majority to accept Tender they shall deem most advantageous.

Bond to be given for performance of contract.

required by himself and two sufficient Sureties to enter into a Bond for the due performance of such Contract.

Assessors authorized to have certain conditions inserted in Bond.

V. And be it enacted, That in case it shall appear necessary to the Assessors taking such Bond, they are hereby required to provide therein that as often as it shall appear to the said Assessors or their successors in office, that any Pump or Well shall be allowed to be out of repair for the period of Two days, and contrary to the terms of the Contract, it shall be lawful to and for such Assessors to cause such Pump or Well to be repaired at the cost and charge of such Contractor who shall be liable therefor, and all damages in consequence thereof, in any action on the said Bond.

Mode of enforcing such Bond.

VI. And be it enacted, That all actions for the breach of such Bond, shall and may be brought by the said Assessors, being parties thereto, or by their successors in office.

If Inhabitants, &c., neglect or omit to assess a sufficient sum to pay Contractor, Assessors authorized to assess the same on them.

VII. And be it enacted, That in case it shall or may happen, that by reason of any neglect or omission on the part of the Inhabitants of the said Town, to Assess a sufficient sum to pay off and discharge any amount agreed to be paid such Contractor as aforesaid, in any Contract already or hereafter to be entered into, that then and as often as it shall so happen, it shall be lawful for the said Assessors or their Successors in office, to assess the Inhabitants and Landholders in any sum sufficient to pay and discharge the amount due such Contractor, and which amount so assessed, shall and may be collected and recovered in manner prescribed by this Act.

Mode of recovery of such Assessment.

Assessors to appoint a Treasurer and Collector.

VIII. And be it enacted, That the said elected Inhabitants, or any Five of them, are hereby empowered and required at such their Meetings, to choose and appoint fit and proper persons to

be Treasurer and Collector of the Fund to be raised in pursuance of this Act (taking sufficient security for the due performance of such offices,) and at their pleasure to displace either or both of such Officers, and to appoint others in case of misbehaviour, and to allow the said Collector and Treasurer respectively, such poundage as the majority of said elected Inhabitants shall direct.

And to settle allowance to be paid to them.

IX. And be it enacted, That no Collector as aforesaid, shall be entitled to receive any per centage on the moneys by him collected, until the whole amount of the rate levied shall be duly received and paid over to the Treasurer, excepting always such part or balance thereof, (if any) as shall be made to appear to the satisfaction of the Assessors to be desperate or totally irrecoverable.

Collector not entitled to allowance until whole amount assessed be received and paid over by him.

X. And be it enacted, That if any person so assessed, shall on demand made by the Collector, refuse or neglect to pay his or her proportion of the Assessment, on the Real Estate so in his or her actual possession as aforesaid, the Collector shall and may, after the expiration of Ten days, from the time of making such demand, in case the same shall then remain unpaid, levy the amount of such Assessment on the Goods and Chattels of such defaulter, which Chattels shall be irreplevisable, and may be sold at Auction by the Collector, after he has given at least Six days' public notice of such Sale.

Mode of enforcing payment of assessment where parties neglect or refuse to pay same.

XI. And be it enacted, That the person so assessed may within the said Ten days last mentioned, give to the said Collector, a written notice of his or her intention to Appeal from the said Assessment, and the said Collector shall thereupon notify the said Assessors of every such notice of Appeal being served on him, within one week after the same shall have been served, and the said Assessors, or any Five of them shall ap-

Persons assessed may appeal.

Duty of Collector on appeal.

Duty of Assessors on appeal.

point a time and place to revise the said Assessment so appealed from, allowing the Appellant at least Fourteen days' notice thereof, and their determination after such revision, shall be final and conclusive, and the Collector shall give the Appellant at least Ten days' notice in writing of the time and place of Meeting of the said Assessors to revise the said Assessment, and finally determine the same, and in case such revised Assessment shall not be paid to the Collector within Twenty days after such determination of the Assessors thereon, as aforesaid, then the Collector shall and may *ex officio*, levy the same by Distress and sale of the Goods and Chattels of the Defaulters as hereinbefore mentioned.

Mode of recovery of revised assessment.

If Goods, &c., cannot be found whereon to levy the sum assessed,

Assessors to award a precept to Collector to sell Real Estate of defaulter, & 6 month's notice of sale to be given.

Appropriation of proceeds of Real Estate.

Collector to execute a Deed to purchaser.

XII. And be it enacted, That in case sufficient Goods and Chattels cannot be found whereon to levy such Assessment as last aforesaid, or that the same shall have been made upon unoccupied Real Estate within Charlottetown, then it shall and may be lawful for the said Assessors, or the major part of them, and they are hereby required to award a precept to the Collector in the form hereinafter prescribed, commanding him to make public sale of such Estate so in arrear for the the said Assessment, after giving Six Months' notice thereof in the *Royal Gazette* Newspaper, and out of such sale to pay into the hands of the Treasurer appointed by the said Assessors, the amount of such Assessment, and if any amount remains in the hands of the said Collector after paying the sum so assessed, together with the amount of expenses incurred for Advertising and selling the same, and other incidental charges, such balance or difference shall be paid to the Owner or Owners of such Real Estate so assessed and sold, and the said Collector is hereby authorized and directed to make and execute a Deed to the Purchaser or Purchasers, at his, her, or their expense, of such Real Estate, which Deed when so executed and registered, together

with the Precept authorizing the sale of such Real Estate, shall be held a good and sufficient Title against the original Holder or Holders thereof, subject only to the conditions of the original grant.

XIII. Provided always and be it enacted, That in case of any Real Estate being sold under the operation of this Act, an Equity of Redemption shall nevertheless be open to the former Owner or Proprietor, his Heirs or Assigns, for the space of Two years next after the sale of such Real Estate, the purchaser accounting to the former Owner for the Rents, Issues and Profits, and the former Owner repaying the purchase money and lawful interest thereon, and allowing for such improvements as shall or may be made thereon, the same to be ascertained by the Judgment of the Assessors for the time being, or the major part of them not being parties interested.

Equity of redemption allowed to Owner.

XIV. And be it enacted, That the Person or Persons appointed to collect the Assessments aforesaid, shall once in every Three Months account with, and pay into the hands of the Treasurer all such sums of money as he or they may have received, and upon his or their neglect or refusal to account and pay in the same as aforesaid, such Person or Persons shall and may be prosecuted by the said Treasurer for the time being, by bill plaint or information in the Supreme Court of Judicature, and shall also forfeit and pay a Fine of Ten Pounds; and any Treasurer or Collector to be appointed as aforesaid, (and who shall accept of such appointment) not complying with the duties hereinbefore and after set forth, shall for each offence forfeit and pay a Fine not exceeding Five Pounds, as the Assessors or the major part of them, at any of their Meetings, shall direct and appoint; such Fine to be recovered before any Justice of the

Collector once in every 3 months to account to Treasurer.

Penalty on Collector for not accounting.

Penalty on Treasurer and Collector for not fulfilling any duty imposed by this Act.

Peace, and applied in aid of the Fund to be raised under this Act.

Assessors refusing to act, to forfeit £2.

Mode of recovery thereof.

Appropriation of such penalty.

No person compelled to act as Assessor more than once in 3 years.

Assessors authorized to order improvements to be made in Charlottetown.

And to render an account to Inhabitants, &c. at Annual Meeting.

Outgoing Assessors, Treasurer and Collector, to pay over any balance in hand.

Penalty on Assessor, Treasurer or Collector, offending herein.

Mode of recovery thereof.

Wells not to be sunk within 20 feet of side of street.

XV. And be it enacted, That if any of the Nine Inhabitants to be chosen as Assessors at the Meetings to be held respectively, shall refuse to serve in their respective Offices, each Person so refusing shall forfeit and pay the sum of Forty Shillings to be recovered by the Collector, before any Justice of the Peace, and paid to the Treasurer in aid of the Fund to be raised by virtue of this Act. Provided that no Person shall be compelled to serve as an Assessor, oftener than once in Three years.

XVI. And be it enacted, That the said Assessors so to be appointed, shall and they are hereby authorized and required to cause such improvements to be made in the said Town, by sinking Wells, procuring Pumps, and the repairs thereof, as they, in their discretion, shall think necessary, and shall render an account of the expenditure of all moneys received by them, in pursuance of this Act, together with proper vouchers in support thereof, to the Inhabitants of the said Town of Charlottetown, at their next Meeting or Meetings and the outgoing Assessors, Treasurer or Collector, shall then pay over to the incoming Assessors or Treasurer, any balance remaining in their or his hands, and any Assessor, Treasurer or Collector offending herein, shall incur a penalty of Eight Pounds, to be recovered, before any Two Magistrates, and applied in aid of the Fund to be raised under and by virtue of this Act.

XVII. Provided nevertheless, and be it enacted, That no Wells shall be sunk in any of the Streets of Charlottetown, within Twenty Feet of either side of such Streets.

XVIII. And be it enacted, That in order to enable the said Assessors to carry the provisions of this Act into execution, the Treasurer to be appointed in pursuance thereof, is hereby authorized and directed from time to time, as he shall be required by the majority of the said Assessors to supply the said Assessors, or either of them, with money, taking his or their receipt for the same, and if any overplus shall remain in the hands of the said Treasurer, out of the moneys arising by virtue of this Act, the same shall continue in the hands of the said Treasurer, and be accounted for at the next meeting of the said Assessors.

Treasurer from time to time, to supply money to Assessors.

Overplus in hands of Treasurer, to be accounted for by him.

XIX. And be it enacted, That the overplus of any Moneys which shall be raised by any Sales which shall or may take place in consequence of the non-payment of rates to be levied under this Act, shall be paid to, and remain in the hands of the Public Treasurer of this Island, to and for the use of the Person or Persons, whose Lands or Premises shall be sold.

Appropriation of overplus of money arising from sale of Real Estate.

XX. And be it enacted, That the Assessors and Collector for the time being, shall have power to sue for and recover all arrears of Assessments due under this Act, before they came into Office, the same as if such Assessments had been made after their appointments, and to punish or cause to be punished, any Treasurers or Collectors who may be delinquents, although out of Office.

Assessors and Collector may recover assessment due before their appointment.

XXI. And be it enacted, That it shall and may be lawful for the Representatives of Charlottetown, or either of them, or the Senior Magistrate as aforesaid, at the requisition of any Twelve Householders, to call a Meeting of the Inhabitants of Charlottetown, at any time after any of the said Annual Meetings of the First Tuesday in May, giving at least Eight days'

Representatives of Charlottetown or either of them, or senior Justice of the Peace, on requisition of 12 Householders to call additional meetings of Inhabitants, &c.

Notice to be given.

Inhabitants at such meetings, empowered to add to the former rate.

Public Notice thereof, in manner aforesaid, which said Meeting when convened, shall have power to add to the rate so laid on the First Tuesday in May, and shall be held in the same manner, and governed by the same regulations as are hereinbefore prescribed for the Annual Meetings.

Made of recovery of penalties.

XXII. And be it enacted, That the Fines and Penalties hereby directed to be sued for before One or more Justices of the Peace, shall be recovered, together with reasonable Costs by Warrant of Distress, and sale of the Offender's Goods and Chattels, and for want of sufficient Goods and Chattels, whereon to levy the same, then the Offender shall be committed to Prison for a period not exceeding One Calender Month, nor less than Six days.

No public Building, or lands to be assessed under this Act.

XXIII. And be it enacted, That notwithstanding anything in this Act contained, no Public Buildings or Land in Charlottetown aforesaid, shall be assessed under or by virtue of this Act.

Repeals Act of 1st Will. 4th, Cap. 17. amending Pump and Well Act.

XXVI. And be it enacted, That an Act made and passed in the First year of the Reign of His late Majesty, intituled "An Act to amend an Act made and passed in the Tenth year of the Reign of His late Majesty, intituled *An Act to continue an Act, made and passed in the Eighth year of His present Majesty's Reign*, intituled 'An Act to continue an Act made and passed in the Sixth year of His present Majesty's Reign,' intituled 'An Act to revive, alter and continue an Act made and passed in the Fifty-second year of the Reign of His late Majesty,' intituled "An Act for raising a Fund to make and keep in repair the Pumps, Wells and Streets of Charlottetown, and for other purposes therein mentioned," be, and the same is hereby repealed.

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

Continuance of Act.

FORM OF PRECEPT TO COLLECTOR TO SELL REAL ESTATE.

Prince Edward Island, }
to wit: }

To *A. B.*, the Collector appointed under the Act intituled *An Act relating to the Pumps and Wells of Charlottetown, and to repeal a certain Act therein mentioned*, Greeting:

Form of precept for sale of Real Estate.

Whereas we the undersigned Assessors, appointed for carrying into effect the provisions of the said Act, having assessed, (*here describe the property,*) situate in Charlottetown aforesaid, pursuant to the said Act, and the said Assessment, together with Costs, amounts to the sum of £ Currency, and the notices required by Law having been duly given, and the amount of the said Assessment remaining still unpaid, these are therefore to authorize and require you, the said Collector, to take so much of the said Real Estate, as will satisfy the said Assessment and Costs, and the same to advertize, and sell, and dispose of according to Law, and you are to make due return of this Précept unto us, and also have the money ready as directed by the said Act.

Given under our Hands and Seals this
day of in the year of our Lord
One thousand Eight hundred and
and in the year of the Reign of Her
present Majesty.

(To be signed by a majority of the Assessors.)

CAP. VI.

Repealed by 12
Vic. c. 11. An Act to provide against Nuisances in the
Streets and Squares of Charlottetown.

[Passed 22d April, 1847.]

CAP. VII.

An Act to prevent the running at large of
Hogs within the Town, Common and
Royalty of Charlottetown.

[Passed 22d April, 1847.]

Lt. Governor,
immediately after
passing of this
Act, and on 1st
Wednesday in
May, in every
year thereafter,
to appoint Hog
Reeves for Char-
lottetown, and
also, for Com-
mon and Royalty
of said Town.

Penalty on per-
sons so appoint-
ed refusing to
serve.

Mode of recovery
thereof.

Lt. Governor to
appoint others in
place of persons
refusing to serve.

BE it enacted, by the Lieutenant Governor,
Council and Assembly, That it shall and
may be lawful to and for His Excellency the
Lieutenant Governor, immediately after the pas-
sing of this Act, and on the First Wednesday in
May in every year thereafter, during the continu-
ance of this Act, to nominate and appoint Four
fit and proper persons residing within the Town
of Charlottetown, to be Hog Reeves within the
said Town, for the space of One year, and Ten
fit and proper persons residing within the Com-
mon or Royalty of Charlottetown, to be Hog
Reeves for the said Common and Royalty for
the same period, and the person or persons who
may refuse to serve in the said office shall forfeit
and pay the sum of Five Pounds each, to be
recovered before any Two of Her Majesty's Jus-
tices of the Peace residing within the said Town,
Common or Royalty, and to be levied by War-
rant of Distress and Sale of the Goods and
Chattels of such person or persons so refusing
to serve in the said Office, and the Lieutenant
Governor is hereby authorized to nominate and
choose other persons to serve in their stead.

II. And be it enacted, That the said Hog Reeves shall and are hereby required to take up or cause to be taken up, all Hogs* running at large within the places for which they shall be respectively appointed as aforesaid, and sell and dispose of the same at Public Auction, and all persons obstructing by any way or manner whatsoever, any such Hog Reeve or Hog Reeves in the execution of his or their duty, shall forfeit and pay a Fine not exceeding Five Pounds, and not less than Forty Shillings, to be recovered before any one of Her said Majesty's Justices of the Peace, and to be levied of the offender or offenders' Goods and Chattels by Warrant of Distress, and in the event of the offender or offenders not having Goods or Chattels whereupon to levy the said Fine, then the said Justice of the Peace is hereby authorized and empowered to commit the said offender or offenders to the Jail of Charlottetown, for a space of time not exceeding Thirty days, nor less than Fourteen days.

Duty of such Hog Reeves respectively.

Penalty on persons obstructing Hog Reeve in performance of his duty.

Mode of recovery of such fine.

In the event of offender not having Goods, &c., whereon to levy penalty, to be imprisoned.

III. And be it enacted, That if the said Fourteen Persons, or any of them so to be appointed Hog Reeves, shall neglect or refuse to perform the duties of the said office, by not taking up all Hogs found running at large within the places for which he or they shall be respectively appointed as aforesaid, and disposing of the same in the manner hereinbefore mentioned, each and every Hog Reeve so neglecting or refusing to perform such duties shall forfeit and pay the sum of Five Pounds, to be recovered before any one of Her Majesty's said Justices of the Peace, together with costs of Suit, and to be levied by Warrant of Distress of the Goods and Chattels of such Hog Reeve or Hog Reeves, one half of the said Fine to be paid into the Treasury of this Island for the use of Her Majesty's Government,

Penalty on Hog Reeve after accepting, neglecting or refusing to perform duty imposed by this Act, in not taking up Hogs at large, &c.

Amount of such penalty and mode of recovery.

Appropriation of such penalty.

* By 12 Vic., c. 16, sec. 20, the Hog Reeves of Charlottetown are also required to take up Geese—and by 14 Vic., c. 27, they are authorized to seize Bulls going at large.

and the other moiety to the person who may prosecute such Hog Reeve or Reeves.

Appropriation of other penalties imposed by this Act. IV. And be it enacted, That the several Fines and Forfeitures recoverable under and by virtue of this Act, excepting one half of the Fine imposed by the Second clause, shall be paid into the Treasury of this Island, for the use of Her Majesty's Government, and that one half of the Fine imposed by the said Second clause shall be paid to the Hog Reeve or Hog Reeves, who shall prosecute and sue for the same.

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

CAP. VIII.

Continued by 13 Vic. c. 2. Expired. An Act for the better prevention of Smuggling. [Passed 22d April, 1847.]

*** The provisions of this Act have been re-enacted by 14 Vic. c. 8.

CAP. IX.

Continued by 13 Vic. c. 2 and 14 Vic. c. 10. An Act for the encouragement of Education. [Passed 22d April, 1847.]

Board of Education under Act of the 7th Vic. c. 28 reconstituted Board of Education under this Act. **W**HEREAS the Act now in force for the encouragement and support of District and other Schools is about to expire, and it is expedient to make further, and in some respects other provisions, for these purposes: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the Five persons nominated and appointed to constitute a Board of Education, under and by virtue of an Act passed in the Seventh year of the Reign of Her present

Majesty, Queen Victoria, intituled *An Act relating to Schools and Education*, shall form and constitute a Board of Education under the provisions of this Act, Three of whom shall be a quorum, which Five persons so appointed shall meet four times in each year, (that is to say), on the last Thursday in the Months of January, April, July, and October, respectively, and on such other and further days as the said Board shall deem necessary, and shall give notice of the place and hour of such Quarterly Meetings in the Public Newspapers of the Island, at least Thirty days previous to each Meeting.

Three to be a quorum.

When to meet.

Notice of meeting of Board.

II. And be it enacted, That the said Board shall nominate and appoint one of their number as Secretary of the Board, and the said Secretary shall be paid the sum of Twenty Pounds *per annum*, in half yearly payments, for his services, and to reimburse him for Stationary and other contingent expenses; and each individual of the said Board, exclusive of the Secretary, shall be paid the sum of Four Pounds yearly for his services, subject to the deduction of Twenty Shillings each, for each of the aforesaid Quarterly days he shall be absent from the said Board.

Board to appoint a Secretary.

Allowance of Secretary.

Allowance to other Members of Board.

III. And be it enacted, That when and so often as any vacancy shall occur in the said Board, by death, removal, or otherwise, it shall and may be lawful for the Administrator of the Government for the time being, by and with the advice and consent of Her Majesty's Council, to appoint a fit and proper person to fill up such vacancy.

Vacancies by death, &c. in Board, how to be filled up.

IV. And be it enacted, That any person who may be a Candidate for the situation of Schoolmaster for any District School in this Island, shall, on one of the Days of the said Meetings, or on such other Day as any Three of the said Board

Candidates for situation of School Master to undergo examination.

shall appoint, present himself for and submit to an examination of his qualifications in the Branches hereinafter mentioned, and if the Board be satisfied with the Candidate's qualifications, they shall give him a Certificate of having passed such examination.

And to produce
Certificate of
moral character.

V. Provided always, and be it enacted, That the said Board shall in no case examine or grant a Certificate to any person whomsoever, who shall not have first produced to the said Board a satisfactory Certificate of good moral character, signed by at least Two persons of respectability, one of whom shall be a Clergyman or Justice of Peace, and also a Certificate signed by one of the Masters of the Central Academy, as hereinafter required.

To be 2 Classes
of District
Schoolmasters.

Qualification of
1st or lowest
Class Teacher.

Qualification of
2d or highest
Class Teacher.

VI. And be it enacted, That there shall be only Two Classes of District Schoolmasters who shall be licensed and appointed by this Act to teach in this Island; that Teachers of the First Class shall possess a competent knowledge of, and be qualified to teach, Book-keeping, English Grammar, Reading, with meanings of Words and Sentences, Spelling, Writing, Arithmetic, and Geography without the use of the Globes; that Teachers of the Second or Higher Class shall, in addition to the above qualifications, be competent to teach the Latin Language, Geometry, Trigonometry, Mensuration, Land Surveying and Navigation, together with Geography and the use of the Globes; and that the several Candidates for each of the above named Classes, shall also prove their capability of Teaching by examining Pupils in presence of one of the Masters of the Central Academy; and the Board of Education, after having examined and ascertained the qualifications of such Candidates as shall appear before them, and after such Candidates shall have also produced to the said Board a certificate of such

capability as aforesaid, signed by the Head Master of the Central Academy, or in his absence by either of the other Masters of the said Academy, shall specify in the Certificates to be given them to what Class of Teachers the said Candidates are duly entitled to belong.

VII. Provided always, and be it enacted, That no District Schoolmaster who shall have been duly licensed as a First or Lowest Class Teacher, under the provisions of the said above recited Act, or recognized as such First Class Teacher under the Twenty-ninth Section of the said recited Act, shall be compelled or obliged to undergo a re-examination under the regulations or provisions of this Act; but in all other respects, every such District Schoolmaster who shall have been so licensed or recognized as aforesaid, shall be bound to comply with the regulations of this Act.

Exempts 1st or lowest Class Teacher under Act of 7th Vic. c. 23, from examination under this Act.

VIII. And be it enacted, That it shall be the duty of the Board of Education, and they are hereby required to prepare suitable forms and regulations for making all Returns, and conducting all necessary proceedings under this Act, and to cause a copy of the same with a copy of such instructions as they shall deem necessary and proper for the better regulation of District and other Schools, the same not to be inconsistent with the provisions of this Act, as also a Copy of this Act, to be furnished to each Teacher licensed or recognized under the hereinbefore recited Act, or licensed under this Act, and such Documents shall be at all times preserved in each School House, and open to the inspection of the Trustees, and all other persons concerned in the administration of this Act.

Duty of Board of Education.

IX. And be it enacted, That upon any complaint being made to the Board of Education of

Duty of Board of Education on complaint of

Misconduct of
any District
Teacher.

gross misconduct on the part of any person holding a Certificate as a District Teacher under the hereinbefore recited Act, or under the provisions of this Act, the said Board after due investigation into the said complaint, and satisfactory proof adduced before them of such gross misconduct, shall have power, and they are hereby required immediately thereupon, to cancel and revoke the Certificate held by such District Teacher as aforesaid.

Allowance to
Teacher of Na-
tional School in
Charlottetown.

X. And be it enacted, That the Teacher of the National School in Charlottetown, shall be entitled to the same amount as is intended to be paid to the First Class Teachers, under and by virtue of this Act.

Size, &c., of
School House,
under this Act.

XI. And be it enacted, That every School House within the meaning of this Act, if erected for and used as such before the passing of the above recited Act, shall be not less in clear area than One hundred and sixty-eight square feet, and if erected after the passing of the said recited Act, or this Act, shall not be in clear area less than Two hundred and fifty-six square feet, and every such School House shall be kept in thorough repair.

No Teacher of
1st or lowest
Class entitled to
allowance under
this Act, (except
as is provided in
the 25th and 31st
Sections,) unless
a School House
is provided, &c.

XII. And be it enacted, That no Schoolmaster or Teacher of the First or lowest Class, shall be entitled to any allowance by virtue of this Act, excepting Teachers mentioned in the Twenty-fifth and Thirty-first Sections thereof, unless the Inhabitants of his School District shall have first provided a sufficient School House, to be exclusively used for that purpose, except as hereinafter provided in and by the Sixteenth Section of this Act, and also that he shall have had under his Tuition the number of, at least, Twenty Scholars during the space of Twelve Months immediately preceding the period of his claiming such allowance, or where in default of

such number of Scholars, the amount of Tuition money raised by subscription, and the amount assessed on the Inhabitants, shall together amount at least to Twenty Pounds, exclusive of Board and Lodging.

Amount to be paid by Inhabitants of District to 1st or lowest Class Teacher.

XIII. And be it enacted, That no Schoolmaster of the Second or Highest Class of Teachers shall be entitled to receive any allowance under and by virtue of this Act, unless the Inhabitants of the District comprising his School, shall have provided a sufficient School House, and that he shall have had under his Tuition the number of at least Twenty Scholars during the period of Twelve Months, for which he claims to be entitled to such allowance, or where in default of such number of Scholars the amount of Tuition money raised by subscription, and the amount assessed on the Inhabitants, shall together amount at least to Thirty Pounds, exclusive of Board and Lodging.

Restrictions under which 2d or highest Class Teachers are entitled to allowance under this Act.

Amount to be paid by Inhabitants of District to 2d or highest Class Teacher.

XIV. And whereas differences of opinion and difficulties may at times arise among the Inhabitants of Districts or Settlements, whereby the sites of School Houses as well as the extent and Boundaries of School Districts, cannot be judiciously chosen and defined: Be it therefore enacted, That it shall and may be lawful for any one of the nearest of Her Majesty's Justices of the Peace, or Commissioner for the recovery of Small Debts, not being parties interested in the expense of such School House, or in the Salary and support of the Teacher to be employed therein, to fix and define the sites for School Houses, and the extent and Boundaries of School Districts, and when and so often as the Inhabitants of any Settlement, Township or District, cannot among themselves agree to any place as most eligible for the site of a School House, or upon requisite number of School Houses required by such Inhabitants, or upon the extent of or limits

Mode of defining bounds of School Districts under this Act.

Also, the sites and numbers of School Houses in any District.

and bounds proper to comprise any School District, and not less than Five of such Inhabitants, being Householders, shall make request in writing to any such Justice of the Peace or Commissioner as aforesaid, it shall be the duty of such Justice or Commissioner, after notice of his intention for that purpose, having been duly posted for at least Six Days, in three of the most public places in the Settlement or District where such Inhabitants shall reside, to attend at such place, and there personally to make such enquiry in such manner, and to such extent as to him shall be deemed requisite, and thereupon to fix and determine on the proper and most eligible site or sites for such School House or School Houses, and the proper limits and Boundaries to the District or Districts thereof, and his decision thereon made in writing, under his hand, and returned to the Secretary of the Board of Education, shall be conclusive, unless at least Three-fourths of the Inhabitants of the District comprising such School or Schools and being interested therein shall agree to alter or vary the same.

Allowance to Justice of the Peace or Commissioner of Small Debt Court, for defining bounds, &c., of Districts.

XV. And be it enacted, That every Justice of the Peace, or Commissioner, who shall be applied to for the purpose or purposes in the last preceding Clause mentioned, shall be entitled to demand and receive of the applicants for his trouble the sum of Eight-pence per mile, for each mile travelled to and throughout such School District, and the sum of Five Shillings for his decision in writing, and transmitting the same to the said Secretary of the Board of Education.

With consent of majority of Trustees, any District School House may be used as a place of public worship, &c.

XVI. And be it enacted, That any such School House as aforesaid, may be used as a place of Public Worship, or for any other lawful Public Meeting, by and with the consent of the majority of the Trustees thereof, when the same

shall not interfere with the teaching of the Scholars therein, as is contemplated by this Act.

XVII. And be it enacted, That every Schoolmaster who shall hereafter be engaged as a District Teacher in this Island, shall be obliged, and he is hereby required, within Twenty days after his engagement, to transmit to the Secretary of the Board of Education a notice in writing, in the form prescribed in the Schedule to this Act annexed, marked (A), certified by at least One Trustee, stating particularly the terms and period of his engagement.

Every District Schoolmaster within 20 days after engagement to transmit a notice to Secretary of Board of Education.

Form and particulars of such notice.

XVIII. And be it enacted, That it shall and may be lawful for the Administrator of the Government for the time being, by and with the advice and consent of Her Majesty's Council, and he is hereby required to nominate and appoint annually, one fit and proper person for each of the Counties in this Island, whose duty it shall be to visit and examine, twice in every year, the different District Schools throughout the several Counties for which they shall be respectively appointed, and to prescribe the system and course of instruction to be adopted in such Schools, under the direction and control of the Board of Education; such course and system to be conformable, as far as practicable, to the system and course of Education, adopted and carried out for the time being in the Central Academy, at Charlottetown, and such Visitors shall severally have power, and they are hereby directed, to call meetings of the respective Trustees connected with such Schools, and shall make a Report of every such visit to the Board of Education of the state of every School, stating the method practised, the number of Scholars, state and description of School Houses, and such other information as they may see it necessary severally to give, or that any Branch of the Legislature may require, and such reports shall be published

Administrator of Government with advice and consent of Council, to appoint annually a School Visitor for each of the Three Counties. Duty of such Visitors.

Allowance to
School Visitors.

When and how
payable.

Inhabitants of
every School
District to ap-
point 5 Trustees,
3 to be a quorum.

Duties of Trus-
tees.

in the *Royal Gazette* Newspaper, and be laid before the Legislature within Fourteen days next after the opening of every Session, and such Visitors shall be allowed and paid the sum of One hundred Pounds *per annum* for their services, the same to be divided and apportioned equally between the several Visitors of said Schools, and to be paid quarterly, and to be drawn for by Warrant under the hand and seal of the Administrator of the Government for the time being, upon the Treasurer of this Island.

XIX. And be it enacted, That the Inhabitants of any School District within this Island, who shall have provided a School House therein as aforesaid, shall and may, and they are hereby required, to nominate and appoint Five Trustees, Three of whom shall be a quorum, whose duty it shall be to examine the said School quarterly, and, in conjunction with the Visitor of Schools for the County, enquire into the order, and direct the discipline and regulation of such School, and also to give to any such Licensed Teacher, who has had the management thereof, the necessary Certificates required by this Act.

In any District
where a School
has never been
kept or ceased to
be kept for 12
months, and In-
habitants neglect
to appoint Trus-
tees, Visitor to
call a Meeting of
Inhabitants.

Notice to be
given of such
Meeting.

XX. And be it enacted, That when and so often as it shall happen that in any Settlement, Township, or District, wherein no School shall at any time have been kept, or wherein the Public School or Schools, established in such Settlement, Township, or District, shall have ceased to be kept and taught for the space of Twelve months, and the Inhabitants thereof shall neglect to nominate and appoint Trustees for the establishment or continuance of a School or Schools, as prescribed by this Act, it shall be the duty of the Visitor of Schools for the County in which such School is required, to attend at some public place in such Settlement, Township or District, after having caused notice to be posted up in Three of the most public places

within such School District, at least Six days previous to the meeting of such Inhabitants, stating the time and place and purpose of his attendance, and then and there to take the names of such Five, and any additional like number of persons as shall be elected by the said interested Inhabitants, then and there attending as Trustees of a School or Schools to be kept therein; and in case any District for which such Trustees shall be so elected as aforesaid, shall have no School House situated therein, then such Trustees shall cause a sufficient School House to be erected and completed for the District for which they shall be so elected as aforesaid, and such Trustees shall be, and they are hereby further empowered and directed, to assess the costs and expenses of erecting such School House upon such District, and to apportion such costs and expenses upon the respective Inhabitants of such District, being Householders, and having a child or children between the ages of Seven and Sixteen years, regard being had to the amount of property and number of children of such Inhabitants, as such Trustees shall, in their discretion, think just and reasonable: Provided that no one Inhabitant shall be assessed in any sum exceeding Forty Shillings for the cost and expense of erecting any such School House, and such Assessment shall be recoverable in like manner, as is expressed in the Twenty-fourth Section of this Act; and such Trustees shall also have such further powers, and be liable to such further duties and offices in all respects, as other Trustees appointed under and by virtue of this Act.

Duty of Visitor at such Meeting.

Trustees appointed at such Meeting may assess Inhabitants of District for the erection of a School House.

Limits the amount to be assessed for such purpose on any one Inhabitant.

Mode of recovery of Assessment.

Duties and powers of Trustees appointed at Meeting called by Visitor.

XXI. And be it enacted, That Two of the Trustees of every School, appointed in pursuance of this Act, shall in rotation go out of office in each year, commencing with the Two Members first nominated and appointed; and the Inhabitants of the District comprising such School for

Two Trustees first nominated to go out of office in rotation annually.

Others, how to be appointed in their stead.

But Trustees to continue in office, if Inhabitants neglect to appoint others.

Trustees to apprise Secretary of Board of Education of fact in either case.

Further duties and powers of Trustees.

which they shall have been appointed, shall every year, at the period of renewing their agreement with their Schoolmaster, appoint others in their stead, having the like powers and authority: Provided that in case such Inhabitants shall neglect to elect Two Trustees in the room of such Trustees so to go out of office as aforesaid, then and in that case, such Trustees shall not go out, but continue in office until others shall be elected in their place; but in either case immediately after such period, the Trustees newly elected or remaining in office shall apprise the Secretary of the Board of Education, in writing, of the names of the Trustees on whom the charge of the School has devolved.

XXII. And be it enacted, That in all cases when the Trustees of any School shall enter into an agreement with the Subscribers of the School, on behalf of the Master, they are hereby empowered, either in their own names, or in the name of such one or more of them, or of such other person as a majority of them shall appoint, to sue for and recover in the Supreme Court of Judicature, such sum or sums, being above Eight Pounds, as the said Subscribers shall be liable for, by virtue of such agreement, and when such sum shall be beneath, or not exceeding Eight Pounds, and the same shall not be paid within Ten days after a demand thereof made, upon or at the residence of the Debtor; and after an order for payment thereof made in writing, under the hands of a majority of said Trustees, and produced to the said Debtor, or after the said order or a copy thereof shall have been left at his Dwelling House, that then, and in every such case, the said Trustees, or any one or more of them, or such other person as the majority of them may appoint, may sue and prosecute the said Debtor before any Court appointed for the recovery of Small Debts, or Justice of the Peace, by Summons or otherwise, under such regulations

as are by law prescribed for the recovery of Small Debts; and it shall be lawful, at the hearing of such cases, for the Defendant, if he shall see fit, to plead the inequality of the rate, provided he give notice of his intention so to do, in writing, to the Trustee or Trustees, or other person in whose name the Summons shall have been taken out, within Twenty-four hours after the serving of the same, and if he shall so plead, then it shall be lawful for the said Court for the recovery of Small Debts, or Justice of the Peace before whom the Summons shall be returnable, to hear such evidence as may be adduced by either party, and to vary the amount of rate, and to make an order for such amount of payment as justice may require: Provided nevertheless, that if the Defendant making such plea shall have at any time theretofore acquiesced in the justice of such rate, by having paid his quota thereto, or any part thereof, then such Court or Justice of the Peace shall not permit the same to be heard, or any evidence connected therewith to be adduced, but order the reasonable expenses incurred on either side to be paid by the Defendant.

Defendant allowed to plead inequality of rate, provided notice of intention to do so be given, &c.

Court empowered to vary rate.

If rate had been previously agreed to by Defendant, &c. Court, &c. not to question the same.

Power of Court or Justice, as to costs in such cases.

XXIII. And be it enacted, That a majority of the Trustees of any District School so appointed as aforesaid, may, and they are hereby empowered, whenever occasion may require, to assess the Subscribers and persons interested in such Schools in just proportions, for the necessary repairs and supply of Fuel which may be required for such Schools, and such Assessment shall be recoverable, with Costs; before any Court for the recovery of Small Debts, by and in the name of any Trustee authorized by a majority of such Trustees, and such Assessment, when recovered, shall be applied for the purposes for which the same shall be levied.

Trustees may assess Inhabitants for repairs of School House and for Fuel.

Mode of recovery of such Assessment.

XXIV. Whereas it sometimes happens that certain Inhabitants of School Districts in this

Island, although having children of between the ages of Seven and Sixteen years, and being in circumstances of sufficient ability to afford some or more of such their children considerable advancement in Education, nevertheless refuse to contribute any amount towards the support or establishment of any School, or to the erection of any School House for such purpose, by which means the remaining Inhabitants of the same Settlement, Township or District, otherwise inclined, are not of themselves numerous enough for the support of a School—Be it therefore enacted, That in all School Districts where the boundaries thereof shall be defined under the provisions of this Act, or distinguished and agreed to by the mutual consent of the Inhabitants within the same, such Inhabitants, being not less than Five in number, and being persons having within their families respectively any Child or Children between the ages of Seven and Sixteen years, when and so often as Two-thirds in number at least of such Inhabitants shall subscribe for and send from among themselves the number of Twenty Scholars to any School within the same, or shall raise and subscribe Two thirds at least of the amount of Salary agreed to be received by a Teacher of either Class for the Tuition of at least Twenty Scholars, and also when and as often as a like proportion of such Inhabitants shall raise and subscribe Two-thirds at least of any amount by them estimated or expended in the erection of a sufficient School House for the District wherein they reside, that then, and in every such case, such proportion of Inhabitants are hereby empowered to assess the remaining part of such Inhabitants, to the extent or amount of One-third, or any less part of such third not voluntarily subscribed of the yearly Salary or Tuition money, agreed to be received by such Master, or to the extent of the remaining One-third, or any less part thereof, not subscribed of the amount estimated or expended in the erection

When two-thirds of Inhabitants of any District shall have subscribed Two-thirds of the amount of Teachers' salary, they may assess the other One-third of Inhabitants for remaining portion of such salary for Teacher of either class.

of any School House as aforesaid, in case such School House shall be required, the said third or less part thereof to be apportioned and levied on the respective Inhabitants so to be assessed as aforesaid, in such proportion as according to the number of his or her Children, and ability in circumstances, such other Two-thirds or more of such Inhabitants may deem just and equitable. Provided always, that the sum to be assessed upon any one Inhabitant in any one year towards the yearly Salary of any Master, shall not exceed the amount of Tuition money actually payable by such Inhabitant, for his Child or Children, being between the ages of Seven and Sixteen years, and at the time of the imposing of such Assessment actually going to any other School; and after Six Days' notice shall be posted up at Three public places, at the least, within such School District, specifying the time and place and purpose of a meeting of such Inhabitants, when they shall proceed in order to apportion and levy such Assessment, and if any person so assessed shall on demand made by the Trustees of the School for such District, or by such person as the majority of them shall appoint, refuse or neglect to pay the amount so assessed upon him or her as aforesaid, for the space of Ten Days from the time of making such demand, then it shall and may be recovered before such Commissioners, and in like manner and subject to such forms and proceedings as Small Debts can there be recovered, and in the name of the Trustees of the School for such District, or of a majority of such Trustees, or in the name of any person appointed for that purpose by such majority, under the provisions contained in the Twenty-second Section of this Act.

Limits amount
so to be assessed
in any one year.

Notice to be
given of Meeting
called to assess
Inhabitants under
this Section.

Mode of recovery
of such Assessment.

XXV. And whereas there are certain Settlements situate in remote parts of the Island, and containing but few Inhabitants, who by the foregoing provisions of this Act would be excluded

In Districts where Inhabitants do not reside within 3 miles of each other, &c., or where the number of Scholars shall not amount to Twenty, 8s. per Scholar to be paid to Teacher under this Act;

such allowance not to be paid, unless certain requisites be first complied with.

Form of Affidavit to be made in such cases.

Form of Certificate in such cases.

Requisites of Certificate.

the benefits thereof: Be it therefore enacted, That when in any remote Settlement of this Island, the respective Inhabitants thereof, being at the extrêmes within Three miles of one another, and not within One and one half-mile of any established School within the foregoing provisions of this Act, and the Children of whom, being between the ages of Seven and Sixteen years, together shall not amount to Twenty in number, the Teacher of any School taught therein shall be allowed and paid out of the Treasury of this Island, per year, at and after the rate of Eight Shillings for every Scholar by him or her taught in such School: Provided always, that no allowance to any Teacher within the meaning of this Clause, shall be paid, unless it shall appear to the Secretary of the Board of Education upon the Affidavit of some one or more of the Subscribers to the Salary of such Teacher, subscribed and sworn before some one of Her Majesty's Justices of the Peace for any County of this Island, in the form prescribed in the Schedule to this Act annexed, marked (B), that such Teacher had taught a certain number of Scholars, to be mentioned in such Affidavit, in a good and sufficient School House, for the period of Twelve Months, for which he or she shall claim to be entitled to such allowance; and also that within Two Months after the establishment of any such School, a Certificate in writing, in the form prescribed in the Schedule to this Act annexed, marked (C), signed by at least Three of the Subscribers thereto, specifying the local situation of such School, the number of Subscribers thereto, the number of Scholars, and the name of the Teacher engaged therefor, shall have been deposited with the Secretary of the Board of Education.

Disputes between Subscribers to Schools or Trustees of

XXVI. And be it enacted, That in the event of any dispute between any of the Subscribers, or any of the Trustees and the Teacher, as to

his conduct as Teacher, the Subscriber or Subscribers, Trustee or Trustees, intending to prosecute such complaint with the view of removing him from the School before the expiration of his engagement, shall be obliged to lodge in writing with any one or more of the adjacent Magistrates or Commissioners of Small Debts, a statement of such complaint, and at the same time to send a copy thereof to the Teacher; and such Magistrate or Magistrates, Commissioner or Commissioners, may enquire into such complaint, and examine Witnesses on Oath touching same, and on such complaint being established, a majority of the Trustees or of the Subscribers may in their discretion supersede such Teacher, and engage any other in his stead, to whom the Subscribers shall be bound in equal liability as they were to such superseded Teacher, for such term of his Agreement as may be unexpired at his discharge; but all such Subscribers shall nevertheless be bound to pay him the proportion of his Salary, up to the period of such dismissal; and neither such payment made, nor such proceedings taken, shall be deemed to affect any claim in the said Teacher to the residue of such Salary, on any grounds on the part of such Subscribers to resist the payment of the said residue, which the parties respectively would have had in Law, without the passing of this clause.

Schools and
Teacher how to
be settled.

XXVII. And be it enacted, That every Licensed Teacher shall hereafter keep a regular Journal of his School, containing the names and ages, with notes of the progress and attendance of his pupils, and which Journal shall at all times be open to the inspection of the School Visitor and Trustees of said School for the time being, also of any Member of the Board of Education, who may choose to visit any such School.

Teachers to keep
a journal, &c.

Open to Inspector
or School
Visitor, &c.

XXVIII. And be it enacted, That each and every Licensed Teacher on depositing, or on their

Teachers to de-
posit with Se-

Secretary of Board
of Education,
certain docu-
ments.

Form of Certifi-
cate.

Duty of Secret-
ary thereon.

£10 to be paid
from Treasury to
Teacher of 1st
or lowest class
under Act of 7th
Vic. cap. 28.
£15 to Teachers
of 1st or lowest
class under this
Act; £15 to
Teachers of 2d
or highest class
under Act of 7th
Vic. cap. 28;
and £20 to
Teachers of 2d
or highest class
under this Act.

being deposited on his behalf with the Secretary of the said Board of Education, one part of the original Agreement made by him, or on his behalf with the Subscribers, or a true copy thereof attested on oath, with a Certificate in the form prescribed in the Schedule to this Act annexed, marked (D), endorsed thereon or thereto annexed, under the hands of the Trustees of his School, that the said Master shall have duly kept a Journal of his School in the manner prescribed by this Act and that the provisions of this Act in all respects had been duly complied with, and also certifying to the good conduct, attention and sobriety of such Master, during the time he shall have kept his School pursuant to such Agreement, which conduct shall thereon be also certified by one or more Justice or Justices of the Peace residing near such School, the said Secretary by and with the concurrence of one other Member of said Board, shall thereupon certify the Class to which such Teacher shall belong, and the amount to which, by Law, and as shall satisfactorily appear by such Certificate, the said Teacher shall be entitled; and on the production of such Certificate last mentioned, such Teacher shall be entitled to receive from the Treasury of this Island the respective amounts following, that is to say: Teachers of the First Class, under the provisions of the hereinbefore recited Act of the 7th Vic. cap. 28, who shall have obtained a License from the Board of Education prior to the passing of this Act, but who shall not have submitted themselves to re-examination, and obtained a License or Certificate under the regulations and provisions of this Act, the sum of Ten Pounds; Teachers of the First Class, who shall have obtained a License or Certificate under the Regulations and provisions of this Act, the sum of Fifteen Pounds; and Teachers of the Second or highest Class, who shall have obtained a License from the Board of Education prior to the passing of this Act, but who shall

not have submitted themselves to re-examination, and obtained a License or Certificate under the provisions of this Act, the sum of Fifteen Pounds; and to those who shall have obtained a License or Certificate under the regulations and provisions of this Act, the sum of Twenty Pounds, to be paid in half-yearly payments, by Warrant under the hand and seal of the Administrator of the Government for the time being, by and with the advice and consent of Her Majesty's Council.

Allowance to Teachers, how payable.

XXIX. Provided always, and be it enacted, That the Teacher of one of the District Schools for Georgetown and Royalty, and the Teacher of one of the District Schools in Princetown Royalty, being qualified as Second Class Teachers, shall severally be entitled to receive from the Colonial Treasury the sum of Fifteen Pounds annually, in addition to the allowance to which they may be entitled by the foregoing Section of this Act; and provided further that the several District Schools in the Town and Royalty of Georgetown and Princetown respectively, towards which any allowance of money shall be granted by virtue of this Act, shall not exceed, in either of the said Towns and Royalties, the number of Two.

Teacher of one District School in Georgetown, and of one District School in Princetown Royalty, qualified as 2d Class Teacher, entitled to £15 in addition to allowance under the last preceding section. Teachers of only two Schools in Georgetown or Princetown Royalty to be entitled to allowance under this Act.

XXX. And be it enacted, That all Teachers while conforming to the provisions and requisitions of this Act, shall be exempt from the performance of Statute Labour and Militia duty.

Exempts Teachers of District Schools from Statute Labour and Militia duty.

XXXI. And be it enacted, That any Female Teacher already qualified as a District Teacher for either Class, under the hereinbefore recited Act, or who shall qualify for either Class as directed by this Act, shall be entitled to the allowance herein respectively provided for Male Teachers,

Allowance to Female Teachers under this Act.

Female Teachers only to instruct Female pupils or Boys under 10 years of age.

Limits the number of Female Teachers in Charlottetown, entitled to allowance.

subject to all the regulations and provisions contained herein respecting other Schools, and saving always that Schools taught by Females may be situate in any place, and not confined to a Room used exclusively for that purpose: Provided that the said School shall be limited to the instruction of Female Scholars, and to that of Boys under the age of Ten years; and provided also that there shall not be more than Three such Female Schools in Charlottetown, to be taught by those already duly qualified, or who shall first duly qualify as aforesaid for that purpose.

Allowance to French Acadian Teachers under this Act,

on Certificate.

By whom to be given, and requisites of certificate.

XXXII. And be it enacted, That every French Acadian Teacher who shall teach in a School the Children of that class of the Inhabitants of this Island, on his producing, or there being produced on his behalf, a Certificate signed by the Priest or Clergyman of the Parish or District wherein such School shall be taught, and of whose congregation the said Teacher shall be a member, that such Teacher hath been by him duly examined and found capable of Teaching such School efficiently in the French Language, and also in Reading and Writing in the English Language, and also the Certificates hereinbefore required as to his moral character, and also of his having taught Twenty Scholars for Twelve Months in a suitable building, shall be entitled to the sum of Ten Pounds, payable in manner aforesaid, out of the Treasury of this Island, although such Teacher may not have passed the said Board of Education, as duly qualified in other respects required by the foregoing provisions of this Act.

School vacations.

XXXIII. And be it enacted, That in all cases where the Schoolmaster and Trustees of any School shall not otherwise mutually determine and agree, the vacations of such School shall be Three in number in each year, and at the respective periods following, that is to say—

the first for one Week, commencing on the First Monday in June; the second also for One Week, commencing on the Second Monday in October, and the last from the Twenty-fourth day of December to the First day of January, both inclusive, and no deduction shall be made from the Salary agreed to be paid to such Schoolmaster, nor any time added to the period of his service, on account of such Vacations being allowed.

XXXIV. And be it enacted, That during the continuance of this Act, every District Schoolmaster receiving the benefit of this Act, shall always be liable to teach gratis four Pupils who are to be chosen, from time to time, by a majority of the Trustees of each respective District School, and such last mentioned Scholars shall be so taught for a period not exceeding Two years each.

District Teachers under this Act to instruct Four pupils gratis.

Such pupils, how to be chosen.

XXXV. And be it enacted, That all such Schoolmasters who have received Certificates of qualification as First or Second Class Teachers from the Board of Education, constituted by virtue of the hereinbefore recited Act, passed in the Seventh year of the Reign of Her Majesty Queen Victoria, intituled *An Act relating to Schools and Education*, or who have been recognized as such Teachers under the Twenty-ninth Section of the said Act, with whom any Agreement for the Teaching of a School shall be subsisting at the time of the passing of this Act, and who shall qualify as such First or Second Class Teachers respectively, under the provisions of this Act, while such Agreement shall be so subsisting, shall be entitled to receive from the Treasury of this Island a rateable proportion of the increased allowance granted to such Teacher under this Act, to be calculated from the time such Teacher shall obtain his Certificate of

Teachers under Act of the 7th Vic. cap. 28, to be allowed a rateable proportion of bounty under that Act, until period of qualification under this Act.

qualification under this Act, until the expiration of such Agreement as aforesaid.

Persons holding certain degrees from any College or University in Great Britain or Ireland, &c. producing Certificates, &c., exempted from examination and declared qualified as Teachers of 2d or highest Class.

XXXVI. Provided always, and be it enacted, That any person holding a Degree of Master or Bachelor of Arts from any College or University in the United Kingdom of Great Britain and Ireland, or any of the British Provinces, shall be entitled, upon producing to the Board of Education the usual and customary Credentials or Certificates thereof, duly authenticated, and also a Certificate of good moral character, as required from other Candidates for qualification as Teachers under the Fifth Section of this Act, shall be entitled to receive from the said Board a License or Certificate of qualification under this Act, as a Teacher of the Second or Highest Class.

Teachers of Micmac Indian Children for 6 months entitled to receive 30s., &c.

XXXVII. And be it enacted, That every Teacher who shall produce a Certificate from the Trustees of his School, or any Justice of the Peace, or Commissioner of Small Debts, that he had under his tuition any Pupil, the Child of Micmac Indian parents, and had provided him or her with the necessary Stationary, for a period of at least Six months, shall be entitled to receive at the Treasury of this Island the sum of Thirty Shillings, including the price of Stationary, and a like sum for every period of Six months he may have had such Pupil under his tuition.

Number of Schools in Charlottetown entitled to allowance under this Act.

XXXVIII. And be it enacted, That the allowance to Teachers in the Town of Charlottetown under the operation of this Act, shall extend to one established School, and no more, exclusive of the National School, and Three Schools taught by Females; the Teacher of such established School being the first of the Teachers of Schools in Charlottetown, who shall qualify under this Act.

XXXIX. And be it enacted, That the several persons appointed by the Administrator of the Government, to sell and dispose of the Books purchased by or under the approval of the Board of Education, by means of the Grant allowed for that purpose, under the Thirty-fourth Section of the Act passed in the Seventh year of the Reign of Her present Majesty Queen Victoria, intituled *An Act relating to Schools and Education*, and deposited in their hands for the purpose of sale, shall be called upon and required by the Administrator of the Government, within Two months after the passing of this Act, to advertise in the *Royal Gazette* Newspaper of this Island all the Books in their hands respectively remaining unsold, stating the nature or description, and prices of such Books, and also to pay into the Treasury of this Island, all sums received by them on account of or arising from the sales of any of the said Books so deposited in their hands, and the said persons shall, from and after the time of such Advertisement, respectively pay into the Treasury of this Island, Quarterly, all moneys arising from such sales, and which said moneys may be annually expended by or under the direction of the Board of Education, in the purchase of Books as aforesaid; and in case default shall be made by any of the said persons in whose hands such Books have been deposited as aforesaid, in the payment of any moneys arising from the sale or sales thereof, at any of the periods above mentioned, for payment thereof, the said depositaries shall, for each and every such default, forfeit and pay a sum not exceeding Twenty Pounds, the same to be sued for and recovered by and in the name of the Secretary of the Board of Education, for the time being, by Suit, Plaint or Information, in Her Majesty's Supreme Court of Judicature of this Island.

Duty of persons appointed to sell Books purchased under direction of Board of Education when called upon by Administrator of Government.

XL. And be it enacted, That the Administrator of the Government for the time being, shall

Administrator of Government to

appoint others in room of, or addition to persons mentioned in last preceding Section.

have power and authority, and he is hereby required and directed as often as he shall think fit and expedient, to appoint any other person or persons in place of, or in addition to, any person or persons appointed under the Act recited in the last preceding Section of this Act, for the sale and disposal of the Books therein mentioned, or for the sale and disposal of any further or other Books to be hereafter purchased under the direction of the Board of Education, as is hereinbefore provided, and such person or persons so to be appointed, shall be hereby bound and obliged, quarterly, from the day or days of his or their appointment, to pay into the Treasury of this Island all moneys arising from the sale of such Books under and subject to the like penalties and restrictions as are hereinbefore imposed upon the several persons already appointed by the Administrator of the Government, as mentioned in the said last preceding Section of this Act.

Duty of persons appointed to sell and distribute Books under Act of 7th Vic. c. 28, or under this Act.

XLI. And be it enacted, That all persons appointed to sell and distribute Books under the authority of this or any former Act, shall, on or before the Thirty-first day of December, in each year, make a Return, comprising a statement of the sums by them paid into the Treasury, being the Cost of Books sold in the past year, together with an account of Books in hand, distinguishing such as have been received by them during the past year, which Return shall be made to the Secretary of the Board of Education.

No allowance under Act of the 7th Vic. c. 28, or under this Act to be paid to any Teacher receiving any salary or allowance from Glebe fund.

XLII. And be it enacted, That no allowance to Teachers under this Act or an Act passed in the Seventh year of the Reign of Her present Majesty, intituled *An Act relating to Schools and Education*, shall be paid or allowed to any Teacher who may now, or at any time hereafter, be in the receipt of any Salary, Allowance or payment, out of the moneys derived from the sale of the Glebe Lands in this Island, under an Act

passed in the Fifth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to authorize the sale of Lands in this Island, reserved as sites for Churches, and for Glebe and School Lands*, and which moneys are now placed in the hands of certain Commissioners, and at the disposal of the Bishop of Nova Scotia, in conjunction with the Lieutenant Governor of this Island, under the authority of a Despatch of the late Colonial Secretary, Lord Glenelg, dated the Third day of December, One thousand Eight hundred and Thirty-eight.

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

Continuance of Act.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

Schedule (A.)

I hereby give Notice, that I have entered into an Agreement, bearing date the _____ day of _____ 18____, to teach the School in (the Settlement of _____ in Township No. _____ or the Town or Royalty of _____ as the case may be,) for the term of _____ on the following terms [*here state particularly the terms of engagement.*]

Form of notice from Teacher of his Agreement with Inhabitants of District.

A. B., Teacher.

I (or we) certify the foregoing statement to be correct.

C. D., } Trustee or
E. F., } Trustees.

Schedule (B.)

SCHEDULE (B.)

FORM OF OATH.

Form of Oath of Subscriber to salary of Teacher of District School.

I, *A. B.*, do swear that I am a Subscriber to the Salary of *C. D.*, Teacher of a School in the Settlement of _____ on Township _____ the respective Inhabitants thereof being at the extremes within Three miles of one another, and not within Three miles of any established District School, and the Children of whom being between the ages of Seven and Sixteen years, together do not amount to Twenty in number: that the said Master has taught the number of _____ Scholars in a good and sufficient School-house for the period of Twelve months, ending the _____ day of _____ 18

So help me God.

Sworn this _____ day of _____ 18 , before me,

J. P.

Schedule (C.)

SCHEDULE (C.)

FORM OF NOTICE.

Form of Notice or Certificate from Subscribers to Secretary of Board of Education.

We, the undersigned Subscribers to the School at (*here specify the local situation of the School,*) certify that the said School was opened under the _____ Section of the *Act for the encouragement of Education*, on the _____ day of _____ last past under the Tuition of _____ : the number of Subscribers thereto is _____ , and the number of Scholars attending the same are _____

As Witness our hands this _____ day of _____ , 18

} Subscribers.

To the Secretary of the Board of Education.

SCHEDULE (D.)

Schedule (D.)

We, the undersigned, Trustees of the School at _____ on Township No. _____, do hereby certify that *A. B.*, Teacher of the _____ Class, has diligently, faithfully and soberly discharged his duties, during the last Twelve months, as Teacher of our School, and has duly kept a Journal of the said School during the said period, and in all other respects has complied with the provisions of the *Act for the encouragement of Education*, and is entitled to receive from us the sum of _____ Pounds for his said services, and that a School House, in accordance with the said *Act for the encouragement of Education*, has been provided.

Form of Certificate from Trustees in favour of Teacher.

As Witness our hands this _____ day of 18 _____

} Trustees
of
} School.

Signed in presence of me _____ one of Her Majesty's Justices of the Peace. }

CAP. X.

An Act to abolish Deodands.

[Passed: 22d April, 1847.]

WHEREAS the Law respecting the forfeiture of Chattels which have moved to or caused the death of man, and respecting Deodands, is unreasonable and inconvenient: Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, there shall be no forfeiture of any Chattels, for or in respect of the same, having moved to or caused the death of man,

Deodands and forfeiture of Chattels moving or causing death, abolished.

and no Coroner's Jury sworn to enquire upon the sight of any dead body, how the deceased came by his death, shall find any forfeiture of any chattel, which may have moved to, or caused the death of the deceased or any Deodand whatsoever, and it shall not be necessary in any Inquisition for Homicide, to allege the value of the instrument which caused the death of the deceased, or to allege that the same was of no value.

CAP. XI.

9 Vic., c. 26. An Act to alter and amend the Law now in force regulating the sale by License of Spirituous Liquors, and to repeal certain Acts therein mentioned.

[Passed 22d April, 1847.]

Oath required to be taken by Tavern Keeper, under 2d Section of Act of 9th Vic., c. 26, abolished.

Oath substituted in lieu thereof.

Form of Oath so substituted.

WHEREAS the Act passed in the Ninth year of the Reign of Her present Majesty intituled "*An Act to consolidate the several Acts regulating the sale by License of Spirituous and other Liquors,*" requires to be altered and amended: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the form of the Oath which by the Second Section of the said recited Act is required to be taken by persons applying for a Tavern License, and is prescribed in Schedule (A) of the said Act, shall no longer be required, but in lieu thereof all persons in future applying for a Tavern License or a renewal of such License, shall take and subscribe an Oath in the form prescribed in the Schedule to this Act annexed, marked (A).

II. And whereas in and by the Sixth Section of the said recited Act, the penalties of Five Pounds and Ten Pounds are severally imposed

upon persons who shall retail Spirituous Liquors, or shall suffer such Liquors by them sold, to be drunk in their premises, contrary to the provisions of the said Section, and the said penalties are therein severally directed to be recovered in way and manner directed by the Fifteenth Section of the said Act, which Section hath been erroneously enumerated and referred to in place of the Eighteenth Section: Be it therefore further enacted, That the said penalties shall be recovered in way and manner directed by the Eighteenth Section of the said recited Act, and that the word "Fifteenth," in the last line of the said Sixth Section, shall hereafter be read and construed to mean "Eighteenth."

Penalties imposed by said Act to be recovered as pointed out in the 18th Section thereof, and not as in the 15th Section therein erroneously enumerated.

III. And be it enacted and declared, That the words "Tavern License," where they first occur in the said Sixth Section, (being in the Ninth line thereof in the copies of the said Act, as printed in the year One Thousand Eight Hundred and Forty Six by Her Majesty's Printer,) shall be omitted in the reading and the meaning thereof, and in lieu of the said words there shall be inserted the words "License therefor," and that the said Section shall be read and construed as if the said words "License therefor," were and always had been contained therein in lieu of the said words "Tavern License," and as if the word "Tavern" was not and had never been inserted in the said Act.

Substitutes other words for words used in the 6th Section of said Act.

IV. And be it enacted, That the Penalty as at present expressed as Ten Pounds, in the form of Bond or Schedule (B), as annexed to the said recited Act, shall in future be Fifteen Pounds, and that the said Schedule in that respect shall in future be deemed and taken to correspond with the second Section of the said Act.

Substitutes other words for words used in the form of Bond or Schedule to said Act annexed.

V. And be it enacted That the several Acts in this Section enumerated, and every clause,

Repeals Act of 3 W. 4, c. 33, also Act of 6 W. 4, c.

19, also Act of
2d Session, 2d
Vic., c. 3, and
also Act of 6th
Vic., c. 3.

matter and thing, in them and every of them contained, be, and the same are hereby repealed, that is to say, an Act made and passed in the Third year of the Reign of His late Majesty, intituled "*An Act to repeal the several Acts relating to Licenses for retailing strong and Spirituous Liquors, and to make other provisions in lieu thereof,*" also an Act made and passed in the Sixth year of the Reign of his said late Majesty, intituled "*An Act to alter and amend the Act relating to Licenses for retailing strong and Spirituous Liquors,*" also an Act made and passed in the Second year of the Reign of her present Majesty, intituled "*An Act for rendering more effectual the laws now in force for regulating the Retail of Strong and Spirituous Liquors,*" also an Act passed in the Sixth year of the Reign of Her present Majesty, intituled "*An Act in addition to the several Acts relating to Licenses for the Retailing of Spirituous and Fermented Liquors.*"

Persons Licensed
under Act of 9
Vic., c. 26, or
under this Act,
not required to
take out new
License in each
year, if desirous
to continue Li-
censed Retailers.

VI. And be it enacted, That every person being now, or who shall hereafter become a Licensed Retailer of Spirituous Liquors, and who shall require a continuance of his or her License from year to year, shall not be required to take out a new License year by year, whether such person be licensed as a Tavern Keeper or otherwise, but shall be entitled to receive the same in manner prescribed by the Twenty-first Section of the said recited Act, upon complying with the terms and conditions therein mentioned, as applicable to the purpose for which his License shall be granted, any thing in the said Twenty-first Section or any other part of the said recited Act to the contrary notwithstanding.

SCHEDULE to which this Act refers.

SCHEDULE (A.)

Schedule A.

FORM OF AFFIDAVIT BEFORE LICENSE GRANTED.

I of in the Town (or County as the case may be) do swear that the Beds and Stable accommodations now exhibited, and according to the Inventory hereto annexed, are kept by me at all times for the use of Travellers who may stop at this Tavern, and that the Stable is within the distance of One hundred yards from the Tavern, and further, that I do *bona fide* solicit, and will at all times use such License for the sole purpose of keeping a Tavern or Inn.

Form of Oath to be taken by applicant for Tavern License.

So help me God.

Sworn at this day of }
 18 before me }
 J. P.

C A P. XII.

An Act to authorize the calling in of all Treasury Notes now in circulation, and the re-issue of the amount thereof from Plates of a new design, and to explain and amend the Acts therein mentioned.

For other Acts relating to Treasury Notes, see 5 G. 4, c. 18, 6 G. 4, c. 12, 9 G. 4, c. 1, 11 G. 4, c. 16, 1 W. 4, c. 15, 3 W. 4, c. 13, 4 W. 4, c. 17, 5 W. 4, c. 11, 8 Vic., c. 11.

[Passed 22d April, 1847.]

WHEREAS many of the Treasury Notes of this Island, by reason of the same having been issued upon an inferior description of paper have become much worn and defaced, whereby the free circulation thereof, becomes frequently much impeded, to the inconvenience of private holders of the same, and it is expedient that all

Lt. Governor within one month to authorize Commissioners for issuing Treasury Notes, to cause new plates to be engraved, &c.

Value of new Notes.

Form of such Notes.

Duty of Commissioners.

Treasury Notes now in circulation be called in, and that the total amount thereof be re-issued upon a superior quality of Paper, and from Plates of a new design: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Lieutenant Governor, or other Administrator of the Government for the time being, and he is hereby required within One Month from the passing hereof, to authorize and require the Commissioners appointed for the issuing of Treasury Notes for the time being, to cause or direct the engraving of plates of a new and improved design, applicable to the different classes or descriptions of Notes already issued from the Treasury of this Island, under the several Acts now in force relating to the issue of Treasury Notes, that is to say, Notes of the specified value of Five Pounds, Two Pounds, One Pound, Ten Shillings, and Five Shillings, but in the form of words in which such respective Notes have heretofore been issued, and also to cause or direct the printing of the said Notes according to such improved designs, upon paper of a superior quality and description, and to superintend the completing or filling up of the blanks in the same.

Lt. Governor to direct Treasurer to call in old Notes when the new are prepared for issue.

II. And be it enacted, That it shall and may be lawful for the Lieutenant Governor, or other Administrator of the Government for the time being, and he is hereby required when and so soon as the said Commissioners shall have procured the requisite blank forms or Notes, agreeably to such improved designs, to authorize and direct the Treasurer of this Island to call in all Treasury Notes then afloat or in circulation, which have from time to time been issued from the Treasury of this Island, under and by virtue of the several Acts or Laws of this Colony, authorizing the issue of Treasury Notes.

III. And be it enacted, That from and after the time when such call shall be so made, the said Treasurer and Commissioners shall meet upon the First Friday in each and every Month, for the purpose of exchanging such old Notes as shall have been paid into or deposited in the hands of the Treasurer, pursuant to the said call for new Notes, which new Notes shall be signed by the said Commissioners, and shall all bear the same date; and each class or description of Notes shall be numbered by the Commissioners, from number One (1) upwards consecutively, and for every old Note delivered by the Treasurer to the said Commissioners, the Commissioners shall in exchange deliver a new Note of the same value and description, excepting as to the number and date of the old Note; and the said Treasurer upon the delivery of such new Notes to him, shall countersign the same, and shall be accountable for such Notes so delivered to him.

Duty of Treasurer and Commissioners in exchanging Notes on call made.

New Notes to be signed by Commissioners.

Date and Numbers of new Notes.

Treasurer and Commissioners to exchange Notes.

Treasurer to countersign new Notes.

IV. And be it enacted, That the said Commissioners shall, and they are hereby required, from time to time as such old Notes shall be delivered into their hands by the Treasurer, in exchange for new Notes, after having taken a correct and true account of the value and description of such old Notes, immediately thereupon, and in presence of the said Treasurer, to destroy or cancel the whole of such old Notes so delivered to them.

Commissioners to destroy old Notes exchanged.

V. And be it enacted, That from and after the time of such Call, until the whole amount of Treasury Notes now in circulation shall be paid in, the said Treasurer shall attend Two days in each and every week, that is to say, on Monday and Thursday, during office hours, for the especial purpose of receiving or taking delivery of all such Treasury Notes as shall be deposited with him, pursuant to the said Call, and of the value and description of which said Notes the said

Treasurer to attend Two days in each week to receive old Notes desired to be exchanged for new Notes.

Days of attendance.

Duty of Treasurer on receipt of such old Notes.

Treasurer to give a receipt for old Notes if not provided with new, to exchange for them.

Treasurer to deliver new Notes as soon as practicable.

Until delivery of new Notes, receipt to be a voucher to holder against the Government.

New Notes to be issued to subject to enactments contained in several Treasury Note Acts recited.

5 G. 4, c. 18.

6 G. 4, c. 12.

Treasurer shall take a correct and true account, and in case he shall not be prepared, upon presentment thereof to him, to deliver in exchange an equal amount of the same class or description of Notes to be issued by virtue of this Act, and the holder shall then choose to deposit the same with him, then, and in such case, the said Treasurer shall give a receipt to the person or persons so presenting and depositing the old Notes, and upon production of the said receipt, the said Treasurer shall afterwards, and as soon as he conveniently may, agreeably to the terms of this Act, deliver to the holder thereof an equal amount in Notes, to be issued by virtue of this Act, and of the same class and description as the Notes so deposited; and until such new Notes shall be so delivered, the said receipt shall be a good and sufficient voucher in the hands of the holder, for the amount thereof against the Government.

VI. And be it enacted, That the Treasury Notes which shall be re-issued under the authority of this Act, shall each and all be subject to the several enactments and provisions contained in an Act, made and passed in the Fifth year of the Reign of His late Majesty King George the Fourth, intituled *An Act to empower His Excellency the Lieutenant Governor or Commander in Chief for the time being, to appoint Commissioners to issue Treasury Notes*, and an Act made and passed in the Sixth year of the Reign of His said late Majesty, intituled *An Act to authorize the Commissioners, named and appointed under an Act made and passed in the Fifth year of the Reign of His present Majesty, intituled An Act to empower His Excellency the Lieutenant Governor, or Commander in Chief for the time being, to appoint Commissioners to issue Treasury Notes, to issue Notes of the value of Ten Shillings each*, and the Fourth Section of an Act made and passed in the First year of the Reign of His late Majesty King William the

Fourth, intituled *An Act to authorize a further issue of Treasury Notes*, and an Act made and passed in Fifth year of the Reign of His said late Majesty King William the Fourth, intituled *An Act to amend and render perpetual certain Laws now in force relating to Treasury Notes*. 1 W. 4, c. 15.
5 W. 4, c. 11.

VII. And whereas, no Act of the General Assembly of this Island heretofore passed, authorizing the issue or relating to the issue of Treasury Notes, contains any provision touching the mode of filling up vacancies upon the death, resignation or other removal, of any Commissioner or Commissioners appointed under and by virtue of an Act made and passed in the Fifth year of the Reign of His late Majesty King George the Fourth, intituled *An Act to empower His Excellency the Lieutenant Governor or Commander in Chief for the time being to appoint Commissioners to issue Treasury Notes*; it is therefore necessary and expedient to confirm all such appointments as have since been made, and to make provision for such appointments in future: Be it therefore enacted, That the several appointments which have from time to time been made by the Executive Government of this Island, in the room or stead of the several Commissioners appointed under and by virtue of the said recited Act, upon the death, resignation, absence or other removal of them or any of them, or in the room or stead of any person or persons who may have been appointed in the room or stead of his, their or any of their Successor or Successors in Office, upon his or their death, resignation, absence or other removal, shall be deemed and held, and they are hereby severally and respectively declared to be good and valid in Law, and in all respects as sufficient and effectual as if such appointment or appointments had been respectively made, in conformity with any Law or Statute of this Island for that purpose

5 G. 4, c. 12.
Confirms previous appointments of Commissioners for the issue of Treasury Notes, and authorizes future appointments and filling up vacancies.

expressly enacted and provided, and that in case of the death, resignation, absence from the Island, or other removal of any one or more of the persons now holding such appointments as Commissioners aforesaid, the Administrator of the Government for the time being shall hereafter have power to appoint another Commissioner or Commissioners in his or their room and stead.

Certain incorrect recitals in Act of the 1st Will. 4, c. 15, explained and amended.

VIII. And whereas the references to or recitals of the Acts, contained in the Second Section of an Act made and passed in the First year of the Reign of His late Majesty King William the Fourth, intituled "*An Act to authorize a further issue of Treasury Notes,*" are incorrectly stated or set out: Be it therefore enacted and declared, That the word "Sixth" in the Fifth line of the said Second Section of the said recited Act, as published by Her Majesty's Printer in the volume of the Laws of this Island printed at Charlottetown in the year 1834, and also the word "Sixth" in the Thirteenth line of the said Section of the said Act as so published, shall in the reading and construction of the said Clause be severally omitted, and instead and in lieu thereof the word "Fifth" shall in each of those places be inserted and used, and also that the words "Same year" in the Tenth line of the said Section as so published, shall in the reading and construction of the said Clause be omitted, and instead and in lieu thereof the words "Sixth year of the Reign of His said late Majesty" shall be inserted and used, and the said Clause shall in all cases, and for all purposes whatsoever, be held, construed, used and taken as if the word "Sixth" in the several lines or places above mentioned, and the said words "Same year" in the said line or place above mentioned had never been therein inserted or contained, but that the said word "Fifth" in lieu of the said word "Sixth" and the said words "Sixth year of the Reign of His said late Majesty" in lieu of the said words

“ Same year ” had respectively always from the time of the passing of the said recited Act, of the First year of the Reign of His said late Majesty King William the Fourth, been therein inserted and contained, any thing in the said Second Section of the said recited Act to the contrary thereof notwithstanding.

IX. And be it enacted, That the Commissioners for the issuing of Treasury Notes for the time being, who shall direct the engraving and superintend the re-issuing of the Notes, by virtue of this Act, shall be paid at and after the rate of One quarter *per centum* each, as a remuneration for their trouble in directing such engraving and superintending such re-issue of Treasury Notes, in manner required by this Act.

Remuneration to
Commissioners
for issue of New
Notes.

CAP. XIII.

An Act to extend the provisions of the Act relating to the establishment of Township Boundary Lines.

See note to Act
4. Wm. 4. c. 15.

[Passed 22d April, 1847.]

WHEREAS by the Act made and passed in the Fourth year of the Reign of His late Majesty King William the Fourth, intituled “ *An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the duty of Surveyors, and to repeal a certain Act therein mentioned,* ” provision is made by the Ninth Section thereof for the recovery, by action at law, of such Rent or purchase money, as may have been received for Land by any Proprietor, who, by the establishment of any Township Line, may be found not to have been entitled to the same, but it frequently happens that the Proprie-

In cases where personal service of process, &c. is necessary under Act of 4th Wm. 4, C. 15, such service may be made on Agent, &c. of absent party.

tor, his Heirs, Executors or Administrators, being so liable, are resident out of the limits of this Island, by reason whereof, delay and great difficulties arise in taking proceedings at law under the said Section; for remedy whereof: Be it enacted, by the Lieutenant Governor, Council and Assembly, That in all actions as Law, or suits in Equity, which may hereafter be had or instituted by virtue of the said recited Act, it shall be lawful for the Plaintiff or Complainant, in all cases where personal service of Process is required, to cause the same to be served on any Agent or Attorney in this Colony, who at the time of such service shall be authorized by power or Letter of Attorney, in writing, to bring or defend any action or suit at law, or in equity, of or concerning the Township or Land, from or out of or concerning which the cause of action of any such first mentioned Plaintiff or Complainant, shall have arisen.

Requisites of Affidavit of service of such process, &c.

Mode of compelling Agent, &c. to produce power, &c. under which he acts.

II. And be it enacted, That every Affidavit to be made of the service of any such Process as aforesaid, shall contain shortly, the fact of the existence and general tenor of such Power or Letter of Attorney, and the name or names of the person or persons therein or thereby authorized; and if such Document be not registered the party in possession thereof shall be liable to produce the same for inspection before action or suit commenced, upon an order for that purpose made by any Judge or Chancellor, having Jurisdiction in any such intended action or suit; and upon such Affidavit being duly made and filed, or upon appearance being otherwise entered by the usual course of Practice of the Court, such service shall be deemed good and effectual, unless upon cause shewn in due time, before any Judge or Chancellor, such Affidavit shall not appear to be in accordance with the intent and meaning of this Act, and that such service shall thereupon be set aside by such Judge or Chancellor for irregularity.

III. And be it enacted, That this Act shall not be deemed or construed to prevent any person having a right of action by virtue of the aforesaid recited Act, from proceeding therein against any absent Defendant or Defendants in manner prescribed by the Laws of this Island, for proceeding against absent or absconding Debtors.

Not to prevent persons from proceeding under recited act, against absent parties under absent Debtor Acts.

IV. And be it enacted, That nothing herein contained shall have any force or effect until Her Majesty's pleasure therein shall be known.

Suspending clause.

, This Act received the Royal Allowance on the 30th day of October, 1847, and notification thereof was published in the *Royal Gazette* Newspaper of this Island, on the 23rd day of November 1847.

C A P. X I V.

An Act to alter and amend an Act made and passed in the Sixth year of the Reign of Her present Majesty, intituled "An Act to alter and amend an Act for the establishment of an Academy in Charlottetown."

10 Geo. 4, c. 9, and 6, Vic. c. 21.

Continued by 13. Vic. c. 1.

[Passed 22d April, 1847.]

BE it enacted, by the Lieutenant Governor, Council and Assembly, That the Fees of Tuition to be taken at the Central Academy, for the several Branches of Education taught there, shall be fixed and established at such rates as the Trustees of the said Academy, shall from time to time hereafter deem just and reasonable.

Trustees of Central Academy authorized to establish rates of Fees of Tuition therein.

II. And be it enacted, That the Tenth Section of the Act of the Sixth year of the Reign of Her present Majesty intituled "*An Act to alter and amend an Act for the establishment of an Academy in Charlottetown.*" be, and the same is hereby suspended for and during the continuance of this Act.

Suspends during continuance of this Act, 10th Section of Act of 6th Victoria, cap. 21.

Continuance of Act.

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

C A P. X V.

Continued by 12 Vic., c. 31.
Expired.

An Act relating to Treasury Warrants.

[Passed 22d April, 1847.]

C A P. X V I.

This Act and the Act of which it is an amendment (5 Vic., c. 14.) are continued by 13 Vic., c. 1.

An Act to revive, continue, and add to the Act relating to the Charlottetown Market House.

[Passed 22d April, 1847.]

Market Clerk to let Stalls in Charlottetown Market House, as they become vacant, as prescribed in the Act of 5 Vic., c. 14.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That it shall be lawful for the Market Clerk, to let the whole number of Stalls in the said Market House as often as they shall become vacant, in manner prescribed by and subject to such rules and conditions as are mentioned in the Act passed in the Fifth year of the Reign of Her present Majesty, intituled *An Act to regulate the letting of Stalls in Charlottetown Market House, and for other purposes therein mentioned*, and also in this Act, any thing in the said recited Act to the contrary notwithstanding.

Rent of Stalls to be reserved, payable quarterly.

II. And be it enacted, That the Rent to be reserved in all future lettings of the said Stalls, shall be payable quarterly, on the several quarter days to be named by the said Market Clerk, and that for the accommodation of such persons as may not require to rent a Stall, the said Mar-

ket Clerk shall cause Meat-hooks to be driven and kept in the outer Walls of the said Market House.

Clerk to cause Meat-hooks to be driven in walls of Market House.

III. And be it enacted, That on Wednesday and Saturday in every week throughout the year, the said Market House shall be kept open from the hour of Ten o'clock in the forenoon until Sunset in the afternoon on each day, any Law or custom heretofore to the contrary notwithstanding.

Days on which Market House is to be kept open, and number of hours in each day.

IV. And be it enacted, That the said Market Clerk shall have power, and he is hereby required and enjoined to seize and destroy all Spirituous Liquors, which on a Market day shall be sold by retail, or offered or exposed for sale by retail within the said Market House, or within the exterior limits thereof, or which shall be brought into the said Market House, or placed upon the Public Square or Street, within view of the said Market House, for the purpose of being sold by retail, contrary to the Laws regulating the retail of such Liquors; and for every case of neglect of duty in this respect, the said Market Clerk shall be subject to a Fine of Five Pounds, to be recovered as Small Debts are now recovered, with Costs of Suit, on the Oath of any credible person, who, in the name of the Queen, shall sue for the same, and which Fine shall be paid into the Treasury of this Island to and for the use of Her Majesty's Government.

Power and duty of Market Clerk when Spirituous Liquors, &c., shall be offered for sale.

Penalty on Market Clerk for neglect of duty herein.

Mode of recovery thereof.

Appropriation of penalty.

V. And be it enacted, That an Act made and passed in the Fifth Year of the Reign of Her present Majesty, intituled *An Act to regulate the letting of Stalls in Charlottetown Market House, and for other purposes therein mentioned*, be, and the same is hereby revived and also continued, as hereby added to, for the term of Three years from the passing hereof, and no longer.

Revives and continues Act of the 5th Vic., c. 14, for 3 years.

CAP. XVII.

See 26 G. 3, c. 4, and 26 G. 3, c. 7.

An Act to prevent the failure of Justice, by reason of variances between Records and the Evidence produced in support thereof.

[Passed 22d April, 1847.]

Authorizes any Court of Record, &c., to amend pleadings, &c., on Information or Indictment.

Terms on which amendment may be made.

Court authorized to order pleadings in civil actions to be amended.

WHEREAS great expense is often incurred and delay or failure of Justice takes place at Trials, by reason of variances between the proof offered in evidence, and the recital or settings forth thereof, upon the Record or pleadings on which the trial is had, in matters not material to the merits of the case, and such Record or pleadings cannot now in any case be amended at the trial, and in some cases cannot be amended at any time, for remedy thereof: Be it enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for every Court of Record, and every Court of Oyer and Terminer and General Jail Delivery within this Island, if such Court shall see fit so to do, to cause the Record or pleading on which any Trial may be pending before any such Court, in any Indictment or Information, for any misdemeanor, when any variance shall appear to have occurred subsequently to the passing of this Act, between any matter in writing or in print produced in evidence, and the recital and setting forth thereof upon the Record or pleading whereon the trial is pending, to be forthwith amended in such particular, by some Officer of the Court, on payment of such costs (if any) to the other party, in cases where costs are now by Law payable, and thereupon the trial shall proceed, as if no such variance had appeared.

II. And be it enacted, That it shall be lawful for any such Court as aforesaid, if such Court shall see fit so to do, to cause the Record, Writ, or Document on which any trial may be

pending before any such Court, in any Civil Action, or in any Information, in the nature of a *quo Warranto* or proceedings in a Mandamus, when any variance shall, after the passing of this Act, be made to appear between the proof and the recital or setting forth on the Record, Writ, or Document on which the said Trial is proceeding, of any Contract, custom, prescription, name, or other matter in any particular or particulars, in the Judgment of such Court, not material to the merits of the case, and by which the opposite party cannot have been prejudiced in the conduct of his action, prosecution or defence, to be forthwith amended by some Officer of the Court, or otherwise, both in the part of the pleadings where such variance occurs, and in every other part of the pleadings which it may become necessary to amend, on such terms as to payment of Costs to the other party or postponing the Trial, to be had before the same, or another Jury, or both payment of Costs and postponement as such Court shall think reasonable; and in case such variance shall be in some particular or particulars in the Judgment of such Court, not material to the merits of the case, but such as that the opposite party may have been prejudiced thereby, in the conduct of his Action, prosecution or Defence, then such Court shall have power to cause the same to be amended, upon payment of Costs to the other party, and withdrawing the Record, or postponing the Trial as aforesaid, as such Court shall think reasonable, and after any such amendment the Trial shall proceed (in case the same shall be proceeded with) in the same manner in all respects, both with respect to the liability of Witnesses to be indicted for perjury and otherwise, as if no such variance had appeared; and in case the Trial shall be had in any Court of Record, then the order for amendment shall be entered on the Roll or other Document upon which the Trial shall be had:

Terms on which
amendment may
be made.

Party dissatisfied with order for amendment not precluded from applying for a new Trial on the ground that the amendment was improperly allowed by the Court.

Provided that it shall be lawful for any party who is dissatisfied with the decision of such Court, respecting the allowance of any such amendment, to apply for a new Trial upon that ground, and in case any such Court shall think such amendment improper, a new Trial shall be granted accordingly, on such terms as the Court shall think fit, or the Court shall make such other order as to them may seem meet.

Instead of ordering Record, &c. to be amended, Court may require the Jury to find the fact, &c.

III. And be it enacted, That every such Court as aforesaid, shall and may, if they think fit, in all such cases of variance, instead of causing the Record or Document to be amended, direct the Jury to find the fact or facts according to the evidence, and thereupon such finding shall be stated on such Record or Document, and notwithstanding the finding on the issue joined, the said Court or the Court from which the Record has issued, shall, if they shall think the said variance immaterial to the merits of the case, and the mis-statement such as could not have prejudiced the opposite party in the conduct of the Action or Defence, give Judgment according to the very right and justice of the case.

And give such Judgment notwithstanding the finding, if the variance be immaterial, &c.

CAP. XVIII.

An Act to render valid certain proceedings heretofore had before the Courts of Commissioners, for the recovery of Small Debts.

[Passed 22d April, 1847.]

* * * This Act renders valid certain proceedings had before the Courts of Commissioners for the recovery of Small Debts, the validity of which was affected by their not having strictly complied with the requirements of the Act 8 Vic. c. 4, authorizing the appointment of Bailiffs, &c.—The 8 Vic. c. 4, has been repealed, and as the lapse of time has rendered the provisions of this Act unnecessary, it is therefore considered inexpedient to reprint it.

CAP. XIX.

An Act for compensating the Families of persons killed by accident.

[Passed 22d April, 1847.]

WHEREAS no Action at Law is now maintainable against a person who by his wrongful act, neglect or default, may have caused the death of another person, and it is oftentimes right and expedient, that the wrongdoer in such case should be answerable in damages for the injury so caused by him: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That whensoever the death of a person shall be caused by wrongful act, neglect or default, and the act, neglect or default is such, as would (if death had not ensued) have entitled the party injured to maintain an action, and recover damages in respect thereof; then, and in every such case, the person who would have been liable, if death had not ensued, shall be liable to an action for damages, notwithstanding the death of the person injured, and although the death shall have been caused under such circumstances as amount in Law to Felony.

An Action to be maintainable against any person causing death through neglect, &c. notwithstanding the death of the person injured.

II. And be it enacted, That every such action shall be for the benefit of the Wife, Husband, Parent and Child of the person whose death shall have been so caused, and shall be brought by and in the name of the Executor or Administrator of the person, deceased, and in every such action the Jury may give such damages as they may think proportioned to the injury resulting from such death to the parties respectively, for whom, and for whose benefit, such action shall be brought, and the amount so recovered, after deducting the costs not recovered from the Defendant, shall be divided amongst the before mentioned parties, in such shares as the Jury by their verdict shall find and direct.

Action to be for the benefit of certain Relations, and to be brought by and in the name of Executor or Administrator of the deceased.

Only one action shall lie, and to be commenced within 12 months after death of party.

III. Provided always, and be it enacted, That not more than one action shall lie for and in respect of the same subject matter of Complaint, and that every such action shall be commenced within Twelve Calendar months after the death of such deceased person.

Plaintiff to deliver a full particular of the person for whom damages shall be claimed.

IV. And be it enacted, That in every such action the Plaintiff on the Record, shall be required together with the Declaration, to deliver to the Defendant, or his Attorney, a full particular of the person or persons for whom, and on whose behalf such Action shall be brought, and of the nature of the claim in respect of which damages shall be sought to be recovered.

Construction of this Act.

V. And be it enacted, That the following words and expressions are intended to have the meanings hereby assigned to them respectively, so far as such meanings are not excluded by the context or by the nature of the subject matter; that is to say, words denoting the singular number are to be understood to apply also to a plurality of persons or things, and words denoting the Masculine Gender are to be understood to apply also to persons of the Feminine Gender; and the word "Person" shall apply to Bodies, Politic and Corporate; and the word "Parent" shall include Father and Mother, and Grandfather and Grand-mother, and Step-father and Step-mother; and the word "Child" shall include Son and Daughter, and Grand-son and Grand-daughter, and Step-son and Step-daughter.

Act to come into operation immediately after passing.

VI. And be it enacted, That this Act shall come into operation, from and immediately after the passing thereof.

CAP. XX.

An Act for suspending, for a limited period, certain parts of an Act passed in the Fourth year of His late Majesty's Reign, intituled *An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the duties of Surveyors, and to repeal a certain Act therein mentioned.* Expired. 4 W. 4, c. 15.

[Passed 22d April, 1847.]

* * This Act suspended operation of Boundary Act, 4 W. 4, c. 15, so far as regards Townships Nos. 10, 9, 8, 7, 6, 5, 4, 3, 2, and 1, to the end of the then next Session of the General Assembly.

CAP. XXI.

An Act for doing away with the Oath of Abjuration, heretofore imposed on Roman Catholics. 11 G. 4, c. 7.

[Passed 22d April, 1847.]

WHEREAS a Despatch has been received from the Right Honorable W. E. Gladstone, Number Fifteen, dated the Second of June, One thousand Eight hundred and Forty-six, stating that he has received Her Majesty's commands to accede to the request of the Legislative Council and House of Assembly of this Island, praying for the Royal sanction towards the enactment of a Law, rescinding the obligation of a certain Oath imposed on Roman Catholics, on their entering on their Offices, either as Members of the Legislature in this Colony, or as Officers of the Government: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, and by the authority of the same, That from and after the passing of this Act, it shall not be lawful to tender to any of the Officers of Government, nor to any of the Members of the Legislature on their receiving their appointments,

No Officers of Government or Members of Legislature in future to be required to take the Oath set out in 2d Section of Act of 11th G. 4th, c. 7.

nor shall they in any way be required to take the Oath embodied or engrossed in the Second clause of an Act passed in the Eleventh year of the Reign of His late Majesty King George the Fourth, intituled *An Act for the relief of His Majesty's Roman Catholic Subjects.*

Oaths to be in future taken by Officers of Government or Members of Legislature, professing the faith of Roman Catholic Church, to be the same as those required to be taken by persons professing Protestant faith.

II. And be it enacted, That the Oaths to be taken by any of Her Majesty's subjects, of the Roman Catholic persuasion, on their being sworn in as Members of any Branch of the Legislature, or as Officers of Government, shall in all particulars be the same as that taken, or to be taken, by Her Majesty's Protestant subjects in the like cases, any Law, usage or custom to the contrary notwithstanding.

C A P. X X I I.

Executed.

An Act for appropriating certain Moneys therein mentioned, for the service of the year of our Lord One thousand Eight hundred and Forty-seven.

[Passed 22d April, 1847.]

ANNO UNDECIMO

VICTORIÆ REGINÆ.

At the General Assembly of Her Majesty's 1848.

Island of Prince Edward, begun and holden
at Charlottetown, the Twenty-sixth day of
January, *Anno Domini* 1847, in the Tenth
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 :

Sir DONALD
CAMPBELL,
Baronet, Lieut.
Governor.

R. HODGSON,
President of the
Council.

JOSEPH POPE,
Speaker.

And from thence continued, by several Proro-
gations, to the First day of *February*, 1848,
and in the Eleventh Year of Her said Majesty's
Reign; being the Second Session of the Seven-
teenth General Assembly convened in the said
Island.

C A P . I .

An Act to prohibit the exportation of Grain, Expired.
Meal and Potatoes, and for other purposes
therein mentioned.

[Passed 15th *April*, 1848.]

CAP. II.

Repealed by 12
Vic. c. 11.

An Act to repeal certain parts of the Laws now in force regulating the performance of Statute Labour on the Highways, relating to Charlotte-town, its Common and Royalty, and to make other provisions in lieu thereof.

[Passed 15th April, 1848.]

CAP. III.

Amended by 12
Vic. c. 27.
Continued by 13
Vic. 2d sess. c. 2.
Expired.

An Act to repeal the Laws now in force relating to Emigrants, and to make other provisions in lieu thereof.

[Passed 15th April, 1848.]

CAP. IV.

Repealed by 14
Vic. c. 18.

An Act to authorize the appointment of a Commissioner of Highways for the Town and Royalty of Georgetown.

[Passed 15th April, 1848.]

CAP. V.

Expired.

An Act for raising a Revenue.

[Passed 1st May, 1848.]

CAP. VI.

An Act to authorize the appointment of a Master of the Rolls to the Court of Chancery, and an Assistant Judge of the Supreme Court of Judicature in this Island.

[Passed 4th May, 1848.]

WHEREAS it is deemed expedient that a Master of the Rolls should be appointed

to the Court of Chancery, and also an Assistant Judge of the Supreme Court of Judicature of this Island, which Offices may be combined in one person.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for Her Majesty the Queen, and Her said Majesty is hereby authorized and empowered, from and after the passing of this Act, to appoint, and in case of a vacancy, by death, resignation, or other cause, to appoint anew a fit and competent person to combine and fill the Offices of Master of the Rolls to the Court of Chancery, and Assistant Judge of the Supreme Court of Judicature of this Island; Provided always, that nothing in this Act contained shall extend or be construed to prevent a provisional appointment being made to the said Offices after the passing of this Act, and in cases of vacancy, as aforesaid, by the Lieutenant Governor or Administrator of the Government for the time being, in like manner as in the case of other Judicial appointments, and provided also, that such person so appointed shall be a Barrister of at least Seven years standing.

The Queen may appoint a person to fill the offices of Master of the Rolls and Assistant Judge of the Supreme Court, and from time to time to appoint to any vacancy, &c.

Not to prevent a Provisional appointment being made, &c.

Person to be appointed to be a Barrister of at least 7 years' standing.

II. And be it enacted, That the Master of the Rolls to be appointed under the provisions of this Act, shall have the like powers and authority in respect to the Court of Chancery in this Island, so far as the Common and Statute Laws in force in this Island extend, that the Master of the Rolls in England has in respect to the like Court in that country: And the Assistant Judge of the Supreme Court, so to be appointed, shall have the like powers and authority in respect to the Supreme Court in this Island, so far as the Common and Statute Laws in force in this Island extend, as a Puisne or Assistant Judge of the Court of Queen's Bench in England, has in res-

Powers and authority of Master of the Rolls appointed under this Act.

Powers and authority of Judge of the Supreme Court appointed under this Act.

pect to the like Court in that Country, except in both cases, so far as the same shall or may be altered, enlarged, limited or regulated by virtue of any Act of the Legislature of this Island, now or hereafter to be passed.

Further powers and duty of Master of the Rolls.

III. And be it enacted, That the Master of the Rolls for the time being, in all cases, except on appeals from his decision and hearings thereon before the Chancellor, shall be and be deemed the responsible Adviser and Judge of the said Court of Chancery, and shall sign all Rules, Orders and Decrees made by him therein, and the Signature of the Chancellor, except in the cases aforesaid, shall not be necessary to the validity of any such Rules and Orders in any cause or to any Decree made in the absence of the Chancellor from this Island: Provided always, that the enrolment of all Decrees shall be signed by the Chancellor, to whom the same shall be presented, to be signed for enrolment.

Enrolment of all Decrees to be signed by Chancellor.

Salary to be paid to Master of the Rolls and Judge of Supreme Court.

IV. And be it enacted, that there be granted and there is hereby granted to His Excellency the Lieutenant Governor, or person administering the Government for the time being, the sum of Five Hundred Pounds Currency, annually, as a Salary to such person being Master of the Rolls in the Court of Chancery, and Assistant Judge of the Supreme Court in this Island, to commence from the time of the appointment of such Officer, and such Salary shall be paid to such Officer, when appointed, by quarterly instalments, by Warrant, under the hand and seal of His Excellency the Lieutenant Governor, upon the Treasury of this Island, in favor of such Officer.

Period from which the Salary is to commence, and how payable.

Person appointed Master of the Rolls and Judge under this Act, not to hold a seat in either Council or House of As-

V. And be it enacted, That the Master of the Rolls and Assistant Judge appointed under and by virtue of this Act, shall be deemed ineligible for holding a seat in either the Executive or Legislative Councils, or House of Assembly of this

Island, nor shall it be lawful for him to practice in any manner as a Solicitor, Proctor, Master in Chancery or Attorney, or to hold any Agency of any kind whatsoever, or to act as an Agent, or be concerned in any manner, either directly or indirectly, in the management of Lands or collection of Rents in this Island, not being *bona fide* the Estate and Property owned by such Master of the Rolls and Assistant Judge.

sembly, nor to practice, &c. in any Court, &c.

Nor to hold any Land or other Agency, &c.

Nor to be concerned in the collection of any Rents, except Rents *bona fide* his own.

VI. And be it enacted, That there shall not in future be any Fees in Chancery paid to the Master of the Rolls.

No Fees to be payable to Master of the Rolls.

VII. And be it enacted, That as soon as Her Majesty shall appoint a fit and proper person to be Master of the Rolls for this Island, it shall and may be lawful for the Administrator of the Government for the time being, to nominate and appoint fit and proper persons to the Offices of Registrar and Masters, and also to fill such other Offices as are or may be necessary or required for the due Administration of the said Court of Chancery, and for carrying into effect the Orders Rules and Decrees of the Court of Chancery, according to any Laws now existing, until an Act shall be passed by the Legislature of this Colony regulating the procedure of the said Court.

On appointment by Her Majesty of Master of the Rolls, Administrator of Government to appoint fit persons to offices of Registrar and Masters in Chancery.

VIII. And be it enacted, That from and after the passing of this Act, the Eighth Section of an Act made and passed in the Third year of the Reign of King William the Fourth, intituled "*An Act to regulate and establish the stated times and places for holding the Supreme Court in King's and Prince Counties, and to constitute the Michaelmas Term of the said Court in Queen's County, a Term for the Trial of Issues for a limited period,*" shall be, and the same is hereby repealed, and the Assistant Judge of the Supreme Court so to be appointed under and by

Repeals 8th Section of 3d W. 4, cap. 12.

Assistant Judge appointed under this Act, to have same powers as

are given to
Chief Justice by
Act 3d W. 4th
cap. 12.

virtue of this Act, shall have and be vested with as full power and authority as is given to the Chief Justice of the said Supreme Court, in and by the said recited Act.*

* The whole of the Statute referred to in this section has been repealed by 12 Vic. c. 9—which see.

CAP. VII.

Amended by 12
Vic. c. 7.

For former Acts
relating to Land
Assessment, &c.
see 11 G. 4, c.
17; 3 W. 4, c.
29; 7 W. 4, c.
15; 7 W. 4, c.
31; 3 Vic. c. 17.

An Act for levying further an Assessment on all Lands in this Colony, and for the encouragement of Education.

[Passed 4th May, 1848.]

WHEREAS the Act of the Legislature, by which an Assessment is levied on all Lands in this Island, will shortly expire, and it is just and reasonable, and also necessary, for the maintenance of public credit, that a portion of the Public Revenue should in future be raised by a Tax on all Lands in this Island: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That there shall be paid, annually, during the continuance of this Act, into the hands of the Treasurer of this Island, or his Deputies, the sum of Five Shillings lawful Monecy thereof, for every Hundred acres of Wilderness or unimproved Lands contained in the several Townships, and the several Islands belonging thereto, except as hereinafter is excepted, and the sum of Two Shillings and Six-pence for every Hundred acres of Cultivated or Improved Land in the said several Townships and Islands as aforesaid, and the sum of Four Shillings for each and every uncultivated or unimproved Town Lot, Pasture Lot, Common Lot, and Water Lot, granted in the Town and Royalty of Charlottetown, and the sum of Two Shillings and Six-pence for each and every cultivated or improved Town and Water Lot in the said Town, and the

States of annual
Land Assess-
ment.

sum of Two Shillings for each and every cultivated or improved Pasture and Common Lot as aforesaid, and the sum of Two Shillings and Eight-pence for each and every Town Lot, Pasture Lot and Water Lot, granted in the Towns and Royalties of Georgetown and Princetown, and the sum of One Shilling and Four-pence for each and every cultivated or improved Town, Pasture, and Water Lot, granted in the said last mentioned Towns and Royalties, and so in proportion for a less quantity, the first annual payment of the said several sums of Money to be paid as aforesaid, by the several and respective Owners, Proprietors, or Occupiers thereof, within Three months next after Her Majesty's Royal Allowance to this Act shall have been published in the *Royal Gazette* Newspaper. When payable.

II. And whereas the Owners or Occupiers of Lands in the Royalty of Georgetown, called Reserved Lands, have hitherto been assessed in proportion to the Assessment levied on Township Lands in this Island; and whereas the Elective Franchise hath been conferred on persons owning or occupying Eight acres of such Reserved Lands, for the return of Members to serve in the General Assembly of this Island, to represent the said Town and Royalty, in the same manner in which Owners or Occupiers of Pasture Lots in the said Royalty enjoy the said Franchise, and such privilege hath been conferred on such Owners or Occupiers on their own special application and request, and under such circumstances, it is just and proper that the Owners or Occupiers of such Lands should pay a fair and reasonable Assessment for the same: Be it therefore enacted, That the Owners or Occupiers of at least Eight acres of such Reserved Lands, shall pay the sum of One Penny per acre on each and every acre of such Lands as may be deemed cultivated or improved Lands, according to the provisions of this Act, as regards Pasture Lots in Rate of Assessment on Reserved Land near Georgetown.

the Royalties of Georgetown and Princetown, and the sum of Two-pence per acre on each and every acre of such Lands as may be deemed uncultivated or unimproved Lands under such provisions as regard Pasture Lots in the Royalties of the said Towns.

Mode of filing Information against Lands in arrear.

Amount of Costs where Land in arrear on any one Township does not exceed 500 acres.

Proceedings to final judgment to follow course of Information against Lands, as classified in this Section.

On final Judgment, Court to direct a sale at Public Auction of so much of Lands in arrear on any

IV. And be it enacted, That all Informations which shall or may be filed in the said Supreme Court by Her Majesty's Attorney or Solicitor General, against any Lands so in arrear, shall be against the said Lands as they are hereinafter classified, that is to say, one Information only shall be filed against all the Lands in arrear on each of the several Townships in this Island: Provided always, that where the Lands in arrear on every Township do not exceed the quantity of Five hundred acres, that then, and in such case, the Costs to be taxed by the Attorney or Solicitor General, shall not exceed the sum of Three Pounds; and one Information only against all the Lands in arrear on each Island, not included in any such Township; one Information only against all and singular the several Lots and parts of Lots in arrear in each of the Towns in this Island, Town Lots and Water Lots inclusive, and one Information only against all and singular the several Lots and parts of Lots in arrear, in each of the Royalties in this Island, Pasture, Common, and all other description of Lots inclusive, and that all further proceedings which shall or may be had or taken by virtue of this Act against any Lands' so in arrear, down to final Judgment inclusive, shall follow the course of the said Information against the said Lands, as they are hereinbefore classified.

V. And be it enacted, That in and by all such Judgments as shall be given against any Township Lands so in arrear, or Lands in arrear situated on any Island not included on any Township, the said Supreme Court shall order and

direct that so much of the said several Lands against which Judgment shall be given, as shall be sufficient to pay the sums charged by this Act, together with reasonable Costs, be sold at Public Auction to the highest bidder; and in and by all such Judgments as shall be given against any Lots and parts of Lots so in arrear, situate in any of the said Towns, or Lots and parts of Lots in arrear, situate in any of the said Royalties, the said Supreme Court shall order and direct that the said Lots and parts of Lots so in arrear, or as much thereof of each class respectively as may be necessary, shall be severally sold at Public Auction, to the highest bidder, for the payment of the Assessment due thereon, together with reasonable expenses, and the said Supreme Court upon such several Judgments, shall issue a *Fieri Facias* to the Sheriff or Coroner of the County wherein such Lands shall be situate for that purpose, who, after having given Thirty days previous notice, shall proceed to the Sale of the said Lands, pursuant to the said Writ.

Township as shall be sufficient to pay Assessment and costs.

And also on final Judgment against Town Lots, &c.

And issue a *Fieri Facias* to Sheriff or Coroner.

Duty of Sheriff or Coroner thereupon.

VI. And be it enacted, That it shall be in the power of the Sheriff or Coroner to adjourn any Sale from day to day at his discretion, on giving Public Notice thereof, and if any purchaser shall not pay the amount declared, on the day of Sale, it shall be lawful for the said Sheriff or Coroner to re-sell the same, on any other day, to which the Sale of such Lands shall be adjourned.

Sheriff or Coroner to have power to adjourn any Sale.

And to re-sell Land where default of payment is made by purchaser.

VII. And be it enacted, That the said Sheriff or Coroner, before proceeding to sell such Lands, shall ascertain, and at the Sale publicly declare the metes and bounds thereof, as particularly as the same can or may be described, and shall make and execute to such Purchaser or Purchasers, at his, her, or their expense, a Conveyance thereof, in the form set forth in the Schedule to this Act annexed, marked (A), which Conveyance, when registered within the time hereinafter limited for

Sheriff or Coroner to declare at Sale metes and bounds of Township Lands.

Conveyance to be made to purchaser.

Form of Conveyance.

Lands described in conveyance to be lands in arrear of Assessment.

Conveyance to purchaser of Town or Pasture Lots, &c.

Form of Conveyance of Town or Pasture Lots.

that purpose, shall be good and valid in Law, to all intents and purposes whatsoever: Provided always, That the Lands therein described, have been Lands in arrear for non-payment of the Assessment charged thereon by this Act, and for which such Judgment shall have been given as aforesaid, and the said Sheriff or Coroner shall, on behalf of the Purchaser or Purchasers of any Lot or Lots situate in any Town or Royalty in this Island, sold by the said Sheriff or Coroner as aforesaid, make and execute to such Purchaser or Purchasers, at his, her, or their expense, a Conveyance thereof, in the form last aforesaid, which Conveyance, when registered within the time hereinafter limited for that purpose, shall be good and valid in Law to all intents and purposes whatsoever.

No conveyance under this Act to have effect, unless registered within 12 Calendar months from date of sale.

VIII. Provided always and be it enacted, That no Deed or Conveyance executed under the authority of this Act by such Sheriff or Coroner, to the Purchaser or Purchasers of any Lands whatsoever in arrear for non-payment of the Assessment charged thereon by this Act, shall have any force or effect, either at Law or in Equity, unless such Deed of Conveyance shall have been duly registered in the proper office appointed for the Registry of Deeds in this Island, within Twelve Calendar Months from the date of such Sale, any thing in this Act to the contrary thereof notwithstanding.

Not necessary for Sheriff or Coroner to make entry on lands in arrear, to levy Execution, or for delivering scisin, &c.

IX. And be it enacted, That it shall not be necessary for, or incumbent on the Sheriff or Coroner to whom any *Fieri Facias* shall be directed under the authority of this Act, to make an actual entry on any Lands whatsoever so in arrear, or any part or portion thereof, either for the purpose of levying the said Writ of Execution thereon, or delivering actual seisin or possession to the Purchaser or Purchasers thereof, after such sale, it being hereby declared that the

execution of the Deed of Conveyance alone by the Sheriff or Coroner to the Purchaser or Purchasers, being first duly registered, shall be sufficient to vest in him, her or them, a legal Title and seisin of and in the Lands in the said Deed described, without any entry or levy having been made thereon, or actual possession given as aforesaid.

Execution of Conveyance and registry thereof sufficient to vest legal Title in Purchaser.

X. And be it enacted, That in each and every case where Judgment shall be given against any Lands in arrear as aforesaid, one Bill of Costs under each Information and Judgment shall be made up, which Bill of Costs shall be taxed by some one of the Justices of Her Majesty's Supreme Court of Judicature of this Island, agreeably to the Scale of Fees contained in the Schedule to this Act annexed, marked (B), and that in every Bill of Costs so to be taxed, the said Justice at the time of such taxation, is hereby required and directed to divide the amount of such Costs proportionably to the quantity of Land in arrear, between the several Lands, Lots and parts of Lots, against which Judgment shall be so given, and such division, with the sum apportioned to each parcel of Land, Lot, or part of a Lot, shall be stated in the Certificate or Allocatur of the said Justice, subscribed or appended to the said Bill of Costs; and the several sums so expressed in such Certificate or Allocatur, shall be stated on the record of the said Judgment, as the amount of Costs awarded against each parcel of Land, Lot and part of a Lot respectively.

Costs how to be made up.

By whom to be taxed.

Scale of Costs.

Duty of Judge on taxation of Costs.

XI. And whereas, without express provision, it may be difficult for a Purchaser of Township Lands, sold under the operation of this Act, to obtain possession of such Lands from the Owner or Owners, Occupier or Occupiers of Lands on the same Township, who shall have made default in payment of the Assessment due, on a portion,

Any land of Proprietor may be selected and sold for arrears of assessment due by him for land on same Township as selected land.

Sheriff or Coroner not to select lands having Buildings or Improvements thereon, if other land sufficient to answer, &c.

Two years equity of Redemption allowed to former owner of Lands sold under this Act.

but not on the whole of the Lands so owned or occupied: Be it therefore enacted, That in case the Owner or Owners, Occupier or Occupiers of any Township Land or Lands, or any Lands situate on any Island not included in any Township charged by this Act, shall pay the Assessment for a lesser quantity of Land than the quantity *bona fide* owned or occupied by such person or persons respectively, on such Township or Island, the Sheriff or Coroner may select the quantity of Land by him to be sold, upon any part of the Land owned or occupied by such person or persons so making default, to the extent of the quantity for which such person or persons shall have so made default, the said Sheriff or Coroner nevertheless having regard to the buildings and improvements of such defaulter, in not selecting the same in case there be remaining sufficient Land in default to realize the amount of levy and expenses; and a Conveyance thereof from the said Sheriff or Coroner to the said Purchaser or Purchasers, executed and registered in the manner prescribed by this Act, shall effectually pass a good and valid Title therein to the said Purchaser or Purchasers, anything in this Act to the contrary thereof notwithstanding.

XII. Provided always, and be it enacted, That in case of any Lands being sold under the authority of this Act, an Equity of Redemption shall nevertheless be open to the former Owner or Owners, Proprietor or Proprietors, his, her, or their Heirs or Assigns, for the space of Two years next after the day on which the same shall have been sold, the former Owner or Owners, Proprietor or Proprietors, his, her or their Agents, Heirs or Assigns re-paying the Purchase Money, with lawful Interest thereon, and also all reasonable expenses attending the same, and a fair allowance for such Improvements as shall or may be made thereon, the same in case of a dispute, to be ascertained by the Supreme Court.

XIII. And be it enacted and declared, That in case a part only of the Lands situate on any Township, or any Island not included in any Township so in arrear for non-payment of the Assessment charged thereon by this Act, shall be sold for the payment of the whole amount of Assessment remaining unpaid on such Township or Island, the former Owner or Owners, Proprietor or Proprietors of such Lands as shall be so sold, his or their Heirs, Executors or Administrators, shall be entitled to receive from the Owner or Owners, Proprietor or Proprietors of the remaining Lands on the said Township or Island so in arrear, his, her or their Agents, Heirs, Executors or Administrators, the amount of Assessment remaining unpaid for such Lands respectively, and also a rateable proportion of the Costs of the Judgment, and expenses attending such Sale, such proportion to be regulated by the quantity of Land in arrear on the same Township, and in case of dispute, to be ascertained by the Supreme Court.

Provides a remedy for owner of lands in arrear sold for his own arrears, and other arrears of Assessment due on same Township, against owners of other lands so in arrear for proportionate part of Assessment and Costs.

XIV. And be it enacted, That no *Fieri Facias* issued under the authority of this Act, shall be executed by the Coroner of this Island, or of any County within the same, unless in such cases where the Sheriff or his Deputy shall be personally interested, or otherwise disqualified, anything herein contained to the contrary notwithstanding.

No Coroner to execute *Fieri Facias* under this Act unless where Sheriff or Deputy is personally interested.

XV. And be it enacted, That it shall and may be lawful to and for the Treasurer of this Island for the time being, by writing, under his hand and seal, to nominate and appoint such and so many Deputies, not less than Three, for each County, as to the said Treasurer shall seem meet, and for the faithful discharge of whose duties, the said Treasurer shall be responsible, and which Deputies shall be appointed for certain Districts or Sections of the County respectively,

Treasurer to appoint not less than three Deputies in each County to receive Assessment.

And to be responsible for their conduct.

Duty of Deputies.

to be defined and published by the said Treasurer, and such Deputies shall, and they are hereby required, to open Books of Account for the receipt of the said Assessment, and shall keep open their Books until the Fourteenth day next before the First day of the Term at which proceedings, by Proclamation, are to be taken against the Lands of any Defaulter or Defaulters, agreeably to the provisions of this Act, and shall forthwith forward the Assessments received, together with their Books, or true Copies thereof, to the Treasurer, and each and every Deputy shall be allowed for his trouble the *per centage* following, that is to say, the sum of Ten Pounds *per centum* on the first Fifty Pounds of Assessment, or any less amount in the whole by him received, and upon the residuc of the amount by him received, beyond the said sum of Fifty Pounds, Five Pounds *per centum*, and no more.

Allowance to Deputies for collecting, &c.

Limits Assessment to be paid to Sub-Collector for Charlotte-town.

XVI. And be it enacted, That no Assessment for any Tract of Land exceeding One Thousand Acres, shall be paid into the hands of the Sub-Collector of Assessment appointed for Charlotte-town.

Treasurer and Deputies to grant receipts for all moneys received by him or them.

XVII. And be it enacted, That the said Treasurer and Deputies shall, and are hereby required, upon receiving any sum or sums of Money under and by virtue of this Act, to grant a Receipt for the same, specifying thereon the name of the person paying the same, and the quantity of Land for which, and on what Township the same has been paid, or if situate in any of the Towns or Royalties, specifying the number of the Lot, and whether a Town, Common, Pasture, or Water Lot, also stating whether improved or unimproved, cultivated or uncultivated, as the case may be.

On sale of lands, any overplus of moneys after sa-

XVIII. And be it enacted, That when the Sheriff, Coroner, or other Officer who shall have

sold any Lands under the provisions of this Act for non-payment of Assessment and Costs, and that such Lands shall have produced more than sufficient for the payment of such Assessment and Costs, the Sheriff, Coroner, or other Officer shall, and he is hereby authorized to pay over into the hands of the Treasurer of this Island for the time being, the overplus of such Moneys, for the benefit of the Proprietor or Proprietors of such Lands, and in case of dispute as to the right of any Claimant to receive such overplus, the same shall be determined in a summary way by the Justices of Her Majesty's Supreme Court of Judicature, and any Costs incurred thereby shall be paid by the person or persons wrongfully claiming the same, or otherwise apportioned, as to such Justices shall seem just and equitable.

tifying Judgment, to be paid by Sheriff, &c., to Treasurer for benefit of former owner.

Right of Claimant to overplus.

How determined.

XIX. And be it enacted, That all Lands liable to the Assessment as aforesaid, shall be taken and deemed to be wilderness or unimproved Lands, as well in the Townships as in the several Towns and Royalties aforesaid, and the same shall be charged with Assessment as such wilderness or unimproved Land, unless the Owner or Occupier for the time being of any such Land, shall at the time such Assessment shall be paid, deliver, or cause to be delivered, at the Office of the Treasurer of this Island, or to any of his Deputies, a true Return or Account of such Land, the same to be entered in the Books of the said Treasurer or Receiver, in the form set forth in the Schedule to this Act annexed, marked (C), and if any Owner or Occupier of any such Lands or Lots as aforesaid, shall make a false Return of such Lands or Lots, he, she, or they shall, on conviction, forfeit and pay for every such offence, a sum not exceeding Fifty Pounds, the same to be recovered, with Costs, in Her Majesty's Supreme Court of Judicature in this Island, and one-half of such Fine or Penalty shall be paid to the person who shall inform and sue for the same,

All lands to be deemed unimproved unless owner or occupier deliver a return to Treasurer, &c.

Form of such Return.

Penalty for making false Return.

How to be recovered.

Appropriation of penalty.

Original entry in Book of Treasurer, &c., to be evidence in such case.

What lands shall be deemed cultivated or improved.

What shall be deemed cultivated or improved Lots in the several Towns and Royalties.

and the other half shall be paid into the Treasury of this Island, for the use of Her Majesty's Government, and the Books of original entry of the said Treasurer or Receivers shall be deemed and taken as evidence of the said Return.

XX. And be it enacted, That when by reference to the said Return, it shall appear that any person or persons is or are the Owner or Owners Lessee or Lessees of any single tract or quantity of Land containing Three hundred acres, or any less quantity, and shall have actually settled thereon, or in case of non-residence, shall have inclosed and cultivated in the proportion of Five acres for each and every Hundred acres of Land, of which such person or persons shall be the Owner or Owners, Lessee or Lessees, for the time being as aforesaid, and in the same proportion for any less quantity thereof, such tract of Land shall be deemed cultivated or improved Land within the meaning of this Act.

XXI. And be it enacted, That no Town Lot in the Towns of Charlottetown, Georgetown and Princetown, respectively, shall be deemed to be cultivated and improved within the meaning of this Act, unless such Town Lot shall be wholly cleared, or unless such Town Lot shall have a Dwelling-house, Barn or Stable, actually used as such, erected thereon, which said Clearance and Buildings, or any or either of them, shall be a sufficient improvement and cultivation, and no Pasture Lot or Common Lot within the Royalty and Common of Charlottetown, shall be deemed to be so improved and cultivated, unless Three acres of such Lot shall be cleared and enclosed under fence, and no Pasture Lot within the Royalties of Georgetown and Princetown respectively, shall be deemed to be improved or cultivated, unless Two acres of such Lot shall be cleared and under fence as aforesaid.

XXII. And be it enacted, That no omission of any direction contained in this Act, relative to Notices or Forms of Proceeding, previous to any Sale made under this Act, shall extend to render such Sale invalid, but the person guilty of any such omission or neglect, shall be liable to punishment therefor, and shall answer the party for any damage occasioned thereby, in any legal proceeding that may be properly instituted for that purpose.

Confirms Sales notwithstanding any omission of any direction of this Act previous to such Sale.

Person guilty of any such omission liable to damages, &c.

XXIII. And be it enacted, That the Treasurer shall keep a separate and specific account of all Moneys raised and applied by virtue of this Act, which account shall be annually laid before the House of Assembly within Ten days next after the commencement of each Session.

Treasurer to keep a separate account of moneys raised by virtue of this Act; to be laid annually before Assembly, &c.

XXIV. And be it enacted, That if the Treasurer of this Island shall issue and pay any of the said Moneys arising under this Act for any other purpose than is therein mentioned, or than shall be directed by any Act of the Legislature of this Island hereafter to be passed, he shall forfeit and pay the sum of One thousand Pounds, and be rendered incapable of holding the Office of Treasurer, the said Forfeiture to be applied to and for the use of Her Majesty's Government, and to be recovered by Bill, Complaint, or Information, in Her Majesty's Supreme Court of Judicature of this Island.

Penalty on Treasurer paying money arising from this Act for any other purpose than is specified therein.

Penalty, how to be applied, and how recoverable.

XXV. And be it enacted, That no further or other Fees shall be taken or received by any person or persons whomsoever, under authority of this Act, than such Fees as shall be contained in the Bill of Costs taxed and allowed by One of the Justices of the Supreme Court, agreeably to the Scale annexed to this Act as aforesaid, any thing in this Act to the contrary thereof notwithstanding.

No other Fees to be taken under this Act than as specified in Bill of Costs annexed.

XXVI. And whereas this Act has been passed in the confident expectation that Her Majesty, taking into consideration the limited resources of this Colony, and the long retarded state of the settlement and improvement of the principal Lands therein, will be graciously pleased to forego Her Majesty's claim to the Quit Rents, during the continuance of this Act: Be it therefore enacted, That the operation of this Act shall be suspended, and it shall be of no force or effect until it shall be ascertained that Her Majesty shall have been pleased to relinquish all claim to the said Quit Rents during the continuance of this Act: Provided always, that nothing in this Act contained, shall have any force or effect till Her Majesty's pleasure therein shall be known.

This Act to have no force or effect unless Her Majesty shall relinquish her Quit Rents during its continuance.

Suspending clause.

XXVII. And be it enacted, That so long as this Act shall be in force, and so long as the Civil List of this Colony shall continue to be defrayed by the Imperial Government, there shall be granted and paid to the Lieutenant Governor, for the time being, administering the Government of this Island, out of the Moneys to be raised by virtue of this Act, the sum of Five hundred Pounds Currency, annually, the same to be payable quarterly, the first quarter's payment thereof to be made at the expiration of Three months next after this Act shall come into force, and that the residue of the Moneys raised by virtue of this Act, shall be appropriated to the purposes of General Education, as may be hereafter directed by any Act of the Legislature of this Colony.

During continuance of this Act, and so long as the Imperial Government shall continue to defray the Civil List of this Colony, £500 per annum to be paid to Lieutenant Governor,

By quarterly payments.

Residue of moneys raised by this Act, appropriated to purposes of General Education.

XXVIII. And be it enacted, That an Act made and passed in the Seventh year of the Reign of His late Majesty King William the Fourth, intituled *An Act for levying an Assessment on all Lands in this Island*, and every clause, matter, and thing therein contained, be, and the same is hereby repealed.

Repeals Land Assessment Act of 7th W. 4th, c. 31.

XXIX. And be it enacted, That all proceedings legally had or taken under the aforesaid Act for levying an Assessment on all Lands in this Island, hereby repealed, be, and the same are hereby confirmed, and all proceedings legally pending thereunder, shall be taken to be good and valid, and shall be prosecuted to the final termination thereof respectively, in way and manner as prescribed and directed by the said Act, as if this Act had not been made and passed.

Such repeal not to prevent any proceeding pending under said Act from being prosecuted to final termination.

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

Continuance of Act.

XXXI. And be it enacted, That nothing in this Act contained shall have any force or effect until Her Majesty's pleasure therein shall be known.

Suspending clause.

Section 3 of the above Act is repealed by 12 Vic. c. 7.

* * * This Act received the Royal Allowance 25th August, 1848, and the signification thereof was published in the *Royal Gazette* Newspaper of this Island, on the 19th of September following.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

Schedule (A.)

To all to whom these Presents shall come :

I High Sheriff of the County of Prince Edward Island, (or Coroner, as the case may be,) send Greeting :

Form of Conveyance.

Whereas, by virtue of Her Majesty's Writ of *Fieri Facias* unto me directed, commanding me that I should cause to be satisfied and paid out as well a certain debt of

which Treasurer of the said

Island had recovered against the said
in Her Majesty's Supreme Court of Judicature
at Charlottetown in the said Island, as also

which in Her Majesty's same Court
were awarded to the said for his Costs
and Charges, by him about his suit in that behalf
expended, and that I should have that money at
Her Majesty's Supreme Court of Judicature
aforesaid on the in next

coming to render to the said for the
Debt and Costs aforesaid: And whereas by vir-
tue of the said Writ, and by force and according
to the form and effect of an Act made and passed
in the Eleventh year of the Reign of Her present
Majesty, intituled *An Act for levying further an
Assessment on all Lands in this Colony, and for
the encouragement of Education.* I the said
Sheriff, (or Coroner, as the case may be,) took
the said in Execution, and 'Thirty
days' previous notice of the Sale thereof having
been given, in manner and form as is prescribed
in and by the said last mentioned Act, sold

at Public Auction to
being the best or highest bidder, at or for the sum
of lawful money of the said Island.

Now KNOW YE, that I the said
High Sheriff, (or Coroner, as the case may be,)
as aforesaid, by virtue of the said Writ, and for
and in consideration of the sum of lawful
money aforesaid, to me in hand paid by the said
at and before the sealing and delivery
of these Presents, the receipt whereof is hereby
acknowledged, have bargained, sold and assigned,
and by these Presents I the said High
Sheriff, (or Coroner, as the case may be,) as
aforesaid, Do bargain, sell, and assign the said
described as follows:

being in arrear of the Tax imposed upon
the said by the said Act firstly herein-
before in part recited, To have and to hold all
and singular and every part and
parcel thereof, with the Appurtenances unto the

said his Heirs and Assigns, to the only proper use and behoof of the said

his Heirs and Assigns forever, and to and for no other use, trust, intent, or purpose whatsoever, as fully, amply, and beneficially, as the original Grantee or Grantees of the said

Heirs or Assigns were possessed of or entitled to the same.

IN WITNESS WHEREOF, I the said High Sheriff, (or Coroner, as the case may be,) have hereunto set my Hand, and affixed my Seal of Office, this day of in the year of the Reign of our Sovereign Lady Victoria, and in the year of our Lord One thousand Eight hundred and

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

SCHEDULE (B.)

Schedule (B.)

SCALE OF COSTS.

Fees to be taken under this Act by the Attorney General.

Retainer,	- - -	£1 1 0	Table of Costs.
Every necessary motion in Court,	- - -	0 10 0	
Term Fee each Term, (not more than two Term Fees to be allowed,)	- - -	0 5 0	
Drawing every Information, per folio of 90 words,	- - -	0 1 0	
Every Copy thereof, per 90 words,	- - -	0 0 6	
Brief and Copy,	- - -	0 7 6	
Every necessary attendance,	- - -	0 3 4	
Drawing every Affidavit, per folio of 90 words,	- - -	0 1 0	
Every necessary Copy thereof, per folio of 90 words,	- - -	0 0 6	
Drawing every Bill of Costs,	- - -	0 2 6	
Every necessary Copy thereof,	- - -	0 2 6	
Issuing all Writs, Subpœnas and Executions, according to the Scale at present taxable in Civil cases.			

Other Fees to be taken under this Act.

Justice taxing and apportioning Costs,	£0	6	0
Judge's Fee signing Judgment,	-	0	2 6
Sheriff or Coroner for every Deed,	1	0	0
For every additional tract of Land on the same Township described and conveyed in the same Deed,	-	0	6 8
For every additional Town, Common, or Pasture Lot beyond the first described and conveyed in the one Deed,		0	6 8
Prothonotary's and Sheriff's further Fees as by Law established.			
Printer's Fees for Advertising, &c., as heretofore accustomed.			

Schedule (C.)

SCHEDULE (C.)

RETURN OF TOWNSHIP LANDS AND ISLANDS.

Form of Return of Township Lands and Islands referred to in this Act.

No. of Township, or name of Island, (as the case may be.)	Owner or Occupier.	No. of acres cultivated.	No. of acres uncultivated.	Total.

RETURN FOR TOWN AND WATER LOTS.

Form of Return of Town and Water Lots referred to in this Act.

DESCRIPTION.				Where situated.	Owner or Occupier.	Improved or Unimproved.
No.	Hund.	Range.	Letter.			

RETURN FOR COMMON AND PASTURE LOTS.

No. of Common or Pasture Lots, (as the case may be.)	Where situated.	Owner or Occupier.	Improved or unimproved.

Form of Return of Common and Pasture Lots referred to in this Act.

RETURN FOR RESERVED LANDS IN THE ROYALTY OF GEORGETOWN.

Owner or Occupier.	No. of acres cultivated.	No. of acres uncultivated.	Total.

Form of Return of Reserved Lands in Georgetown Royalty referred to in this Act.

CAP. VIII.

An Act to repeal so much of the Land Assessment Act now in force as relates to the cancelling of Treasury Notes. 7 W. 4, c. 31.

[Passed 4th May, 1848.]

** The whole of the Land Assessment Act referred to in the Title of this Act, having been repealed by 11 Vic., c. 7, this Act is unnecessary, and therefore has not been reprinted.

CAP. IX.

Amended by 12 An Act to incorporate a Mutual Fire
Vic. c. 32. Insurance Company.

[Passed 4th May, 1848.]

WHEREAS it has been deemed advisable to establish a Mutual Fire Insurance Company, for Charlottetown, Common Lots and Royalty; and Whereas the several persons hereinafter named, have united, with many others, to form the said Company, which shall be mutual in its character: Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That *Daniel Brenan, Charles Young, Thomas Pethick, Dennis Reddin, Henry Palmer, John Davis, the younger, John Trenaman, John Williams, Christopher Cross, John Thomas, Edward L. Lydiard, Henry Haszard, George Beer, the younger, William R. Watson, James N. Harris, William Heard, William Hodgson, John B. Cox, and Robert Mackie,* and all and every such other person and persons as shall from time to time become Insurers in the Company, and undertaking hereby established, as hereinafter is mentioned, and their respective Successors, Executors, Administrators and Assigns, shall henceforth be, and they are hereby united into a Company, and declared to be one Body Politic and Corporate, by the name of the "Charlottetown Mutual Fire Insurance Company," and by that name shall have perpetual succession, and a common Seal, with power the same Seal to change, alter, break and make new, as to the Company shall seem fit, and by that name also, shall and may sue and be sued, plead or be impleaded, at Law or in Equity, and shall and may prefer and prosecute any Bill or Bills of Indictment against any person or persons who shall commit any Felony, misdemeanor or other offence, by Law indictable, and shall and may institute and pursue any criminal proceedings

Incorporates certain persons by the name of "The Charlottetown Mutual Fire Insurance Company."

Powers and privileges of Corporation.

whatsoever, in any Court or Courts in this Island, for offences that may be committed by any person or persons whomsoever, and for any trespass that may be committed, before any Justice or Justices of the Peace, Commissioner or Commissioners, or other competent Jurisdiction: and shall by that name, be capable, authorized and empowered to purchase, have, hold, receive, possess and enjoy Lands, Messuages, Houses, Hereditaments and real Estates, whatsoever, within this Island, either in fee simple, or for terms of life or lives, or years, or in any other manner, but not exceeding in value Five Thousand Pounds, and likewise Moneys, Goods, Chattels, Effects and other things of whatsoever kind or quality, and shall by that name and in their Corporate capacity, be capable, authorized and empowered, to give, grant, sell, assign, mortgage, demise, absolute or conditionally, or otherwise dispose of all or any part of such Real and Personal Estate, or property, as aforesaid, as to the said Company shall seem meet, and at their free will and pleasure: Provided always, that the purchase money of the Lands, Messuages, Houses or real estate, requisite for the Offices and buildings for the business of the Company, and the expenditure for the erection of such Offices and buildings, shall not exceed the sum of Five hundred Pounds, unless to replace the same, or to repair damages by the accidental destruction thereof, a larger expenditure shall become necessary.

Corporation may hold real Estate to the value of £5000.

And likewise Goods Chattels, &c.

Limits the amount to be expended by Corporation, for offices, to £500.

II. And be it enacted, That the said Real and Personal Estate of the said Corporation shall be liable for and subject to the payment of all debts contracted by the said Company, and that none of the present or future Members of the Company shall be liable for the payment of any debt contracted beyond the amount specified in the Bond to be given by each Member of the Company, as hereinafter set forth.

Real and personal Estate of Corporation to be liable to payment of its debts.

No. member of Corporation to be individually liable beyond amount of bond to be given.

No person to be deemed a member until bond given, &c.

Condition of Bond.

Penalty in bond.

Limits liability of Members of Corporation in any one year.

Bond to be given by members subject to approval of certain persons.

Judgment on Bond.

Management of business of Corporation to be conducted by 13 Directors.

Power of Directors to choose President and other officers.

Offices of Treasurer and Secretary may be held by same person.

Number and names of Directors and other officers of Corporation.

III. And be it enacted, That no person shall be considered a Member of the said Company, until he shall make, execute and deliver to the said Company, a Bond, with one or more Sureties, if the Board of Directors shall deem necessary, to be conditioned, that he shall abide by the Regulations and By-Laws of the said Company, and pay his proportion of any demand against the Company, that may be decided by the Rules thereof under a penalty of five *per centum* on the amount of his property insured: Provided always, that in any one year, he shall not be called upon to pay more than Five *per centum*, on the amount insured on his property, for the payment of losses incurred during that year, while he continues a Member thereof, which Bond shall be subject to the approval of the first Nine persons named in this Act, until the Board of Directors shall be chosen, and afterwards, to the approval of such Board; and Judgment may be entered on the said Bond when necessary; and if Judgment be not entered up within a year and a day after the date of the said Bond, the same may be obtained without the usual requisites.

IV. And be it enacted, That the management and regulation of the affairs and business of the said Company shall be conducted by, and vested in a Board of Directors, to consist of Thirteen Directors, who shall have power to chose from among themselves, a President, and shall also have power either to chose from among themselves, or from the Company, a Treasurer and a Secretary; the Offices of Treasurer and Secretary may be vested in one person, if the Directors shall think fit; and that the necessary Officers of the said Company shall be, and at all times, except in cases of vacancies arising from death, resignation or otherwise, shall consist of one President, Twelve Directors, a Treasurer, a Secretary, Two Auditors or Examiners of the Accounts of the Company, as many Appraisers as may be necessa-

ry, and such other Officers and Servants as the said Directors shall think proper to constitute and appoint, for the better management and conducting of the business thereof, and that the several powers, authorities, duties, rights and privileges of such President, Directors, Treasurer, Secretary, Auditors, Appraisers and other Officers and Servants of the said Company so to be appointed, shall be, as in and by this Act is, or by the Bye Laws of the said Company, shall hereafter be prescribed and established; and that Six Directors, with the President, or Chairman for the time being, appointed by the Directors in the absence of the President, shall form a Quorum, for the transaction of the business of the said Company.

Powers and authorities of Directors and officers, &c.

Quorum for transaction of business.

V. And be it enacted, That no Member of the said Company shall be qualified to be elected, or to act as a Director of the same, unless he shall, at the day of election, have at least Three hundred Pounds insured in the said Company, and during the time he shall continue to be such Director continue to have at least Three hundred Pounds insured therein; Provided also, that during the present year, Directors may be elected and act as such, who have entered into the said Bond, to the amount of Three hundred Pounds, on property to be insured in the said Company, and who have paid the deposit hereinafter named.

Qualification of Directors of Corporation.

VI. And be it enacted, That the interest of each Member in the said Company, shall be, and be deemed Personal Estate, and as such Personal Estate, shall be assigned and transmissible accordingly, but no interest shall be divisible or divided or assigned in parts; and the said Members of the Company, and their several and respective Executors, Administrators and Assigns, shall not be liable to any debts of, or demands against the said Company, beyond the condition of the said Bond.

Interest of Members to be deemed personal Estate, and assignable, &c., accordingly.

Limits the individual responsibility of Members of Corporation.

Annual general meeting, when to be holden.

Special meeting, how summoned.

Meetings of Board of Directors, where and when to be held.

Notice for annual or any other general or special meeting, how to be given.

Regulates the voting of Members of Corporation.

Limits the number of proxies to be held by any one member.

VII. And be it enacted, That the annual general meeting of the said Company shall be held in the month of January in every year, after this present year, and at such day and place as the Board of Directors shall appoint, and that special meetings of the Company shall be summoned by the Directors, when they shall deem the same necessary, or whensoever a requisition therefor in writing, shall be delivered to the President or Secretary, signed by Twenty Members, and specifying the object of such meeting, and that meetings of the Board of Directors shall be held at the Office of the Company, at least once in every month, and at such other times as the Directors shall think proper, or as the business of the Company may require: Provided always, that notice of the day appointed for the annual, or any general or special meeting of the Company, shall be given by an Advertisement, at least Seven days previous thereto, in one of the public Newspapers of this Island.

VIII. And be it enacted, That at every annual general, and special meeting of the Company, every Member thereof shall be entitled to vote according to the amount insured by the said Member in the said Company, in manner following, that is to say, each Member that has Property insured in the said Company to the amount of One hundred Pounds and upwards to One thousand Pounds, shall be entitled to one vote, each Member that has Property insured in the said Company to the amount of One thousand and Five hundred Pounds, shall be entitled to two votes, and each Member that has Property insured in the said Company, to the amount of Two thousand Pounds and upwards, shall be entitled to three votes, and may give such vote or votes, by his or her proxy duly constituted according to the By-Laws, such proxy being a Member entitled to vote, but no Member shall be allowed to hold more than Five proxies; and at every meet-

ing of the Board of Directors, each Director shall have one vote only, and every question, matter or thing which shall be proposed, discussed or considered at any General or Special Meeting of the Company, shall be determined by a majority of the votes and proxies then given, and every question, matter or thing, which shall be proposed, discussed, or considered at any Meeting of the Board of Directors, shall be determined by the majority of votes then given by the Directors then present; and in case it should happen, that at any General or Special Meeting of the Company, or Meeting of the Board of Directors, the votes shall be equal, then the President of the Company, or in his absence, the Chairman of the Meeting or of the Board, shall be entitled to a casting vote only upon the matters under discussion.

Directors' votes.

Majority of votes to determine questions, &c.

President or Chairman to have a casting vote.

IX. And be it enacted, That no Annual or Special Meeting of the Company shall be held, unless there be present thereat Fifty Members, or a majority of the said Company, and at every such Annual or Special Meeting of the Company, the President, or in his absence, one of the Members to be chosen at such Meeting respectively, shall be Chairman of such Meetings respectively, and that if at any day appointed for such Meetings of the Company, a sufficient number of members shall not attend within one hour after the time appointed for the meeting, then, and in every such case, the Meeting shall be adjourned until the next or some future day by the President, or by one of the Directors, or by the Secretary, or by such person as may attend in his or their place or stead.

No annual or special meeting to be held unless 50 members or majority present.

President of Corporation to be chairman of meetings—in his absence, one of the members.

Meeting may be adjourned to another day if sufficient number not present.

By whom an adjournment is to be declared.

X. And be it be enacted, That the orders and proceedings of every General or Special Meeting of the Company shall be entered by the Secretary of the Company in a Book or Books to be kept for that purpose, and shall then be signed by the

Duty of Secretary.

Proceedings, &c., entered in a book by him to

be deemed original in all Courts, &c.

President or Chairman of the Meeting, and being so entered and signed, shall be taken and deemed to be the original orders and proceedings of such Meeting, and shall be received as such, upon due proof thereof, in all Courts and places, and on all occasions whatsoever.

How business of Corporation is to be commenced.

XI. And be it enacted, That the Five persons first named in this Act, shall, as soon as conveniently may be, after the passing hereof, by an Advertisement, to be published in one of the Island Newspapers, give notice that a Members' Book will be opened on a day, and at a certain place to be mentioned, and shall then and there open a proper Book for the purpose, and therein receive and take the amount of Property intended to be Insured in the said Company by each person, and each person shall at the same time pay to the said five persons, or any three of them, on behalf of the Company, the sum of Fifteen Shillings, as a deposit, and the said deposit shall be taken and allowed to every person who shall pay it as part of the amount of the first premium of Insurance to be paid by such person to the said Company, provided such person take out a Policy within Six Months thereafter; and every person who shall neglect or refuse to take out a Policy as aforesaid, shall forfeit to the said Company the said deposit.

Members' book to be opened, &c.

Entry in such book.

Deposit to be paid by each member.

Deposit to be forfeited unless Policy taken out within 6 months.

Regulates the election of Directors.

XII. And be it enacted, That at every Annual General Meeting of the said Company held in the month of January in every year, the Directors of the said Company for the then current year, shall be elected by ballot in the following manner, that is to say, the Members shall first elect Five Directors for the then current year, out of the thirteen Directors who have served for the preceding year, and shall then elect Eight other Directors from the Members of the Company, eligible as hereinbefore provided: Provided always, That it shall and may be lawful for the

said Members to re-elect the other eight persons who were Directors the preceding year, or any of them, if they shall think proper so to do.

XIII. And be it enacted, That the office of the President or Directors, Treasurer, Secretary, or Auditors of the said Company, shall become, and may by the Board be declared vacant, on the death, resignation, three months absence, or permanent removal of such Officer from the Island, or by a vote of the General Meeting of the Members removing the Officer for misconduct, or malversation in office, and every such vacancy shall be filled up by the choice of a Member to be made by the Board of Directors, and who shall serve until the Annual Meeting, and at every such Annual Meeting, persons shall be elected to supply the place of these Officers, who are as aforesaid to go out of office on the Thirty-first day of January annually, or whose offices have been vacated as aforesaid, and all Officers elected at the Annual Meeting, shall enter upon their offices on the Thirty-first day of January in every year after the present year. Provided always, that any Director so going out of office, shall be capable of being re-elected by the Company.

How offices of Directors, Treasurer, &c., become vacant.

Vacancies, how to be filled up.

Time of entry upon duties of respective offices.

XIV. And be it enacted, That all orders and directions for Insurance against Fire, to the said Company given, and by them accepted, and all Policies of Insurance by the said Company made, and sealed with the common Seal thereof, and signed by the President of the Company, or any Chairman of the Board of Directors, and also by one of the Directors, and by the Secretary, shall be binding and obligatory upon the said Company, and the Funds in hand arising from Premiums, shall be faithfully and truly paid, in order to satisfy any loss that may arise, within Sixty days from the time of such loss being settled or adjusted, and should the said Funds not amount

Orders, Policies, &c, sealed with seal of Corporation, and signed by President or Chairman and 1 Director to be binding, &c.

If funds in hand not sufficient to pay a loss, difference how to be made up, and when.

Limits the amount for which any member may be called upon in any one year.

Powers and duties of Board of Directors.

to the said loss, then each of the Members shall be called upon to pay his proportion of the said loss within Forty days from the time of such loss being adjusted as aforesaid: Provided always, that in any one year, he shall not be called upon to pay more than five *per centum* on the amount insured on his Property, for the payment of losses that may occur within that year, during his continuance, as a Member of the said Company.

XV. And be it further enacted, That the affairs and business of the said Company shall be managed and transacted by the Board of Directors thereof, of whom Six Directors, with the President, or in case of his death, sickness, or absence from any other cause, Seven Directors, one of whom being Chairman of the Meeting, shall constitute a Meeting, and the same Board of Directors for the time being shall have full power and authority to meet and adjourn from time to time, and from place to place, as they shall see fit, and also to direct, manage, and conduct, with the assistance of the Secretary, all the affairs and business of the Company, and the taking and accepting orders for Insurance, fixing the Premium therefor, executing, sealing, and delivering Policies of Fire Insurance, adjusting, settling, paying or compromising for losses claimed under Policies, procuring, purchasing, leasing or obtaining suitable Buildings, Offices, and places for the business of the said Company, and fitting the same with all things necessary therefor, and investing the Funds and taking Securities for the Moneys of or Debts due to the said Company upon public or private Stock, or real or personal Securities, provided the same can be rendered available for the payment of losses within Thirty days, and making and carrying into effect all contracts and bargains touching the said Company and the affairs thereof, but subject nevertheless to such orders, bye laws, rules and regulations, as at any time shall be duly made by

the said Company, in restraint, control or regulation of the powers and authorities hereby vested in the said Board of Directors.

XVI. And be it further enacted, That it shall be lawful for the said Board of Directors to allow and pay to the Secretary, the Treasurer, the Appraisers, and any other Officers and Servants of the Company, such compensation and allowances as may be agreed upon by the Company, but the said President and Directors shall not be entitled to take or receive any payment or remuneration whatsoever for their services respectively.

Directors to pay Secretary, Treasurer, &c., allowance agreed upon.

XVII. And be it further enacted, That the said Board of Directors shall have power and authority, and they are hereby strictly required to cause to be balanced, the Books of the said Company up to the Thirty-first day of December One Thousand Eight hundred and Forty-eight, or at such other period as any General Meeting shall require, and the same being so balanced, shall be carefully examined and signed by the said Auditors, and approved by the Board of Directors, and an abstract of the said Balance showing clearly and explicitly the state and the affairs of the said Company, and for what amount of Insurances the said Company are liable, and what claims for losses have been paid and may remain unsettled, and also showing how and in what manner the Consolidated Fund of the Company is invested or disposed of, and what sums of money are due to the Company, and also stating such further particulars as by the By-Laws and Regulations of the Company shall be required, shall be produced by them at the Annual General Meeting for the inspection of the Members of the Company, and a duplicate thereof, in like manner signed and attested, shall be transmitted to the office of the Secretary of the Island, for the information of the Lieutenant Governor and

Powers and duties of Directors.

Books to be examined and audited.

Abstract to be produced at annual general meeting, and duplicate lodged with Colonial Secretary for the information of the Legislature.

Her Majesty's Council, and of the General Assembly.

Corporation may make by-laws, &c. at general meeting.

XVIII. And be it further enacted, That the said Company shall have full power and authority from time to time at the first or at any of the General Meetings as aforesaid, to make, ordain, and put in execution such Rules, Orders and By-Laws, as to them shall seem meet and proper for regulating the proceedings of the Company, the proceedings of the Board of Directors, the transactions of the business of the Company, the conditions of the Policies of the Company, the government and regulation of all the Officers and Servants of the Company, and for the superintendance and management of the affairs of the Company in all respects whatsoever, and from time to time, to alter and repeal such Rules, Orders and By-Laws, or any of them, and to make others, as to the Members of the Company at a General Meeting shall seem meet and expedient, provided Fourteen days previous notice of such alteration shall be given; and all Rules, Orders and By-Laws so made as aforesaid, being reduced into writing, and signed by the Chairman present at any such Meeting, and sealed with the Seal of the Company, shall in all or any Courts or Court of Law or Equity be deemed and taken to be the Rules, Orders and By-Laws of such Company: Provided always, that such Rules, Orders, and By-Laws be not repugnant to the Laws of this Island, or to the Laws in force within the same, or to the express directions or provisions of this Act.

By-laws, &c. may be altered at general meeting, on giving 14 days' notice of intention to alter the same.

By-laws, &c., sealed with Corporation Seal & signed by Chairman of meeting to be deemed original in all Courts.

Corporation may be dissolved on vote of three fourths of members.

XIX. And be it further enacted, That upon the Vote three-fourths in number of the Members of the said Company, it shall be lawful for the said Members to dissolve the said Company at a General Meeting thereof, and to declare that the same shall cease on a day to be fixed, and therefrom the said Company on that day shall

cease and determine, but the President and Board of Directors and Officers of the Company shall continue in office during such time as shall be required for winding up the affairs and business of the Company, and all corporate powers for this purpose requisite and necessary shall subsist and remain in force, until the whole of its affairs shall be finally settled and closed ; and the Board of Directors for the time being shall and are hereby required to adopt the most immediate and effectual measures for settling, winding up, and closing all the accounts, affairs and business of the Company, ascertaining, adjusting and paying the demands against the same, collecting the debts due, and converting the capital and property of the Company into money, and for dividing and paying to and among the Members entitled thereto, the whole net proceeds of the same, according to their respective interests in the said Company.

President, Board of Directors, &c. to remain in office notwithstanding dissolution, until the affairs of Corporation be finally closed.

XX. And be it enacted, That the Directors shall be, and they are hereby required to take Security to such amount as may be necessary, from all or any person or persons entrusted with the custody or expenditure of any of the funds or other effects of the said Company.

Directors to take security from all persons entrusted with moneys or effects of Corporation.

XXI. And be it further enacted, That this Act shall continue for the term of Twenty-one years, and no longer, unless the same shall be determined in the manner before expressed.

Continuance of Act unless Company dissolved.

XXII. And be it enacted, That nothing in this Act contained, shall have any force or effect, until Her Majesty's pleasure therein shall be known.

Suspending clause.

*** This Act received the Royal Allowance on the 11th day of August 1848, and the signification thereof was published in the Royal Gazette newspaper of this Island on the 12th of September of the same year.

CAP. X.

Executed.

An Act to enable the Government to ascertain the Population of this Colony, and to obtain other Statistical information therein mentioned.

[Passed 4th May, 1848.]

CAP. XI.

Sec 8 Vic.
c. 3.

An Act to explain and amend an Act made and passed in the Eighth year of the Reign of Her present Majesty, intituled *An Act to make new provisions for the support of Light-Houses, Buoys and Beacons.*

[Passed 4th May, 1848.]

WHEREAS under the First Section of the above recited Act, since the completion of the Light House at Point Prim, any Vessel sailing from an Outport in this Island, which shall have been cleared at the Port of Charlottetown, has been held liable for the highest rate of Light Duty imposed by the said Act, namely, Three Pence per Ton, although such Vessel may have sailed from one of the Ports not particularly specified therein, namely, Pownal Bay, Orwell Bay and Pinette, contrary to the original intention of the Act; and it is inexpedient that any such Vessel should be made so chargeable.

Light Duty to be paid on Vessels sailing from any Port in this Colony, except Ports of Charlottetown, Pownal Bay, Orwell Bay & Pinette.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the Light Duty to be paid and collected on all Vessels which shall hereafter sail from any Port or Place in this Island, excepting the following Ports or Places, namely, Charlottetown, Pownal Bay, Orwell Bay and Pinette, for any other Port, Place or Colony whatsoever, shall be Two Pence per Ton, for each and every Ton which each and every such Vessel shall admeasure

agreeably to their Registers, and no more, notwithstanding any such Vessel may have been actually cleared at the Port of Charlottetown, or any Port other than the Port from which she sails; Provided that when any of the said above mentioned Vessels shall, on any Voyage have paid the rate of Two Pence per Ton, for Light Duty as aforesaid, and shall afterwards, on the same Voyage, enter any of the aforesaid Ports of Charlottetown, Pownal Bay, Orwell Bay and Pinette, then such Vessel shall pay One Penny per Ton more, and in addition to the said sum of Two Pence per Ton, so paid by them as aforesaid, and which said Duties shall be paid, received and enforced by the respective person or persons, and in the way and manner particularly mentioned and prescribed for the payment, receipt and recovery of Light Duties, in and by the said First Section of the above recited Act.

Additional Light Duty to be paid in certain cases.

Light Duties imposed by this Act, by whom, and how to be enforced, &c.

II. Provided always and be it enacted, That the Light Duty to be hereafter paid and collected on all new Vessels hereafter clearing out and to sail from Charlottetown, Pownal Bay, Orwell Bay, or Pinette, on their first Voyage, shall be Two Pence per Ton, for each and every Ton which each and every such Vessel shall admeasure as aforesaid, and no more, and on all such Vessels clearing out and to sail from any other than the aforesaid Ports, on their first Voyage as aforesaid, One Penny for each and every Ton as aforesaid, anything in this or any other Act to the contrary notwithstanding.

Light Duty payable on new Vessels clearing out on First voyage from Charlottetown, Pownal Bay, Orwell Bay or Pinette,

and on such Vessels so clearing from other ports.

III. And be it enacted, That all Vessels now Licensed, or which shall hereafter be Licensed as Sailing Packets from any Port or place in this Island, to any Port or place in any other Colony, under or by virtue of any Law of this Island, shall be exempted from the payment of all Light

Exempts from Light Duty all licensed Sailing Packets.

Duties chargeable under the above recited Act, or this Act, while so engaged.

CAP. XII.

Amended by 12 An Act to repeal the Laws for constituting Boards
Vic. c. 30. of Health, and to make other provisions in lieu
Expired. thereof.

CAP. XIII.

An Act relating to the Charlottetown Ferry.

[Passed 4th May, 1848.]

WHEREAS it is conceived that the use of a Steam Boat for the purposes of the Hillsborough Ferry, opposite Charlottetown, would afford better accommodation for the public than the mode of conveyance heretofore used: Be therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, it shall and may be lawful to and for the Lieutenant Governor, or other Administrator of the Government for the time being, by and with the advice of Her Majesty's Council, to let and grant for any space of time not exceeding the term of Twenty years, the exclusive right to the Hillsborough Ferry opposite Charlottetown, and the Premises connected therewith, to any persons or persons who shall tender the lowest terms therefor, and become bound with Two responsible Sureties, to be approved of by the said Lieutenant Governor in Council, to convey Passengers, Cattle, and Luggage across the said Ferry, by means of a good and sufficient Steam Boat, of not less than twelve Horse-power, besides providing a sufficient number of good and sufficient Keel or Flat-bottomed

Lieut. Governor, &c. to grant for 20 years the exclusive right to Ferry opposite Charlottetown to person becoming bound to convey Passengers, &c., by a Steam Boat of not less than 12 horse power.

Such letting to be to person offering to convey passengers on lowest terms.

And also providing other Boats.

Boats for the conveyance of Passengers and Luggage across the said Ferry.

II. And be it enacted, That the person whose Tender under the aforesaid Regulations shall be accepted shall be subject to such rules and Regulations as shall be fixed and determined by the Lieutenant Governor or other Administrator of the Government for the time being, in Council, in manner prescribed by an act made and passed in the Third year of the Reign of His late Majesty King William the Fourth, intituled "*An Act to repeal two certain Acts therein mentioned for licensing and regulating Ferries, and to make other provisions in lieu thereof,*" and which Act shall be binding on the said Ferryman, who, as well as his Servant or Servants, and all persons acting under him in the management of the said Ferry, shall be subject to all Fines, Forfeitures and Penalties therein mentioned, and such Steam Boat shall cross the said Ferry once every half hour, from Sun-rise to Sun-set, during the time that the Navigation shall remain open, in each and every year, excepting such time as she may be required to run twice a day, once in the Morning and once in the Evening, to Canso Point, and one of such Keel or Flat-bottomed Boats shall run in lieu of the said Steam Boat while such Steam Boat shall be employed in making her daily trips to Canso Point: Provided always, that no Tender to be made for the said Ferry in pursuance of this Act, shall be accepted wherein any of the rates of Ferriage proposed shall be higher than are now by Law fixed and established.

Person whose tender is accepted to be subject to rules, &c., fixed by Lieut. Governor, &c., as prescribed in Act 3d Will. 4th, cap. 8;

And to all fines, &c., imposed by that Act.

Regulates the management of Steam Boat in crossing, &c., at Charlottetown and running to Canso Point.

No Tender to be accepted at higher rates of ferriage than now by Law established.

III. And be it enacted, That it shall be the duty of the Lieutenant Governor or other Administrator of the Government for the time being, in Council, to advertise in the manner and form prescribed in and by the Third Section of the above recited Act, that Tenders for the said Fer-

Lieut. Governor &c., to advertise for Tenders as prescribed in 3d Section of 3d Will. 4th, cap. 8.

Up to what period Tenders are to be received.

If no Tenders made for Steam Boat, Tenders to be advertised for Team Boat.

Description of Team Boat to be advertised for.

Ferry may be let to person providing such Team Boat, for 5 years.

Subject to same restrictions as imposed on Steam Boat contract, if made.

If no Tender be made for Team Boat, Lieutenant Governor, &c., to establish rates of Ferrriage under 4th and 5th Sections of Act of 3d Will. 4th, cap. 8.

riage by steam Boat of the class and description hereinbefore mentioned, will be received up to the First day of September One Thousand Eight Hundred and Forty-eight, and if it shall so happen that no such Tender shall be received on or before the said First day of September, One Thousand Eight Hundred and Forty-eight, or that no Tender received within that time shall be accepted by the Government, then, and in such case it shall be the duty of the Lieutenant Governor or other Administrator of the Government for the time being, by and with the advice of Her Majesty's Council, to advertise for Tenders for a good and sufficient Team Boat, to be propelled by not less than Four able Horses, and which shall not be less than Fifty feet in length, and a proportionate breadth for the purposes of the said Ferry, and to let for any space of time not exceeding Five years, the exclusive right to the said Ferry, subject nevertheless with respect to the said Team Boat to the restrictions, regulations, and fares hereinbefore in this Act contained relative to a Steam Boat, excepting that such Team Boat shall not be required to run to Canso Point unless in the discretion of the Lieutenant Governor in Council, and subject also to all the restrictions and regulations imposed or declared by any Act or Law relating to the said Ferry.

IV. And be it enacted, That in case no Tender or Tenders shall be made as lastly above mentioned, after such Advertisement, then it shall be the duty of the Lieutenant Governor or other Administrator of the Government, with the advice aforesaid, to fix and establish the Rate and Regulations of the said Ferry, as directed in and by the Fourth and Fifth Sections of the said recited Act.

CAP. XIV.

An Act for the punishment of Drunkenness.

[Passed 4th May, 1848.]

BE it enacted, by the Lieutenant Governor, Council and Assembly, for the prevention and punishment of Drunkenness, That from and after the passing of this Act, any Person who shall be found drunk and disorderly in any of the Streets or Squares of any Town in this Island or in any public Highway in this Island, and who shall be convicted thereof before any Justice of the Peace, on view, or by confession, or on the Oath of one credible Witness, shall forfeit for the first offence, the sum of Five Shillings, and in default of payment of the said Fine, the said Justice is hereby authorized and empowered to commit any such person to the common Jail of the County wherein such offence shall have been committed, there to remain for a period of Forty-eight hours, unless such Fine shall be sooner paid.

Penalty on person drunk and disorderly in any street, &c., of any town or in highway.

Mode of recovery of penalty.

Amount of penalty for first offence.

II. And be it further enacted, That if any person or persons shall be convicted of a Second offence against the provisions of this Act, he, she, or they shall be liable to a Fine of Ten Shillings for such second offence, and to a like fine for every subsequent offence, to be recovered in way and manner set forth in the First Section of this Act, and in default of payment of either or any of such Fines, shall and may be committed by the said Justice to the Common Jail of the County wherein such second or subsequent offence shall be committed, there to remain for a period of Ninety-six hours, unless such Fine shall be sooner paid.

Penalty for 2d and every subsequent offence.

Mode of recovery of second and subsequent penalty.

III. And be it enacted, That all Fines recovered and received under and by virtue of this

Appropriation of penalties.

Act, shall be paid by the said Justice into the Treasury of this Island, to and for the use of Her Majesty's Government.

CAP. XV.

Repealed by 12 Vic., c. 8. An Act to amend the Act for the better preventing Accidents by Fire within Charlottetown.

[Passed 4th May, 1848.]

CAP. XVI.

An Act to consolidate and amend the Laws now in force authorizing the appointment of Coal Meters, and to repeal a certain Act therein mentioned.

[Passed 4th May, 1848.]

WHEREAS the Act made and passed in the Fifth year of the Reign of Her present Majesty, intituled *An Act to authorize the appointment of Coal Meters where deemed necessary*, will expire on the last day of the present Session, and the Act made and passed in the Second year of the Reign of Her said Majesty, intituled *An Act to authorize the appointment of Coal Meters for Charlottetown*, will shortly expire, and it is deemed expedient to consolidate, continue, and extend the provisions of the said Acts: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Administrator of the Government for the time being, by and with the advice of Her Majesty's Council, from time to time as occasion may require, or as he may see fit, in addition to the persons already appointed for that purpose, to appoint any other fit and proper person or persons residing in Charlottetown;

5 Vic., c. 16.

2 Vic., c. 5.

In addition to present Coal Meters, for Charlottetown, Administrator of Government, &c., may appoint others.

whose duties shall be to admeasure according to the Standard Coal Measure of this Island, all such Coals imported into Charlottetown as shall be respectively required of them, and in case any person having accepted such office, shall refuse or wilfully neglect to perform any of the duties pertaining to his office or appointment, without just cause, each and every person so offending, shall forfeit and pay for every such offence a sum not exceeding Twenty Shillings, to be recovered with Costs, before any Commissioner of Small Debts or Justice of the Peace, which Fine shall be paid to any person who shall sue for the same.

Duty of Coal Meters.

Penalty on Coal Meters for neglect of duty, &c.

How recoverable.

Appropriation of penalty.

II. And be it enacted, That it shall and may be lawful for the Administrator of the Government for the time being, by and with the advice of Her Majesty's Council, and on the Petition of at least Ten Householders to him or them presented, to appoint one or more fit and proper persons residing at any other port or place in this Island besides Charlottetown, to be a Coal Meter or Coal Meters, whose duties shall be to admeasure according to the Standard Coal Measure aforesaid, all such Coals imported into such Ports or places for which such Coal Meters shall have been appointed, as shall be respectively required of him or them, and in case any person having accepted said office shall refuse or wilfully neglect to perform any of the duties pertaining to his office or appointment, each and every person so offending, shall forfeit and pay for every such offence, a sum not exceeding Twenty Shillings, to be recovered, with Costs, before any Commissioner of Small Debts or Justice of the Peace, which Fine shall be paid to the person who shall sue for the same.

Administrator of Government, &c. on petition, may appoint Coal Meters for other Ports, &c.

Duty of such Coal Meters.

Penalty on such Coal Meters for neglect of duty, &c.

How recoverable.

Appropriation of penalty.

III. And be it enacted, That each and every Coal Meter already appointed under the authority of either of the above recited Acts, or who shall or may be hereafter appointed under and by

Coal Meters appointed, or to be appointed, to be sworn, &c.

Form of Coal
Meter's oath.

Justice to grant
Certificate to
Coal Meter.

Form of Certifi-
cate.

Coal Meter to
produce Certifi-
cate on demand.

Penalty on refu-
sing to produce
same.

Administrator of
Government,
&c., may dis-
place any Coal
Meter, &c.

Penalty on Coal
Meter for ad-
measuring with-
out being first
sworn.

How recover-
able.

Appropriation of
penalty.

virtue of this Act, before he shall be permitted to act as such Coal Meter under the provisions of this Act, shall be duly sworn in the form prescribed in the Schedule to this Act annexed, marked (A), to the faithful discharge of the duties enjoined by this Act, before any Justice of the Peace for the County in which the Port or Place for which he shall have been appointed shall be situate, which Justice upon administering such Oath, shall, and he is hereby required, to grant to such Coal Meter a Certificate in the form prescribed in the Schedule to this Act annexed, marked (B), that the said Coal Meter has been duly sworn by him in the form prescribed by this Act, and the said Coal Meter shall be bound upon all occasions while employed in the duties of his said office, to produce the said Certificate to any person demanding the same, and upon his neglect or refusal so to do, shall be liable to the Penalty or Fine hereinbefore imposed for neglect of duty on the part of such Coal Meter.

. IV. And be it enacted, That it shall be lawful to and for the Administrator of the Government for the time being, by and with the advice and consent of Her Majesty's Council, from time to time, to remove or displace any Coal Meter for any fraud or wilful neglect of duty, and to appoint another Coal Meter in the place of such removed or displaced Coal Meter.

V. And be it enacted, That any person who shall presume to admeasure any Coals as a Coal Meter without being first duly sworn as required by this Act, shall forfeit and pay for every such offence the sum of Five Pounds, to be recovered before any one of Her Majesty's Justices of the Peace for the County wherein such offence shall have been committed, one half of such Fine to be paid to the person who shall sue for the same, and the other half to be paid into the Treasury of

this Island, to and for the use of Her Majesty's Government.

VI. And be it enacted, That each and every Justice of the Peace before whom any Coal Meter shall be sworn, as directed by this Act, shall within Ten days after administering such Oath, transmit the record of such Oath (signed by such Coal Meter, and attested by the said Justice in the form prescribed by this Act,) to the Clerk of Her Majesty's Council of this Island, who shall file the same in his office.

Justices of the Peace to transmit within ten days record of oath to Clerk of Council.

VII. And be it enacted, That it shall be the duty of each and every Coal Meter who shall qualify as such under the provisions of this Act, before he shall proceed to act in his said office, to provide himself with at least Two Measures, one to contain One Bushel of Coal, (heaped), and the other to contain Three heaped Bushels of Coal level with the brim, and which shall be duly assayed and stamped, according to the Standard Coal Measure of this Island.

Coal Meters to provide two measures.

VIII. And be it enacted, That any person in this Island who shall presume to sell or vend any Coals after the passing of this Act, by any other Measure than the Standard Coal Measure of this Island, shall forfeit and pay for each and every such offence, a sum not exceeding Forty Shillings, the same to be sued for, recovered, and appropriated in the manner provided for recovery of Penalties under the Fifth Section of this Act.

Penalty on persons selling Coals by any other than standard measure.

How recoverable and to be appropriated.

IX. And be it enacted, That every Coal Meter who shall have complied with the provisions of this Act, shall be entitled to receive for his services the respective amounts following, that is to say, if appointed for Charlottetown, the sum of Sixpence, and if appointed for any other Port or place in this Island, the sum of Ninepence for every Chaldron of Coal by him measured, and

Remuneration to Coal Meters.

so in proportion for any less quantity, and which sum shall be paid by the Seller or Vender of such Coal.

Harbour Master for Charlottetown to regulate the order in which Coal Meters for that Port shall attend Vessels, &c.

Duty of Harbour Master.

X. And be it enacted, That it shall be the duty of the Harbour Master for the Port of Charlottetown to regulate the order in which the several Coal Meters for Charlottetown shall be permitted to attend the different Vessels delivering Coals at the said Port, and for that purpose the said Harbour Master shall keep a Book in which to enter the names of the several persons who shall be appointed, and shall qualify as Coal Meters under the provisions of this Act, and before any such Coal Meter shall presume to act as such, he shall give in or cause to be entered his name in the said Book, so to be kept by the said Harbour Master, and the said Harbour Master shall, and he is hereby directed to appoint to any Vessel or Vessels arriving at the said Port with Coals, either for sale or for which Vessel or Vessels Coal Meters shall be required, a Coal Meter or Coal Meters in regular rotation, and in the order in which the names of such Meters shall have been first entered by him as aforesaid, to the end of the list, and in no other way or manner.

Justice of the Peace's fees under this Act.

XI. And be it enacted, That the Fees to which any Justice of the Peace shall be entitled under this Act, shall be as follows, that is to say :

For every Oath administered to Coal Meter, One Shilling.

For transmitting same to Clerk of Council, One Shilling.

For every Certificate, One Shilling.

And no other or greater Fees whatsoever.

Repeals Act of 2d Vic., c. 5.

XII. And be it enacted, That the Act made and passed in the Second year of the Reign of Her present Majesty, intituled *An Act to autho-*

rize the appointment of Coal Meters for Char-
lottetown, shall be, and the same is hereby re-
pealed.

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

SCHEDULES to which this Act refers.

SCHEDULE (A.)

Schedule A.

FORM OF COAL METER'S OATH.

Coal Meter's
oath.

I, *A. B.*, do swear that I will faithfully, and
without fear or partiality, execute and perform
the duties of Coal Meter for the Harbour or Port
of *(as the case may be.)* in pursuance
of and according to the manner required and pre-
scribed by the Act of the General Assembly of
this Island in such case made and provided, and
according to the best of my skill and ability.

So help me God.

A. B.

Sworn before me at }
this }
day of 18 }

SCHEDULE (B.)

Schedule B.

FORM OF CERTIFICATE.

Form of Coal
Meter's Certifi-
cate.

I do hereby certify, that
was this day duly sworn by me as
of
a Coal Meter for the Port or Harbour of
(as the case may be.) in conformity with the

provisions of the Act of the General Assembly of this Island in such case made and provided.

Given under my Hand at this
day of 18

A. B.,
J. P.

CAP. XVII.

An Act to amend the Act relating to the manner of proceeding upon controverted Elections of Members to serve in General Assembly.

[Passed 4th May, 1848.]

7 Vic. c. 23.

WHEREAS the Act made and passed in the Seventh year of the Reign of Her present Majesty, intituled *An Act to regulate the manner of proceeding upon controverted Elections of Members to serve in the General Assembly*, is defective, inasmuch as the Second Section or Clause of the said Act requires that no Petition against the Election or Return of any Member to serve in the House of Assembly shall be received unless it be accompanied by a Bond in due form entered into before the Speaker of the House of Assembly, or before one of the Judges of the Supreme Court of Judicature, by which Bond the Petitioner or Petitioners shall bind himself or themselves, with two good and sufficient Sureties, under certain Penalties, and for the performance of certain conditions therein mentioned, the said Section or Clause at the same time referring to a Schedule as annexed to that Act, and prescribing that the said Bond shall be in the form of such Schedule, whereas the said Act is not accompanied by any Schedule whatever, and it is therefore necessary and expedient, in order to remove all doubts as to the precise form of Bond required in such case, that

the said Second Section of the said recited Act be repealed, and other provisions made in lieu thereof: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act the Second Section of the hereinbefore recited Act shall be, and the same is hereby repealed.

Repeals 21 Section of Act 7th Vic. c. 23, relating to controverted Elections.

II. And be it enacted, That no such Petition as that mentioned in the First Section of the above recited Act against the election or the Return of any Member to serve in the House of Assembly, shall be received unless it be accompanied by a Bond in due form entered into before the Speaker of the House of Assembly, or before one of the Judges of the Supreme Court of Judicature, by which Bond the Petitioner or Petitioners shall bind himself or themselves under a Penalty of One hundred Pounds, with two good and sufficient Sureties under a Penalty of Fifty Pounds each, to appear and prosecute their complaint, and to pay such sum of Money as the House of Assembly shall adjudge, to the person or persons against whom such a complaint shall have been made, if the Petitioner or Petitioners shall fail; and the said Sureties shall, at the time of their signing the said Bond, which shall be in the form prescribed in the Schedule to this Act annexed, justify their sufficiency on Oath before the said Speaker, who is hereby authorized to administer such Oath, or before the said Judge, who shall receive such Bond, and shall certify the whole under his hand.

No Petition against Election to be received unless accompanied by Bond.

Before whom Bond is to be entered into.

Penalty on principal in Bond.

Bond to be given with 2 sureties.

Penalty on sureties.

Condition of Bond.

Sureties in Bond to justify.

Form of Bond.

Before whom Sureties are to justify.

III. And be it enacted, That the said Bond or Recognizance, when so taken, shall be good and valid against the said Petitioner or Petitioners and Sureties, so entering into the same, and that after the House of Assembly shall have decided the controverted Election respecting which such Bond or Recognizance shall have been given, the amount of Costs incurred in consequence of the

Bond, &c. to be valid against Petitioner and Sureties, &c.,

and may be recovered in Supreme Court.

At whose suit the same may be recovered.

same, and certified under the hand of the Speaker as required in and by the Ninth Section of the hereinbefore recited Act, shall and may in case of non-payment, be sued for and recovered in Her Majesty's Supreme Court of Judicature of the said Island, by or at the suit of Her Majesty, Her Heirs or Successors, or of any other party, as the case may be, in favour of whom such Costs shall have been adjudged by the House of Assembly.

Continuance of Act.

IV. And be it enacted, That this Act shall be in force for and during the continuance of the Act to which it is an amendment.

Schedule.

SCHEDULE.

FORM OF BOND OR RECOGNIZANCE.

Form of Bond or Recognizance.

BE it known, that on the day of
in the year of our Lord One thousand Eight
hundred and personally appeared before
me who separately acknowledged
themselves to owe as follows, that is to say,
A. B. the sum of One hundred Pounds, and *C. D.*
and *E. F.* each the sum of Fifty Pounds, to be
levied on their Goods and Chattels moveable,
and of their Lands and Possessions respectively,
for the use of our Lady the Queen, or of the per-
son to whom the same shall appertain, in conse-
quence of a Petition to be presented to the
House of Assembly against the legality of a
certain Election of a Member (*or Mem-*
bers, as the case may be,) to serve in the Assem-
bly, if the conditions hereinafter mentioned be
not performed.

Now the conditions of this Bond or Recognizance are such, that if the persons so petitioning shall duly appear before the said House of Assembly at such time as shall be appointed by it

for taking their Petition into consideration, and shall prosecute the contestation to the final decision thereof, or until it shall be otherwise determined with the permission of the said House, and shall pay such Costs as shall be adjudged by the said House, to the person or persons sustaining damage by reason of such Petition, then this Bond or Recognizance shall be void, otherwise it shall remain in full force and virtue.

Taken and acknowledged by the above-named <i>A. B.</i> , <i>C. D.</i> , and <i>E. F.</i> , before me this day of 18 , and the said <i>C. D.</i> and <i>E. F.</i> did also this day duly justify their sufficien- cy on Oath before me, each in the sum of Fifty Pounds.	}	<i>A. B.</i>
	<i>C. D.</i>	
	<i>E. F.</i>	

G. H., Speaker, &c., or *I. K.*, Justice, &c., (as the case may be.)

CAP. XVIII.

An Act to extend the provisions of the Act relating to Pilots.

[Passed 4th May, 1848.]

WHEREAS it is deemed expedient to amend the Act passed in the Seventh year of the Reign of His late Majesty King William the Fourth, intituled *An Act to regulate the duties and charges of Pilots, and to repeal the Acts formerly passed for that purpose*: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, each and every Pilot who shall qualify and be provided with a Boat, as directed in and by the Second Clause of this Act, and who shall board at Sea or without the Harbour, or offer his services for the purpose of taking into Harbour

For further duty of Pilots see 14 Vic. c. 11, sec. 19; see also 2 W. 4, c. 13, sec. 3.

7 W. 4, c. 19.

Regulates the charges of Pilots qualified as prescribed in 2d section of this Act.

as such Pilot any Ship or Vessel owned or partly owned in this Colony, exceeding One hundred and Thirty tons burthen, and where the Master of such Vessel shall decline or refuse the services of such Pilot, shall be entitled to demand and receive from the Master or Owner of any such Vessel, one-half of the rates of Pilotage now allowed by the Act to which this is an amendment, the same to be recovered in way and manner provided by the said Act.

Mode of recovery of such charges.

Pilots already licensed, or hereafter to be licensed, to own and use certain description of Boat.

II. And be it enacted, That no person shall hereafter be licensed as a Pilot, nor shall any person now appointed or licensed to that situation be allowed to act in that capacity, without first producing to the Colonial Secretary a Certificate of the Harbour Master of the Port in or near which such person shall reside, and in case of there being no Harbour Master for such Port, then of some one of Her Majesty's Justices of the Peace for the County in which such person shall reside, stating that such Harbour Master or Justice hath examined the Boat or Boats belonging to such person, and intended to be used by him as a Pilot Boat or Pilot Boats, and that such Boats are tight, staunch, strong, properly equipped and well suited for the purpose intended, nor shall any such Certificate be granted for any Boat of less than Sixteen feet keel.

Pilot not entitled to pilotage unless his name is painted on the stern of his boat, and also on the Mainsail.

III. And be it enacted, That to prevent the substitution of any other Boat or Boats than those respecting which Certificates shall have been obtained, no Pilot shall be entitled to claim any remuneration for Pilotage or otherwise under this Act, unless the name of the said Pilot be painted on the stern of the Boat used, and respecting which he has obtained a Certificate, in manner following, that is to say, *A. B.* or *C. D.*, Pilot, and likewise on the Mainsail of any such Boat.

IV. And be it enacted, That every Pilot who shall by neglect permit or suffer his Boat to be out of repair, or deficient in any necessary tackle or equipment, or shall suffer such Boat to be out of his possession or control between the Fifteenth day of April and the Fifteenth day of December in any year, each and every person so offending, shall forfeit and pay for each and every such offence a sum not less than Ten Shillings, nor more than Two Pounds, the same to be recovered, with Costs of Suit, before any one of Her Majesty's Justices of the Peace, or Commissioner of Small Debts, for the County wherein such Pilot shall be resident, on the Oath of any one credible Witness, and shall be paid into the Treasury of this Island, to and for the use of Her Majesty's Government.

Penalty on Pilot suffering his boat to be out of repair or deficient in tackle, &c.

Mode of recovery of penalty.

Appropriation of penalty.

C A P. XIX.

An Act to provide for the summary punishment of persons Trespassing upon Crown Lands.

Repealed by 12 Vic. c. 16.

[Passed 4th May, 1848.]

C A P. XX.

An Act to repeal a certain clause of the Act incorporating the Bank of British North America.

7 Will. 4, c. 27.

[Passed 4th May, 1848.]

. The whole of Act 7 Will. 4, c. 27, the Sixteenth clause of which is repealed by this Act, having been repealed by 12 Vic. c. 29, it is unnecessary to re-print this Act.

CAP. XXI.

An Act to consolidate and improve the Laws for the Election of Members to serve in the General Assembly.

[Passed 4th May 1848.]

WHEREAS it has become necessary to revise and consolidate the several Laws relative to the Election of Members to serve in General Assembly within this Island, and in some respects to alter the same, inasmuch as it would in particular tend to promote the purity of Elections, and to the diminution of expense, if the Poll at all contested Elections for Members of the Assembly were taken in one day: Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, the several Acts hereinafter mentioned shall be, and the same are hereby repealed, that is to say: An Act passed in the Forty-first year of the Reign of King George the Third, intituled *An Act for the better regulation of Elections and to regulate Elections for Members to serve in General Assembly in future*; an Act made and passed in the Forty-seventh year of the Reign of King George the Third, intituled *An Act to repeal an Act made and passed in the Forty-first year of his present Majesty's Reign, intituled An Act for the better regulation of Elections and to regulate Elections for Members to serve in General Assembly in future*; and an Act passed in the Eleventh year of the Reign of the late King George the Fourth, intituled *An Act to alter, amend and suspend certain parts of an Act made and passed in the Forty-seventh year of His late Majesty's Reign, intituled An Act to repeal an Act made and passed in the Forty-first year of His present Majesty's Reign, intituled An Act for the better regulation of Elections and to regulate Elections for Members*

Repeals Act of
41 G. 3, c. 4.

Also Act of the
47th G. 3, c. 3.

Also Act of the
11th G. 4, c. 3.

to serve in General Assembly in future; and an Act passed in the Second year of the Reign of His late Majesty King William the Fourth, intituled *An Act for limiting the time for holding the Poll for the Election of Members to serve in General Assembly*; and an Act passed in the Third year of the Reign of His late Majesty King William the Fourth, intituled *An Act for shortening the duration of Colonial Parliaments, from the space of Seven years to that of Four*; and an Act passed in the Sixth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to consolidate and amend the Election laws*; also, an Act made and passed in the First year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to alter and amend an Act passed in the Sixth year of the Reign of His late Majesty, intituled An Act to consolidate and amend the Election Laws*; also, an Act made and passed in the Third year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to amend an Act made and passed in the First year of Her present Majesty's Reign, intituled An Act to alter and amend an Act passed in the Sixth year of the Reign of His late Majesty, intituled An Act to consolidate and amend the Election Laws*; and also an Act made and passed in the Fifth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to explain certain parts of the Act to consolidate and amend the Election Laws*.

Also Act of the
2d W. 4, c. 9.

Also Act of the
3d W. 4, c. 15.

Also Act of the
6th W. 4, c. 24.

Also Act of the
1st Vic., c. 9.

Also Act of the
3d Vic., c. 26.

And also Act of
the 5th Vic., c.
24.

II. And be it enacted, That the several Counties that return Members to serve in General Assembly in this Island, shall be divided into Electoral Districts as heretofore; and that there shall be as many Polling Divisions in each of such Districts and in each of the Towns or Royalities in this Island, at or near which a Poll may be conveniently held, as may be requisite, for the purpose of Polling in one day all the Electors; and that at all future elections, the Poll, when a Poll

Electoral Dis-
tricts and Polling
places.

Electors to be
polled in one day.

Electoral Dis-
trict and Polling
places.

shall be required, shall be taken in the said Polling Divisions, at or near the places in each District, Town or Royalty, for that purpose hereinafter named and appointed.

Electoral Dis-
tricts of Coun-
ties.

Prince County,
1st District.

2d District.

3d District.

Queen's County,
1st District.

2d District.

3d District.

King's County,
1st District.

2d District.

3d District

III. And be it enacted and declared, That the Electoral Districts in the several Counties in this Island, shall be known and described as follows, that is to say: in the County of *Prince County*, the First District shall comprise and include the several Townships following, that is to say: Townships Numbers *One, Two, Three, Four, Five, Six, Seven, Eight, Nine, Ten, Eleven, Twelve, Thirteen* and *Fourteen* and *Savage Island*; and the Second District shall comprise and include Townships Numbers *Fifteen, Sixteen, Seventeen* and *Eighteen*, and the several Islands in *Richmond Bay*; and that the Third District shall comprise and include Townships Numbers *Nineteen, Twenty-five, Twenty-six, Twenty-seven* and *Twenty-eight*, and *Indian Island*. And that for the County of *Queen's County*, the First District shall comprise and include Townships Numbers *Twenty, Twenty-one, Twenty-two, Twenty-three, Twenty-four, Thirty-three, Thirty-four*, and *Sixty-seven* and *Peter's Island*; and the Second District shall comprise and include Townships Numbers *Twenty-nine, Thirty, Thirty-one, Thirty-two, Thirty-five, Thirty-six, Thirty-seven, Forty-eight*, and *Sixty-five*, and *Saint Peter's Island*; and that the Third District shall comprise and include, Townships Numbers *Forty-nine, Fifty, Fifty-seven, Fifty-eight, Sixty*, and *Sixty-two*, and *Governor's Island*. And for the County of *King's County*, the First District shall comprise and include Townships Numbers *Forty-three, Forty-four, Forty-five, Forty-six*, and *Forty-seven*; and that the Second District shall comprise and include Townships Numbers *Thirty-eight, Thirty-nine, Forty, Forty-one, Forty-two, Fifty-five*, and *Fifty-six*, and *Boughton Island*; and that the

Third District shall comprise and include Townships Numbers *Fifty-four, Fifty-three, Fifty-two, Fifty-one, Sixty-six, Fifty-nine, Sixty-one, Sixty-three, and Sixty-four*, and the several Islands in the Harbour of *Murray Harbour, and Panmure Island*.

IV. And be it enacted, That each and every Electoral District aforesaid shall be divided into Polling Divisions to the number hereinafter mentioned, and each and every of which said Polling Divisions shall comprise such part of a District, and shall be known and distinguished by such bounds as are hereinafter described, that is to say: in the First Electoral District of *Prince County*, there shall be Six Polling Divisions, the First of which shall comprise and include Townships Numbers *One, Two, and Three*, and the Poll shall be held near the *Chapel on Township One*; the Second Division shall comprise and include Townships Numbers *Four and Five*, and the Poll shall be held near the *Dock Church, Township Four*; the Third Division shall comprise and include Townships Numbers *Six and Ten*, and the Poll shall be held at or near *Charles Craswell's, Township Six*; the Fourth Division shall comprise and include Townships Numbers *Seven, Eight, and Nine*, and the Poll shall be held at or near *Carey's*, near the Boundary Line between Townships *Seven and Eight*; the Fifth Division shall comprise and include Townships Numbers *Eleven and Twelve*, and the Poll shall be held at or near *Barlow's Mill, on Township Twelve*; the Sixth Division shall comprise and include Townships Numbers *Thirteen and Fourteen*, and the Poll shall be held at or near *Carr's Mill on Township Fourteen*. And in the Second Electoral District of *Prince County* there shall be Four Polling Divisions, the First of which shall comprise and include Township Number *Fifteen*, and the Poll shall be held at or near *Abraham's Village*; and the Second Polling

Electoral Districts to be divided into polling divisions.

1st Electoral District of Prince County to contain 6 polling divisions.

1st polling division.

2d polling division.

3d polling division.

4th polling division.

5th polling division.

6th polling division.

2d Electoral District of Prince County to contain 4 polling divisions.

1st polling division.

2d polling
division.

3d polling
division.

4th polling
division.

3d Electoral
District of Prince
County to con-
tain 5 polling
divisions.
1st polling
division.

2d polling
division.

3d polling
division.

4th polling
division.

5th polling
division.

1st Electoral
District of
Queen's County
to contain 8
polling divisions.
1st polling
divisions.

2d polling
division.

Division shall comprise and include Township Number *Sixteen*, and the Poll shall be held near the *Presbyterian Church*, on said Township; and the Third Polling Division shall comprise and include Township Number *Seventeen*, and the Poll shall be held at or near the *Court House*, at *Saint Eleanor's*; and the Fourth Polling Division shall comprise and include Township Number *Eighteen*, and the several Islands in *Richmond Bay*, and the Poll shall be held on Township *Eighteen*, at or near *George Sinclair's, Old Town Road*. And in the Third Electoral District of *Prince County*, there shall be Five Polling Divisions, the First of which shall comprise and include Township Number *Nineteen*, and the Poll shall be held at or near *New Annan*, on the said Township; and the Second Polling Division shall comprise and include Township Number *Twenty-five*, and the Poll shall be held at or near the *Cross Roads*, at *Free Town*, on the said Township; and the Third Polling Division shall comprise and include Township Number *Twenty-six*, and the Poll shall be held near the *Methodist Chapel, Bedeque*, on the said Township; and the Fourth Polling Division shall comprise and include Township Number *Twenty-seven*, and the Poll shall be held at or near *Searletown*, on the said Township; and the Fifth Polling Division shall comprise and include Township Number *Twenty-eight*, and the Poll shall be held at or near the *Cross Roads*, North of *Lord's Mill Bridge*, on the said Township. And in the First Electoral District of *Queen's County*, there shall be Eight Polling Divisions, the First of which shall comprise and include Township Number *Twenty*, and the Poll shall be held at or near *Johnston's Mill*, on the said Township; and the Second Polling Division shall comprise and include Township Number *Twenty-one*, and the Poll shall be held at or near *Graham's Cross Roads*, on the said Township; and the Third Polling Division shall comprise

and include Township Number *Twenty-two*, and the Poll shall be held at or near *Joseph Doyle's, Mill Vale Road*, on the said Township; and the Fourth Polling Division shall comprise and include Township Number *Twenty-three*, and the Poll shall be held at or near *New Glasgow Bridge*, on the said Township; and the Fifth Polling Division shall comprise and include Township Number *Twenty-four*, and the Poll shall be held at or near *Wheatley River Bridge*, on the said Township; and the Sixth Polling Division shall comprise and include Township Number *Thirty-three* and *Peter's Island*, and the Poll shall be held at or near *Thomas Rodd's, Brackley Point Road*, on the said Township; and the Seventh Polling Division shall comprise and include Township Number *Thirty-four*, and the Poll shall be held at or near the *Old Saw Mill Bridge, Cove Head Road*, on the said Township; and the Eighth Polling Division shall comprise and include Township Number *Sixty-seven*, and the Poll shall be held near the *Church, Anderson's Road*, on the said Township.

And in the Second Electoral District of *Queen's County*, there shall be Eight Polling Divisions, the First of which shall comprise and include Township Number *Twenty-nine*, and the Poll shall be held at or near *M. Alder's Forge*, on the said Township; and the Second Polling Division shall comprise and include Township Number *Thirty*, and the Poll shall be held at or near *Thomas Fairbairn's, Bonshaw*, on the said Township; and the Third Polling Division shall comprise and include Township Number *Thirty-one*, and the Poll shall be held at or near *Josiah Parkin's School House*, in the *New South Wiltshire Settlement*, on the said Township; and the Fourth Polling Division shall comprise and include Township Number *Thirty-two*, and the Poll shall be held at or near *John Macphee's, York River*, on the said Township; and the Fifth Polling Division shall comprise and include

3d polling
division.4th polling
division.5th polling
division.6th polling
division.7th polling
division.8th polling
division.2d Electoral
District of
Queen's County
to contain 8
polling divisions.
1st polling
division.2d polling
division.3d polling
division.4th polling
division.5th polling
division.

6th polling
division.

7th polling
division.

8th polling
division.

3d Electoral
District of
Queen's County,
to contain 5
polling divisions.
1st polling
division.

2d polling
division.

3d polling
division.

4th polling
division.

Township Number *Sixty-five*, and *Saint Peter's Island*, and the Poll shall be held at or near *Ladner's Mills, Nine Mile Creek*, on the said Township; and the Sixth Polling Division shall comprise and include those portions of Townships Numbers *Thirty-five, Thirty-six, and Thirty-seven*, situate on the *North Side of the Hillsborough River*, and the Poll shall be held at or near the House lately occupied by *Messieurs Feehan, Scotch Fort*, on Township Number *Thirty-six*; and the Seventh Polling Division shall comprise and include those portions of Townships Numbers *Thirty-six, and Thirty-seven*, situate on the *South Side of the Hillsborough River*, and the Poll shall be held at or near *Clarke's Mills*, on Township Number *Thirty-seven*; and the Eighth Polling Division shall comprise and include Township Number *Forty-eight*, and that portion of Township Number *Thirty-five*, situate on the *South side of the Hillsborough River*, and the Poll shall be held at or near *Robert Mutch's*, on Township Number *Forty-eight*. And in the Third Electoral District of *Queen's County* there shall be Five Polling Divisions, the First of which shall comprise and include Township Number *Forty-nine*, and the Poll shall be held at or near *Nicholas Jenkins'* on the said Township; and the Second Polling Division shall comprise and include Township Number *Fifty*, and the Poll shall be held at or near the *School House*, on the Road leading to *Gallows Point*, and near the residence of *Cavendish Willock*, on the said Township; and the Third Polling Division shall comprise and include those parts of Townships Numbers *Fifty-seven, Fifty-eight and Sixty*, which are to the *East side of the New Selkirk Road*, and the Poll shall be held at or near the *School House*, near *Alexander Macrea's, Murray Harbour Road*; and the Fourth Polling Division shall comprise and include all those parts of Townships Numbers *Fifty-seven and Fifty-eight* to the *West side of the*

New Selkirk Road, and the Poll shall be held at or near the *School House, Portage*, near *Lauchlin Maclean's* on Township Number *Fifty-seven*; and the Fifth Polling Division shall comprise and include all that part of Township Number *Sixty*, to the *South of the New Selkirk Road*, and Township Number *Sixty-two*, and the Poll shall be held at or near *John Macleod's, Belle Creek Bridge* on Township Number *Sixty-two*. And in the First Electoral District of *King's County* there shall be Three Polling Divisions, the First of which shall comprise and include Township Number *Forty-seven*, and the Poll shall be held at or near *William Collins', Portage*, on the said Township; and the Second Polling Division shall comprise and include Townships Numbers *Forty-six and Forty-five* and the Poll shall be held at or near *Angus Campbell's Mill Road*, on Township Number *Forty-five*; and the Third Polling Division shall comprise and include Townships Numbers *Forty-three and Forty-four*, and the Poll shall be held at or near *Michael Christian's, Line Road*, on Township Number *Forty-three*; and in the Second Electoral District of *King's County* there shall be Four Polling Divisions, the First of which shall comprise and include Townships Numbers *Thirty-eight, Thirty-nine, and Forty*, and the Poll shall be held at or near *Saint Peter's Mills*, on Township Number *Thirty-nine*; and the Second Polling Division shall comprise and include Townships Numbers *Forty-one and Forty-two*, and the Poll shall be held at or near *Sutherland's, Head of Saint Peter's Bay*, on Township Number *Forty-one*; and the Third Polling Division shall comprise and include Township Number *Fifty-five and Boughton Island*, and the Poll shall be held at or near the *Bridge, Head of Grand River*, on Township Number *Fifty-five*; and the Fourth Polling Division shall comprise and include Township Number *Fifty-six*, and the Poll shall be held at or near *Coonahan's, at the Cross*

5th polling division.

1st Electoral District of King's County to contain 3 polling divisions.
1st polling division.

3d Polling division.

2d Polling division.

2d Electoral District of King's County to contain 4 polling divisions.

1st Polling Division.

2d Polling Division.

3d Polling division.

4th Polling Division.

3d Electoral District of King's County to contain 6 polling divisions.

1st Polling Division.

2d Polling Division.

3d Polling Division.

4th Polling Division.

5th Polling Division.

6th Polling Division.

Roads, on Township Number *Fifty-six*; and in the Third Electoral District of King's County there shall be Six Polling Divisions, the First of which shall comprise and include Township Number *Sixty-four* and the several *Islands* in the Harbor of *Murray Harbor*, and the Poll shall be held at or near *Hyde's*, on the South side of *Murray Harbor*, on the said Township: and the Second Polling Division shall comprise and include Townships Numbers *Sixty-one* and *Sixty-three*, and *Panmure Island*, and the Poll shall be held at or near the *School House*, North end of *Mink River Road*, on Township Number *Sixty-one*; and the Third Polling Division shall comprise and include Township Number *Fifty-nine*, and the Poll shall be held at or near *Montague River (Lower) Bridge* on said Township; and the Fourth Polling Division shall comprise and include Townships Numbers *Fifty-one* and *Sixty-six*, and the Poll shall be held at or near *Maclean's*, at the *Eighteen Mile Brook*, on the *Georgetown Road*, on Township Number *Fifty-one*; and the Fifth Polling Division shall comprise and include Townships Numbers *Fifty-two* and *Fifty-three*, and the Poll shall be held at or near *Alley's*, at the Division Line of Townships Numbers *Fifty-two* and *Fifty-three*; and the Sixth Polling Division shall comprise and include Township Number *Fifty-four*, and the Poll shall be held at or near *John Campbell's, Launching Place Road*, on Township Number *Fifty-four*.

One Polling division for *Princetown*.

2 Polling divisions for *Charlottetown* and *Royalty*.

V. And be it enacted, That the several Towns in this Island, including their Royalty and Common respectively, shall be divided into the several Polling Divisions following, that is to say, for *Princetown* there shall be one Polling Division, which shall comprise and include the Town, Royalty and Common, whereof the Polling-place shall be at or near the residence of *James H. Beckwith*; and for *Charlottetown* and *Royalty*, One Polling Division shall comprise and include

that part of the Town and Royalty to the Westward of *Great George Street*, and the *Princetown Road* whereof the Polling-place shall be at the *Old Court House*; One other Polling Division shall comprise and include that part of the Town and Royalty to the Eastward of the said Street and Road whereof the Polling-place shall be on or near *King's Square*; and for *Georgetown* there shall be One Polling Division, which shall comprise and include the Town, Royalty, Common and Reserved Land, whereof the Polling-place shall be the *Court House*.

1st Polling Division.

2d Polling Division.

One Polling Division for Georgetown.

VI. And be it enacted, That each of the said Districts in the said Counties before named, and each of the said Towns inclusive of the Royalties and Commons of said Towns respectively, shall be entitled to return Two Members to serve in the General Assembly of this Island.

Number of Members to be returned for several Districts & Towns and Royalties.

VII. And be it enacted, That whenever any new Assembly shall be summoned in this Island, or more than one vacancy occur at the same time in any future Assembly, the several Writs required to be issued on such occasions, shall be transmitted in such manner that the same may be received by the respective Sheriffs throughout the Island, as nearly as may be at the same time, and that each Sheriff may receive at one and the same time the several Writs directed to him, and there shall be at least Forty Days between the teste and return of all Writs for the Election of Members to serve in General Assembly, and every Sheriff shall immediately on the receipt of every such Writ endorse on the back thereof the day on which he received the same, and every Writ hereafter to be issued for the election of a Member to serve in General Assembly, shall in the body thereof express the day when the Sheriff shall hold his Court for the commencement of such Election, due allowance being made for the Notices required under this or any other Law in

Writs for Election of Members to be so transmitted as to be received by different Sheriffs at the same time.

Time between teste and return of Writs of Election.

Sheriff to endorse time of receipt on back of Writ.

Writ to express time for Sheriff holding Court, &c.

respect of every such Election; and so as every Sheriff may be enabled to give at least Ten Days, notice of the Election throughout his County; and in cases of General Election, or where more than one Writ shall be required to be issued at or about the same time, the day to be named for holding the Sheriff's Court for commencing the Election, shall be the same day in all the Writs required to be issued in such cases.

Elections to be conducted in manner prescribed by this Act.

VIII. And be it enacted, That all Elections hereafter to be held, whether for one or more Members to serve in the General Assembly of this Island, shall be conducted in manner provided by this Act.

Notices to be given by Sheriff.

IX. And be it enacted, That every Sheriff forthwith after the receipt of any Writ for the Election of Members to serve in General Assembly, shall cause Public Notice in writing, or by printed Handbills, to be posted in some of the most public places within each Polling Division in the Electoral District or Town and Royalty for which respectively Representatives are to be elected, which Notices shall express the certain day when the Sheriff will hold his Court at the County Court House for opening such Election, being the day named in his Writ for that purpose, and also the time and place at which in case a Poll shall at such Court be demanded, the Poll will be taken in the said Polling Division for the Election of so many and such Representatives as ought to be polled for in such Polling Divisions, under the Writs in the Sheriff's hands, and the Poll shall in all cases be taken in the week next following that wherein the Sheriff's Court for opening the Election shall be appointed to be held as aforesaid, and on the same day of the week as the day appointed for holding such Court as aforesaid, and shall be notified accordingly in the said Notices.

Requisites of such notices.

Time of polling, and to be expressed in notice.

X. And be it enacted, That every Sheriff shall at the time he shall advertize the holding the Poll publish other Advertisements describing the qualifications that are required of the Electors by this Act—the Oath directed to be taken—the consequences of violating such Oath—and the Penalty for voting, or attempting to vote twice at such Election, and for voting under a false or fictitious name, or knowingly without being qualified; and such Advertisements shall be printed and posted at not less than Five places within Three Hundred yards of the place in the Polling Division appointed for holding such Election.

Sheriff to publish other advertisements, &c.

XI. And be it enacted, That on the day so appointed and notified for the holding of the Sheriff's Court for the commencement and conducting of the Election of Members to serve in General Assembly, the Sheriff of the County, either in person or by his Under Sheriff, or some sufficient Deputy in that behalf, shall open his said Court at the Court House of the Supreme Court in his County, which in Queen's County shall be at the *Old Court House in Charlottetown*, between the hours of Ten and Twelve of the clock of the Forenoon, and shall proceed to read his Writs, and so much and such parts of this Act as he may deem necessary, and shall take and subscribe the following Oath;—

Opening of Sheriff's Court.

For Queen's County where Court is to be opened.

“I, *A. B.*, do swear, that I have not directly or indirectly received, and will not directly or indirectly receive, any sum of money, office, place, or employment, gratuity or reward, or any Bond, Bill, or Note, or any promise of gratuity whatsoever, either by myself or any other person, to my use, benefit, or advantage, for appointing any Presiding Officer to take the Poll, or for appointing any Poll Clerk, or for making any Return at the present Election of Members to serve in Assembly, and that I will make all such appointments faithfully and impartially, and will according to my best judgment in all things to be done

Oath to be taken by Sheriff.

by me as Sheriff, act fairly and impartially, and in all things conform to the provisions of the Law, according to the best of my judgment in the said Elections. So help me God."

By whom oath is to be administered to Sheriff.

Sheriff to administer an oath to Poll Clerk appointed by him.

Sheriff's Court to be kept open until 4 p. m. each day.

Candidates' names to be entered during holding of Court, and Sheriff to proclaim names and administer oaths, &c.

Which Oath may be administered by and Justice of the Peace, or in his absence, by any Two Electors of the District then present, and a Copy of which Oath shall be annexed to the Writ of Election, and returned therewith; and the said Sheriff shall then and there administer to the Poll Clerk whom he shall have chosen and appointed to assist him in the said Elections, an Oath for the faithful and impartial discharge of his duty, and shall in every case continue the said Court open until the hour of Four of the Clock in the Afternoon of the same day; and on the same day, and as soon after the said hour of Four of the Clock, as the duties then remaining to be performed as hereinafter mentioned will permit, shall finally close the said Court, or adjourn the same to another day, as the case may require.

XII. And be it enacted, That the said Sheriff shall at such Court receive the names of such persons as shall be there proposed as Candidates by Two or more Electors of the Town or District, at any time previous to the said hour of Four o'clock of the said day, and the names of all such Candidates shall be entered by the said Poll Clerk, under the direction of the Sheriff, in a Book to be provided for that purpose; and no Candidate's name shall be received or entered after the said hour of Four of the Clock on that day; and at the said hour the Sheriff shall proclaim the names of the several Candidates proposed as aforesaid for Representatives, in pursuance of the several Writs in virtue of which the said Elections are being then and there held, and shall administer and receive as hereinafter directed, the Qualification Oaths and Schedules, in respect of any of such Candidates whose qualifica-

tion may be questioned, and who shall not at such Court have previously qualified in manner herein-after mentioned, and in the case of each of the said Elections in respect of which, previous to the said hour, there shall not be proposed more Candidates than are required to be returned in each case, the Election, as regards every such case, shall be forthwith at or after the said hour as aforesaid, determined, and the Sheriff shall declare the Member or Members so proposed, and who shall have qualified as herein provided, if thereto required to be duly elected, and shall make return of his Writ in such case accordingly; and in the case of such Elections for which opposing Candidates shall have been proposed previous to the said hour of Four of the Clock, who shall have qualified in case of having been required to do so as directed by this Act, and wherein a Poll has been demanded, the Sheriff shall then and there, and without any delay, grant such Poll, and make Proclamation of the time and place at which the Poll for such Elections shall be taken in the several Polling Divisions of the Town and Districts in his County respectively, as the case may be, conformably with the Notice thereof hereinbefore required to be conditionally given as aforesaid, and with the provisions of this Act, and shall thereupon adjourn the Court as regards the Elections in which a Poll shall be demanded, to some day within Five Days next after the day notified for taking the Poll in the several Districts as aforesaid.

Regulates mode of proceeding when no more Candidates are proposed than number required by law to be returned.

Mode of proceeding when poll has been demanded.

XIII. And be it enacted, That at every Court for opening any Election as aforesaid, every Candidate proposed as aforesaid, if present, shall, before the said Court as regards such Election shall be determined or adjourned, deliver a Schedule to the Sheriff, containing the particulars of his qualification according to Law, and at the foot

Candidate to deliver to Sheriff Schedule of his qualification, and take oath, &c.

thereof shall subscribe and take the following Oath:—

Candidate's
oath.

“*A. B.*, do swear, that I am by Law qualified to be elected for the [*Here insert the Town or Electoral District for which the Election is to be held*], and that the foregoing Schedule doth contain, a full, true, and particular account, to the best of my knowledge and belief, of the Property in respect whereof I claim a right to be elected, and of my title thereto, and that the said Property is for my own use and benefit, and is of the value of Fifty Pounds, clear over and above all incumbrances that affect the same, and that the same hath not been conveyed or granted to me fraudulently, on purpose to qualify me to be elected for said [*Town or District, as the case may be.*] So help me God.”

In absence of
Candidate Schedule of qualification sworn to by him or his agent, to be delivered to Sheriff.

And if any Candidate shall not be present, a Schedule and Deposition in writing, in the form hereinbefore prescribed, shall be then and there produced to the Sheriff or Presiding Officer, signed by such Candidate, and by him duly sworn to before one of the Justices of the Supreme Court of this Island, or a Justice of the Peace thereof, or before the Sheriff, or otherwise a Schedule signed by an Agent, either appointed by such Candidate or by any number of the Electors, of the qualification of such Candidate, and also a Deposition signed by the said Agent, and made before one of the Justices of the Supreme Court of this Island, or a Justice of the Peace thereof, or before the Sheriff of the County holding such Election, in the following form:

Agent's oath.

“*I A. B.* do swear that *C. D.*, a Candidate for the (*here insert the Town or District,*) at the present (*or approaching*) Election, is to the best of my knowledge and belief, qualified to be elected for said (*Town or District*), and that the foregoing Schedule doth contain a full, true, and particular account, to the best of my knowledge and belief of Property, in respect whereof, the

said *C. D.*, hath a right to be elected, and of his title thereto, and that the said Property is for his own use and benefit, and is of the value of Fifty Pounds, clear over and above all encumbrances that affect the same, and that the same hath not been conveyed or granted to him fraudulently, on purpose to qualify him to be elected for said (*Town or District*), to the best of my knowledge and belief. So help me God."

And the Justices of the Supreme Court and Justices of the Peace, and such Sheriffs of the said Island, are hereby empowered to administer all such Oaths, and if the qualification of any Candidate, shall not before the close or adjournment as hereinbefore directed, of the Court for opening such Election be specified and verified as hereinbefore provided, any such Candidate shall be incapable to be elected at such Court, or to be returned as aforesaid, nor shall the name of any such Candidate be entered or recorded in the Poll Book as aforesaid, or if so entered the same shall be expunged, at or before the close or adjournment of such Court as aforesaid.

Administering
oaths, &c.

XIV. And be it enacted, That it shall not be lawful for the presiding Officers at any of the respective Polling places aforesaid, or for any of the Poll Clerks at such places to receive or record the name of any person as a Candidate, or to receive or Poll any Vote at such Election for any person whatever, unless the name of such Candidate or person, shall have been previously entered and recorded in the Sheriff's Poll Book at the Sheriff's Court as herein required, and shall not have been expunged therefrom as aforesaid, and any Vote entered on the Poll Book contrary to this provision shall be expunged, and shall not be taken into account by the Sheriff in casting up the Votes.

Presiding officer
at polling place,
or Poll Clerks
not to receive
votes unless Can-
didates' name be
entered at She-
riff's Court.

Votes entered
contrary to this
provision to be
expunged.

Place for holding
polls.

Time of opening
and closing polls.

Erection of poll-
ing booths, &c.

Sheriff to appoint
persons as Pre-
siding Officers at
polls, &c.

XV. And be it enacted, That at every Election of Members to serve in General Assembly, at which a Poll shall have been duly demanded and granted as aforesaid, a Poll shall be opened and held in and for every Polling Division, into which the Towns and Electoral Districts are hereby divided, for which such Poll shall have been demanded, at or near to the place appointed for that purpose, under the provisions of this Act, and the Poll shall open and close in all the Polling Divisions of such Towns and Districts respectively at the following hours, that is to say, between the First day of April and the First day of October in any year, both days inclusive, the Poll shall be opened between the hours of *Eight* and *Nine* of the clock in the forenoon, and shall not be kept open later than *Seven* of the clock in the afternoon, and between the First day of October and First day of April in any year, the Poll shall be opened between the hours of *Nine* and *Eleven* in the forenoon, and shall not be kept open later than *Five* of the clock in the afternoon.

XVI. And be it enacted, That the Sheriffs of the respective Counties shall prior to the Polling, cause to be erected temporary Booths, or to be procured some House or other Building, at or near the respective places appointed for taking the Poll, as to such Sheriffs respectively shall from time to time seem necessary and proper for taking the Poll in the several Polling Divisions.

XVII. And be it enacted, That hereafter at every Election of Members to serve in General Assembly at which a Poll shall have been duly demanded and granted as aforesaid, the Sheriff shall by precept or Warrant under his hand appoint and depute a Presiding Officer for presiding at and taking the Poll in each Polling Division, as well in the Electoral Districts as in the Town within his County in which the Poll shall require to be taken, and shall thereby direct such

Deputy or Presiding Officer at the time and place appointed and notified as aforesaid, to take the Poll within such Polling Division, and to return his proceedings to the Sheriff without delay, and the Sheriff shall also appoint a Poll Clerk for taking down the Votes under the Presiding Officer, in each of such Polling Divisions, and the said Clerk shall prepare a Poll Book, and enter therein in separate columns the names of the respective Candidates, and the necessary information regarding the Candidates with their names, the Sheriff shall furnish before the opening of the Poll, to the said Presiding Officer for the Polling Division, and such information shall be by them communicated to any Electors of the Polling Division who may ask for the same: Provided that nothing herein shall prevent the Sheriff from presiding in person in any one of such Polling Divisions.

Sheriff also to appoint Poll Clerk.

Duty of Poll Clerk.

XVIII. And be it enacted, That no person shall be appointed or act as the Presiding Officer, for taking any such Poll unless he shall then be a Resident in the County, in which the Election is to be held, and shall have been so resident for One year then next preceding: Provided always, that the Sheriff shall be responsible for the conduct of the Presiding Officers and Poll Clerks, required to be appointed by him under this Act.

Presiding Officer must be resident in County where Election is held, and have been so resident for one year previous.

Sheriff to be responsible for Presiding Officer and Poll Clerks.

XIX. And be it enacted, That each of the said Presiding Officers shall at the opening of the Poll, read aloud his Warrant from the Sheriff for taking the Poll, and shall declare the names of the Candidates, and whether they stand for the Town or District, and shall also at some time before or at the opening of the Poll, and before receiving any Votes, take and subscribe the following Oath:—

Presiding Officer to read warrant of his appointment.

And declare names of Candidates, &c.

And take an Oath.

“I *A. B.* do solemnly swear that I have not directly or indirectly received any sum of money, office, place, or employment, gratuity or reward,

Form of Presiding Officer's Oath.

or any Bond, Bill, or Note, or any promise or gratuity whatsoever, either by myself or any other person to my use, benefit, or advantage for making any Return at the present Election of a Member or Members to serve in the General Assembly, and that I will well and faithfully discharge my duty at the present Election to the best of my knowledge and judgment*, and I will return to the Sheriff a true and faithful account of the Votes Polled at the Poll, now to be opened, at which I am appointed to preside;” and the Poll Clerk shall also at some time before or at the opening of the Poll take and subscribe an Oath in the same form, down to the Asterisk, with the addition of the words hereafter following:—

Poll Clerk to take an Oath.

Form of Poll Clerk's Oath.

“And I will faithfully enter and record the Votes received at the Polling place, at which I have been appointed to Act as Poll Clerk;” which Oaths respectively the Sheriff or any Justice of the Peace for the County where such Election shall be held, or in their absence any Two of the Electors are hereby authorized and required to administer, and such Oaths so taken and subscribed, shall be prefixed before or at the time to the Poll Book, and form part thereof.

By whom Oath to Presiding Officer and Poll Clerk is to be administered.

Presiding Officer to appoint an Inspector, Clerk, and Agent, or Representative for each Candidate if required.

XX. And be it enacted, That the Presiding Officer for taking the Polling Division, shall appoint One Inspector and One Clerk, and also One Agent or Representative, to be nominated by or on behalf of each Candidate, who shall require such appointments to be made, and the names of such Inspector, Clerk and Agent respectively, when appointed shall be entered on the Poll Book by the Presiding Officer or his Clerk, and each Clerk so appointed, shall take and subscribe the following Oath, which the said Presiding Officer is hereby empowered to administer:—

Oath of Clerk so appointed.

“*I A. B.* do swear that I will take this Poll fairly and impartially by setting down the names of the Electors, and the place of their abode, and

the names of the Candidate or Candidates, for whom they shall give their Vote, and also the description they may give of their Property and title to Vote. So help me God."

XXI. And be it enacted, That every Elector qualified to Vote for the Town or Electoral District in which he resides, shall Vote at every Election for such Town or District in the Polling Division in which he resides, and not elsewhere, and the Oath of Qualification to be administered to, and taken by every such Resident Elector, when required, as herein provided, shall be the first Oath entered in the Schedule of Electors' Oaths, to this Act affixed.

Electors for Town or Electoral Districts to vote in the Polling Divisions in which they reside.

Electors' Oath.

XXII. And be it enacted, That every Elector, qualified to Vote in any Town or Electoral District, in which he does not reside, shall Vote in the Polling Division in which the Property lies on which he claims to Vote for such Town or Electoral District, and not elsewhere, and the Oath of Qualification to be administered to, and taken by every such non-Resident Elector, in this Section mentioned, when required as herein provided, shall be the Second Oath entered in the Schedule of Electors' Oaths to this Act affixed.

Non-resident Electors for Town or Electoral Districts to vote in Polling Division in which property lies.

Oath of non-resident Elector.

XXIII. And be it enacted, That it shall be unlawful for any person, without command or order from lawful authority, for that purpose hereafter to be first given, to wear or carry at any Election, hereafter to be held, or on his journey to or return from any such Election, on the day at which such Election shall be held or publicly announced, and intended to be held, any offensive or dangerous Weapon, or any Staff, Bludgeon, Stick, or other Instrument or Article, by which an injury may be wilfully or unlawfully inflicted on any person whatsoever, and every person unlawfully wearing, carrying, or having in his possession, at any time as aforesaid, any such weapon

Unlawful to wear or carry at Election, &c. any offensive weapon, &c.

Any Conservator of Peace may demand delivery of any such offensive weapon, &c.

Penalty on any person refusing to deliver up same, on such demand made.

or article, shall forthwith deliver up to any Conservator of the Peace, or other Peace Officer, who shall first demand the same, such weapon or article as aforesaid, and the same shall be forfeited to Her Majesty, and every person who shall, on demand made as aforesaid, refuse to deliver up any such weapon or article as aforesaid, or otherwise offend against the provisions of this Section, shall forfeit and pay for each and every such offence, any sum not less than Forty Shillings, nor more than Five Pounds.

Penalty on person using threat to influence Elector.

Who may prosecute for penalty.

Mode of recovery of penalty.

Appropriation of penalty.

XXIV. And whereas it is expedient and necessary, that the freedom of Election shall not be infringed by threats either of legal proceedings for debt or of any violence or injury to the person, family, or property of any Elector, being used to any Elector, either at the Hustings, or subsequently to the publication of the Writ of Election, with the intent of swaying the Vote of such Elector: Be it therefore enacted, That any threat of prosecution, with such intent as aforesaid, and by or on behalf of any Candidate, shall on its being fully proved and established, subject the party using it to a Penalty of Five Pounds Currency, for each and every offence, and that either the Elector, towards whom such threat or intimidation may have been used, or any Candidate or any Elector, at the said Election, may prosecute for the said Penalty before any Justice of the Peace or Court of Commissioners for the recovery of Small Debts for the County, the said prosecution to be commenced within One month after the alleged commission of such offence, and such Penalty or Penalties, when recovered, shall be paid into the Treasury of this Island, the expenses of prosecution to be paid by the party against whom the offence may be proved; but if the Prosecutor fail in establishing such charge to the satisfaction of the Justice or Court of Commissioners before whom he may bring the complaint, then and in such case he shall be

liable to all the expenses of the prosecution, including a reasonable allowance for the time and travelling expenses of the party prosecuted.

XXV. And be it enacted, That every Vote given in a Polling Division, wherein the same ought not to have been given, shall be struck out of the Poll Book, and not counted for the party in whose favour the same shall be given: Provided always, that in cases where the Boundary Lines between different Polling Divisions are doubtful, the Polling Division in which the Elector is reputed to reside, or in case of non-resident Electors, the Polling Division in which the Property on which they Vote is reputed to lie, shall be taken and deemed to be the Polling Division in which such Elector resides, or in the case of non-resident Electors in which such Property lies, for all the purposes of this Act.

Vote given in a wrong Polling Division to be struck out of Poll Book.

Polling Division in which vote is to be given, when bounds of Divisions are doubtful.

XXVI. And provided also, and be it enacted, That the Sheriff and the Presiding Officer and Sheriff's Poll Clerk employed in taking the Poll, and each Candidate, and the Inspector and Clerk and Agent of each Candidate respectively appointed by virtue of this Act, may severally Poll all their Votes, as well for the Town as for the several Electoral Districts, for which they may respectively be entitled to Vote in the Polling Division where they are employed in taking or assisting in taking the Poll, although the same shall not be the Polling Division in which they reside, or their Property lies, if they shall otherwise be entitled to Vote: Provided the name of such Agent shall have been previously entered on the Poll Book, as acting in that capacity, and the Presiding Officer shall make a Special Return of all Votes given under this Section, for any Town or District in which the Polling Division wherein such Officer presides is not included.

Sheriff, Presiding Officer, Poll Clerks, Inspector and Agent to vote in Polling Division in which employed.

Name of Agent to be entered as such previously in Poll Book.

Elector when questioned, to describe property, title, &c.

Certain particulars of description to be taken down in Poll Book, &c.

Candidate may object to vote, and cause it to be so marked in Poll Book and cause Elector to be sworn, &c.

Oaths that may be administered to Elector in such case.

Quakers and Moravians may make affirmation.

Vote of Elector refusing to take Oaths or make affirmation to be disallowed.

Penalty on Presiding Officer or Poll Clerk

XXVII. And be it enacted, That whenever any Elector shall be questioned by or on behalf of any Candidate, such Elector shall truly describe the Property for which he claims to Vote, where such Property shall be situate, if Freehold, the yearly value thereof, and if held under Lease or Agreement for Lease, the annual Rent payable for the same, and as well such description and annual value or amount of Rent, as such title shall be taken down in the Poll Book, and shall be conclusive on such Elector, and any Candidate against whom the Vote is given or his substitute, may object to such Elector, and direct his Vote to be marked "Objected" on the Poll Book, without requiring such Elector to be sworn, or he may mark such Vote "Objected," and also cause the Elector to be sworn, and to have administered to him the Elector's Qualification Oath, applicable to such Elector, and the Oath against fraudulent conveyances and bribery, in the Schedule to this Act or either of them, and the Sheriff or other Officer presiding for taking the Poll, is hereby authorized to administer such Oaths.

XXVIII. And be it enacted, That any person, being a Quaker or Moravian, whenever an Oath is required by this Act, shall be permitted, instead of such Oath, to make his solemn affirmation or declaration.

XXIX. And be it enacted, That if any Elector, being thereunto required as aforesaid, shall refuse or neglect to take any of the Oaths in this Act appointed to be taken, or either of them, or to affirm the effect thereof as aforesaid, then the Poll or Vote of such person so neglecting and refusing, shall not be taken, and the same is hereby declared to be null and void, and as such shall be rejected and disallowed, and if any Presiding Officer or Poll Clerk shall neglect or refuse when thereunto requested as aforesaid, to administer

the said Oaths and Affirmations to any Elector in a competent state of mind to take such Oaths or Affirmations, or shall otherwise offend in the premises contrary to the true intent and meaning of this Act, every such Presiding Officer or Poll Clerk shall for every such offence forfeit the sum of Ten Pounds.

neglecting or refusing to administer Oath to Elector.

XXX. And be it enacted, That in taking the Poll, it shall be the duty of the Presiding Officer to prevent all unnecessary delay, and no person shall be permitted to interrupt the polling by addressing the Electors, or by any other means, and for avoiding the needless and factious questioning of Voters every person offering to poll, 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 proposed Voter's right to Vote in any of the particulars in which that right may be impugned; and the Presiding Officer shall allow no other questions to be put, nor any other person to put such questions, except himself, nor shall he permit the Candidate, or any person on his behalf, unnecessarily to protract the time, on pretence of questioning a Voter; and the Presiding Officer shall promptly put such questions, and the Poll Clerk shall instantly put down in writing the purport of the answers given thereto, and read the same aloud; and the Candidate, against whom the Vote is offered, his Inspector or Agent, shall be at liberty to require all or any of the Oaths in the Schedule prescribed for Voters, to be administered, whether such questions, or any of them, shall be put to the Voter or not, and if any such Voter shall not promptly answer such questions, or offer to take, and take the Elector's Oath, suited to such Elector, the Presiding Officer shall reject the Vote; and if any Presiding Officer shall allow any other person to interfere, or put

Duties of Presiding Officers at Elections, &c

any questions to any Voter by which time is taken up, or shall himself put any other questions contrary to the wish of any Candidate, or shall in any manner wilfully protract, or permit to be protracted, the polling at any Election, he shall be liable to a penalty of Ten Pounds for each offence.

Penalty for
polling out of
polling division.

XXXI. And be it enacted, That if at any Election, any person shall procure himself to be polled out of the Polling Division, wherein he ought to be polled, he shall for every such offence, forfeit the sum of Five Pounds, and such Vote, so given, shall be struck off the Poll Books.

Penalty for
Voting more than
once, or voting
under false name,
&c.

XXXII. And be it enacted, That at any Election, if any person shall procure himself to be polled more than once at the same Election, for the same Town or Electoral District, or shall vote under a false or fictitious name, or shall personate and Vote in the name of any other person, or not being duly qualified to Vote, and be polled according to Law, and owning or possessing no House or Land, in the Polling division for which he shall Vote, shall wilfully and knowingly Vote and cause himself to be polled, every such person so offending in either case aforementioned, shall, for every such offence, forfeit the sum of Ten Pounds.

Powers given to
Sheriff at his
Court, and to
Presiding officers
at polls, for pre-
servation of the
peace, &c.

XXXIII. And be it enacted, That the Sheriff at his Court, and the Presiding Officers at the respective Polling places at every Election, shall be during the day on which the Election or Polling may be held or prosecuted, and they are hereby declared to be Conservators of the Peace, and severally 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 violaters of the Law and good order, as are vested in the Justices of the Peace; and for the purposes of keeping the

Peace, and keeping good order at any Election, it shall and may be lawful for any such Sheriff, or person presiding as aforesaid, to require the assistance of all Justices of the Peace, Constables, and other persons present at such Elections, to aid and assist him in doing so; and it shall and may be lawful, for any such Sheriff or person presiding as aforesaid to commit any person for a breach of the Peace, violating or threatening any Elector at, or coming to, or returning from the said Election, or for any other violation of good order, to the custody and charge of any Constable or person, on view, for such time, as he, in his discretion, shall or may deem expedient, not exceeding Twelve Hours, or by a Writing under his hand, to commit to Prison for the like offence for any period, not extending beyond the Second day, after such day of Polling; and at the expiration thereof, to cause such person to be brought before some Justice of the Peace, for the County, who shall enquire into the matter, and may fine such offender in a sum not exceeding Forty Shillings, and Costs, and commit him to the County Jail, until such Fine shall be paid, and all persons present, at the said Election are enjoined to aid and assist the Officer presiding thereat, and Justices of the Peace in discharging such duties, under pain of being deemed guilty of a misdemeanor, and liable to punishment therefor, and all Justices of the Peace residing in the District wherein such Election or Polling is held, shall, upon being notified in writing, by the Sheriff or Officer presiding, attend at such Election, for the purpose of aiding in preserving peace and order thereat; and such Justices and Sheriff and Officer presiding, shall and may, when they consider it necessary, appoint and swear in, any number of Special Constables, to act as Peace Officers, and assist in maintaining peace and order at such Election: Provided always, that upon the written application of any Candidate or the agent of any Candidate, or of any Two or

Special Constables to be sworn, on requisition of Candidate, Agent or two Electors.

more Electors, any Sheriff, or Officer presiding, shall and he is hereby required to swear in such Special Constables, as may be requisite and proper.

Sheriff or Presiding Officer not to close the poll finally in the event of riot, but to adjourn the same from time to time, &c.

XXXIV. And be it enacted, That nothing in this Act contained, shall prevent any Sheriff, under Sheriff, or the lawful Deputy of such Sheriff, from closing the Poll previous to the expiration of the time fixed by this Act, in any case where the proceedings, at any Election, shall be interrupted or obstructed, by any riot or open violence, in which case the Sheriff, under Sheriff, or the lawful Deputy of such Sheriff, shall not for such cause, finally close the Poll, but in case the proceedings shall be so interrupted or obstructed, at any particular Polling place or places he shall adjourn the Poll at such place or places, only until the following day, and if necessary, shall further adjourn the same until such interruption or obstruction shall have ceased, when the said Sheriff, his under Sheriff or lawful Deputy, shall again proceed to take the Poll, at such place or places, and whenever the Poll shall have been so adjourned by any under Sheriff, or the lawful Deputy of the Sheriff, he shall forthwith give notice of such adjournment to the Sheriff, who shall not finally declare the state of the Poll, or make proclamation of the Member or Members chosen, until the Poll, so adjourned, at such place or places, as aforesaid, shall have been finally closed and delivered or transmitted to such Sheriff or Returning Officer, anything hereinbefore contained, to the contrary notwithstanding.

In case of death, &c., of Presiding Officer, Poll Clerk to act in his stead.

XXXV. And be it enacted, That in case any Presiding Officer, appointed to take a Poll, shall before the final termination of the same, die, or be incapable of performing his duty, or shall neglect or refuse to perform the same, it shall be lawful for his Poll Clerk to act in his stead, and finish

the Polling, and make the Return in the same manner as though he had been originally appointed the Presiding Officer: Provided always, that such Poll Clerk, before entering upon his duties, as Presiding Officer, shall appoint a Poll Clerk and who, with his said new or acting Presiding Officer previous to entering on their duties respectively, shall take and subscribe the Oaths prescribed by Law, for Presiding Officers and Poll Clerks, and be liable to the same penalties as if originally appointed.

*In such case
Poll Clerk to ap-
point another
Poll Clerk, and
both to be sworn,
&c.*

XXXVI. And be it enacted, That if any Clerk, appointed to take any Poll, shall, before the termination thereof, die, or be incapable of performing his duty, or shall neglect or refuse to perform the same, it shall be lawful for the Presiding Officer to appoint another Poll Clerk to act in his stead, and every Poll Clerk so appointed, shall, before entering on his duties, take and subscribe the Oath by Law prescribed, to be taken by the Poll Clerk, in manner aforesaid, and shall have the same powers and be liable to the same penalties, as if originally appointed Poll Clerk.

*In case of death,
&c., of Poll
Clerk, Presiding
Officer to appoint
another.*

*Such other Poll
Clerk to be
sworn.*

XXXVII. And be it enacted, That no Poll shall be opened or held on Sunday, Christmas Day or Good Friday, and when the day appointed for any thing to be done under this Act, shall fall upon Sunday, Christmas Day or Good Friday, the same shall be done or commenced on the day following, and notice thereof, where notice is required, shall be given accordingly.

*No Poll to be
held on Sunday,
Christmas Day,
or Good Friday.*

XXXVIII. And be it enacted, That before the Sheriff or Presiding Officer shall close the Poll so opened, unless with the consent of the Candidates, he shall make Proclamation for all persons duly qualified by this Act, to come forward and give their Votes, and if after such Proclamation made, no such person or persons

*Proclamation to
be made before
closing of Poll.*

shall appear to Vote, for the space of one hour, the Poll shall be closed.

After close of
Poll, Presiding
Officer to take
and subscribe
Oath, &c.

XXXIX. And be it enacted, That every Presiding Officer, shall, after the close of the Poll for his Polling Division, and before making his Return to the Precept for taking such Poll, take and subscribe in the Poll Book, the following Oath or Affirmation, which Oath or Affirmation, any Justice of the Peace for the County, or any Two Electors of the Electoral District, is and are hereby authorized, and on request required to administer :

Form of such
Oath.

“I, *A. B.*, Presiding Officer for Polling Division, in the Electoral District in the County of do solemnly (swear or affirm, as the case may be,) that to the best of my knowledge and belief, this Poll Book was truly and correctly taken, under my direction, and contains a true and correct statement of the Votes taken at the Poll for the said Polling Division, held in pursuance of the precept of the Sheriff of the said County, to me directed, and tested the day of A. D. 18 .”

Penalty on Pre-
siding Officer for
neglecting to
return, or alter-
ing Poll Books,
&c.

And any such Presiding Officer who shall neglect or delay, before the opening of the Sheriff's Court, on the day to which the same was adjourned for receiving the Returns of the Polling, as aforesaid, to return the Poll Book to the Sheriff, together with his precept for holding such Poll, or shall alter such Poll Book, shall be liable to an action for damages at the suit of any party aggrieved, and shall also forfeit for each of such offences the sum of Fifty Pounds, and shall also forfeit the further sum of Five Pounds, for every day after the said day, during which the said Poll Book, Proceedings and Return, shall not be returned and made to the Sheriff, as herein required, with Costs of Suit.

XL. And be it enacted, That the Poll Clerks employed at the several polling places, after the close of the Poll, and after the Presiding Officer shall have taken the Oath in the last preceding Section required, shall respectively enclose and seal their several Poll Books, and shall publicly deliver them, so enclosed and sealed, to the Presiding Officer, at such Poll, who shall give a receipt for the same, and shall forthwith return the same so enclosed and sealed, with his Warrant or Precept, to the Sheriff of the County, who shall receive and keep all such Poll Books unopened until the re-assembling of the Court at the County Court House in each County, and which in *Queen's County* shall be the Old Court House, in *Charlottetown*, on the day to which such Court, and the proceedings in the said Election shall have been adjourned; and then he or his under Sheriff or Deputy, shall openly break the Seals thereon, and cast up the number of Votes, as they appear on the said several Poll Books, and shall then openly declare the state of the Poll; and if, within one hour thereafter, no objection shall be made on the ground of persons having voted out of their proper Polling Division, or more than once for the same Election, as herein mentioned, the said Sheriff, or his under Sheriff or Deputy, shall forthwith, thereafter make proclamation of the Members chosen, and shall forthwith make Return of such persons as have a majority of Votes; but if any Candidate or any Three Electors for the Town or any Electoral District of the said County, shall within the said hour make objection that any person has polled more than once, either at the same or more than one polling place at the same Election, or at a polling place out of the Polling Division in which he ought to have polled, and shall for that cause, require the Sheriff to investigate the said objection, the Sheriff shall not then make proclamation of the Members chosen at such

Regulates mode of returning Poll Books to Sheriff, opening same by Sheriff, declaration of state of Poll, proclamation of Members elected, &c. &c.

Election, but shall adjourn to the day next but one thereafter, at Nine o'clock in the forenoon, at the same Court House, and then and there proceed to hear evidence to support or rebut the said objections from day to day; and if it shall thereupon clearly appear that any of the Voters were polled more than once at the same Election, whether at one polling place or more than one polling place, or were polled at a polling place out of the District in which the same ought to have been polled, the Sheriff shall strike out such Votes from the Poll Book, in the same manner as if such Votes had not been given or appeared at all upon the Poll Book; and the Sheriff shall forthwith thereafter, in manner hereinbefore directed, make proclamation of the Members chosen, and make Return of such persons as have a majority of Votes, after expunging such Votes as herein required, and the Sheriff shall return in the case of such investigation, the evidence given therein, with his Writ, to be laid before the House of Assembly: Provided that the decision of the Sheriff, in any case, whether for or against such Votes shall not finally conclude any Candidate or Electors, dissatisfied therewith, who may petition the House thereon, either with or without the prosecution of a general Scrutiny, and all Witnesses to be produced in case of such investigation shall be sworn by the Sheriff, and if any Witness, so sworn, shall be convicted of wilful falsehood, in the testimony by him given on such investigation, he shall be guilty of perjury, and be liable to all the pains and penalties, by Law inflicted on persons guilty of the crime of perjury, and if any Sheriff shall falsely and wilfully expunge any such Vote from the Poll Book, or if any Sheriff shall wilfully return any person as duly elected, who shall not have the majority of Votes, on the Poll Book, after expunging Votes, where Votes shall be required to be expunged, by virtue of this Act, or shall wilfully be guilty of any breach or violation of this Act, or any of

Decision of Sheriff not finally to conclude Candidate, &c.

Witnesses to be sworn by Sheriff.

Witness for false swearing, liable to pains and penalties inflicted on persons guilty of perjury.

Penalty on Sheriff, in certain cases.

the provisions herein contained, such Sheriff shall forfeit and pay the sum of Two Hundred Pounds, with costs of suit.

XLI. And be it enacted, That in the event of any two or more Candidates, at any one Election having the same number of Votes, no Sheriff or other Returning Officer shall make Return, as duly elected, of any one such Candidate, having an equal number of Votes, to the exclusion of the other Candidate or Candidates, but shall in every such case, return the whole of the Candidates having an equal number of Votes, with the proceedings thereon, as by this Act directed: Provided always, that nothing herein contained shall prevent, or be construed to prevent the Sheriff, or other authorized person, from proceeding on a Scrutiny as herein provided for.

Made of proceeding when any 2 or more Candidates have equal number of votes.

XLII. And be it enacted, That if at the final declaring the Election, either when no such investigation shall be demanded, or after any such investigation, any Candidate or his Agent, shall publicly and openly demand a Scrutiny, the Sheriff shall thereupon immediately give notice that on the day next following the day of declaring the Election, he the Sheriff will attend at some central and convenient place in the said Town or Electoral District then to be named, and at some certain and appointed hour, to proceed in such Scrutiny, and on the day, and at the hour and place so appointed, if the Candidate demanding such Scrutiny shall persist in his demand, the Sheriff shall so attend with one Clerk, and each Candidate or his Agent, who shall intend or desire to proceed in and with such Scrutiny, shall also attend, and shall then and there name one Elector to assist at each such Scrutiny; provided that when any such objection against Voters for having polled more than once, or out of the proper Polling Division, shall have been investigated,

Proceedings on Scrutiny before Sheriff after demand thereof made.

the same Votes may be the subject of such Scrutiny on any other ground of objection.

Electors to assist at Scrutiny to take and subscribe oath, &c.

XLIII. And be it enacted, That such Electors respectively nominated by and on behalf of every Candidate intending or desiring to proceed in and with the said Scrutiny, shall severally take and subscribe the following Oath, publicly and openly before the Sheriff:—

Form of oath to be taken by Electors.

“I, *A. B.*, do swear, that I will impartially and fairly determine, according to the best of my judgment, on the receiving or rejecting of all such evidence as may be offered for any of the parties during the holding of the Scrutiny.

So help me God.”

Sheriff to take same oath on Scrutiny.

And the said Sheriff shall publicly and openly take and subscribe an Oath in the same form before some Justice of the Peace, and the Clerk of the said Sheriff shall publicly and openly take and subscribe the following Oath before said Sheriff:—

Sheriff's Clerk to take and subscribe oath.

Form of oath of Sheriff's Clerk.

“I, *A. B.*, do swear, that I will, according to the best of my judgment and ability, take down, transcribe and engross, (or continue to take down, transcribe, and engross, *as the case may be.*) all such evidence as shall be received for any of the parties during the holding of this Scrutiny.

So help me God.”

Mode of proceeding by Sheriff and Electors in conducting Scrutiny.

XLIV. And be it enacted, That the said Sheriff and the Electors so nominated and sworn as aforesaid, shall, after the administration of the Oaths hereinbefore required to be respectively taken by the Sheriff, his Clerk, and the said Electors, appoint some certain fixed time and place for holding such Scrutiny, and proceeding in and with the same, the said time not to be less than Four Days, nor more than Eight Days after the day of closing the Poll.

XLV. And be it enacted, That at the time and place so appointed, the Sheriff with his sworn Clerk and the Electors so nominated and sworn as aforesaid, shall attend, and shall proceed from day to day, to receive and take down in writing, and fairly engross all such testimony as shall be then and there offered, by or on behalf of any of the Candidates for or against any Votes which shall have been marked "objected to" on the Poll Book, and no Elector shall be or be received as a Witness in any question touching his own Vote at such Scrutiny.

Mode of proceeding by Sheriff and Electors in conducting Scrutiny.

XLVI. And be it enacted, That all Papers and Documents which shall be tendered and received in evidence, shall be minuted and kept with such testimony, to be returned by the said Sheriff as hereinafter directed; and if in the course of such Scrutiny, any question shall arise or be made as to the receiving or rejecting of any testimony, the Sheriff and each Elector appointed and sworn as aforesaid, shall each, respectively, have one voice in the decision of such question, and if it shall appear in any case that the number of voices shall be equally divided, then the said Sheriff in addition to his own vote, shall be entitled to have the casting vote.

Papers and documents produced on Scrutiny, to be returned, &c.

Regulates voting of Sheriff and Electors on question of receiving testimony, &c.

XLVII. And be it enacted, That the Sheriff shall be entitled to demand and receive Ten Shillings for each day he shall be actually engaged in the holding of the Scrutiny, from each Candidate or Candidates demanding the same, and the Clerk of such Sheriff shall be entitled to demand and receive Sixpence per folio of Ninety words for the original Minutes, and Threepence per folio for a fair copy thereof, to be transmitted to the Assembly, such amount to be paid by the Candidate or Candidates demanding such Scrutiny, and Threepence per folio of Ninety words for as many Copies as may be required by

Sheriff's fees on Scrutiny.

Fees of Sheriff's Clerk on Scrutiny.

the Candidates respectively, from the Candidate requiring the said Copies, and no more.

Candidate may protest at close of Scrutiny in respect of improper evidence admitted.

XLVIII. And be it enacted, That each Candidate shall be entitled at or before the close of the Scrutiny, to file a Protest in writing in respect of any evidence that may have been received or rejected at such Scrutiny, and by the reception or rejection of which, such Candidate shall feel himself aggrieved, setting out specifically the evidence so received or rejected, and the reasons for the dissatisfaction of such Candidate with the determination in respect of such evidence.

In the event of Sheriff being unable to attend and hold Election or Scrutiny, Deputy Sheriff or any person specially deputed by Sheriff, may hold same.

XLIX. And be it enacted, That if the Sheriff for any reason shall be unable personally to attend at and hold any Election, or any such Scrutiny, the Deputy Sheriff or any person by the Sheriff specially deputed for that purpose, shall and may attend and hold such Election or such Scrutiny, and shall be invested with the like power and authority, and be subject to the same provisions in every respect as the Sheriff himself is subject to, or entitled to exercise, or could or might exercise, or would be subject to, if personally present.

In case of death of any Clerk or Elector, &c., others to be nominated, &c.

L. And be it enacted, That if any Clerk or Elector appointed as aforesaid, to attend at any such Scrutiny, shall from any cause be unable, or shall neglect or refuse to attend throughout the same, some other person to be appointed Clerk, or some other Elector to be nominated by the Candidate by whom such Elector unable to attend shall have been nominated, shall be sworn in the place and stead of the Clerk or Elector who may be so unable to attend.

Sheriff to return all proceedings on Scrutiny to House of Assembly.

LI. And be it enacted, That the Sheriff shall return all the proceedings on such Scrutiny certified under the Hand and Seal, and the Hand of his Clerk, with all the Documents and Papers

received thereat, to the House of Assembly, to be adjudged on and determined.

LII. And be it enacted, That if any Candidate having demanded a Scrutiny as aforesaid, and proceeded therein, shall afterwards abandon the same, or having gone through the same, shall not petition the House against the said Election, and enter into any Recognizance that may by Law be required thereon, and proceed to the investigation thereof, in either of such cases the opposite Candidate or Candidates shall be entitled severally to receive, after demand made by an action for money paid, in Her Majesty's Supreme Court or Court of Commissioners for the recovery of Small Debts, any Candidate so having demanded and proceeded in such Scrutiny, the Costs and Charges to which such opposite Candidate or Candidates hath or have been subjected for Sheriff's and Clerk's Fees as aforesaid, and also for the engrossing of any Documents and Papers and the attendance of any Witnesses, except as hereinafter is excepted, necessarily produced at such Scrutiny, which Costs and Charges shall be taxed, and the just amount thereof determined by a Judge of the Supreme Court, or by the Court of Commissioners for Small Debts, according to the Rules now established by Law in the Supreme Court, and on due proof thereof, to be made by Affidavit: Provided always, That in all cases where any Candidate or any Elector representing a Candidate, shall have objected to the Vote or Votes of any Elector or Electors who shall have duly sworn to his or their qualification as hereinbefore provided, then in case such Vote or Votes shall be found good on Scrutiny, the entire expenses of substantiating such Vote or Votes shall in any event be borne by the Candidate or Candidates, Elector or Electors, who shall insist on the Scrutiny of such Vote or Votes; provided also, that in regard to Votes found on Scrutiny to be bad votes, nothing here-

In the event of a Candidate abandoning Scrutiny, or not petitioning after Scrutiny, costs may be recovered against him.

Mode of recovery thereof.

Regulates amount of costs to be paid when a vote marked objected at Poll has been found good on Scrutiny.

in contained shall be construed to empower any Candidate to recover the expenses of the Scrutiny on such bad Votes from the person or persons who objected to the same, but that the Candidate or Candidates who shall have accepted the same, and shall have insisted on the Scrutiny of such Vote or Votes, shall be liable for the expenses attending such last mentioned Votes.

Security to be given for costs if Candidate requires vote objected to at Poll to be enquired into on Scrutiny.

LIII. And be it enacted, That no Sheriff or Returning Officer shall be bound to enter upon the Scrutiny of any Vote or Votes so objected to as aforesaid, unless the person or persons object- ing to such Vote or Votes, and persisting in such objection, or the Candidate or Candidates, or Elector or Electors representing any Candidate or Candidates who shall insist upon such Scrutiny, shall give to the opposite Candidate or Candidates Security to the satisfaction of such Sheriff or Returning Officer that if such Vote or Votes be found good, the expense of proving the same shall be paid by the person or persons insisting on such Scrutiny.

Sheriff to furnish copy of Poll Books on pay- ment of Fees.

LIV. And be it enacted, That every Sheriff shall within a reasonable time furnish a Copy of the Poll Books to any person demanding the same, on being paid his Fees.

Authorizes Sher- riff to adjourn Court until Poll Books and Pre- cepts are all re- turned.

LV. And be it enacted, That in all cases where from any one or more of the Precepts for taking the Poll in the several Polling Divisions of the Electoral Districts and Town in such County not having been returned to the said Sher- riff by the day to which his Court was adjourned as aforesaid, the Sheriff shall not be prepared to sum up, ascertain, and declare the state of the General Poll at such Election, the Sheriff, in- stead of proceeding to examine such of the Re- turns as shall have been made, shall further adjourn the Court and proceedings in such Elec- tion to the following day, and so from day to

day until the said Precepts and Poll Books shall have been all returned; provided that in proclaiming every such adjournment, he shall publicly declare the reason thereof: And provided also, that he shall in no case continue such adjournment if the House of Assembly be in Session, or to so late a day as shall interfere with a due return of his Writ in time for the then next meeting of the Assembly for dispatch of business, but in such cases the Sheriff shall proceed to complete the Election, and return his Writ as hereinbefore directed, notwithstanding the deficiency of such Returns as aforesaid, and he shall in the return of his Writ mention such deficiency.

Reason for adjournments to be publicly declared.

In case of Assembly being in Session, &c.

LVI. And be it enacted, That it shall be lawful for the Sheriff, or any Candidate or Elector, whenever any Precept or Warrant of a Presiding Officer shall not be returned as aforesaid, to make complaint on Oath, before a Justice of the Peace for the County, of the delay in making such Return, who shall summon the said Presiding Officer to appear before him to answer such complaint, and if he shall not appear, or shall not show good cause for such delay, the said Justice shall, by Warrant, commit him to the County Jail until he shall make due Return of his Precept or Warrant, and his proceedings thereon, agreeably to this Act.

On complaint of delay in returning Precepts and Poll Books, Justice of the Peace authorized to compel a return by Presiding Officer.

LVII. And be it enacted, That no person shall be capable of being elected a Member for any Town and Royalty, or for any District within any County in this Island, unless he shall be in the seisin or possession of a Freehold or Leasehold Estate within this Island, of the value of Fifty Pounds, previous to the date of his Election, and shall, before he be presented to take his Seat in the House of Assembly, take one of the Oaths in the Schedule to this Act prescribed, for Members, relative to a Leasehold or Freehold Estate, as the nature of his qualification may require.

Qualification of Members of Assembly.

Candidate to possess qualification 12 calendar months previous to teste of writ, &c.

LVIII. And be it enacted, That no person claiming to be elected as a Candidate at any Election hereafter to be held, shall be entitled to be elected, unless such person shall have been in possession of his Estate of qualification for a period of at least Twelve Calendar Months before the teste of the Writ for holding the Election at which such person shall claim to be elected.

Members returned to deliver Schedule of qualification to Clerk of Assembly if required by order of House.

LIX. And be it enacted, That every Member before he assumes his Seat, or shall presume to vote in the House of Assembly, if thereto required by the Order of the House, shall deliver to the Clerk of the House a Schedule containing the particulars of his qualification, conformably to this Act, and shall also deliver to the said Clerk the Title Deeds, Documents or Papers, under which he claims title to the property in said Schedule, or true Copies thereof, duly attested,

Qualification of Electors for any Town or Royalty.

LX. And be it enacted, That every Male person of the age of Twenty-one years or upwards and not subject to any legal incapacity, who shall be sole owner of one whole Town Lot, Pasture Lot, Common Lot, or Water Lot, in any Town or Royalty within this Island, or who shall be Owner or Tenant of any House, Warehouse, Shop, or other Building of the yearly rent or value of Ten Pounds, shall be entitled to Vote for the Election of a Member or Members to represent the said Town and Royalty in General Assembly, provided he shall have been possessed of such Town Lot, Common Lot, Pasture Lot or Water Lot, or of such House, Warehouse, Shop or other Building, for at least Twelve Calendar Months previous to the date of the Writ of Election for said Town and Royalty.

Different Houses &c. occupied 12 months in succession constitute a right to vote for Town, &c.

LXI. And be it enacted, That the House, Warehouse, Shop or other Building, in respect of the occupaion of which any person shall be entitled to vote at an Election for any Town and

Royalty as aforesaid, may be different Premises, occupied in immediate succession by such person during the space of Twelve Months next previous to the date of the Writ of Election.

LXII. And be it enacted, That in case any House, Warehouse, Shop or other Building, or any part thereof, or any Lot of Land as aforesaid, or any part thereof, situate in any Town and Royalty shall be occupied by any person or persons either as sole Tenant or joint Tenants thereof, or as Co-partners in trade or otherwise, such person or persons shall be entitled to vote at every Election for the Town and Royalty wherein the Premises so occupied are situated, if the person or persons claiming to vote shall in respect of his or their Tenancy, have been each severally and respectively paying Rent for the same after the rate of Ten Pounds *per annum*, whether the same be paid yearly or otherwise, and the premises in respect of which such person or persons shall claim to vote, shall have been occupied by him or them for Twelve Calendar Months, next before the teste of the Writ of Election for such Town and Royalty: Provided always, that nothing herein contained, shall extend, or be construed to extend to entitle any person living as a Boarder or Lodger in any House within such Town or Royalty, to vote at the Election therein, unless otherwise qualified in the terms of this Act; and provided also, that any of the before mentioned qualifications in any Town or Royalty as aforesaid, shall not entitle the owner or occupier thereof to vote for any Member or Members to serve in General Assembly, for the County in which such Town and Royalty are situate.

Qualification of Electors for Town and Royalty.

LXIII. And Whereas there are several Land Owners, and Occupants on certain Reserved Lands, called *Cardigan Point*, marked in the original Plan of this Island, as part of the Royalty of *Georgetown*, and the said persons have here-

Owners, &c. of 8 acres of Reserved Land on *Cardigan Point* may vote as Electors for *Georgetown*.

tofore voted as Electors for said Town and Royalty, proper: Be it therefore enacted, That from and after the passing of this Act, all persons who now are, or who may hereafter be owners or occupiers of at least Eight acres of such Reserved Land, shall be, and they are hereby declared to be entitled to Vote, as Electors of said Town and Royalty.

Qualification of
Electors for
Districts of
Counties.

LXIV. And be it enacted, That every Male person of the age of Twenty-one years, and upwards, and not subjected to any legal incapacity, who shall be in the actual possession of any Freehold estate of the present value of Forty Shillings *per annum*, or who shall be in the actual possession of a Leasehold Estate for a term of years, of the present Rent of Forty Shillings, *per annum*, under any Lease or Agreement in Writing, amounting to an actual demise of the Premises, therein described, or who shall occupy a Dwelling House, or Dwelling House and Land of the Rent of Five Pounds *per annum*, and shall have been so seised and possessed of such Freehold or Leasehold Estate, as aforesaid, for Twelve Calendar Months, previous to the teste of the Writ of Election, of a Member or Members to serve in General Assembly, or shall have been in possession or occupation of such Dwelling House or Dwelling House and Land, as aforesaid, Twelve Calendar Months previous to the teste of the Writ of Election shall be entitled to vote at said Election, for a Member or Members to represent the District where such Freehold, Leasehold, Dwelling House, or Dwelling House and Land shall be situate: Provided always, that in case of the Premises constituting any of the before mentioned qualifications, being jointly occupied, that not more than one of the said Joint occupants, shall Vote thereon, and that not more than one person shall Vote on any Leasehold qualification, in case the Land so Leased be

re-let, and the person voting thereon shall be in actual possession of the same.

LXV. And Whereas, there are many persons who are in possession of, and entitled to Leasehold estates in valuable improved Farms, granted for long terms of years, but the annual reserved Rents whereof, upon Fifty acres of Land doth not in the whole amount to Forty Shillings, and it is inexpedient that such persons should not enjoy the Elective Franchise: Be it therefore enacted, That every person who shall be in possession of, or entitled to the Leasehold Estate in and to any quantity of Land, not less than Fifty acres, of the value of One hundred Pounds, whether the reserved annual Rent, for such quantity of Land shall amount to Forty Shillings per year or under, shall be entitled to vote for a Member or Members to serve in the General Assembly: Provided always, that the Lease under or by virtue of which, such person shall claim title to such Land, shall have originally and *bona fide* been granted for some certain term of years, not less than Twenty-one, and shall be in being, and in no wise surrendered or terminated at the time at which a Vote thereupon shall be offered or tendered, and provided, that every such person shall in all other respects be duly qualified as required by this Act.

Qualification of Electors for Districts of Counties.

LXVI. And be it enacted, That every Mortgagor or *C'estui qui* Trust in actual possession by himself or his Tenant, of Land or Real Estate, of the yearly value of Forty Shillings, notwithstanding such Mortgage or Trust outstanding, and the husband of every Woman, who may be seised in Dower, of the Land of any former husband, where the Dower has been actually set off and reduced into possession, and shall be actually of the clear yearly value of Forty Shillings, shall be entitled and qualified to vote for

Mortgagor or *C'estui qui* Trust in possession may vote.

any Town or Electoral District, in this Island wherein such land may be situated.

Amount mentioned in two last preceding clauses how to be estimated.

LXVII. And be it enacted, That the clear yearly value in the two last preceding Sections mentioned, shall in every case, be estimated by the value of agricultural or other produce, which the Land or Property, *bona fide*, and actually yields, or by the annual value of the Buildings thereon erected and being.

Fraudulent conveyances to be absolute, as against grantors.

LXVIII. And be it enacted, That all fraudulent conveyances of Land for the purpose of multiplying Votes, or to qualify Voters at Elections, and subject to an agreement to re-convey the same, shall be taken against the Grantors, as free and absolute, and all Collateral Securities, for defeating such Estate, shall be void, and every person making any such conveyance, or any person voting by colour thereof, shall forfeit Twenty Pounds to any person that will sue for the same.

Collateral Securities to defeat them, void.

Penalty on person making such conveyance or voting thereunder.

LXIX. And be it enacted, That nothing in this, or any other Act, shall extend or be construed to extend, to prevent or exclude the Sheriff of any County in this Island from being elected a Member of the Assembly for any Town or Electoral District within this Island, not being within the County for which he shall be such Sheriff, as aforesaid, nor shall extend or be construed to extend or prevent any person who shall or may be nominated and appointed Presiding Officer, from being elected a Member of Assembly, for any Town or Electoral District within this Island, other than the Town or Electoral District for which such person shall be appointed to act as Presiding Officer.

Sheriff may be elected a member of Assembly for any Town or District not within his own County.

Presiding Officer may also be elected for any District except the one in which he presides at Poll.

Penalty on Sheriff for false Return.

LXX. And be it enacted, That if any Sheriff shall wilfully return any person or persons as duly elected, who shall not have the majority of

Votes on the Poll Book, or shall wilfully be guilty of any breach or violation of this Act, or any of the provisions herein contained, such Sheriff shall forfeit and pay the sum of Two hundred Pounds to any person who will sue for the same.

LXXI. And be it enacted, That no Member of the Legislative Council shall canvass for, or vote at the Election of any Member or Members to serve in the General Assembly of this Island.

No member of Legislative Council to canvass for, or vote at Election.

LXXII. And be it enacted, That if at any Election hereafter to be held, any person or persons at the request of any Candidate or Candidates thereat, shall furnish and provide to or for any Elector or body of Electors, or other description of people whatsoever, any Meat, Drink, or Entertainment of any kind, the person or persons so furnishing and providing the same, shall be totally disabled and prevented from recovering from such Candidate or Candidates, or from any friend or agent of such Candidate or Candidates, any reward or payment for such Meat, Drink, or Entertainment, so furnished or provided, or any part thereof, and if upon the trial of any cause it shall appear that any part of the demand of the Plaintiff or Plaintiffs, is for Meat, Drink, or Entertainment, so furnished or provided at an Election, as hereinbefore mentioned, the Judge or Court, before whom such cause may be on trial, or tried, shall forthwith nonsuit such Plaintiff or Plaintiffs, and Judgment, with Costs, shall be thereupon entered in favour of the Defendant or Defendants: Provided always, that nothing herein contained shall extend, or be construed to extend, to prevent the recovery from any individual person, whether a Candidate or Freeholder or other person whomsoever, of the price or value of any Meat, Drink, or Entertainment, furnished and provided for such individual per-

Meat, drink, &c. furnished to Electors at Election, cannot be recovered for or against any party.

Court to nonsuit Plaintiff in such cases.

son for his own use, and at his own special request.

Penalty on Candidate furnishing any Wine, or other Liquors to Electors, and on persons guilty of bribery, &c.

LXXIII. And be it enacted, That if any Candidate shall furnish, supply, distribute, or provide, or willingly permit, or allow to be furnished, distributed or provided directly or indirectly by or on his behalf, and at his expense or charge, or by any ways or means howsoever, to any Elector or other person, who shall or may claim to be an Elector, any Wine, Brandy, Gin, Rum, or Porter, Ale, Beer, or other Strong or Distilled intoxicating Liquors of any kind or description, during any Election, hereafter to be held, or if any person who shall have a claim or right to vote in any such Election shall directly or indirectly, ask, receive, or take any Money or other reward, by way of gift, employment, or other recompense whatsoever, for himself or any of his family or kindred, to give his Vote, or to abstain from giving his Vote, in any such Election, or if any person, by himself or his friend, by his procurement, or by any person employed by him, shall, by any gift or reward, or by any promise, agreement, or Security, for any gift or reward, corrupt or procure any person or persons to give his or their Vote or Votes in any such Election, or to abstain from giving the same, such person shall forfeit for such offence the sum of One hundred Pounds, to the person who will sue for the same.

Penalty on any other person furnishing Wine, or other Liquor to any Elector.

LXXIV. And be it enacted, That every person who shall supply or furnish any Wine, Brandy, Gin or Porter, Ale, Beer, or other Strong or Distilled intoxicating Liquors, of any kind or description, to any Elector, during the continuance of any Election, within Five miles of the place where such Election shall be held, shall be liable to a Penalty of Five Pounds.

LXXV. And be it enacted, That every Assembly hereafter to be called for this Island, shall continue for the space of Four years from the day of the Return of the Writs for calling the same, and no longer, subject nevertheless, to be sooner prorogued or dissolved by the Lieutenant Governor or other Administrator of the Government for the time being.

Duration of Assembly.

LXXVI. And be it enacted, That in case of a vacancy happening in the Assembly by the death of any Member thereof, or by resigning his Seat, by a Letter under his hand, addressed to the Speaker of the House of Assembly on his removal from the Island, on information thereof being given by the Speaker, or by any Member rising in his place, or if such vacancy happen during any recess of Assembly by prorogation or adjournment, on information thereof being given to the Speaker for the time being, under the hands of any two Members of the Assembly, it shall be the duty of the Speaker to report the same forthwith to the Lieutenant Governor, who is hereby empowered and required, within Seven days after such Report, to issue a new Writ for the Election of a Member or Members of Assembly to fill up such vacancy, and in case of the death or absence from the Island of the Speaker, upon the representation of any two of the Members of the Assembly, under their hands to the Lieutenant Governor, he shall proceed thereon in the same manner as if the same had been represented by the Speaker.

How vacancies in Assembly, by death or resignation, are to be declared.

LXXVII. And be it enacted, That if any Member of the Assembly shall be absent from his place in the Assembly for one entire Session without leave of the House of Assembly, his seat shall be declared vacant on the First day of the next ensuing Session, in case such Member shall then be still absent from the Island, and notice of

Absence of member for one Session vacates seat in Assembly.

such vacancy shall be given to the Lieutenant Governor, and proceedings thereupon taken, as hereinbefore provided for.

Penalty for taking or procuring others to take oath falsely.

LXXVIII. And be it enacted, That if any person shall wilfully, falsely, and corruptly, take any of the Oaths or Affirmations appointed and required by any of the provisions of this Act, and be thereof lawfully convicted, by Indictment or Information, or if any person shall corruptly procure or suborn any other person to take the said Oaths or Affirmations, or any of them, and the person so procuring or suborning shall be thereof convicted, by Indictment or Information, every person so offending, shall be judged guilty of wilful and corrupt perjury, and shall for every such offence, incur and suffer such penalties, forfeitures, and disabilities, as persons convicted of wilful and corrupt perjury are or may be liable to.

Prosecutions for penalties by Candidates or others and appropriation of penalties.

LXXIX. And be it enacted, That every Candidate against whom any vote shall be wrongfully given or polled, or against whom or to the prejudice of whose interest, or with intent to prejudice whose interest, any act shall be wrongfully done contrary to this Act, and for which vote or act a penalty or forfeiture is hereby imposed, shall and may within Six Months from the committing of the offence, prosecute for the penalty or forfeiture aforesaid, and upon recovery thereof by such Candidate, the amount of such penalty, after deducting all Expenses and Charges to which he shall have been put by reason of such Prosecution, shall be paid into the Treasury of this Island, to and for the use of Her Majesty's Government, and if no such Prosecution shall be legally pending or have been prosecuted to final judgment, then any person whosoever may commence prosecution for such penalty, at any time after the expiration of Six Months as aforesaid, and before the expiration of Twelve Months from the

committing of the offence aforesaid, and on the recovery of such Penalty on such Prosecution last mentioned, one half thereof shall be paid to the use of the person suing for the same, and the other half into the Treasury of this Island to and for the use of Her Majesty's Government.

LXXX. And be it enacted, That every Judgment recovered for a Penalty or Forfeiture under this Act, shall be levied with full Costs on the Goods and Chattels, Lands or Tenements of the Defendant, and in default of payment by the Defendant may be levied on his body, and the Defendant shall thereupon be committed, to the County Jail, there to remain until the said Judgment shall be paid, or until he shall have continued in Jail for a period proportioned to the amount of such Penalty, that is to say, One Week for every Pound of such Penalty, provided that the imprisonment on any Judgment aforesaid, shall in no case exceed Three Months.

Levying of Judgment for penalties.

In default of payment, Defendant may be imprisoned.

LXXXI. And be it enacted, That all Penalties and Forfeitures imposed by this Act, shall and may be sued for and recovered by any person who shall sue for the same, unless where otherwise provided by this Act, with full Costs, and when the said Penalty shall not exceed Twenty Pounds, the same shall be recovered in a summary manner before Two Justices of the Peace for the County where the offence was committed, from whose Judgment either party may appeal to the Supreme Court in the said County, on giving good Security, that is to say, in the case of the Plaintiff or Prosecutor for the payment of the Defendant's Costs, and in the case of the Defendant, for the payment of the Penalty and Costs, in the event of Judgment being given against the Appellant, and the Supreme Court shall and may try the same, and give Judgment therein, as Summary Causes are tried and adjudicated, and

Mode of recovery of penalties imposed by this Act.

Appeal allowed from Judgment of Justice of the Peace, &c.

when the Penalty sued for shall exceed Twenty Pounds, the same shall be recoverable by Action of Debt in Her Majesty's Supreme Court of this Island; and that it shall be sufficient for the Plaintiff in any such Action in the said Court, to set forth in the Declaration that the Defendant is indebted to him the said Plaintiff in the amount of the Penalty which shall be sought to be recovered in such Action, and to allege the particular offence for which such Action is brought, and that the Defendant hath therein acted contrary to this Act, without mentioning the Writ for holding such Election, or the Return thereof, and that on the trial of any such Action, parol proof of such Election shall be sufficient *prima facie* evidence without production of the Writ for holding the same; and all Penalties imposed by this Act, unless where otherwise appropriated, shall, when recovered, be applied, one half to the person who shall sue for the same, and the other half into the Treasury of this Island, to and for the use of Her Majesty's Government, and whenever the Penalty sought to be recovered according to the provisions of this Act, shall not exceed Five Pounds, the person or persons suing for the same shall be a competent Witness or Witnesses on the trial thereof.

Appropriation of penalties not otherwise appropriated.

In certain cases parties suing for penalties to be competent witnesses.

Fees payable to Sheriff under this Act, and from what source payable.

Presiding Officer's fees.

LXXXII. And be it enacted, That on the return of each Writ for the Election of a Member to serve in General Assembly, there shall be paid to the Sheriff in all cases the sum of Thirty Shillings for each Member returned by him as duly elected, and also a reasonable sum for his disbursements in providing a Booth or Polling-place for each Polling Division, to be paid out of the Colonial Treasury, and in all cases where there shall be no contest, Ten Shillings from each Candidate; and in all cases where there shall be a contest, and a Poll shall be demanded, the sum of Twenty Shillings from each Candidate, instead of the sum of Ten Shillings last mentioned, and

the sum of Twenty Shillings for each Presiding Officer, to include his Travelling Fees, and the sum of Ten Shillings for each Poll Clerk, the same to be paid by the several Candidates, in just proportion, to be apportioned and divided among them according to the number of Polling-places in which each Candidate is interested; but no Candidate shall be liable to pay any greater amount in the whole than Three Pounds, including the expense of erecting Hustings, any proportion above that amount, to be paid out of the Public Treasury, and all the said Fees shall be fully paid to the Sheriff on the day of opening his Court as aforesaid, and the name of no Candidate shall be entered on the General Poll Book, or be returned to the Presiding Officer under the provisions of this Act, who shall not have paid the Sheriff the full amount due from him under this Section, or who shall not have been prepared to make and shall have tendered such payment to the Sheriff before the adjournment of the said Court on the said day.

Poll Clerk's fees.
By whom payable.

Limits amount to be paid by each Candidate.

All fees to be paid to Sheriff on opening his Court.

Name of no Candidate to be entered or returned, &c., unless fees first paid to Sheriff.

LXXXIII. And be it enacted, That the word "Sheriff," used herein, shall mean Sheriff, Under Sheriff, or Deputy Sheriff, if the sense shall require such construction; the words "Presiding Officer," shall mean the Sheriff or other persons presiding to take the Poll. "District," shall mean Electoral District; and the word "Town," shall mean Town and Royalty, or Town, Royalty and Common, where the sense requires such construction, and "Election," the Election of a Member or Members to serve in General Assembly of this Island.

Construction of terms used in this Act.

LXXXIV. And be it enacted, That nothing in this Act contained shall have any force or effect until Her Majesty's pleasure therein shall be known.

Suspending clause.

OATH to be administered to an Elector claiming to vote for the Town or Electoral District in which he resides, or for either of them, and which vote is by this Act required to be polled in the Polling Division in which the Elector resides:—

Electors Oath when claiming to vote in District in which he resides.

You, *A. B.*, do swear, that you are by Law qualified to vote for this Election for the Town of _____ (or the _____ Electoral District, as the case may be,) in the County of _____ in right of the Property and Title which have now been taken down in the Poll Book, and read to you, and that you have not been polled or given a vote for any Candidate at this Election within this Polling Division, or any other Polling Division, and that the place of your abode is at _____ in the _____ Polling Division of the Town of _____ (or in the _____ Electoral District, as the case may be,) of _____ and is, according to the best of your knowledge and belief, within this Polling Division.

So help you God.

OATH to be administered to an Elector claiming to vote in any Town or Electoral District in which he does not reside, and which vote is required to be given in the Polling Division wherever his qualification lies:—

Electors Oath when claiming to vote in District in which he does not reside.

You, *A. B.*, do swear, that you are by Law qualified to vote for this Election for the Town of _____ (or Electoral District, as the case may be,) in the County of _____ in right of the Property and Title which have now been taken down on the Poll Book, and read to you, and that according to your best knowledge and belief, the said Property lies in this Polling Division, and that you have not been polled or given a vote for any Candidate at this Election,

either in this Polling Division or in any other Polling Division in this Town, (or District, *as the case may be,*) and that the place of your abode is not within this Electoral District.

So help you God.

OATH against Fraudulent Conveyances, and against Bribery, to be administered, when required, alike to all class of Voters:—

You, *A. B.*, do swear, that the Property in respect whereof you do claim a right to give your vote at this Election for the Town of

Oath against fraudulent conveyances and bribery.

(or the Electoral District, *as the case may be,*) of the County of hath not been granted or conveyed to you fraudulently, on purpose to qualify you to give such vote, and that you have not received nor had for yourself, or any person whomsoever in trust for you, or for your use and benefit, directly or indirectly, any sum of money, office, place, employment, or gift, in order to give your vote at this Election, and that you have not before been polled, or given a vote for any Candidate at the said Election, and that your place of abode is at

So help you God.

OATH to be taken by a Member before taking his Seat in the House of Assembly, if his Qualification is a Freehold Estate:—

I, *A. B.*, do swear, that I truly and *bona fide* have such a Freehold Estate on this Island, to and for my own use and benefit, (over and above what will clear all incumbrances that affect the same,) of the value of Fifty Pounds, as doth qualify me to serve as a Member for the Town of (or the Electoral District, *as the case may be,*) in the County of

Member's Oath before taking seat in Assembly if his Qualification is Freehold.

according to the tenor and true meaning of the Act of the General Assembly in such case made and provided.

So help me God.

OATH to be taken by a Member before taking his Seat in the House of Assembly, if his Qualification is a Leasehold Estate:—

Member's Oath when Qualification is Leasehold.

I, *A. B.*, do swear, that I truly and *bona fide* have such a Leasehold Estate on this Island, to and for my own use and benefit, (over and above what will clear all incumbrances that affect the same,) of the value of Fifty Pounds, as doth qualify me to serve as a Member for the Town of _____ (or the Electoral District, *as the case may be.*) in the County of _____ according to the tenor and true meaning of the Act of the General Assembly in such case made and provided.

So help me God.

*** This Act received the Royal Allowance 11th August, 1848, and the signification thereof was published in the *Royal Gazette* Newspaper of this Island, on the 5th day of September following.

CAP. XXII.

Executed.

An Act for the encouragement of the Seal Fishery.

[Passed 4th May, 1848.]

CAP. XXIII.

An Act in addition to the Act regulating Fire Engine Companies.

[Passed 4th May, 1848.]

WHEREAS it is necessary to add to the Act passed in the Seventh year of the

Reign of Her present Majesty, intituled *An Act to consolidate and extend the provisions of the Laws now in force relating to the Fire Engine Companies of Charlottetown*, by rendering it compulsory upon persons to assist in conveying any Fire Engine from place to place, upon any alarm of Fire, when there may not be a sufficient number of the Fire Engine Company present for that purpose: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing hereof, when and so often as it shall happen, upon any alarm of Fire, that the Officers or Members of any Fire Engine Company, having arrived at their Fire Engine, but not in sufficient number to move such Fire Engine with due expedition towards the place whence the alarm of Fire shall proceed, or to move such Fire Engine back to its place of deposit, after being drawn out upon any alarm of Fire, it shall be the duty of all male persons, in every such case, being of sufficient bodily ability, to aid and assist in drawing or moving such Engine wheresoever the same may be necessary, as aforesaid, on verbal request for that purpose being made by the Captain or Officer, or in their absence, by any Member of the Company belonging to such Engine, and being in charge of or employed in moving or attempting to move the same for the purpose aforesaid.

Captain, &c. of any Fire Engine Company authorized to command the assistance of any person in moving Engine in case of Fire or alarm of Fire.

II. And be it enacted, That each and every person who shall neglect or refuse to render his aid in manner aforesaid, after being requested so to do, shall forfeit and pay for each and every offence any sum not being less than Five Shillings, nor more than Forty Shillings, such Penalty to be recovered and appropriated in manner prescribed in the Nineteenth Section of the said recited Act, and in default of the same being paid by, or recovered from the Goods and Chattels of the offender, he shall be liable to imprisonment, as thereby imposed.

Penalty on persons refusing to obey such command of Captain, &c.

Mode of recovery of penalty.

CAP. XXIV.

7 W. 4, c. 22 An Act to continue the Act for establishing the Standard Weight of Grain and Pulse.

[Passed 4th May, 1848.]

Continues Act of 7 W. 4, c. 22, for 10 years, and to end of the then next Session of the General Assembly.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the Seventh year of the Reign of His late Majesty King William the Fourth, intituled *An Act for establishing the Standard Weight of Grain and Pulse, and for the appointment of Officers for measuring and weighing the same*, be, and the same is hereby continued in force for the space of Ten years, from the passing hereof, and from thence to the end of the then next Session of the General Assembly, and no longer.

CAP. XXV.

Expired.
4 W. 4, c. 15. An Act for suspending for a limited period certain parts of an Act passed in the Fourth year of His late Majesty's Reign, intituled *An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the duties of Surveyors, and to repeal a certain Act therein mentioned.*

[Passed 4th May, 1848.]

* * * This Act suspended operation of Boundary Act, 4 W. 4, c. 15, so far as regards Townships Nos. 10, 9, 8, 7, 6, 5, 4, 3, 2 and 1, to the end of the then next Session of the General Assembly.

CAP. XXVI.

An Act to render perpetual an Act passed in the Third year of the Reign of Her present Majesty, intituled *An Act to prevent the running at large of Sheep and Goats in the Town of Charlottetown.* 3 Vic., c. 10.

[Passed 4th May, 1848.]

BE it enacted by the Lieutenant Governor, Council and Assembly, That an Act passed in the Third year of the Reign of Her present Majesty, intituled *An Act to prevent the running at large of Sheep and Goats in the Town of Charlottetown*, be, and the same is hereby made perpetual. Renders perpetual Act of 3d Vic., c. 10.

CAP. XXVII.

An Act to amend the Laws for the relief of Insolvent Debtors. Repealed by 14 Vic., c. 2.

[Passed 4th May, 1848.]

CAP. XXVIII.

An Act to regulate the importation of Books, and to protect the British Author.

[Passed 4th May, 1848.]

WHEREAS in consequence of the passing of the Act of the Imperial Parliament, made in the Tenth and Eleventh years of the Reign of Her present Majesty, intituled *An Act to amend the law relating to the protection in the Colonies, of Works entitled to protection in the United Kingdom*, it is expedient to legislate on the Law of Copyright.

All Books except Reprints of Books composed &c., in Great Britain or Ireland, and protected by Law there, may be imported duty free.

II. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the time when this Act shall go into operation, it shall be lawful to import all Books of whatsoever nature or kind, and from whatsoever Country, the same shall be imported, save and except the Reprints of any Books first composed, written, or published in Great Britain and Ireland, and protected at the time thereof by the Laws of Copyright, passed by the Imperial Parliament now in force, and as hereafter provided, and that the said Books save and except the Reprints as aforesaid, shall be admitted into this Island duty free.

Such Reprints of Books may be imported, subject to duty of 20 *per centum*.

III. And be it enacted, That on the importation of any Reprint of any Book or Review bound or in covers of whatsoever nature or kind, the same may be, first composed, written, or published in the United Kingdom of Great Britain and Ireland, and protected at the time of importation by the Acts of the Imperial Parliament, to enforce the Law of Copyright, whether imported from the United States or other Foreign Countries, there shall be paid an *ad valorem* duty on the *bona fide* price of such Reprints of Twenty *per cent*. Currency of this Island: Provided always, that said duty shall not be paid on Newspapers or other regular Periodicals containing Extracts only from said Books or Reviews as aforesaid, and after collection by the proper Officers, the said duty shall be paid into the Treasury, and then remitted by the Lieutenant Governor to the Commissioners of Customs at London, with a detailed account thereof, at least once a year, in order that the said duty may be duly paid over to the registered Proprietor of the Copyright of said Books or Reviews respectively: Provided always, that before the Reprint of any Book or Review be made liable to such *ad valorem* duty as aforesaid, the said Book or Review shall have been duly registered according to the

Such duty not payable on Newspapers, &c., containing extracts from British works.

Duty to be paid into Treasury.

Lt. Governor to remit the same to Commissioner of Customs once in each year.

To be paid over to Proprietor of Copyright. No Reprint, &c., to be subject to duty unless copyright registered under Imperial Act.

provisions of the Imperial Act, made in the Fifth and Sixth years of Her Majesty's Reign intituled *An Act to amend the Law of Copyright.*

IV. And be it enacted, That after this Act shall go into operation, it shall not be lawful for any person to import or bring or cause to be imported or brought into this Island for use, sale or hire, any Reprint referred to in the said foregoing clause, and therein and thereby made liable to duty contrary to the true intent and meaning of this Act, or knowingly to sell, publish, or expose to sale, or let to hire or have in his possession for use, sale or hire, any such Reprint; and every such Reprint so imported or brought, sold, published, or exposed to sale, shall be forfeited and sold, one half of the proceeds thereof to be applied to the use of the Officers of Customs or Excise seizing the same, and the other half to the Registered Proprietor of the Copyright of the Book from which such Reprint is made, and further, every person so offending, being duly convicted thereof before any Court of Commissioners for the recovery of Small Debts, in the County where the seizure is made, which said Courts are hereby empowered to try the same, according to the form of the Acts, provided in ordinary cases of Small Debt, shall for every such offence, forfeit the sum of Five Pounds, and double the value of every copy of such Reprint, which he shall so import or cause to be imported into this Island, or shall knowingly sell, publish, or expose to sale, or let to hire, or shall have in his possession for sale or hire, contrary to the true intent and meaning of this Act, Two Pounds thereof to the use of such Officers of Customs or Excise, and the remainder of such Penalty shall be paid into the Treasury, and remitted to the use of the Proprietor of the Copyright, in the way and manner as in the Second foregoing clause of this Act is provided.

Any Reprint of any such Book, &c., imported contrary to this Act declared to be forfeited,

And to be sold.

Appropriation of proceeds of sale.

Subjects importer of Reprint, &c., contrary to this Act, or seller, or hirer, or possessor of Reprint so illegally imported, to a penalty.

Amount of penalty.

Appropriation of penalty.

Every Reprint,
&c., legally im-
ported, to be
stamped by
Officer.

Collector of
Excise at
Charlottetown to
furnish stamp to
other officers if
required.

Suspending
clause.

V. And be it enacted, That at the time of the entry of any Reprint of any Book or Review as aforesaid, it shall be lawful for the Officers passing such Reprint to stamp the same, and the Collector of Excise at Charlottetown shall furnish to the several Officers who may require the same, the form of Stamps necessary for such service.

VI. And be it enacted, That this Act shall not go into force or operation, until Her Majesty's assent be signified thereto.

33 This Act received the Royal allowance on the 31st day of August, 1848, and the signification thereof was published in the *Royal Gazette* Newspaper of this Island, on the 5th of December of the same year.

C A P . X X I X .

An Act for vacating the Seats of Members of the Assembly in certain cases therein mentioned, and to repeal a certain Act formerly passed for that purpose.

[Passed 4th *May*, 1848.]

Repeals Act of
7 W. 4, c. 13.

BE it enacted by the Lieutenant Governor, Council and Assembly, that an Act passed in the Seventh year of the Reign of His late Majesty King William the Fourth, intituled *An Act for vacating the Seats of Members of the Assembly in certain cases therein mentioned, and to repeal a certain Act heretofore passed for that purpose*, shall be, and the same is hereby declared to be repealed.

Vacates the seats
of Members of
Assembly accept-
ing any of the
offices enumera-
ted in this Act,
except those
mentioned in 4th
Section.

Such Members
may be re-elect-
ed.

II. And be it enacted, That from and after the passing of this Act, any Member of the House of Assembly who shall accept of any of the Offices of profit or emolument under the Crown, as set forth and described in this Act, save and except those mentioned in the Fourth Clause of this Act, shall be incapable of taking or holding his Seat in the General Assembly of this Island,

while in such Office unless re-elected after his acceptance thereof.

III. And be it enacted, That the Offices of Profit or Emolument contemplated by this Act shall be the following Offices, or appointments in this Island, and no other, that is to say:—

Offices of profit or emolument contemplated by this Act.

The Office of Attorney General, or Solicitor General.

The Office of Colonial Secretary or Registrar, or Clerk of the Executive Council.

The Office of Treasurer, Deputy Treasurer, or Clerk in the Treasury, or any Office connected with the Treasury.

The Office of Clerk of the Crown, or Prothonotary of the Supreme Court.

The Office of Surveyor General.

The Office of Provost Marshal.

The Office of Registrar in the Court of Chancery.

The Office of Collector, or Comptroller of Her Majesty's Customs, or any Office connected with Her Majesty's Customs, or Sub-Collector of such Customs, in and for any Port, Place or District within this Island.

The Office of Queen's Printer.

The Office of Collector of Impost, or Excise, in and for any Port, Place or District in this Island.

The Office of Deputy Post Master General, or of the person who shall have the control, management, direction or superintendance in and over the Post Office Department in this Island, the Office or appointment of Clerk, or the Office of any person directly or indirectly concerned and employed in and about such Post Office Department.

The Office of Coroner for either of the Counties.

The Office of Road Commissioner.

The Office of Correspondent of Road Commissioners.

The Office of Commissioner of Small Debts, for any Court or Courts.

The Office of Adjutant General of Militia.

The Office or appointment of Visiter of Schools, for either of the Counties.

The Office or appointment of Commissioner for establishing the Boundary Lines of Townships or parts of Townships, under any Act or Acts of this Island.

The Office or appointment of Auditor of the Treasury or Public Accounts, and any other Office for which there shall by Law be provided an annual Salary of the amount of Twenty Pounds or upwards.

Not to vacate the Seat of any Member of Assembly accepting a Commission in Army or Navy or Seat in Executive Council, or any office, the non-acceptance of which renders him liable to a penalty.

IV. And be it enacted, That nothing herein contained shall extend or be construed to extend to vacate the Seat of any Member of the House of Assembly who may accept a Commission or appointment in Her Majesty's Army or Navy, or who shall accept of a seat in Her Majesty's Executive Council, or who may accept any office which is now, or may be hereafter rendered compulsory or obligatory, by the imposition of any Fine or Penalty by any Law of this Island.

Contracting for any public work or becoming a surety for performance of any such work, vacates seat in Assembly.

V. And be it enacted, That any Member of the House of Assembly, who shall hereafter either directly or indirectly enter into any Contract, for the performance of any Public work within this Island, or who shall become Surety for the same shall vacate his Seat in the said House of Assembly, in the same manner, and under the same regulations, as are provided for by this Act, in cases where he shall have accepted any Office of emolument under the Crown.

Judge, or Assistant Judge of Supreme Court and Master of Rolls declared incapable of

VI. And be it enacted, That the Judge or Assistant Judge of the Supreme Court, or any one who may be appointed to the Office of Master of the Rolls in Chancery in this Island, are

hereby declared to be incapable of holding or taking a Seat in the House of Assembly.

holding a Seat in Assembly.

VII. Provided always, and be it enacted, That this Act shall not extend or be construed to extend to vacate the Seat of any Member of the present, or any future House of Assembly, who may be re-appointed to any Office which he may have previously held when chosen or elected a Member of such respective House of Assembly, or to vacate the Seat of any Member of the present or any future House of Assembly, who may be appointed to any Office, the duties of which shall be similar, without any increase of Salary, to those of any Office which he may have previously held when chosen or elected a Member of such respective House of Assembly, although the name or designation of such Office may have been altered or changed, prior to such new appointment.

This Act not to vacate the Seat of any Member of Assembly re-appointed to any Office he may have held at the period of his election.

or to Office with duties similar to one so held at the time of election although name of Office may have been changed prior to new appointment.

VIII. And be it enacted, That when it shall be declared by the House of Assembly, or when information shall be given to the Speaker, for the time being, under the hands of any Two Members of the Assembly, that any Member thereof hath accepted any one or more of the Offices of profit or emolument, as set forth and described in this Act, either during the Session or Recess of the Legislature, that then, and in every such case, it shall be lawful for the Administrator of the Government for the time being, and he is hereby required within Seven days next after information thereof shall be by him received in writing, under the hand of the Speaker of the House of Assembly, to issue a Writ for the election of a Member or Members to fill the place or places which may be so vacated as aforesaid.

Made in which such vacancies are to be declared and filled up.

IX And be it enacted, That if any Member of the Assembly shall make application for relief

Vacates the Seat of any Member

of Assembly
applying for
relief under
Insolvent Act.

Justices of Su-
preme Court or
Commissioner to
certify such ap-
plication to
Speaker, &c.

under any Insolvent Act of this Island, in writing, and signed by such Member, addressed to the Supreme Court of this Island, or to any of the Justices thereof, or to any Commissioners appointed for the relief of Insolvent Debtors, such application shall be deemed to be evidence of such Member's Insolvency, for the purposes of this Act, and he shall be held to have vacated his Seat in the House of Assembly; and the Justice or Justices of the Supreme Court, or any Commissioner receiving such application as aforesaid, shall, and they are hereby required forthwith to certify the same in writing to the Speaker of the House for the time being, or in case of his death or absence, to the Administrator of the Government for the time being, who is hereby required in such case to proceed as is directed in the Eighth clause of this Act, to fill the place or places which may be so vacated, under the provisions in this clause contained.

CAP. XXX.

An Act to repeal an Act made and passed in the Eighth year of the Reign of Her present Majesty, intituled *An Act to authorize the Commissioners of Small Debts, in their respective Courts, to appoint Bailiffs to execute the Processes of the said Courts, and to take security from such Bailiffs for the due execution of the same, and to make other provisions in lieu thereof.*

8 Vic. c. 4.

[Passed 4th May, 1848.]

WHEREAS the said hereinbefore recited Act hath, in some respects, been found inefficient, and it is deemed necessary to repeal the same, and to make other provisions in lieu

thereof: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the said Act, intituled *An Act to authorize the Commissioners of Small Debts, in their respective Courts, to appoint Bailiffs to execute the Processes of the said Courts, and to take Security from such Bailiffs for the due execution of the same*, shall be, and the same is hereby repealed, save and except, and in so far as the said Act is declared to be in force for the purposes hereinafter mentioned.

Repeals Act of 8th Vic. c. 4.

except in so far as same is declared to be in force for the purposes of this Act.

II. And be it enacted, That from and after the passing of this Act, it shall and may be lawful for, and it shall be the duty of each and every of the Courts of Commissioners for the recovery of Small Debts, appointed under and by virtue of an Act made and passed in the Seventh year of the Reign of Her present Majesty, intituled *An Act relating to the recovery of Small Debts, and to repeal certain Acts therein mentioned*, to require and take a Bond with Two sufficient Sureties from any Constable appointed by Law for the County wherein such Court is situate, before any such Constable shall be authorized to serve any Process from such Court, to the said Court, and in their names, as Commissioners of such Court, and to their Successors in Office, for the due performance of his Office, and for the due return of all Writs to him entrusted, into the said Court, and for the due payment of all moneys coming into his hands, by virtue of his said Office, to the respective parties entitled thereto, or into the said Court, at the respective returns of the said Writs, which Bond shall be in the form in the Schedule to this Act annexed, and shall be in a Penalty not exceeding One hundred Pounds, or not less than Twenty Pounds, at the discretion of the said Court, and which Bond shall be lodged with the Clerk of such Commissioners' Court, and in the event of any such Constable

Commissioners of Small Debt Courts authorized to take Bond from Constables serving process issuing from their Courts.

7 Vic. c. 2.

In what name bond to be taken.

Requisites of such Bond.

Form of Bond.

Penalty in Bond.

Bond, where to be lodged.

Court may appoint a Bailiff in the event of Constable neglecting, &c. to give Bond.

neglecting or refusing to give such Bond, then it shall and may be lawful for the said Court of Commissioners to appoint, at the discretion of the said Court, a Bailiff or Bailiffs, in place of such Constable or Constables so refusing or neglecting to find such Bond as aforesaid.

Form of Summons and Execution to be served, &c. by Bailiff.

III. And be it enacted, That in all forms of Summonses and Executions authorized by the said hereinbefore mentioned Act, instead of the words "Constables of County" and

Penalties on Bailiffs for neglect, &c. of duty.

"Constable," the words "Constables" or "Bailiffs of said Court," (*as the case may be,*) be used and inserted, and that every such Bailiff, so appointed and sworn into Office, shall be liable to all the Penalties, Fines, and Forfeitures, for neglect of, or refusal to perform, his duty as Constables are liable to, under any provisions of the said Act, and be entitled to the same Fees for serving Summonses and levying Executions, Travelling and Poundage, as are by the said Act allowed to Constables.

Fees of Bailiff.

Mode of proceeding against Constables or Bailiffs and their Sureties in Bond.

IV. And be it enacted, That if any Constable or Bailiff, so appointed, sworn and acting under this Act, and the hereinbefore recited Act, and making default in his duty, and being thereof convicted under the Thirty-second or Thirty-third clauses of the said last mentioned Act, and upon Execution against him for the Penalty and Costs wherein he shall stand convicted, (return being made, that no sufficient distress can be found whereon to levy the same,) then upon Certificate of the said Return, under the hand of the Clerk of said Court, and upon Affidavit of demand having been made upon the Sureties named in the said Bond, and filed with the Clerk of the said Court, it shall and may be lawful, Twenty days thereafter, for the said Clerk to issue Execution against the said Sureties for the amount of the Penalty and Costs in the said

original Execution against the Constable or Bailiff, (*as the case may be,*) together with Mileage for making such demand, and the fees of the said Clerk for taking such Affidavit, and issuing such second Execution.

V. And be it enacted, That in case any such Constable or Bailiff having given such Bond, as aforesaid, shall abscond or be absent from the Island, so that no Summons or other Process can be legally served on such Constable or Bailiff, for any default or neglect of duty, or refusal to perform his duty under this Act, or under the Thirty-second or Thirty-third clauses of the said last mentioned Act, proof by Affidavit to the satisfaction of the said Courts, or any of the Commissioners thereof that the said Constable or Bailiff be absconding, so that no Summons can be legally served on him, or absent from the Island, then, and in such case, it shall and may be lawful for the said Court to issue a Summons in the name of the party aggrieved, against the Surety or Sureties of the said Constable or Bailiff in the said Bond, and to adjudicate against such Surety or Sureties, respecting any matter or claim arising out of the default or neglect of duty, or for every refusal of the said Constable or Bailiff to perform his duty, for which the said Sureties are liable under the said Bond, and to issue Execution or other process against the said Surety or Sureties, as the said Court is or may be by Law authorized to do, in case the said Constable or Bailiff was not absconding or absent as aforesaid, and in the event of the Plaintiff or Plaintiffs being non-suited, or of a Judgment being given by the said Court in favour of the said Surety or Sureties, the said Court is hereby authorized to issue Execution against him or them, in favour of such Surety or Sureties, in the same way and manner as Executions can or may be issued against any Plaintiff, under the said last recited Act.

Made of proceeding against Sureties of Constable or Bailiff, when Constable or Bailiff is absent or absconding, and cannot be served with Process.

In what name
suit against Con-
stable or Bailiff
or his Sureties is
to be conducted.

VI. And be it enacted, That all Suits against any Constable or Bailiff, not absconding or absent as aforesaid, or against his Surety or Sureties, under and by virtue of this Act, or of the said Thirty-second or Thirty-third clauses of the said last mentioned Act, shall be instituted and conducted in the name of the party ag-grieved.

Court empower-
ed to dismiss
Constables or
Bailiffs,

and to appoint
others.

Constable, &c.,
so dismissed to
perfect all
business in his
hands.

Bond of dismis-
sion Constable,
&c., to stand
good until all
business is per-
fected.

VII. And be it enacted, That the said Court shall have at all times the power of dismissing and discharging from further service in such Court, any Constable serving in the said Court, or Baliff, by them appointed, and of appointing another person in his place, and any Constable or Bailiff so superseded or discharged, shall have power, and he is hereby authorized to perfect and complete any business in his hands, which has been commenced and is not completed at the time of such discharge for the due and faithful exercise of his duty, wherein the said Bond shall, and it is hereby declared to be good and valid against such Constable or Bailiff, and his Sureties, until satisfied.

Court authorized
to call for return
of Executions,
&c., from Con-
stable, &c.,

and to proceed
against him, &c.,
for neglect or
refusal, &c.

No execution to
be renewed:

Alias Execution
to issue.

VIII. And be it further enacted, That each and every of the said Courts, shall at the monthly sitting thereof, have the power to call for the return of all convictions, executions, and other processes, returnable since the last sitting day of the said Court, and to proceed against the said Constable or Bailiff, to whom the same have been respectively entrusted, for the neglect or refusal to return them, as by the hereinbefore recited Act is directed, and that no Execution returned in the said Court shall be renewed, but that in all cases where the same has not been satisfied, an *alias* Execution may be issued at the Plaintiff's or Defendant's (*as the case may be,*) request, for the amount due on the said Judgment.

IX. And be it enacted, That for the purposes of enforcing all Bonds heretofore given under and by virtue of the said repealed Act, the same shall be, and are hereby declared to be and remain in full force and effect, anything herein contained to the contrary notwithstanding.

Act of 8 Vic., c. 4, to remain in force for the purpose of enforcing all bonds given thereunder.

X. And be it enacted, That in order to remove any doubts which may have arisen, as to the legality of the service of Summonses by any Constable or Bailiff of any Court for the recovery of Small Debts in this Island, heretofore appointed, by reason of any such Constable or Bailiff not having been duly re-appointed to office, it is hereby declared, that the service by any such Constable or Bailiff of any Summons previous to the passing of this Act, shall be good and valid in Law, to all intents and purposes whatsoever, whether such Constable or Bailiff shall have been re-sworn to Office or not.

Confirms the service of process although Constable, &c., may not have been re-sworn on re-appointment to Office.

XI. And be it enacted, That from and after the passing of this Act, all Constables or Bailiffs appointed, or who shall be appointed for a year, or other specified period of time, for the service of process issuing out of any of the Small Debt Courts in this Island, shall, and they are hereby authorized and empowered to serve the Summonses of the said Courts, until the Constables appointed by the Supreme Court at the respective annual Terms of the Courts, shall have been duly sworn into Office, and given the Bond required by Law, or in case of their refusing or neglecting to give such Bond, then until a Bailiff or Bailiffs shall be selected and appointed to act in the place of any such Constable or Constables, so refusing or neglecting to give such Bond, notwithstanding the year or other period of time for which such Constable or Constables, Bailiff or Bailiffs, shall have been appointed or given the Bond or Security hereinbefore mentioned, shall have expired, previous to the time at which such

Constables, &c., appointed for a specific period to serve process until Constables, &c., appointed in their room be sworn into Office.

newly appointed Constable or Constables shall be sworn into Office, and give the Bond hereinafore mentioned.

Schedule.

SCHEDULE.

Form of Bond to be given by Constable or Bailiff.

Know all men by these presents, That we, *A. B.*, *C. D.* and *E. F.*, are jointly and severally held and firmly bound unto *G. H.*, *J. K.* and *L. M.*, &c., Commissioners for the recovery of Small Debts for the County of _____ and their Successors in Office, in the penal sum of _____ Pounds of good and lawful money of the said Island, to be paid to the said *G. H.*, *J. K.* and *L. M.*, Commissioners for the recovery of Small Debts, for the County of _____ or their Successors in Office, for which payment well and truly to be made, We bind ourselves, our, and each of our Heirs, Executors, and Administrators, firmly by these presents, Sealed with our Seals, and dated the _____ day of _____ 18 _____.

Whereas the above bounden *A. B.*, hath been by the Court of Commissioners for the recovery of Small Debts, at _____ in the County of _____ County, appointed a Bailiff of the said Court, (or if a Constable say,) "chosen to serve Summons, and levy Writs of Execution, issuing out of the said Court."

Now the condition of the above obligation is such, that if the above bounden *A. B.*, as such Bailiff, (or Constable as the case may be,) shall and do act in accordance with the Acts of the General Assembly of this Island, for the recovery of Small Debts, and shall make due service and levy of all Writs and Executions to him entrusted to serve and levy, and shall make due return of all such Writs and Executions at the time therein respectively mentioned, for the return thereof, and shall, without delay or default, pay over unto the respective parties in the said Court, and entitled thereto, or into the said Court, all

sums of money coming into his hands by virtue of such Writs and Executions, then and in such case, the said obligation shall be void, otherwise it shall remain in full force and effect.

Signed, Sealed, and Delivered, in the presence of	}	A. B.,	(L. S.)
		C. D.,	(L. S.)
		E. F.,	(L. S.)

CAP. XXXI.

An Act to repeal the Acts for the admission of Barristers, Attorneys, and Solicitors, and to make other provisions in lieu thereof.

[Passed 4th May, 1848.]

BE it enacted, by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the Fifty-seventh year of the Reign of His late Majesty King George the Third, intituled *An Act to regulate the admission of Barristers, Attorneys, and Solicitors*, also, an Act made and passed in the Sixth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to amend the Law relating to the Admission of Barristers, Attorneys and Solicitors, and to regulate the admission of Advocates and Proctors in the Courts of Vice Admiralty and Courts of Probate in this Island*, and also, an Act made and passed in the Fifth year of the Reign of Her present Majesty, intituled *An Act to amend an Act passed in the Sixth year of the Reign of His late Majesty King William the Fourth, intituled an Act to amend the Law relating to the admission of Barristers, Attorneys and Solicitors, and to regulate the Admission of Advocates and Proctors in the Courts of Vice Admiralty, and Court of Probate in this Island*, be, and the same are hereby repealed.

Repeals Act of
57 G. 3, c. 4.

Also Act of 6 W.
4, c. 13.

And also Act of
5 Vic., c. 21.

Qualifications of persons to be admitted Attorneys in Supreme Court.

II. And be it enacted, That from and after the passing of this Act, no person who shall study Law in this Island, for the purpose of being admitted an Attorney of the Supreme Court thereof, shall be so admitted, unless he shall have so studied with some Barrister of the said Court for the full term of Four years, if such person be a Graduate of any College within Her Majesty's Dominions, or if not such Graduate, for the full term of Five years.

Judges of Supreme Court to appoint Barristers of Court to examine Law Students.

III. And whereas it is expedient that there should be an examination of persons who may hereafter desire to enter upon the study of the Law, in order to their admission as Attorneys of the said Supreme Court of this Island: Be it therefore enacted, That it shall and may be lawful for the Judges of the said Supreme Court, and they are hereby empowered, from time to time, by Rule of the said Court, to nominate and appoint Three or more Barristers of the said Court, Examiners, any two of whom shall be competent to conduct the Examination of any person who may have duly applied to be admitted a Student; and in order to such Examination, application shall be made, by Petition, to the said Supreme Court, by such person, stating his age, place of birth, and present residence, name and residence of his Father or Guardian, and the name of the Barrister with whom he proposes studying, which Petition shall be subscribed by the Applicant, and certified by such Barrister as to his character and habits, and that he verily believes him to be a proper person to be admitted as a Student at Law, and upon such Applicant being approved of by the said Examiners, so to be appointed as aforesaid, he shall be fully and strictly examined by the said Examiners, or any Two of them, at Charlottetown, and should such Examiners be satisfied as to his moral character, good habits, and fitness to enter upon the study of the Law,

Mode of application for examination.

Requisites of Petition for examination, &c.

Examination of Student, how to be conducted.

Examiners to grant Certificate if satisfied, &c.

they shall grant to such Applicant a Certificate to that effect.

IV. And be it enacted, That every Barrister who shall hereafter take a Student for admission as an Attorney of the said Supreme Court of this Island, shall, and he is hereby required to enter the name of such Student forthwith, with the Clerk of the said Court, and no such entry shall in any case be made in the Clerk's Books, of any Student, nor shall he be deemed to have commenced his study of the Law with any Barrister as aforesaid, until he produce the Certificate of the Examiners before whom his Examination may have been had, touching his fitness and capacity.

Barrister taking Student to enter his name with Clerk of Court, &c.

No such entry to be made or study deemed to be commenced until production of Certificate of Examiners, &c.

V. And be it enacted, That Students applying for examination or admission after Four years' study, on the ground of their being Graduates of some College, shall, and are hereby required in addition to the Certificates hereinbefore by this Act required, to produce Certificates from the President or some resident Professor of such College, stating the particular period during which his or their Collegiate studies have been pursued.

Certificates necessary to be produced by Students claiming to be Graduates of some College, &c.

VI. And be it enacted, That any person who shall have served an apprenticeship of two years with any Attorney of this Island, pursuant to the directions and provisions of this Act, and shall within Six Months after the expiration thereof, have entered and attended as a Student, with some Special Pleader, or Barrister at Law, in London, for not less than Two years next following, shall, on satisfactory proof being given to the Court, of his having so studied with such Special Pleader, or Barrister at Law, accompanied with a Certificate from the Attorney in this Island, with whom he may have so studied, and the necessary Certificates of Character, be entitled to be admitted an Attorney, at the expiration of such

2 years service with an Attorney and 2 years study with a Special Pleader, &c., in London, qualifies Student for admission as an Attorney and Barrister.

service, and also a Barrister of the said Court, at the same time.

In case of transfer of Law Students from one Barrister to another, what necessary.

VII. And be it enacted, That every Student who may be transferred from one Barrister to another, during the progress of his studies, shall forthwith deliver to the Clerk of the Supreme Court a Memorandum of such transfer, accompanied by a Certificate of the Barrister, whose office he may be desirous of leaving, or in case of his death, absence, or refusal to grant such Certificate, the Certificate of the Barrister to whose office he is transferred, of the cause and reason for such transfer; and if any person who may after his commencing the study of the Law, have discontinued the same, shall be desirous of resuming his studies, he shall apply, by Petition, to the said Supreme Court, who will make such order thereupon in regard to the time of his previous study as may appear meet, otherwise the time of such former study shall not be allowed to such Student.

How study may be resumed after partial discontinuance.

VIII. And Whereas it is expedient, that every person desirous of being admitted an Attorney of the Supreme Court of this Island, should previously to such admission, be strictly examined as to his fitness and capacity to act as such Attorney: Be it therefore enacted, That it shall and may be lawful for Her Majesty's Attorney General or Solicitor General for this Island, for the time being, together with the Senior practising Barrister of the said Supreme Court, in presence of two or more of the Judges of the said Supreme Court, whereof the Chief Justice must be one, at such times and places respectively, and under such regulations as the Chief Justice may from time to time appoint, to conduct the Examination of any person who may have made application for admission as an Attorney of the said Supreme Court, in the form hereinafter mentioned, and that from and after the passing of this Act, no person

By whom Candidates for admission as Attorneys are to be examined, &c.

In presence of 2 Judges, Chief Justice to be one.

No person to be admitted an Attorney without production of

shall be admitted to be sworn an Attorney of the said Court, without the production of a Certificate signed by the said last mentioned Examiners, testifying his fitness and capacity to act as an Attorney; and any person making application for admission as an Attorney of the said Supreme Court, shall undergo a full and strict Examination, before the said Examiners, in presence of the Judges as aforesaid, in the elementary principles of the Law of Real and Personal Property, Forms of Action, Pleading, Evidence, and Practice.

Certificate of Examiners.

Examination to be full and strict, &c.

IX. And be it enacted, That it shall be the duty of any person who may desire to be admitted an Attorney of the said Supreme Court of this Island, and he is hereby required, on or before the First day of the Term immediately preceding that at which he shall propose to be admitted, make application, by Petition to the said Court, which Petition shall be in the form in the Schedule to this Act annexed, marked (A), or to the like effect, and shall be accompanied by the before mentioned requisite Certificates of the age, moral character and service of the Applicant, and the Certificate of the moral character shall be full, positive, and explicit, and shall contain particular Testimonials as to the sober and temperate habits of the Applicant; and the Court, if satisfied with the Certificate, is hereby required during such Term to make an Order for the Examination of such Applicant, such Examination to be conducted in manner and form as hereinbefore by this Act directed and required, which said requirements touching Examinations as aforesaid, shall extend, apply, and have reference to persons who may apply for admission upon Certificates from any other part of Her Majesty's Dominions, as well as to persons who may have pursued their studies in this Island, and every person coming from any other part of Her Majesty's Dominions, shall also produce a Cer-

Regulates mode of application by Candidate for admission as an Attorney.

Requisites of Petition for admission.

Court to make order for examination, &c.

This Section also to apply to parties applying for admission on Certificates from other parts of Her Majesty's Dominions.

Certificates necessary to be produced by such persons.

tificate from the Court in which he may have become a Practitioner, or from one of the Judges thereof, to the effect that he has conducted himself with credit and reputation since his admission there.

Attorneys or Barristers absent from Colony for 5 years, or ceasing to practice for that period, required to be re-admitted, &c.

X. And be it enacted, That no Attorney or Barrister of the Supreme Court of this Island, who shall have been, or may or shall hereafter be absent from the said Island, or has discontinued the practice of the Law, for the space of Five years together, shall hereafter be permitted to commence or resume practice as an Attorney or Barrister thereof, until he be re-admitted and re-sworn, and every such Attorney or Barrister who shall have been, or may or shall hereafter be absent from the said Island, or have discontinued practice as aforesaid, for the space of Five years together, who may desire to be re-admitted, every such Attorney or Barrister is hereby required to apply, by Petition, to the said Supreme Court, stating in such Petition, the place or places in which he may have resided, and the business, profession or employment in which he may have been engaged or concerned, since his first admission, which Petition shall be verified by the Affidavit of Petitioner, and shall be presented to the said Court on or before the first day of the Term immediately preceding that at which he may desire to be re-admitted, and every such Applicant for re-admission as aforesaid, shall be examined as to his fitness and capacity to act as an Attorney or Barrister, in the same manner as if applying for first admission: Provided nevertheless, that the Judges of the said Supreme Court shall have power, if they shall see fit, in any case, to dispense with such Examination, and shall make order accordingly.

Mode of proceeding for re-admission in such case.

What shall entitle an Attorney of any other

XI. And be it enacted, That no person producing a Certificate of admission as an Attorney of the Supreme Court of any other Province,

Colony, or Island in Her Majesty's Dominions, in order to obtain his admission as an Attorney of the Supreme Court of this Island, shall be so admitted and enrolled, unless he shall have served a regular apprenticeship in such Province, Colony or Island, agreeably to the terms by this Act required for Students at Law in this Island, nor unless he shall produce an authenticated copy of the Certificate of such service, by virtue of which he may have obtained admission as an Attorney of the Supreme Court of such Province, Colony, or Island, nor unless such Certificate shall also include the qualifications as to age and moral character in that behalf required to be included in Certificates of services, as Apprentices to the Law in this Island, nor unless such Attorney shall have entered as a Student with one of the Attorneys of the Supreme Court of this Island, having the rank of a Barrister, and resident and practising in the said Island, and shall have continued as such Student for the space of one year, the entry of every such Student to be registered with the Clerk of the said Supreme Court as in the case of other Students, and a Certificate of such year's study from the Barrister with whom the same may have been performed, shall be one of the Testimonials necessary for the admission of such Applicant.

Province, &c.,
to admission in
this Colony.

XII. And be it enacted, That after the expiration of One year from the time of admission as an Attorney, it shall and may be lawful for any Attorney of the Supreme Court of this Island, to be called to the Bar, provided there appears to the Court no just cause to prevent such call.

Attorney of one
year's standing
may be admitted
a Barrister.

XIII. And be it enacted, That when any Attorney of this Court shall be desirous of being called to the Bar as a Barrister, he shall make known his wishes by Petition to the Court on the first day of the Term in which he wishes to be so called to the Bar, and during said Term

Mode of proceed-
ing when Attor-
ney desires to be
admitted a
Barrister.

the Court shall and is hereby required, to determine upon the said Petition: Provided always, that in case the Supreme Court shall see fit to take time to consider as to the propriety of admitting any person applying for admission as a Barrister or Attorney, or to make further enquiries as to the propriety of admitting such person it shall be lawful for the said Court, and it is hereby authorized to postpone the admission of such person to some future Term of the said Court.

XIV. And whereas, parties in important cases may sometimes be desirous of retaining Counsel from some other Colonies to advocate such cause: Be it therefore enacted, That the Court, on a Petition of the person so wishing to retain such Counsel, shall have power to allow and admit such Counsel to plead such case, provided there be no objections to the character of such Counsel, and he be a Barrister of some British Colony, or of one of the Courts at Westminster, and of not less than Five years' standing, and any Attorney who may before his admission as an Attorney of the Supreme Court of this Island, have been an Attorney of the Supreme Court of any other part of Her Majesty's Dominions, and who shall have been a Student in this Island for One year, pursuant to the requirements and conditions of this Act, may be called to the Bar after the expiration of Six Months from the time of his admission as an Attorney of the said Supreme Court of this Island.

Court on petition in certain cases may admit Counsel from other Colonies, &c., to plead, &c.

If Barristers of not less than 5 years' standing of Courts at Westminster or of Courts of other Colonies, &c.

Attorneys in certain cases may be called to the Bar after six months from admission as Attorneys.

XV. And be it enacted, That in case any person shall be dissatisfied with the refusal of the Examiners, acting under and by virtue of this Act, such person shall be at liberty to apply, by Petition, to the Judges of the said Supreme Court of this Island, who are hereby empowered to make such order thereupon, as the case may in their opinion require.

In case of refusal of Certificate by Examiners, party may appeal to Judges, &c.

XVI. And be it enacted, That no Prothonotary of the said Supreme Court, or Clerk in his Office, whilst in the execution of the duties of such Office, shall be allowed to practise as a Barrister, Attorney or Solicitor in the said Court.

No Prothonotary or Clerk in his office to practice as an Attorney, &c.

XVII. And be it enacted, That all persons who now are, or hereafter may be admitted as Barristers, Attorneys or Solicitors of any Court of Law or Equity in this Island, may practise as Advocates and Proctors in the Courts of Vice Admiralty and Court of Probate for this Island.

Barristers and Attorneys may practice as Advocates and Proctors, &c.

SCHEDULE (A.)

Schedule A.

FORM OF PETITION FOR ADMISSION AS AN ATTORNEY.

To the Honorable the Chief Justice and Justices of the Supreme Court:

The Petition of *A. B.*

Humbly sheweth,

That your Petitioner was born in _____ ON Form of Petition for admission as an Attorney.
(state the place, and day of birth,) as by the accompanying Certificate or Affidavit will appear, That on _____ he entered as a Student in the Office of *C. D.*, Esquire, a Barrister of this Court, at _____ in this Island, and has continued as such from that hitherto, during which time he has not absented himself without the permission of the said *C. D.*, nor been engaged in any other profession, business, or employment. [If the applicant has studied part of the time with any other Barrister, or been absent without permission, or engaged in any other profession, business or employment, since commencing his studies, he must state fully the reasons therefor, the particular time, and length of such other study, or absence or engagements in other pursuits, together with such other particulars, as he may

think advisable explanatory of his conduct. If the applicant has not studied in this Island, he must state the particular grounds on which he applies for admission, the place or places in which he may have resided and practised since his admission by any other Court, and if he has been engaged or concerned in any other profession, business, or employment, he must state the particulars of the same, with any other matters explanatory of his conduct and pursuits, as he may deem advisable.]

NOTE.—If the Petitioner's full time of study has not expired at the time of application, he must further state his intention to continue a Student in the Barrister's Office, until such time expires, and will be required to produce an additional Certificate to that effect, at the ensuing Term.

That your Petitioner is at present resident at _____ and is desirous of being admitted an Attorney of this Honorable Court at the ensuing _____ Term, and prays that your Honors will make such order, touching his examination or admission, as by the Rules of the Court are required, or as to your Honors may seem meet.

Dated the

18

A. B.

CAP. XXXII.

Extended by 12 Vic. c. 23. An Act to provide for re-printing the Laws of this Island.

[Passed 4th May, 1848.]

WHEREAS the Statutes of the General Assembly of this Island require to be revised and reprinted: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That for the due execution thereof it shall and may be lawful to and for the Administrator

of the Government for the time being, by and with the advice and consent of Her Majesty's Council, to nominate and appoint Three fit and proper persons to be Commissioners to carry this Act into effect, and in case of the death, resignation, or absence from this Island, of any of the said Commissioners, the Lieutenant Governor is hereby authorized to nominate and appoint, as often as it may become necessary, a fit and proper person in his stead, and the person or persons so appointed, shall have the like powers and authority as are conferred by this Act upon the Commissioners hereinbefore named.

appoint three Commissioners to report upon Laws, and to contract, &c. for reprinting same.

Vacancies by death, &c. how to be filled up.

II. And be it enacted, That it shall be the duty of the said Commissioners, and they are hereby directed to examine into the several Statutes of the General Assembly, and to prepare a Report thereupon, to be laid before the Legislature at its next sitting, wherein shall be stated and explained all such Acts or parts of Acts as require amendment, alteration, or which may with convenience be consolidated.

Duty of Commissioners as to report upon Laws.

Requisites of report.

III. And be it enacted, That the said Commissioners hereby appointed shall have full power and authority, and they are hereby directed to agree and contract with the person or persons who will engage under good and sufficient Security to print the said Statutes of the General Assembly on the best and lowest terms, having previously given 'Three months' notice for Tenders for such Contracts in the *Royal Gazette Newspaper*.

Duty & power of Commissioners as to reprinting Laws.

Three months' notice for tenders to be given.

IV. And be it enacted, That the said Commissioners are hereby authorized and required to superintend the Printing of the said Statutes as aforesaid, and shall have full power and authority to cause the same to be done and performed in

Further duty and power of Commissioners in reprinting Laws.

such way and manner as to the said Commissioners may seem most desirable, and the said Commissioners are hereby authorized to leave out all Acts, the provisions of which have been executed or repealed, provided that nothing herein contained shall authorize the said Commissioners to leave out any Act from which the title of any Lands or Tenements is derived, or which in any manner may affect the same.

Commissioners may sue for every breach of contract.

And to Contract again where party has failed in original Contract.

V. And be it enacted, That the said Commissioners, for the time being, are hereby authorized in their joint names to sue for and recover the Penalty or Penalties contained in any agreement entered into by them in pursuance of this Act, if the Contract so made shall not be faithfully performed and executed, and the said Commissioners are hereby authorized to agree and Contract with some other person or persons for the completion of such Printing, the Penalty so to be recovered to be paid into Her Majesty's Treasury, to and for the use of Her Majesty's Government.

Duty of Commissioners to make an Index to the Laws to be printed.

Number of copies of Laws and Index to be printed.

How to be printed and bound.

VI. And be it enacted, That it shall be part of the duty of the said Commissioners, and they are hereby required to make a proper and full analytical Index to the said Statutes, to be printed and bound up therewith, and to cause Four hundred Copies of the said Statutes and Index, with a correct Marginal Epitome to each Act, to be Printed and fully Bound in a similar style as the First Volume of the said Laws last published in this Island.

Lieut. Governor, &c. to draw Warrants for amount of Contract for printing, &c. after 1st Sept., 1849.

VII. And be it enacted, That the Lieutenant Governor, by and with the advice of Her Majesty's Council, is hereby authorized, at any time after the First day of September, One thousand Eight hundred and Forty-nine, to draw Warrants on the Treasurer of this Island from time to time, for such sums as may be required by the

said Commissioners for the purpose of fulfilling on their part the said Contract so to be made and entered into as aforesaid.

CAP. XXXIII.

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

See 10 G. 4, c. 10, and note.

Repealed by 14 Vic. c. 1.

[Passed 4th May, 1848.]

* * * The provisions of this Act may affect Titles to Lands, but are omitted pursuant to directions of Act 12 Vic. c. 23.

CAP. XXXIV.

An Act for appropriating certain Moneys therein mentioned for the service of the year of our Lord One thousand Eight hundred and Forty-eight.

Executed.

[Passed 4th May, 1848.]

ANNO DUODECIMO

VICTORIÆ REGINÆ.

At the General Assembly of Her Majesty's 1849.

Island of Prince Edward, begun and holden at Charlottetown, the Twenty-sixth day of January, *Anno Domini* 1847, in the Tenth 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:

Sir DONALD CAMPBELL, Baronet, Lieut. Governor.

R. HODGSON, President of the Council.

JOSEPH POPE, Spenker.

And from thence continued, by several Prorogations, to the Twentieth day of *February*, 1849, and in the Twelfth Year of Her said Majesty's Reign; being the Third Session of the Seventeenth General Assembly convened in the said Island.

C A P . I .

An Act relating to the Limits and Rules of Jails in this Island.

[Passed 19th March, 1849.]

WHEREAS the Acts relating to the Limits and Rules of the Jails in the several Counties of this Island, have expired, and it is

Persons confined for Debt in any Jail to be permitted to go at large within certain Boundaries.

Extent of Limits of Jail in Queen's County;

in King's County;

in Prince County.

Bond to be given to Sheriff.

Fee to Sheriff for Bond.

deemed expedient to re-enact and consolidate the same: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That when any person shall be in custody, or confined in any Jail within this Island, either on Mesne Process or final Execution, except under any Law for the Recovery of Small Debts, the Sheriff, in whose custody such Prisoner may be, is hereby authorized and empowered to permit such Prisoner to have his liberty within the Boundaries following, that is to say: if such Prisoner shall be confined in the Jail at Charlottetown, in Queen's County, then he shall have liberty to go about within the Boundaries of Charlottetown, including the Wharves and Water Lots, and within the Common Lots and Royalty of the said Town; and if such Prisoner shall be confined in the Jail at Georgetown, in King's County, then he shall have like liberty within the Boundaries of Georgetown, including the Wharves and Water Lots and within all that Tract of Land bounded on the West by the Eastern Boundary of Township Number Fifty-two, and on the East, North and South, by Cardigan Bay and River, and Albion Bay and Brudenell River, provided that such Limits shall not, in regard to the Water Lots and Streets, be held to extend beyond the edge of the Bank, and in the Lots and Streets wherein there is no Bank, then the Limits shall not extend beyond the Line of ordinary High Water Mark; and if such Prisoner shall be confined in the Jail at Saint Eleanor's, on Township Number Seventeen, in Prince County, then he shall have like liberty within the whole of the said Township, upon a Bond being given, in every case, to the Sheriff in whose custody the Prisoner may be, by the name of his office by such Prisoner, with Two or more sufficient Sureties in double the amount of the sum for which such Prisoner shall be in confinement, with a condition thereunder to be written as hereinafter mentioned, and the Sheriff shall be entitled to demand and receive for making such

Bond, Five Shillings, and no more, and such Bond shall be in the form following, that is to say:—

Know all men by these Presents, that we, *A. B.*, *C. D.*, and *E. F.*, are held and firmly bound to _____ Esquire, Sheriff of (Queen's County, King's County, or Prince County, *as the case may be.*) in the sum of _____ of lawful money of the said Island, to be paid to the said Sheriff or his certain Attorney, Executors, Administrators, or Assigns, for which payment, to be well and truly made, we bind ourselves, and each of us by himself, for and in the whole, our and each of our Heirs, Executors, and Administrators, firmly by these presents. Form of Bond.

Sealed with our Seals and dated this
day of _____ 18

Whereas the above named _____ Sheriff as aforesaid, hath given permission to the above bounden *A. B.*, a Prisoner in custody of the said Sheriff, at the Suit of _____ to go about and have his liberty within the Boundaries of

[Here describe the limits of the Prison.]

Now this Obligation is such, that if the said *A. B.* shall not go or be at large out of the said Boundaries, or escape at any time while he has the liberty of the same as aforesaid, then this Obligation shall be void, otherwise the same shall remain in force.

Sealed and delivered }
in the presence of }
G. H.

A. B.
C. D.
E. F.

Which said Bond the Sheriff who may have taken such Bond, or his Deputy, or the Executors or Administrators of the Sheriff, at the request of the Plaintiff in such Action, or his Attorney, shall assign to the said Plaintiff in such Action by endorsing the same under his Hand and Seal in the presence of Two or more credible Witnesses, and if the said Bond shall happen to be forfeited, Sheriff, on request, to assign Bond to Plaintiff.

Court where Action is brought, may give relief to parties, agreeably to Equity.

Sureties to justify on Oath.

Before whom.

Notice of justification.

Requisites of Notice.

When Sheriff may enlarge Prisoner before justification, and his liability thereon.

Duty of Sheriff on going out of Office.

the Plaintiff in such Action, after such Assignment made, may bring an Action and sue therefor in his own name, and the Court where the Action shall be brought may, by Rule or Rules of the same Court, give such relief to the Plaintiff and Defendant in the original Action, and to the Sureties in the said Bond, as shall be agreeable to Justice and Equity, and such Rules shall have the effect of a Defeazance to such Bond; provided that in all cases the Sureties entering into such Bonds, shall justify on Oath before one of the Justices of Her Majesty's Supreme Court of Judicature of this Island, or a Commissioner for taking Special Bail in that Court, in the amount of the Penalty of the Bond, and notice in writing, that the Sureties intend to justify, shall be given by the Prisoner to the Plaintiff, his Attorney or Agent, at least Fourteen days before the time of Justification, or for such other period as the Judge or Commissioner may in his discretion deem sufficient, not exceeding Fourteen days, in which Notice shall be expressed the names and place or places of residence of the Sureties, and the time and place of Justification: Provided also, that after such Bond shall have been duly executed, and before the Sureties therein shall have justified, the Sheriff may immediately set any such Prisoner at liberty; but the Sheriff shall nevertheless be liable for any breach of the Bond which may happen, until the Sureties shall duly justify as aforesaid, and if the Assignment of the said Bond shall not be demanded by the Plaintiff or Plaintiffs in any Action as aforesaid at the time of such Sheriff going out of Office, or at any other time as prescribed by this Act, then it shall and may be lawful for the said Sheriff, and he is hereby directed, on his going out of Office, to cause the said Bond to be assigned to the Plaintiff, and filed in the Office of the Prothonotary of the Supreme Court, and he is hereby authorized to demand from the Defendant and Sureties in any such Action, in addition

to the sum of Five Shillings as aforesaid, the amount of the Prothonotary's charge for filing and entering such Bond.

II. And be it enacted, That no Sheriff shall be liable to any Action of Escape, or other Suit or Information, for or on account of any liberty that may be granted to any confined Debtor under the provisions, and according to the true intent and meaning of this Act, and in case the Sheriff should be sued for anything done by him in pursuance of this Act, he may plead the General Issue, and give this Act, and the special matter necessary to his defence, in evidence under that plea.

Sheriff, if sued for Escape, may plead General Issue, &c.

III. And be it enacted, That the Sureties in any such Bond as aforesaid, or either of them, shall be at any time before the same shall be forfeited, permitted to surrender the Defendant or Defendants, for whom they are Sureties, into the custody of the Sheriff, in like manner as Special Bail are now by Law allowed to do, and after such surrender made, and notice thereof given to the Plaintiff or Plaintiffs, or his, her, or their Attorney, with a Certificate of the Sheriff or Jailer that the Defendant or Defendants is, or are in his custody, pursuant to such surrender, the Sureties in the Bond shall be entitled to have the same delivered up on request, to be cancelled.

Sureties may render Principals.

and to be entitled to have Bond delivered up.

IV. And be it enacted, That all persons liable to be committed to Jail within any County in this Island, shall be sent to the Jail of the County in which he was arrested, or in which the offence is alleged to have been committed, and the Jailers for King's and Prince Counties shall receive the same Fees, and no other, that are taken by the Jailer of the Jail of Charlottetown, and all Laws respecting the conduct of such Jailer, are hereby extended to the said Jails of King's County and Prince County respectively.

Persons arrested to be confined in the Jail of the County where arrest is made.

Person arrested out of the County in which he resides, may be conveyed to the Jail of his own County.

Duty of Sheriff.

V. And be it enacted, That when any person shall be arrested either under Mesne or Final Process, in any Civil Action out of the County wherein he generally resides, or seeks a livelihood, and shall desire to be confined in the Jail of such County, it shall be lawful for the Sheriff or his Deputy making the arrest, and he is hereby required, upon sufficient Security against escape being first given by the Prisoner, if required, and payment of lawful Mileage to convey him to such Jail, and to leave with the Jailer thereof an entry of the nature of the Process against the Prisoner, and the amount for which he was arrested, which shall be sufficient to charge the Sheriff of the County, to the Jail of which the Prisoner shall have been so removed, and his Officers, with his safe custody, the same as if the Prisoner had been originally arrested by such last mentioned Sheriff, and the Sheriff so removing any Prisoner, shall endorse a Memorandum of such removal on the Writ, by virtue whereof the arrest was made, for the information of the Plaintiff, but such removal of a Prisoner as aforesaid, shall not of itself affect the Venue in any Action.

Continuance of Act.

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

CAP. II.

An Act relating to Judgments recovered in the Supreme Court of this Island, and to amend an Act therein mentioned.

[Passed 19th March, 1849.]

WHEREAS it is deemed desirable, fully to ascertain and declare the Law relating to

Judgments already entered up, or hereafter to be entered up of Record in Her Majesty's Supreme Court of Judicature of this Island, in so far as the same are or shall be à lien upon and affect Real Property, and also to amend the Forty-fourth Section of an Act made and passed in the Sixth year of the Reign of Her present Majesty, intituled *An Act to repeal an Act made and passed in the Twenty-first year of the Reign of King George the Third, intituled An Act relating to Wills, Legacies and Executors, and for the Settlement and Distribution of the Estates of Intestates, and to make other provisions in lieu thereof*, in so far as the same relates to the Payment of Judgment Debts out of the Real Estate of a Party deceased, Testator or Intestate: Be it therefore enacted and declared, by the Lieutenant Governor, Council and Assembly, that a Judgment already entered up, remaining unsatisfied, or to be hereafter entered up, against any person in Her Majesty's Supreme Court of Judicature of this Island, shall operate as a charge upon all Lands, Tenements and Hereditaments of or to which such person was or shall be at the time of entering up such Judgment, or was or shall be at any time afterwards seised, possessed, or entitled for any Estate or Interest whatever, at Law or in Equity, whether in Possession, Reversion, or Remainder or Expectancy, or over which such person at the time of entering up such Judgment, or at any time afterwards, had or shall have any disposing power, which he might without the assent of any other person, exercise for his own benefit, and shall be binding, as against the person against whom Judgment has been, or shall be so entered up, and against all persons claiming under or against him, after such Judgment, and shall also be binding as against the issue of his body, his Executors and Administrators, and all other persons whom he might without the assent of any other person, cut off and debar from any Remain-

6 Vic., c. 26.

21 G. 3, c. 2.

Judgments entered in the Supreme Court declared a lien upon Real Estate.

At law or in equity and in possession and expectancy,

and binding against all Heirs, Executors, &c.

Extent of Creditor's remedy.

der, Reversion, or other Interest, in or out of the said Lands, Tenements, and Hereditaments; and that every Judgment Creditor shall have such, and the same remedies in a Court of Equity against the Hereditaments so charged by virtue of this Act, or any part thereof, as he would be entitled to in case the person against whom such Judgment has or shall have been so entered up, had power to charge the same Hereditaments, and had by writing under his hand, agreed to charge the same with the amount of such Judgment, Debt and Interest, and an Execution issued or levied, or hereafter to be issued or levied upon any Judgment already entered up, or hereafter to be entered up as aforesaid, against any person or persons shall not be construed or held in any way to entitle such Judgment to preference over others of an earlier date, but all and every person or persons who shall become purchasers of Lands, Tenements and Hereditaments sold under such Execution, shall take and hold the same, subject to, and bound by all prior Judgments, or Judgments of an earlier date, standing unsatisfied on Record in Her Majesty's said Supreme Court, against the person or persons whose Lands, Tenements, and Hereditaments, are or shall be so sold under Execution, but free and discharged from all Judgments entered up subsequently to that on which such Execution may have been issued: Provided that nothing herein contained, shall be deemed or taken to alter or affect any doctrine of Courts of Equity, whereby protection is given to purchasers for valuable consideration, without notice.

Preference to depend upon priority.

Proviso.

If Executor, &c., after applying personal assets towards payment of debts of a deceased person,

II. And be it enacted, That if the Executor or Administrator of a person deceased, against whom any Judgments shall at the time of his decease be standing unsatisfied on Record in Her Majesty's said Supreme Court, after first applying the personal Assets of the deceased towards the payment of his Debts in manner as directed, in and by an

Act of the General Assembly of this Island, made and passed in the Sixth year of the Reign of Her present Majesty, intituled *An Act to repeal an Act made and passed in the Twenty-first year of the Reign of King George the Third, intituled An Act relating to Wills, Legacies and Executors, and for the settlement and distribution of the Estates of Intestates, and to make other provisions in lieu thereof*, shall on account of the insufficiency of such personal Assets apply for and obtain from the Court of the Surrogate and Judge of the Probate of Wills in this Island, a License to sell the Real Estate of the deceased towards payment of such Debts, in the manner pointed out in and by the above recited Act, it shall and may be lawful for such Executor or Administrator, and he is hereby required to apply the proceeds arising from any sale made under such License, to the payment of the Debts of the deceased, according to their legal priority in the order of classes; but such Executor or Administrator shall pay off all Judgment Debts, standing unsatisfied against the deceased at the time of his death, in the order of priority, in which they may stand on Record in Her Majesty's said Supreme Court, nor shall it be lawful for such Executor or Administrator, out of the proceeds arising from any such Sale as aforesaid, to pay off all or any part of the amount due on any subsequent Judgment, until he shall first have fully paid and satisfied all prior unsatisfied Judgments standing on Record as aforesaid, against his Testator or Intestate, anything in the Forty-fourth section of the above recited Act contained, to the contrary thereof, in anywise notwithstanding.

In pursuance of
6 Vic., c. 26,

Obtain Order to
sell Real Estate.

Debts to be paid
according to legal
priority.

Judgment Debts
in succession ac-
cording to date.

III. And be it enacted, That nothing in this Act contained, shall in any way affect or extend to Leasehold Interests or Terms for years in Lands in this Island.

Leasehold Inter-
est not affected
by this Act.

Execution may
issue on Judg-
ments not over
ten years old,

without revival
by Sci. Fa.

IV. And be it enacted, That all Judgments at Law already or hereafter to be entered up in the said Supreme Court, and not being over Ten years' standing, from the day of entry, shall be presumed to be due and unpaid, notwithstanding Execution may never have issued thereupon, within a year or otherwise, until satisfaction shall be duly entered of Record for the same, and no Writ of *Scire Facias* shall in future be deemed necessary to revive any such last mentioned Judgments.

CAP. III.

An Act to authorize Free Trade with the United States of America, in certain enumerated articles.

[Passed 19th March, 1849.]

WHEREAS reciprocal Free Trade in Articles the Produce or Growth of the United States of America, and of this Colony, would be mutually beneficial to the people of both Countries: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That when the Lieutenant Governor, or other Administrator of the Government of this Island, for the time being, shall issue his Proclamation, declaring that the Articles hereinafter enumerated, being the growth or production of Prince Edward Island, are admitted into the United States of America by Law, free of Duty, that on and after that day, the like Articles, being the growth or production of the United States of America shall be admitted into Prince Edward Island free of Duty, when imported direct from the United States of America, so long as the said enumerated Articles, are admitted into the United States of America, from Prince Edward Island, free of Duty, to wit: Grain and Bread-stuffs of all kinds, Vegetables, Fruit, Animals, Hides, Wool, Tal-

Reciprocal Free
Trade in certain
Articles with the
United States of
America permit-
ted.

low, Horns, Salted and Fresh Meats, Ores of all kinds of Metals, Timber, Staves, Wood and Lumber of all kinds, also Seeds, Butter, Cheese, Pot and Pearl Ashes.

CAP. IV.

An Act for improving the Law of Evidence.

[Passed 19th March, 1849.]

WHEREAS the inquiry after truth in Courts of Justice is often obstructed by incapacities created by the present Law, and it is desirable that full information as to the facts in issue, both in Criminal and in Civil Cases, should be laid before the persons who are appointed to decide upon them, and that such persons should exercise their judgment on the Credit of the Witnesses adduced, and on the truth of their testimony: Now therefore, be it enacted, by the Lieutenant Governor, Council and Assembly, That no person offered as a Witness shall hereafter be excluded by reason of incapacity from crime or interest, from giving evidence, either in person or by deposition, according to the practice of the Court on the trial of any issue joined, or of any matter or question, or on any inquiry arising in any Suit, Action or Proceeding, Civil or Criminal in any Court, or before any Judge, Jury, Sheriff, Coroner, Magistrate, Officer or Person having by Law, or by consent of parties, authority to hear, receive and examine Evidence, but that every person so offered, may and shall be admitted to give evidence on Oath or solemn Affirmation, in those cases wherein Affirmation is by Law receivable, notwithstanding that such person may or shall have an interest in the matter in question or in the event of the trial of any Issue, Matter, Question or Inquiry, or of the Suit, Action or Proceeding in which he is offered as a Witness, and notwithstanding that such person

In any Trial, any person may be examined as a Witness, upon Oath or Affirmation.

Except party to
suit,

or Lessor of
Plaintiff,

or Tenant, or
Landlord,

or Husband or
Wife of party,
&c.

This Act not to
repeal 6 Vic., c.
26.

Proviso, as to
proceedings in
Equity.

offered as a Witness may have been previously convicted of any crime or offence: Provided, that this Act shall not render competent any party to any Suit, Action or Proceeding, individually named in the Record, or any Lessor of the Plaintiff, or Tenant of Premises sought to be recovered in Ejectment, or the Landlord or other person in whose right any Defendant in Replevin may make Cognizance, or any person in whose immediate and individual behalf, any Action may be brought or defended, either wholly or in part, or the Husband or Wife of such persons respectively. Provided also, That this Act shall not repeal any provision in a certain Act, passed in the Sixth year of the Reign of Her present Majesty, intituled *An Act to repeal an Act made and passed in the Twenty-first year of the Reign of King George the Third, intituled An Act relating to Wills, Legacies and Executors, and for the settlement and distribution of the Estates of Intestates, and to make other provisions in lieu thereof*; Provided that in Courts of Equity any Defendant to any cause pending in any such Court, may be examined as a Witness on the behalf of the Plaintiff or of any co-Defendant, in any such cause pending, saving just exceptions, and that any interest which such Defendant so to be examined, may have in the matters or any of the matters in question in the cause, shall not be deemed a just exception to the testimony of such Defendant, but shall only be considered as affecting or tending to affect the credit of such Defendant as a Witness.

In setting out legal proceedings, not necessary to state that any Jurors had made Affirmation instead of Oath.

II. And be it enacted, That wherever in any legal proceedings, whatever legal proceedings may be set out, it shall not be necessary to specify that any particular persons who acted as Jurors, had made Affirmation instead of Oath, but it may be stated that they served as Jurymen in the same manner as if no Act had passed for

enabling persons to serve as Jurymen without Oath.

III. And be it enacted, That nothing in this Act shall apply to, or affect any Suit, Action or Proceeding brought or commenced before the passing of this Act.

Not to affect any Action commenced before the passing of this Act.

C A P. V.

An Act for rendering a Release as effectual for the conveyance of Freehold Estates, as a Lease and Release, by the same parties.

[Passed 19th March, 1849.]

WHEREAS it is expedient to lessen the expense of conveying Freehold Estates: Be it enacted, by the Lieutenant Governor, Council and Assembly, That every Deed or Instrument of Release of a Freehold Estate or Deed or Instrument purporting or intended to be a Deed or Instrument of Release of a Freehold Estate, which shall be executed on or after the First day of June, One thousand eight hundred and forty-nine, and shall be expressed to be made in pursuance of this Act, shall be as effectual for the purposes therein expressed, and shall take effect as a Conveyance to uses or otherwise, and shall operate in all respects both at Law and Equity, as if the releasing party or parties who shall have executed the same, had also executed in due form, a Deed or Instrument of Bargain and Sale, or Lease for a year, for giving effect to such Release, although no such Deed or Instrument of Bargain and Sale or Lease for a year, shall be executed.

In transfer of Freehold Estate.

after 1st June, 1849.

Lease for a year may be dispensed with.

II. And whereas many Deeds or Instruments of Bargain and Sale, or Leases for a year, to give

Recital of Lease for a year, to be evidence of its existence in certain cases.

effect to Deeds or Instruments of Release of Freehold Estates heretofore executed, have been lost or mislaid: Be it enacted, That where, in or by any Deed, or Instrument of Release of Freehold Estates, executed before the First day of June, One thousand eight hundred and Forty-nine, any Deed or Instrument of Bargain and Sale or Lease for a year, for giving effect to such Deed or Instrument of Release, shall be recited, or by any mention thereof in such Deed or Instrument of Release, appear to have been made or executed, such recital or mention thereof shall be deemed and taken to be conclusive evidence of the Deed or Instrument of Bargain and Sale or Lease for a year, so recited or mentioned, having been made and executed, and such Deed or Instrument of Release, shall also have the like effect as if the same had been executed after the First day of June, One thousand eight hundred and forty-nine, whether such Deed or Instrument of Bargain and Sale, or Lease for a year, shall, or shall not, have been lost, or mislaid, or may or may not be produced: Provided always, that this Act shall not prejudice or affect any proceedings at Law or in Equity pending at the time of the passing of this Act, in which the validity of any Bargain and Sale, or Lease for a year shall be in question, between the party claiming under such Bargain and Sale, or Lease for a year, and the party claiming adversely thereto, and such Bargain and Sale, or Lease for a year, if the result of such proceedings shall invalidate the same, shall not be rendered valid by this Act.

Act not to affect suits pending.

Extent of construction of word "Freehold."

III. And be it enacted, That in the construction of this Act, the word Freehold shall have not only its usual signification, but shall extend to all Lands and Hereditaments for the conveyance of which, if this Act had not been passed, a Bargain and Sale, or Lease for a year as well as a Release would have been used.

CAP. VI.

An Act to prevent the constructive revival of Statutes heretofore repealed.

[Passed 19th March, 1849.]

WHEREAS several Statutes of the General Assembly of this Island have been repealed by subsequent Statutes, which have themselves also been repealed by other Acts, without there being contained in such last mentioned Acts, any express clause, preventing the revival of the original Statutes: And whereas such revival of old Acts, would produce much confusion and inconvenience, for remedy whereof: Be it enacted, by the Lieutenant Governor, Council and Assembly, That no Statute of the General Assembly of this Island, heretofore repealed, shall be deemed to have been revived, by the repeal of the Statute which repealed it, unless some special clause, enacting such revival, shall have been contained in the last repealing, or some subsequent Statute.

No repealed Statute shall be deemed to have been constructively revived.

CAP. VII.

An Act to explain and amend the present Act for the Assessment of Land and the encouragement of Education.

[Passed 21st April, 1849.]

WHEREAS by the Act made and passed in the Eleventh year of the Reign of Her present Majesty, intituled *An Act for levying further an Assessment on all Lands in this Colony, and for the encouragement of Education*, the first annual payment of the Assessment thereby levied is expressed to become payable within Three months next after Her Majesty's Royal Allowance to the said Act shall have been published

11 Vic. c. 7.

in the *Royal Gazette* Newspaper, and it was intended by the said Act, that the said Land Tax should, thereafter, be paid annually, after a like Three months' notice, to be given by the Colonial Treasurer, and in default of such payment, that all Lands thereafter annually in arrear for the said Land Tax, should be proclaimed for such default at the Term of Her Majesty's Supreme Court of Judicature, which should be held next after the expiration of Three months' notice as aforesaid: And whereas the Royal Assent was graciously given to the said Act, and the same was duly published in the *Royal Gazette* Newspaper on the Nineteenth day of September, One thousand Eight hundred and Forty-eight, and Notices thereafter were duly published by the Treasurer, in pursuance of the said Act, calling for payment of the said Land Assessment to be made within Three months next after publication of the said Royal Assent, namely, on the Nineteenth day of December last and then next, but nevertheless, a considerable amount of the said Land Tax for the said year One thousand Eight hundred and Forty-eight, up to the present time, remains due and unpaid, and owing to a clerical error, by the words "Six months" being used in the Third Section of the said Act, in place of the words "Three months," some doubts exist whether the said Land Tax so remaining due and payable, can be recovered by course of Law, until the said error is explained and amended: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the Treasurer of this Island, *ex-officio*, shall, on the Saturday next before the last day of the next Easter Term for Queen's County, personally make Proclamation of all such Lands as shall then be in arrear for non-payment of the sums charged thereon, for the year One thousand Eight hundred and Forty-eight, under and by virtue of an Act of the General Assembly of this Island, made and passed in the Eleventh year of the Reign of Her present

When Land in arrear for Assessment under Act of 11 Vic. c. 7, is to be proclaimed.

Majesty, intituled *An Act for levying further an Assessment on all Lands in this Colony, and for the encouragement of Education*, and immediately thereafter, shall cause Notice to be published in Charlottetown, Georgetown, and Saint Eleanor's, and in the *Royal Gazette* Newspaper, and some one or more of the Island Newspapers, notifying the Owners of the said Lands so in arrear, that in case the sums charged on them by the said recited Act shall not be paid before the next Trinity Term of the Supreme Court for Queen's County, application will be made to the said Supreme Court for Judgment against the said Lands so in arrear, and the said Proclamation having been made, and Notices published in manner as herein directed, the said Supreme Court, in the last mentioned Term, shall accordingly give Judgment against all such Lands as shall then be in arrear as aforesaid, with costs, which Judgment and all future and other proceedings thereupon or thereunder, shall be given and conducted in the manner prescribed in the said hereinbefore recited Act.

Notice to be published.

II. And be it enacted, That the Treasurer of the said Island shall, and he is hereby required and directed, in respect of the Assessment imposed and payable upon all Lands in this Island, under and by virtue of the said hereinbefore recited Act, for the year One thousand Eight hundred and Forty-nine, and for all future and other years, during the continuance of the said hereinbefore recited Act, on the First Tuesday in September next, and on the First Tuesday in September in all future and other years, during the continuance of the said hereinbefore recited Act, to cause Advertisements to be posted in Charlottetown, Georgetown and Saint Eleanor's, and also an Advertisement to be published in the *Royal Gazette* Newspaper, calling upon the respective Owners or Occupiers of Land charged by the said hereinbefore recited Act, to pay the

Treasurer's duty as to Notice and Proclamation of Lands in arrear after present year and future years.

sums thereby respectively imposed within Three months thereafter, and it shall be the duty of the said Treasurer, *ex-officio*, and he is hereby directed, at the sitting of the said Supreme Court for Queen's County, next after the expiration of the said Three months, during the continuance of the said hereinbefore recited Act, on the Saturday next before the last day of the said Term, personally to make Proclamation of all such Lands as shall then be in arrear for non-payment of the sums charged thereon, by the said hereinbefore recited Act, and immediately thereafter to cause further Notices to be published in Charlottetown, Georgetown and Saint Eleanor's, and in the *Royal Gazette* Newspaper, and some one or more of the Island Newspapers, notifying the Owners of the said Lands so in arrear, that in case the sums charged on them by the said hereinbefore recited Act, together with Costs, shall not be paid before the next Term of the said Supreme Court for Queen's County, application will be made to the said Supreme Court for Judgment against the said Lands so in arrear; and the said Proclamation, having been made, and Notices published in manner as herein last before directed, the said Supreme Court in the said last mentioned Term, shall accordingly give Judgment against all such Lands as shall then be in arrear as aforesaid, which Judgment and all future and other proceedings thereupon or thereunder, shall be given and conducted in the manner prescribed in the said hereinbefore recited Act.

Duty of Supreme Court to give Judgment, &c.

Repeals 3d Section of Act of 11 Vic. c. 7.

III. And be it enacted, That the Third Section of the said hereinbefore recited Act, shall be, and the same is hereby repealed.

CAP. VIII.

An Act for the better preventing Accidents
by Fire within Charlottetown.

[Passed 21st April, 1849.]

WHEREAS it is expedient to amend and consolidate the several Acts now in force, relating to the prevention of Accidents by Fire, within the Town of Charlottetown.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, that from and after the passing of this Act, the several Acts hereinafter mentioned, shall be, and the same are hereby repealed, that is to say, an Act passed in the Seventh year of the reign of Her present Majesty, intituled *An Act for the better preventing Accidents by Fire within Charlottetown*, and an Act passed in the Eleventh year of the reign of Her present Majesty, intituled *An Act to amend the Act for the better preventing Accidents by Fire within Charlottetown*.

Repeals Act of
the 7th Vic. cap.
6,

Also Act of the
11 Vic. cap. 15.

II. And be it enacted, That the said Town shall consist of Eight Wards or Districts, and each Ward or District shall be numbered and bounded as mentioned and described in the Schedule to this Act annexed, and that each of said Wards or Districts, shall have at least, Two Fire Wardens.

Charlottetown to
consist of 8
Wards,

as set forth in
Schedule.

2 Fire Wardens
for each Ward.

III. And be it enacted, That the several persons appointed, and now acting as Fire Wardens for the said Town, under and by virtue of the said recited and repealed Acts, shall be confirmed in Office, as a Board of Fire Wardens; and it shall and may be lawful for the Lieutenant Governor or other Administrator of the Government for the time being, by and with the advice and consent of Her Majesty's Council, from time

Confirms the
persons at present
acting under
repealed Acts,
as Fire Wardens.

Lt. Governor,
 &c. to fill up va-
 cancies in Board
 of Fire War-
 dens.

to time, in case of any vacancy happening in said Board, either by removal, death or otherwise, to appoint One or more Fire Warden or Fire Wardens, to fill any vacancy or vacancies so occurring.

Exempts clergy-
 men and Licen-
 sed Schoolmas-
 ters from serving
 as Fire War-
 dens.

IV. And be it enacted, That no Clergyman nor Licensed School Master, shall be obliged to serve as Fire Warden, and that any person refusing to accept the Office of Fire Warden, after having been nominated thereto as aforesaid, shall forfeit the sum of Five Pounds, to be recovered, with Costs, before any Two of Her Majesty's Justices of the Peace for Queen's County, by and in the name of the Clerk of Her Majesty's Executive Council, for the time being.

Other persons
 nominated and
 refusing to serve,
 to forfeit £5.

Mode of recovery
 of penalty.

Board of Fire
 Wardens to no-
 minate a Chair-
 man and a Clerk
 annually.

Clerk to act as
 Treasurer.

Power of Fire
 Wardens to
 make and ordain
 Rules, &c. and
 impose Penalties,
 &c.

Mode of recovery
 of Penalties im-
 posed by Fire
 Wardens.

Appropriation of
 penalties.

V. And be it enacted, That the said Board of Fire Wardens, may nominate annually from among themselves, a Chairman and a Clerk, who shall be likewise Treasurer to such Board, and it shall and may be lawful for said Fire Wardens, or any Five of them, to make, ordain and put in execution, such Rules, Orders and Bye Laws, and to impose such Fines and Penalties, as to them shall seem meet and proper, for regulating the proceedings of the said Board, and to manage all questions that may be brought before them, touching their duty as such Fire Wardens, and all Fines to be imposed under the authority of such Bye Laws, may be recovered on information by and in the name of the said Chairman for the time being, before any one of Her Majesty's Justices of the Peace for Queen's County, and such Fines shall be levied by distress and sale of the Offenders' Goods and Chattels, and be paid to the Treasurer of the said Board, for the purposes of this Act.

Treasurer to give
 Bond.

Penalty in Bond.

VI. And be it enacted, That the Treasurer of the said Board, before entering upon the duties of his Office, shall give Bond with sufficient Sureties, in the Penalty of Five Hundred

Pounds, for the due performance of the duties of his said Office, and for faithfully accounting from time to time, for all such moneys as shall come to his hands as such Treasurer, which Bond shall be given to, and in the name of the Chairman of the said Board, for the time being, and to his Successors in Office, and in case of forfeiture, shall be recovered by the Chairman of the said Board, for the time being, and the said Treasurer shall be allowed and paid for his services under this Act, such sum as shall be allowed by the said Board, not exceeding in the whole the sum of Five Pounds *per centum* on all moneys received as such Treasurer.

In whose name
Bond to be given.

Mode of recovery
of Bond.

Compensation to
Treasurer.

VII. And be it enacted, That the said Fire Wardens, shall each of them have a Staff of Seven feet in length, painted red, and headed with Tin, Iron or Brass, and when any Fire shall break out, the Fire Wardens shall, forthwith, repair the place where the Fire may be, with their Staves of Office, and use every endeavour to regulate and direct the exertions of the Inhabitants, in the way that shall be most effectual to extinguish or to arrest the progress of the Fire, and the Inhabitants are hereby required to observe due obedience to the commands of the Fire Wardens on such service, and all persons guilty of disobedience or neglect of the same, shall respectively, upon information and conviction thereof, before any one or more of Her Majesty's Justices of the Peace, residing in the said Town, within one week thereafter, forfeit and pay, a sum not exceeding Twenty Shillings, or in case the said Fire Wardens, or any two of them may think fit, it shall and may be lawful for them, to order any Constable to take such person so refusing as aforesaid, into custody, and commit him to the Common Jail of the County, for a term not exceeding Forty-eight hours.

Fire Wardens to
have a Staff.

Duty of Fire
Wardens on fire
breaking out.

Inhabitants to
obey Fire War-
dens.

Penalty on per-
sons disobeying
Fire Wardens
and mode of re-
covery.

Fire Wardens
may commit to
Jail, persons
disobeying or-
ders.

Term of Com-
mitment.

Board of Fire Wardens to License Chimney Sweepers.

Penalty on Chimney Sweepers so Licensed.

VIII. And be it enacted, That it shall and may be lawful for the said Board of Fire Wardens, to license proper persons for the Sweeping of Chimneys, and any neglect or violation in the performance of their duty, as hereinafter to be specified by the Fire Wardens, shall subject the party to a Fine not exceeding Five Shillings.

Penalty on person following occupation of Chimney Sweeper without License.

IX. And be it enacted, That no person or persons shall be permitted to follow the occupation of a Chimney Sweeper in the said Town, unless he or they shall have first been appointed and Licensed by the said Board of Fire Wardens as aforesaid for that purpose, under a Penalty of Forty Shillings.

Defines when Chimneys are to be swept.

X. And be it enacted, That every Chimney which shall or may be used in the Town of Charlottetown, shall be swept once every Two Months, between the First day of May, and the Thirty-first day of October, and once a Month from the last mentioned period, until the Thirtieth day of April, and if any Licensed Chimney Sweeper shall when required so to do, refuse or neglect to Sweep any Chimney, or shall negligently or improperly do the same, he shall be liable to a Penalty not exceeding Ten Shillings for each and every offence.

Penalty on Licensed Chimney Sweeper neglecting to sweep Chimney when required.

Board of Fire Wardens to fix rates for sweeping Chimneys.

Rates to be published in Gazette.

May vary Rates.

XI. And be it enacted, That the said Chimney Sweeper, or Chimney Sweepers so licensed as aforesaid, shall be entitled to receive for the sweeping of each and every Flue, such sum as the said Board of Fire Wardens shall deem just and reasonable, notice of which shall be inserted in the *Royal Gazette* Newspaper, at least Four successive Weeks next after they shall have determined the same; and a majority of said Board of Fire Wardens for the time being, may vary the amount to be paid for Sweeping Chimneys as

often as they shall see proper, during the continuance of this Act.

XII. And be it enacted, That if the Chimney of any House in Charlottetown, shall take Fire, and if the Occupant or Occupants of such House, cannot produce sufficient evidence, that the said Chimney had previously been swept by the Licensed Chimney Sweeper, one being in office, within the period prescribed by this Act, the same House having been occupied by such Occupant for such period, or that a Licensed Chimney Sweeper had been requested, but had neglected to sweep the said Chimney, the said Occupant or Occupants shall incur a Penalty of Ten Shillings.

Penalty on Occupant of House in which Chimney takes fire.

XIII. And be it enacted, That the Tenant or Occupant of every House in the said Town, of the yearly value of Ten Pounds and upwards, shall provide himself or herself with and keep One Leathern Bucket, to contain not less than Two Gallons, on which the Owner's name shall be painted, which Bucket shall be kept hung up in the Passage or Hall of such House, under the Penalty of Five Shillings for each and every time the said Bucket shall not be found so hung in its proper place as aforesaid, by the Fire Wardens, when they shall visit the said House.

Occupant of House of yearly value of £10 to be provided with Leather Bucket, &c.

Description of Bucket.
Penalty on Occupant not having Bucket hung up in Hall or Passage.

XIV. And be it enacted, That it shall be the duty of the Proprietor or Landlord of any such House or Houses, to provide Ladders necessary to carry Water to any part of the same, and if any Proprietor or Landlord shall neglect or refuse to provide such Ladders, the Occupier or Tenant of any such House, shall procure the same, and shall be allowed to deduct the value thereof from the Rent.

Landlord or Proprietor to provide Ladders.

In the event of Landlord, &c., neglecting to do so, Occupant, &c., to provide same, and deduct value from Rent.

XV. And be it enacted, That the Occupier of any such House or Houses omitting to have the

Penalty on Occupant, &c., not

having Ladder or Bucket, or not keeping same in repair.

said Bucket and Ladder or Ladders, or not having the same in sufficient repair and fit for immediate use, shall incur a Penalty of Twenty Shillings for each and every such omission: Provided, that no person shall be subject to be fined a second time, by virtue of this Clause, if he shall provide or repair his Ladder or Bucket within Ten Days next after any Fine shall have been imposed thereunder, and paid by him.

Duty of Fire Wardens in visiting Wards, inspecting Buckets, &c.

XVI. And be it enacted, That each of the said Firewardens, shall, once in every Four Months, visit each House within his Ward or District in the said Town, and inspect the Buckets, Ladders, Chimneys, Flues and Stoves, and it shall and may be lawful for the said Fire Wardens, or either of them, who shall think fit, to visit any House or Houses in the said Town, once a Month, between the hours of Eleven in the forenoon and Four in the afternoon, to inspect the Water Buckets, Ladders, Chimneys, Flues and Stoves, and it shall also be lawful, upon information given in writing by any person, to any Fire Warden, that any Stove, Chimney or Flue within any House within his District, is in a dangerous situation, for any such Fire Warden to visit any such House at any other day, between the hours aforesaid, to inspect such Stove, Chimney or Flue, and it shall be the duty of the said Fire Warden so to do; and any Housekeeper refusing to produce the said Water Buckets or Ladders, or to admit such Fire Warden, shall, for every such refusal, incur a penalty of Five Shillings.

Penalty on Housekeeper refusing to produce Bucket, &c., or to admit Fire Warden.

Penalty on Fire Warden neglecting to visit once in Four months, or when specially required in writing to do so.

XVII. And be it enacted, That any Fire Warden, who shall neglect to visit and inspect every House and Workshop, for the purposes aforesaid, once in every Four Months as aforesaid, or who shall neglect or refuse, upon information so given in writing as aforesaid, to visit any House or Workshop in his District as

aforesaid, shall, for each and every such House or Workshp so neglected or refused to be visited and inspected as aforesaid, be liable to, and forfeit a sum not exceeding Five Shillings.

XVIII. And be it enacted, That if any Housekeeper in the said Town, shall collect or keep, or permit to be kept, any Hay, Straw, or Flax, in any part of a Dwelling House, or shall collect or keep Ashes on a Wooden Floor, or in a Wooden Vessel in the said House, or in any Out House or Yard appertaining thereto, such Housekeeper shall forfeit Ten Shillings for every such offence, and likewise the Hay and Straw, or Flax found in such Dwelling House, excepting always such Hay or Straw as may be in use for Bedding.

Penalty on Housekeeper having Hay, Straw, or Flax, or Ashes in a Wooden vessel.

XIX. And be it enacted, That no lighted Candle, Fire or Fire-brand, shall be carried from House to House, or place to place, within the Town of Charlottetown, unless such Candle, Fire, or Fire-brand shall be properly inclosed, or otherwise secured, so as to prevent accident, and any person carrying such lighted Candle, Fire, or Fire-brand not secured as aforesaid, shall forfeit and pay a Penalty of Five Shillings for each and every such offence, and in the event of any Minor or Apprentice so offending, then and in every such case, the said Fine or Penalty shall be paid by the Parent or by the Master, Mistress or Guardian of such Minor or Apprentice.

Penalty on persons carrying lighted candle, fire, &c., from house to house, unless secured, &c.

Masters &c., of Minors or Apprentices, liable to this penalty.

XX. And be it enacted, That no person residing within the said Town, shall keep, or permit to be kept, in any Dwelling House, Store, Shop, Stable or Out House, any greater quantity than Twenty-five Pounds weight of Gunpowder, at any one time, nor shall any quantity of Gunpowder be so had or kept, unless the same be contained in a covered Copper, Lead, Tin or

Not more than 25 lbs. Gunpowder to be kept in any house, &c.

How to be secured and kept.

Penalty on persons offending in this case.

Justice of the Peace on information on oath,

may issue Warrant to search premises.

Penalty on persons having a greater quantity of Gunpowder than allowed by this Act.

No penalty to be incurred unless access can be had to a magazine for the purpose of keeping Gunpowder.

Collector of Impost for Charlottetown to furnish quarterly to Board of Fire Wardens a return of Gunpowder entered at his office.

Regulates the mode of the erection of stove pipes.

Pewter Canister, or if in a covered Wooden Keg or Vessel, such Keg or Vessel shall be secured in a Leathern Bag, and all persons found offending herein, shall incur a Penalty of Two Pounds for each offence, and it shall and may be lawful for any one of Her Majesty's Justices of the Peace, upon information on Oath being made before him of a reasonable ground of suspicion, that any person in Charlottetown has a greater quantity of Gunpowder than Twenty-five Pounds weight in any place or places, contrary to the true intent and meaning of this Act, to issue a Warrant directed to any Constable, to search such suspected place or places along with one of the Fire Wardens, and on any greater quantity being found, a Penalty shall be incurred of Two Shillings for every pound weight of Gunpowder so found above the quantity in this Act allowed to be kept: Provided always, that no person shall incur such Penalties for having Gunpowder in his or her keeping, contrary to the intent and meaning of this Act, unless there shall be in Charlottetown, or in the Suburbs thereof, a Magazine for the reception and Security of Gunpowder, to which the public can have access.

XXI. And be it enacted, That it shall be the duty of the Collector of Impost for Charlottetown to furnish to the Chairman of the said Board, quarterly, in every year, after the passing of this Act, commencing on the First day of July next, a return, in writing, of the quantity of Gunpowder imported by every person into the said Town.

XXII. And be it enacted, That no Stove-pipe shall be passed through any roof, outside Wall, or Window of any Dwelling House, Out House or other Building, within the Town aforesaid, and that the Pipes of all Stoves, now erected, passing through any Roof, outside Wall

or Window of any House, Out House, or other Building, within the Town aforesaid, shall, on or before the First day of July next, be taken down, and Brick Flues erected in place thereof, of at least Four inches in thickness, and every such Flue springing from, or beginning upon any floor, shall be based and erected upon a Stone, of at least Four inches in thickness, which Stone shall project at least Six inches in every direction, beyond the foundation or bottom of such Flue, and no Stove Pipe within any Dwelling House, Out House or other Building, in the said Town, shall be passed through or near any Partition of Wood, or of Wood and Lime, or through a Wooden floor, unless there shall have been left Five inches clear between the Pipe and the Partition or Floor, and which Pipe shall be surrounded with Stone or Brick, (well plastered with Lime) or with a sheet of Tin, Lead or Copper, which shall be nailed or fastened, to every such Partition or Floor, and close Stoves shall be fixed and set up in such manner, as that in all cases there shall be, at least, Eighteen inches in every direction, except the bottom, from any Wainscot, Laths or Wooden Partition, through or alongside of which the same may be placed, or if at a less distance, then the Wall or Partition shall be well and securely protected by a sheet of bright Tin or Lead, to the satisfaction of the said Fire Wardens, and any person or persons offending in the Premises, shall incur a Penalty of Twenty Shillings for each and every offence.

Flues for stove pipes how to be erected.

Close Stoves how to be set.

Penalty on persons offending herein.

XXIII. And be it enacted, That all Stoves now in use, or that may hereafter be used in any Carpenters', Coopers', Tanners', Cabinet-makers', Blockmakers', Joiners', Wheelwrights', or any other Workshop, or any Warehouse or Manufactory whatsoever, shall before the same are used, after the First day of July next, be pro-

Regulates the mode of erecting Stoves in Shops of all tradesmen.

vided with a **Hearth or Box** lined with **Brick, Tin or Sheet Iron**, for said **Stoves** to stand on, said **Hearth or Box**, to extend at least **Nine inches** beyond the sides and back, and at least **Fifteen inches** beyond the front of the said **Stoves**, with a rim all round, of not less than **Three inches** in height, and any person offending in the **Premises**, shall be subject to the **Penalty** herein last before mentioned.

Penalty on persons offending against this section.

Fire Wardens may order an unsafe Chimney or Flue no longer to be used.

XXIV. And be it enacted, That in case it may hereafter appear to any of the **Fire Wardens**, that any **Chimney or Flue** in their respective **Wards** is improperly built, or unsafe and unfit for use, it shall be the duty of such **Fire Warden or Fire Wardens**, to cause a **Meeting** of the said **Board of Fire Wardens** to be summoned, and report the same, and it shall and may be lawful for said **Board**, or a majority thereof, to condemn said **Chimney or Flue**, and order that the same shall not be further used as such, and give notice thereof to the **Owner or Owners**, or any other person or persons occupying said **Building**, and in case any of the persons aforesaid, shall afterwards use the same, he or they shall be subject and liable to a **Penalty** of not less than **Twenty Shillings** for every such offence.

Penalty on persons using such Chimney or Flue after such order.

Alarm of Fire how to be made.

Duty of Inhabitants on Fire breaking out.

Powers of Fire Wardens.

XXV. And be it enacted, That on the discovery of the breaking out of any **Fire**, an **Alarm Drum** shall be beat, and the different **Church Bells and Fire Bells** shall be rung, and all the **Inhabitants** of the said **Town** shall be bound to give their assistance to the said **Fire Wardens**, who are hereby jointly and severally empowered to require the assistance of the said **Inhabitants**, for the purpose of securing or removing any property that it may be thought necessary or practicable to save, and for extinguishing and putting out any such **Fire**, and also to require the assistance of the said **Inhabitants**, on any service

calculated to stop or to prevent the further spreading of the Fire, and to suppress all tumults and disorder, and if any person or persons shall wantonly and wilfully make any false alarm of Fire, and be thereof convicted on Oath before any Justice of the Peace, such person or persons shall, for such offence, forfeit and pay a sum not exceeding Ten Pounds.

Penalty on person raising false alarm of Fire.

XXVI. And be it enacted, That the Constables of Charlottetown shall upon all occasions of Fire, attend with their Staves and enforce the commands and directions of the Fire Wardens, to prevent theft, and for other necessary purposes, and every such Constable or Constables, who shall neglect to attend at the time of such Fire, or alarm of Fire, and report himself to any one of the said Fire Wardens, such Constable or Constables, on conviction of such neglect, before any one of Her Majesty's Justices of the Peace, shall forfeit and pay a Fine not exceeding Ten Shillings, and any such Constable, who being present, shall refuse or neglect to obey the orders of any Fire Warden, such Constable, upon conviction thereof, shall forfeit and pay the sum of Ten Shillings; and every such Constable, for the Town of Charlottetown, if called on by any Justice of the Peace, after any Fire or alarm of Fire, shall be required to prove, by Certificate from one or more of said Fire Wardens, that he duly attended and did his duty at such Fire, or shall otherwise show some good and sufficient cause, to the satisfaction of the said Justice, that prevented him from attending at such Fire or alarm, and every one of the said Constables who shall, when called upon as aforesaid, neglect or refuse to produce such Certificate, or other good excuse as aforesaid, shall be liable for each and every such neglect or refusal, and be fined as last aforesaid.

Duty of Constables of Charlottetown in case of Fire.

Penalty on Constable.

Penalty on Constable.

Justice of the Peace may require Constable to prove his attendance at Fire, &c.

Penalty on Constable failing to prove attendance, &c.

5 or more Fire Wardens may order any House, &c. to be pulled down.

Owner of House to be paid for same, as after directed.

Mode of proceeding, by Owner claiming compensation.

Duty of Chairman of Board of Fire Wardens in such case.

Duty of Board of Fire Wardens.

How value of House is to be ascertained.

Value to be assessed on owners of other Houses according to Pump and Well Assessment Act.

Any money recovered under any Policy of Insurance to be deducted from value of House, &c.

XXVII. And be it enacted, That when any Fire shall break out in Charlottetown, Five or more of the Fire Wardens of the said Town, who may be present, shall and may, and are hereby empowered to give directions for pulling down any House or Houses, which they shall or may judge necessary to be pulled down, for the preventing the further spread of such Fire, and the Owner of such House or Houses, or Premises so pulled down, shall receive reasonable satisfaction and be paid for the same, which compensation or satisfaction shall be assessed and recovered in manner as hereinafter directed, that is to say, any party claiming compensation for any House or Houses pulled down, shall give notice of his or her intention to claim such compensation, to the Chairman of the Board of Fire Wardens, acting under the authority of this Act, who is hereby required to convene a Meeting of the Fire Wardens, whose duty it shall be, to examine such claim, and a majority of the Meeting being satisfied that the House or Houses, or other Premises of the person claiming compensation, has or have been pulled down by competent authority, shall appoint Five impartial persons, who shall proceed to make a valuation of the Premises so pulled down, and the said Board, having received their Report, shall declare the amount of compensation to which the claimant may be entitled, and it shall be lawful for the Chairman of such Board to cause the amount of such compensation to be assessed on and paid, in just proportions, by the Owners respectively of each and every House assessed to the payment of the Pump and Well Assessment within the said Town, last made, under any Act in force, for the payment of such Assessment, within the said Town: Provided always, That whatever sums of money may be recovered under any Policy of Insurance, effected upon any House or Premises pulled down by the authority aforesaid, shall be deducted from the amount which may be awarded

in manner aforesaid; or if the whole value of any House or other Premises so pulled down be insured and the same recovered, then the Owner or Owners thereof, shall not be entitled to any compensation whatever, under and by the provisions of this Act: Provided, that the Owner or Owners of any House or Premises in which any Fire originated or first took place, shall have no claim for compensation under this Act, beyond any amount in which the said House or Premises may be insured.

Or if whole value recovered under Policy, Owner not entitled to compensation.

XXVIII. And be it enacted, That the Book or Books containing the Assessment in which the Pump and Well Assessment is kept and recorded, shall be open to the inspection of the said Five persons appointed as aforesaid, and if the person in whose legal keeping such Book or Books is or are placed, refuse to allow the inspection of such Book or Books, he shall be liable to a penalty of Five Pounds, to be recovered before any one of Her Majesty's Justices of the Peace, on the oath of, and in the name of, any of the aforesaid Five persons so to be appointed as aforesaid; and all persons who having been duly required by such Five persons, or any of them, to pay such amount of Assessment, shall, after Three weeks' notice, refuse or neglect so to do, shall be liable to pay double the amount, together with the Costs of recovering the same, before any One of Her Majesty's Justices of the Peace, on the oath of, and in the name of, any one of such Five persons appointed as aforesaid, to be levied by Distress, and Sale of the Goods and Chattels of the person neglecting to pay such amount.

Pump and Well Assessment Book to be open to inspection of persons appointed to assess for value of House pulled down, &c.

Penalty on person having custody of book refusing to exhibit same, and mode of recovery.

Assessment, how to be recovered.

XXIX. And be it enacted, That the Board of Fire Wardens aforesaid, shall meet from time to time, as may be required, but said Board shall meet regularly on or about the last Tuesday in April, in every year, for the purpose of preparing

Periods of Meeting of Board of Fire Wardens.

Estimate to be prepared by Board, of amount necessary for Fire Engines, &c.

Board of Fire Wardens to attend Pump and Well Assessment Meeting with Estimate.

Appropriation of sums voted by Meeting.

Mode of recovery of penalties imposed by this Act except those in 4th and 17th clauses.

an Estimate of such sums as they may consider necessary, for procuring a further supply of Fire Engines, Water Carts, Casks, Buckets, Bags, Fire Bells, or other Implements, or to be distributed as Premiums, or for any other purpose whatsoever the said Board may consider it necessary to apply the same; and the said Board, or a Committee appointed by them for the purpose, shall attend with said Estimate at the then next Town Meeting, convened by the Members of the said Town, for the purpose of levying an Assessment for keeping in repair the Pumps and Wells, and for other purposes, and said Board or Committee shall recommend to the said Meeting the necessity of levying said amount, in addition to the usual Assessment, and any sums voted and appropriated by such Meeting, shall be paid into the hands of the Treasurer of the said Board of Fire Wardens.

XXX. And be it enacted, That all Fines and Penalties herein imposed, save and except those mentioned in the Fourth and Seventeenth Clausés of this Act, shall be recovered, with Costs, in the name of, and by the Chairman of the said Board, on the oath of the said Chairman, or on the oath of any other credible Witness, before any Two of Her Majesty's Justices of the Peace for the said County, and be levied by Warrant of Distress, on the Goods and Chattels of the Offender or Offenders, and all such Fines and Penalties, save and except those mentioned in the Fourth Clause of this Act, shall be paid into the hands of the Treasurer of the said Board, to be expended by the said Board, in providing such Implements as may be necessary to be used at Fires, or for the better prevention of Fires in the said Town.

SCHEDULE to which this Act refers.

Schedule.

- No. 1. The East side of Cumberland Street, and all to the Eastward thereof.
- No. 2. From the East side of Weymouth Street, to the Western side of Cumberland Street.
- No. 3. From the East side of Hillsborough Street, to the Western side of Weymouth Street.
- No. 4. From the East side of Prince Street, to the Western side of Hillsborough Street.
- No. 5. All South of Queen Square.
- No. 6. All North of Queen Square.
- No. 7. From the East side of Pownal Street, to West side of Queen Street.
- No. 8. All the rest of the Town, West of Pownal Street, and Common Lot Number Eighteen, (18.)

CAP. IX.

An Act to consolidate, amend and reduce into one Act, all the Acts of the General Assembly of this Island, relating to the establishment of Terms of the Supreme Court of Judicature.

[Passed 21st April, 1849.]

BE. it enacted by the Lieutenant Governor, Council and Assembly, that an Act passed in the Thirteenth year of the Reign of His Majesty King George the Third, intituled *An Act for establishing the times and place of holding the Supreme Court of Judicature*; and an Act passed in the Twenty-sixth year of the Reign of His Majesty King George the Third, intituled *An Act in addition to, and amendment of an Act made and passed in the Thirteenth year of His present Majesty's Reign, intituled "An Act for establishing the times and places of holding the*

Repeals Act of the 13th G. 3, c. 3.

Also Act of 26 G. 3, c. 11.

Supreme Court of Judicature;" and an Act passed in the Thirty-fifth year of the Reign of His Majesty King George the Third, intituled *An Act to alter and amend an Act made and passed in the Twenty-sixth year of His present Majesty's Reign, intituled "An Act in addition to, and amendment of an Act made and passed in the Thirteenth year of His present Majesty's Reign, intituled 'An Act for establishing the times and places of holding the Supreme Court of Judicature;'"* and an Act passed in the Fifty-ninth year of the Reign of His Majesty King George the Third, intituled *An Act to limit the duration of the Terms of the Supreme Court of Judicature, and for other purposes therein mentioned;* and an Act passed in the Third year of the Reign of His late Majesty King William the Fourth, intituled *An Act to regulate and establish the stated times and places for holding the Supreme Court in King's and Prince Counties, and to constitute the Michaelmas Term of the said Court in Queen's County, a Term for the the Trial of Issues for a limited period;* and an Act passed in the First year of the Reign of Her present Majesty, intituled *An Act to amend an Act, intituled "An Act to regulate and establish the stated times and places for holding the Supreme Court in King's and Prince Counties, and to constitute the Michaelmas Term of the said Court in Queen's County, a Term for the Trial of Issues for a limited period;"* and the Eighth Section of an Act, passed in the Fifth year of the Reign of Her present Majesty, intituled *An Act to consolidate, amend, and reduce into one Act, the several Acts and parts of Acts relating to the qualifications and mode of summoning Grand and Petit Jurors;* and also an Act passed in the Seventh year of the Reign of Her present Majesty, intituled *An Act to establish an additional Term of the Supreme Court, and to extend the Hilary and Trinity Terms for*

Also Act of 35
G. 4, c. 7.

Also Act of 59
G. 3, c. 3.

Also Act of 3
W. 4, c. 12.

Also Act of 1
Vic., c. 11.

Also 8th Section
of Act of 5 Vic.,
c. 6.

And also Act of
7 Vic., c. 27.

Queen's County, be, and the same are hereby respectively repealed.

II. And be it enacted, That from and after the passing of this Act, the several Terms of Her Majesty's Supreme Court of Judicature now established, and appointed to be held annually in Charlottetown, in *Queen's County*, within this Island, and distinguished and known by the respective names of Hilary Term, Easter Term, Trinity Term and Michaelmas Term, shall as heretofore, be, and continue to be, distinguished and known by the said names of Hilary Term, Easter Term, Trinity Term and Michaelmas Term, respectively, and that the several Terms of the said Court now established, and appointed to be annually held at St. Eleanor's, in *Prince County*, in this Island, and distinguished and known by the names of June Term, and October Term, shall, as heretofore, be, and continue to be distinguished and known by the said names of June Term and October Term respectively; and that the several Terms of the said Court now established, and appointed to be annually held at Georgetown, in *King's County*, in this Island, and distinguished and known by the names of March Term and July Term, shall, as heretofore, be, and continue to be distinguished and known by the said names of March Term and July Term respectively.

Appoints the several periods for holding Supreme Court in *Queen's County*.

Periods for holding Supreme Court in *Prince County*.

Periods for holding Supreme Court in *King's County*.

III. And be it enacted, That the said several Terms of the said Supreme Court so established, and appointed to be holden in the several Counties within this Island, shall commence, be held, and continue upon, and for and during the days and times in the several Counties hereinafter mentioned, in each and every year; that is to say: at Charlottetown, in *Queen's County*, Hilary Term shall commence and be held on the First Tuesday in January, and continue and endure for the space of Fourteen Days, and no longer;

Defines the length of each Term of Supreme Court in the respective Counties.

Easter Term shall commence and be held on the First Tuesday in May, and continue and endure for the space of Seven Days, and no longer; Trinity Term shall commence and be held on the last Tuesday in June, and continue and endure for the space of Fourteen Days, and no longer; Michaelmas Term shall commence and be held on the last Tuesday in October, and shall continue and endure for the space of Seven Days, and no longer; at Georgetown, in King's County, March Term shall commence and be held on the Second Tuesday in March; and July Term shall commence and be held on the Third Tuesday in July, and each of the said Terms respectively, shall continue and endure for the space of Seven Days, and no longer; at St. Eleanor's, in Prince County, June Term shall commence and be held on the First Tuesday in June; and October Term shall commence and be held on the First Tuesday in October, and each of the said Terms respectively, shall continue and endure for the space of Seven days, and no longer.

All Writs, Pleas,
&c., to be valid.

IV. And be it enacted, That all Writs, Pleas, Processes, Actions, Suits, Declarations, Bills, Indictments, Informations, Judgments and Decrees, which shall hereafter be sued out, prosecuted, rendered or given, in the said Supreme Court of Judicature, shall be good and valid in Law, to all intents and purposes whatsoever; Provided always, That this Act shall not be construed to extend to take away or rectify errors in the misusing of Process, misleading and erroneous rendering of Judgments in point of Law, but in all such cases the parties aggrieved shall and may have their Writ or Writs of Error upon such erroneous Judgments.

Saving clause to
suitors.

Return days for
Writs, &c.

V. And be it enacted, That every juridical Day, during the said Terms, shall be a return day for all Writs and Processes awarded by the said Court.

VI. And be it enacted, That Two of the Terms hereinbefore established, and directed to be held, in Charlottetown, in Queen's County, namely, Hilary and Trinity Terms, shall be holden to be the only issuable Terms of the said Supreme Court, in the said County, and that no Jury shall be summoned nor any Trial by Jury, in any Record Cause whatsoever, take place during any other Terms of the said Supreme Court, to be holden in Queen's County aforesaid: Provided always, that this Act shall not extend to prevent the Trials of Actions in a Summary way, in any of the said Terms, agreeably to the provisions of an Act passed in the Twenty-sixth year of the Reign of His Majesty King George the Third, intituled *An Act for the Trial of Actions in a Summary way.*

Hilary and Trinity Terms to be the only issuable Terms for Queen's County.

Not to prevent trial of Summary actions under Act of 26 G. 3, c. 13.

VII. And be it enacted, That it shall and may be lawful for the said Supreme Court to appoint any day or days, within Fourteen days after the end of Hilary and Trinity Terms respectively, for Queen's County, for the hearing of arguments, or doing any other matter or thing pertaining to the business of the said Court, in which a Jury shall not be required, and the said days so to be appointed shall be deemed and taken as part of, and belonging to, the immediately preceding Term, and Writs may be made returnable on any of the said last mentioned Fourteen days.

Court may appoint days after Hilary and Trinity Terms, for Queen's County to hear arguments, &c.

VIII. And be it enacted, That it shall be lawful for the said Court during the Terms of Easter and Michaelmas, or during the extension of Hilary and Trinity Terms, to hear and determine any matter or thing upon points of Law, reserved or relating to any Suit or Suits then pending in the Courts held for King's County and Prince County respectively.

Court in Easter and Michaelmas Terms for Queen's County, or extension of Hilary and Trinity Terms, may hear and determine Law points.

IX. And be it enacted, That no Trial by Jury shall take place in either of the said Terms

No Trial by Jury to take place after

first ten days of Hilary and Trinity Terms in Queen's County.

But Trials commenced previously may be proceeded with, &c.

of Hilary and Trinity, after the expiration of the first Ten Days from the commencement of the said respective Terms: Provided nevertheless, that in all cases where it shall so happen, that Jurors shall be empanelled for the Trial of a Cause during the time herein limited, for the attendance of Jurors at the several Terms of the said Supreme Court, and the said limited time shall expire before the Jury so empanelled, can decide upon, and return their Verdict, the said Verdict so given, shall, notwithstanding, be deemed to be good and valid in Law, in all respects, as fully as if the same had been returned and recorded within the time hereinbefore limited for the attendance of Jurors.

Prothonotary and Clerk of Crown authorized to fill up any vacancy occurring by demise, &c., of any of his Deputies.

X. And be it enacted, That the Prothonotary and Clerk of the Crown shall be, and he is hereby required upon the death, absence, or removal from Office of any Deputy or Deputies, now, or hereafter to be by him appointed for King's County or Prince County, respectively, to appoint another or other good and sufficient Deputy or Deputies for the said Counties respectively, residing within the limits of their respective Counties.

Power of Deputy Prothonotary for King's and Prince Counties.

XI. And be it enacted, That the Deputy Prothonotaries for the respective Counties of King's County and Prince County for the time being, shall have power to sign and seal such Writs as may be purchased out of the said Courts, under and subject to such Rules and Regulations respecting the issuing and return of such Writs as the said Court may, from time to time, make relating thereto.

Return days for Writs in King's and Prince Counties after Term.

XII. And be it enacted, That at and after each Term of the said Supreme Court, to be held at King's and Prince Counties, upon the days and times hereinbefore directed and appointed, there shall be Twenty successive days allowed

for return of Writs solely, including the first day of each Term, and exclusivé of Sundays, any thing in this Act to the contrary notwithstanding.

XIII. And be it enacted, That the Grand Jurors who shall be summoned to attend the March Term of the said Supreme Court in King's County, and the June Term of the said Court in Prince County respectively, shall, and they are hereby authorized to prepare lists of fit and proper persons to fill the offices of Constables and Fence Viewers, for each of the said Counties respectively, and the said Courts are hereby authorized to choose from the said lists, fit and proper persons to fill the said Offices, in the same way and manner as heretofore used for Queen's County.

Grand Jurors for King's and Prince Counties to prepare Lists of Constables and Fence Viewers.

Court to select from such Lists.

XIV. And be it enacted, That all Petit Jurors shall be summoned to attend each of the said respective Courts, on the first day of each Term, and that such Petit Jurors shall attend in Hilary and Trinity Terms for Queen's County, for such time as they may be required, not exceeding Nine days in each Term; and in each of the respective Terms to be held in King's County and Prince County for such time as they may be required, not exceeding Six days exclusive of Sundays, any law, usage, or custom to the contrary notwithstanding.

When Petit Jurors are to be summoned.

And how long to attend in Hilary and Trinity Terms in Queen's County.

And in Terms for King's and Prince Counties.

C A P. X.

An Act for raising a Revenue.*

[Passed 1st May, 1849.]

WE, Her Majesty's dutiful and loyal Subjects, the House of Assembly of Prince Edward Island, towards raising the necessary Supplies, for defraying the Expenses of Her

Continued by 13 Vic. 2d Session, c. 1, to 2d May, 1851; and by 14 Vic. c. 9, to 2d May, 1852.

For other Acts relating to the Revenue, see 25

* The Table of Duties imposed by this Act, and also the 3d, 35th, and 50th Sections of the same are repealed by Act 14 Vic. c. 9, but it has been deemed inadvisable to omit them.

G. 3, c. 4, and
note thereto.

Imposes during
the continuance
of this Act, the
duties and rates
set forth in the
Table contained
therein.

Duties, &c. how
described herein.

Explanation of
1st column of
Table.

Explanation of
2d column of
Table.

Duties to be se-
cured, &c. as
prescribed in Act
of 52 G. 3, c. 4.

Majesty's Government of this Island, have resolved to give and grant unto the Queen's most Excellent Majesty, the several Rates and Duties hereinafter mentioned, and do therefore pray your Excellency that it may be enacted: And be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the commencement of this Act, and during the continuance thereof, there shall be raised, levied and paid, the following Impost Duties, on the several Goods, Wares, and Merchandize, and Articles, hereinafter mentioned, imported into this Island, except as hereinafter excepted, which shall be imported or brought into this Island from any place or country whatsoever, after the passing hereof, and which shall be used, sold, expended, or consumed within this Island, which several Rates and Impositions are inserted, described and set forth in Figures, in the Table of Duties hereinafter contained (denominated, Table of Impost Duties) opposite to, and against the respective Articles in the said Table mentioned, described and enumerated, and according to the value, number, or quantity of such Articles therein specified, the First Column thereof denoting the *ad valorem* Duty, or amount payable on every One hundred Pounds' worth of the Articles imported, which shall be in like proportion, for any less amount than One hundred Pounds' worth; and the Second Column, denoting the specific Duty upon each Article, and when such Goods, Wares, Merchandize, or Articles shall be imported from Great Britain or Ireland, and shall be charged in the Invoice in British Sterling, then the said Duties shall be calculated on the amount of such Sterling when reduced into the Currency of this Island, by adding to the said amount of Sterling, One-ninth part thereof, which said several Duties shall be secured in manner and form, and subject to the Rules and Regulations mentioned, expressed and prescribed in and by an Act passed in the Fifty-second year of the reign of His

late Majesty King George the Third, intituled *An Act to alter and amend Two several Acts of the General Assembly of this Island, videlicet: an Act intituled 'An Act to amend, render more effectual, and to reduce into one Act the several Laws made by the General Assembly of this Island, relative to the Duties of Impost on Wines, Rum, Brandy, and other Distilled Spirituous Liquors, and for allowing a Drawback on all Wines, Rum, Brandy, and other Distilled Spirituous Liquors exported from this Island,' and an Act intituled 'An Act for raising a Duty on Wine, Rum and other Distilled Spirituous Liquors, and for imposing a Duty on Porter, Ale and Strong Beer;'* and by an Act made and passed in the Eleventh year of the Reign of His late Majesty King George the Fourth, intituled *An Act for the further security and recovery of Moneys due to His Majesty upon Duties of Impost and Excise, and for regulating the Offices of Treasurer, and Collector of Impost, and shall be collected under such Rules, Regulations, and subject to such Credits as are prescribed by this Act, and by an Act passed in the Twenty-fifth year of His late Majesty King George the Third, intituled *An Act to amend, render more effectual, and to reduce into one Act the several Laws made by the General Assembly of this Island, relative to the Duties of Impost on Wines, Rum, Brandy, and other Distilled Spirituous Liquors, and for allowing a Drawback on all Wines, Rum, Brandy, and other Distilled Spirituous Liquors, exported from this Island.**

And in Act of
11th Geo. 4th, c.
9.

And collected
subject to such
Credits as are
prescribed in Act
of the 25th Geo.
3d, c. 4.

TABLE OF IMPOST DUTIES,

HEREINBEFORE REFERRED TO.

Table of Duties
imposed by this
Act.

ARTICLES.	1st Column.			2d Column.		
	<i>Per Centage ad valorem duty on every £100 Currency value, per Invoice.</i>			Other Duties.		
	£	s.	d.	£	s.	d.
Blocks, - - -	2	10	0			
Bread, Biscuit and Crackers, the cwt., - - -				0	6	6
Butter, the cwt., - - -				0	9	0
Boots and Shoes,	10	0	0			
Boards, per thousand feet,				0	2	6
Buffalo Robes, - - -	10	0	0			
Books, being the Reprints of British Authors, under the Imperial Act of 11th Vic- toria, cap. 28, - - -	20	0	0			
Beer, (strong,) as imposed by the Act of 35 George the Third, cap. 10, per Gallon,				0	0	2
Canvass, Sail Cloth,	2	10	0			
Cordage, - - - - -	2	10	0			
Copper, - - - - -	2	10	0			
Cheese, the cwt., - - -				0	8	0
Coffee, per lb., - - -				0	0	1½
Chocolate, or Cocoa Paste,				0	0	1
Corn and Corn Meal, for 196 lbs. weight, - - -				0	5	0
Cigars, - - - - -	30	0	0			
Cider, per Gallon, - - -				0	0	2
Clocks—on all Clocks cost- ing under Twenty Shillings each, - - - - -				0	5	0
All other description of Clocks, - - - - -				0	10	0

ARTICLES.	1st Column.			2d Column.		
	<i>Per Centage ad valorem duty, on every £100 Currency value, per Invoice.</i>			Other Duties.		
	£	s.	d.	£	s.	d.
All Wheels, Machinery, and materials for manufacturing Clocks, - - -	25	0	0			
Carriages, - - -	15	0	0			
Cattle, (neat,) except Cows and Calves, - - -				1	0	0
Cows, either with or without Calves, - - -				0	10	0
Dye-wood, and Dye-stuffs of all kinds, - - -	6	0	0			
Horses, Mares and Geldings, - - -				2	0	0
Leather, Sole, per pound, - - -				0	0	1
“ Upper & Trimming, per lb., - - -				0	0	3
“ Harness, per lb., - - -				0	0	1
Lard, the cwt., - - -				0	8	0
Meat, salted or cured, the cwt., - - -				0	6	0
Molasses, per Gallon, - - -				0	0	3
Oakum, - - -	2	10	0			
Porter, including the duty imposed by the Act of the 35 George the 3d, cap. 10, per Gallon, - - -				0	0	3
Pitch, - - -	2	10	0			
Rigging, - - -	2	10	0			
Rum, or other Distilled Spirituous Liquors, imported into this Island, (including the sum of Ten-pence per Gallon, as is imposed by the Act of 25th George the Third, cap. 4, and by the						

ARTICLES.	1st Column.	2d Column.
	<i>Per Centage ad valorem duty, on every £100 Currency value, per Invoice.</i>	Other Duties.
	£ s. d.	£ s. d.
35th George the Third, cap. 10,) per Gallon, -		0 2 6
Sails, - - - - -	2 10 0	
Spirits, viz.: Brandy, Gin, & Cordials, imported into this Island, (including the sum of Ten-pence per Gallon, as imposed by the Act of 25th George the Third, cap. 4, and also by the Act of 35th George the Third, cap. 10,) per Gallon, -		0 3 6
Spirituous Liquors, on all manufactured, extracted or distilled in this Island, per Gallon, - - - - -		0 0 8
Sugar, (refined,) per lb.,		0 0 2
“ Brown or Muscovado, per cwt.,		0 9 0
Tar, - - - - -	2 10 0	
Tea, per lb., - - - - -		0 0 4
Tobacco, manufactured, per lb., - - - - -		0 0 5
“ unmanufactured, per lb., - - - - -		0 0 2
Wheaten Flour & Oatmeal, for every 196 lbs.,		0 8 6
Wrecked Ship Stores and Materials, duty payable on amount of Sales,	5 0 0	
Wine, imported into this Island, (including the sum of Ten-pence per Gallon, as imposed by the Act of 25th		

ARTICLES.	1st Column.	2d Column.
	<i>Per Centage ad valorem duty, on every £100 Currency value, per Invoice.</i>	Other Duties.
	£ s. d.	£ s. d.
George the Third, cap. 4, and by the Act of 35th George the Third, cap. 10,) per Gallon,		0 3 3
Articles manufactured of Wood, (except Brushes, Planes & Musical Instruments,) and such Articles as Wood forms the principal part of, not hereinbefore mentioned,	10 0 0	
On all kinds of Goods, Wares and Merchandize soever, not above enumerated, except as is herein excepted,	6 0 0	

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

TABLE OF EXEMPTIONS.

Anchors,
 Baggage of Emigrants,
 Barley,
 Books, (Printed, of all kinds,) not prohibited to be imported into the United Kingdom,
 Chain Cables,
 Engines, (Fire.)
 Flax,
 Fish,

Table of Articles exempted from payment of Duties.

Gypsum,
 Hemp,
 Implements of Husbandry, imported by any Agricultural Society, to be sold or used by such Society,
 Iron, unwrought, or Pig Iron,
 Lime,
 Lumber, except Boards,
 Manures,
 Oats,
 Oil, (Fish,) except Seal Oil,
 Salt,
 Seeds of all kinds, imported by any Agricultural Society, to be sold or used by such Society,
 Staves,
 Stone, (Lime,)
 Stone, for building,
 Stone, (Burr,)
 Tallow,
 Teasels,
 Trees, (Fruit,) Plants and Shrubs,
 Blocks, Rigging and Sails, which may have been used in taking any new Vessel from this Island to a Market for Sale, if such Blocks, Rigging and Sails shall be returned forthwith, after the Sale of the Vessel, direct to this Island by the Exporter thereof, and shall have previously paid or been charged with the Duty imposed thereon by this or any former Act, on the first importation thereof into this Island.

Exempts Wheat
 Flour, Rye
 Flour, Corn,
 Corn Meal, Oat-
 meal, Bread,
 Biscuit, Rice and
 Pulse, from Duty
 until 1st January,
 1850.

III. And be it enacted, That the Duties imposed by this Act, on Wheat Flour, Rye Flour, Corn and Corn Meal, and Oatmeal, Bread, Biscuit, Rice, and Pulse, of all descriptions, shall not be exacted, taken, or received on any of the said Articles, until from and after the First day of January next, after the passing of this Act, but that the same may be imported free of Duty prior to the First day of January aforesaid.

IV. And be it enacted, That any Animal hereby charged with Duty, which shall be imported for the purpose of improving the Breed, and which shall be certified to be so imported by the President and Secretary of any Agricultural Society, shall be wholly free of any Duty by this Act imposed.

Exempts from duty any Animal certified by President and Secretary of any Agricultural Society to have been imported for breeding.

V. And be it enacted, That from and after the commencement of this Act, there shall be allowed and paid on all Wines, Gin, Brandy, Rum or other Distilled Spirituous Liquors, Tea, Tobacco, and all Goods, Wares and Merchandize, that shall hereafter be imported into this Island, on exportation of the same therefrom, a Drawback, equal in amount to Seven-eighths of the whole Duty, paid or secured to be paid, on such Articles, on the importation thereof.

Drawback on Wines, Gin, &c., Tea, Tobacco, & Merchandize exported.

VI. And be it enacted, That such Drawback on all Wines, Gin, Brandy, Rum or other Distilled Spirituous Liquors, Tea, Tobacco, Goods, Wares and Merchandize, so exported, shall be paid to the Exporter or Exporters thereof, if the Duties imposed thereon, as last aforesaid, shall have been *bona fide* paid prior thereto, and in the same Currency or description of Money in which Warrants shall then be payable at the Treasury and if only secured to be paid, said Credit shall be given on the back of the Security, for the Drawback hereby allowed, on the quantity exported: Provided that before the exportation of any of the before mentioned Articles, from this Island, on which a Drawback is allowed, as aforesaid, the Collectors of Impost within this Island, are hereby severally required on request made to them for that purpose, to grant Permits, for such exportation to be made, therein stating the names of the Importers and Exporters, and the quantity permitted thereby to be exported, and no Drawback shall be paid, nor Credit allowed to any such Exporter, until he shall have obtained and pro-

Mode of payment of drawback.

Collectors of Impost to grant permits for exportation of articles subject to duty.

No Drawback to be paid, &c., until permit is produced with endorsement by

Officer of Customs at Port to which articles have been carried.

Requisites of such endorsement.

duced to the Treasurer of this Island, a Certificate endorsed on the back of the said Permit, from the principal Officer of Her Majesty's Customs, at the Port to which the same shall or may have been carried, or from some Officer or Officers there, duly authorized to grant the same, stating such Wines, Gin, Brandy, Rum or other Distilled Spirituous Liquors, Tea, Tobacco, Goods, Wares or Merchandize, to have been there actually landed, and the Duties thereon if any, duly paid or secured to be paid, according to the Law of the place to which the same may have been exported from this Island, pursuant to such Permit, and for the better and more effectually preventing frauds herein, the Exporter or Exporters of any or all such Article or Articles as aforesaid, shall take and subscribe the following Oath, which Oath the Collectors aforesaid, are hereby severally empowered and directed to administer :

Form of Oath to be taken by Exporter.

I, *A. B.*, do swear that the quantity of _____ by me shipped for exportation on board the Ship or Vessel called the _____ whereof _____ is Master, bound, for the Port of _____ in _____ was *bona fide* imported in the Ship or Vessel _____ whereof _____ is Master from the Port of _____ in _____ since the _____ day of _____ and is of the same strength as that for which the Duty was paid or secured, and that I have actually paid or secured the Duties of Impost, directed to be levied thereon by the Laws of this Island, agreeably to the value in the annexed Invoice, (*or as the case may be*) and that I have shewn and exhibited the Packages (*as the case may be*) in which the said articles are contained, to the Officer appointed to examine the same, who has attended the re-shipment thereof, and that the same have been regularly entered at this Office or some other Office of Impost in this Island, and are not intended to be fraudulently relanded, brought back, sold, bartered, exchanged, or consumed in any Port or

Place within this Island, or any of the Territories thereunto belonging. So help me God.

And the Master of the Vessel in which such Wines, Gin, Brandy, Rum or other distilled Spirituous Liquors, Tea, Tobacco, Goods, Wares or Merchandize, shall be exported, shall likewise make and subscribe the following Affidavit, which shall be annexed to the said Invoice.

Master of Vessel in which articles are exported, & for which Drawback is claimed to make affidavit.

I, *A. B.*, do swear that to the best of my knowledge and belief, the Casks or Packages, (*as the case may be*) marked and numbered as follows, with the Goods therein contained, are now actually laden on board the bound to and I do further swear, that unless prevented by dangers of the Seas, or other unavoidable accidents, I will truly land or put on shore at the said Port or some other Port or Place out of this Island, the said Casks or Packages, (*as the case may be,*) with the said Goods therein contained.

Form of Master's affidavit.

So help me God.

VII. Provided always, and be it enacted, That from and after the First day of May, in the present year of our Lord One thousand Eight hundred and Forty-nine, no such Drawback as aforesaid shall be allowed, on any Tobacco Stalks, or unmanufactured Tobacco, on any exportation thereof from this Island; the leaf of which has been retained, or manufactured in this Island; but all such Tobacco Stalks or unmanufactured Tobacco shall be excepted from such Drawback, on the Duty thereof, according to the true intent and meaning of this Act.

No Drawback to be allowed after 1st May, 1849, on Tobacco Stalks exported.

VIII. And be it enacted, That if any Wine, Gin, Brandy, Rum or other distilled Spirituous Liquors, Tea, Tobacco, Goods, Wares or Merchandize, shall be fraudulently re-landed in or at any other Port or place within this Island, after the same shall have been shipped for Exportation, the same shall be forfeited, and all persons con-

Wine, Gin, Brandy, &c. fraudulently landed after Shipment for exportation, to be forfeited.

Penalty on persons concerned

in re-landing the same.

cerned in such fraudulent re-landing, shall also be liable to a Fine of Fifty Pounds.

Defines respective quantities necessary to be exported before Drawback can be obtained.

IX. And be it enacted, That nothing herein contained shall entitle any Exporter or Exporters to a drawback on a less quantity of such Wines, Brandy or Gin, than Fifty gallons, or on a less quantity of Rum or other Distilled Spirituous Liquors, than One hundred gallons, or on a smaller quantity than Three hundred weight of Tobacco, or Eighty pounds of Tea, nor on any Goods, Wares or Merchandize, unless the Invoice price of the Goods shipped at one and the same time, and in one and the same Vessel, and owned by one and the same person, shall exceed the sum of Fifty Pounds, and unless application be made for the Drawback to be allowed, and the several proofs requisite for obtaining the same, made within Twelve months, to be computed from the time of such re-shipment, any thing herein contained to the contrary notwithstanding: Provided also, that the time limited for such re-shipment, shall be from Sun-rising to Sun-setting.

No Drawback allowed unless claimed within twelve months from the period of re-shipment.

Re-shipment to be between sunrise and sun-set.

Collectors of Impost may board and search Vessel, &c.,

whilst Vessel remains in Port,

and examine Master on Oath.

Penalty on Master refusing to answer or answering untruly.

X. And be it enacted, That it shall be lawful for the Collectors of Impost within this Island, to go on board of any Ship or Vessel coming into any Harbour, Port, River or Creek, or any part of the coast of this Island, either before or after such Ship or Vessel comes to Anchor, to rummage and search all parts of such Ship or Vessel, so long as she shall remain in such Port or Place, and to search and examine the Cargo, and to examine, if they shall see fit, the Master, upon Oath, touching the Cargo and Voyage; and if the Master shall not truly answer, or shall refuse to answer the questions to be demanded of him in such examination, he shall forfeit the sum of One hundred pounds.

XI. And be it enacted, That all Boats, Carriages and Cattle, made use of in the removal of any Goods liable to Forfeiture under this or any Act relating to the Provincial Revenue, shall be forfeited, and every person who shall assist or be otherwise concerned in the unshipping, landing or removal, or in the harboring or concealing such Goods, or into whose hands or possession the same shall knowingly come, shall forfeit treble the value thereof, or the Penalty of One hundred pounds, at the election of the Officer or person prosecuting, and the averment in any Information or Libel to be exhibited for the recovery of such Penalty that the Officer or person prosecuting has elected to sue for the sum mentioned in the Information, shall be deemed sufficient proof of such election, without any other or further evidence of such fact.

All Boats, Carriages, &c., used in removing Goods liable to forfeiture, to be forfeited.

Penalty on persons assisting in removing such Goods.

XII. And be it enacted, That if any person shall, by force or violence, assault, resist, oppose, molest, hinder or obstruct, any Officer of the Provincial Revenue, or other person employed as aforesaid, in the exercise of his Office, or any person acting in his aid or assistance, such person being thereof convicted, before any Court of Record in this Island, shall pay a Fine, not exceeding One hundred pounds, nor less than Fifty pounds, in the discretion of the Court, before whom such Offender shall be tried, which Fine shall be paid into the Treasury of this Island, for the use of Her Majesty's Government, and in case such Fine be not paid, such person shall be imprisoned for a Term not exceeding Twelve months, nor less than Three months, at the discretion of the Court.

Penalty on persons assaulting or opposing any Officer of Provincial Revenue.

Appropriation of Penalty.

If Penalty be not paid, Offender may be imprisoned.

XIII. And be it enacted, That no Writ shall be sued out against, nor a Copy of any Process served upon any Officer of the Provincial Revenue, or other person, as aforesaid, for anything done in the exercise of his Office, until One Ca-

No Officer, &c., liable to action for any thing done in exercise of his office, until after one calendar month's notice, &c.

Requisites of notice.

Proof of service of notice to be given by Plaintiff on trial.

Limits the time for bringing Action against Officer.
Action where triable.
What may be pleaded by Defendant.

Defendant entitled to treble Costs in certain cases.

On Certificate of Court of probable cause of seizure, Officer not liable to Costs, and only liable for nominal damages or fine.

alendar month, after notice in Writing shall have been delivered to him, or left at his usual place of abode, by the Attorney or Agent of the party who intends to sue out such Writ or Process, in which notice shall be clearly and explicitly contained, the cause of Action, and the name and place of abode of the person who is to bring such Action, and the name and place of abode of the Attorney or Agent, and no evidence of the cause of Action shall be produced, except of such as shall be contained in such Notice, and no Verdict shall be given for the Plaintiff unless he shall prove on the Trial that such Notice was given, and in default of such proof, the Defendant shall recover in such Action a Verdict and Costs.

XIV. And be it enacted, That every such Action shall be brought within Three Calendar months after the cause thereof, and shall be laid and tried in the County, where the acts were committed, and the Defendant may plead the General Issue, and give the Special matter in evidence; and if the Plaintiff shall become nonsuited, or shall discontinue the Action, or if upon a Verdict or Demurrer, a Judgment shall be given against the Plaintiff, the Defendant shall receive treble Costs, and have such remedy for the same as any Defendant can have in any other cases where Costs are given by Law.

XV. And be it enacted, That in case any information or suit shall be brought to trial, on account of any seizure made under this or any other Act, relating to the Revenue, and a Verdict shall be found for the claimant thereof, and the Judge or Court, before whom the same shall have been tried, shall certify on the Record, that there was probable cause of Seizure, the Claimant shall not be entitled to any Costs of Suit, nor shall the person who made such Seizure be liable to any Action, Indictment or other Suit or Prosecution, on account of such Seizure, and if any

Action, Indictment or other Suit or Prosecution shall be brought to trial, against any person on account of such Seizure, wherein a Verdict shall be given against the Defendant, the Plaintiff, beside the thing seized, or the value thereof, shall not be entitled to more than Two pence Damages, nor to any Costs of Suit, nor shall the Defendant be fined more than One Shilling.

XVI. And be it enacted, That it shall be lawful for such Officer, within One Calendar Month after such Notice, to tender amends to the party complaining, or his Agent, and to plead such tender in Bar to any Action, together with other Pleas, and if the Jury shall find the Tender of amends sufficient, they shall give a Verdict for the Defendant in such Case, and in case the Plaintiff shall become non-suited, or shall discontinue the Action, or Judgment shall be given for the Defendant upon Demurrer, then such Defendant shall be entitled to the like Costs as he would have been entitled to, in case he had pleaded the general issue only: Provided always, that it shall be lawful for such Defendant, by leave of the Court where such Action shall be brought, at any time before issue joined, to pay Money into Court, as in other Actions.

Officer may tender amends before Action, and plead the same in bar, &c.

If tender sufficient, Jury to give Verdict for Defendant.

Costs to Officer on nonsuit or on Judgment in his favor on Demurrer.

Officer may pay money into Court, by leave, &c.

XVII. And be it enacted, That in any such Action, if the Judge or Court before whom such Action shall be tried, shall certify upon the Record, that the Defendant or Defendants in such Action, acted upon probable cause, the Plaintiff in such Action shall not be entitled to more than Two-pence damages, nor any Costs of Suit.

On Certificate of Court, &c., in such Action of probable cause of seizure, Plaintiff only entitled to nominal damages and to no Costs.

XVIII. And whereas it may, and frequently does happen, that the Report, Manifest or Clearance, made by Masters of Vessels at the Port of Shipment, and the Report or Manifest directed to be made by this Act and the hereinbefore mentioned Acts, do materially differ in the descrip-

Imposes a Penalty on Master of Vessel, when his Report inwards does not agree with clearance from Port of shipment.

Unless Affidavit be made by him, &c.

Form of Affidavit of Master in such case.

tion, number and quantity of Articles liable to Duty, and no provision hath hitherto been made in case the Articles entered shall fall short of those stated to have been shipped; in order to remedy any inconvenience that may arise therefrom, Be it enacted, That in any case where the numbers or quantities of Goods, Wares and Merchandize, liable to Duty, and specified in the Report or Manifest made to any Collector of Impost, at any Port of Entry in this Island, shall be found not to agree with the Report, Manifest or Clearance, made at the Port of Shipment, but there shall appear to be a deficiency in the numbers or quantities of the Goods, Wares or Merchandize, reported as entered before the said Collector, and those described in the Report or Clearance, at the Port of Shipment, the Master of any Ship or Vessel so making such deficient Report, shall forfeit and pay a Penalty not exceeding Fifty Pounds, to be recovered and disposed of in like manner as other Penalties are directed to be recovered and disposed of by this Act, unless such Master, or the Mate, in case there shall be such Officer belonging to the said Ship or Vessel, shall, if required, make and subscribe the following Oath, in addition to the Oath hereinbefore directed to be taken by the said Master, and which Oath the said Collector is hereby authorized to administer, that is to say:

I, *A. B.*, Master, (*or the Mate, as the case may be,*) of the Ship or Vessel called the *_____* make Oath and say, that the following Articles, mentioned and described in the Manifest or Clearance of the said Vessel at *_____* to wit: (*here describe the Packages, &c.*) were omitted or neglected to be Shipped on board the said Vessel, called the *_____* at *_____* aforesaid, and that the same never came into my possession, care or custody, to the best of my knowledge and belief, for the purpose of being laden on board the said *_____* at *_____* aforesaid.

So help me God.

XIX. And be it enacted, That all and every person or persons who shall import or bring into this Island any Wines, Rum, Brandy, Gin, or other distilled Spirituous Liquors, Tea, Tobacco, Goods, Wares or Merchandize of any kind whatsoever, such person or persons shall immediately produce to the Collector of Impost, for the District wherein such importation shall be made, an entry, in writing, stating the quantity and description of all such Dutiable Articles, and the total amount of the original Invoice of the Goods, Wares or Merchandize, which shall be so imported as aforesaid, the Vessel's name in which the same were imported, together with the Master's name, and the Importer or Importers making such Entry, shall severally make and subscribe the following Affidavit, and the said Collector is hereby empowered to administer the Oath therein, that is to say :

Importer, &c., of Articles liable to duty, to produce to Collector of Impost, an entry, &c.

Requisites of such Entry.

Importer also to make Affidavit.

I, *A. B.*, of _____ in the County of _____ do swear, that the Entry now made by me, read or heard read, and subscribed, is just and true, and contains a correct account, as to Quantity and Value, of all Casks, Packages, number of Gallons, and Weight of Dutiable Articles therein mentioned, and is according to the true value or the Account or Invoice of all the Goods, Wares or Merchandize, (*as the case may be,*) as paid or charged to me in the Sterling or Currency of the United Kingdom, Province or Country, (*as the case may be,*) from which the same has been by me imported in the Ship or Vessel called _____ whereof _____ is Master, which are liable to an Impost Duty within this Island: And I do further swear, that I am the Importer (*or as the case may be*) thereof.

Form of Importer's Affidavit.

So help me God.

And if the Goods so imported, shall belong to any person or persons not residing within this Island, then the person producing to the Collector the Entry thereof as aforesaid, shall only be obliged

In case of Goods, &c., belonging to non-residents Affidavit how to be made.

to swear to such part of the said Affidavit as relates to the quantity, value and ownership, of such Goods, Wares and Merchandize.

Collector of Impost or other Officer may open all Goods and Packages.

If found to correspond with Entry, to be repacked at expense of Officer.

Such expense to be repaid to Officer on application to Lieutenant Governor in Council.

When Consignee has no Invoice of Goods, Collector may grant Permit to land same, &c.

Such Goods to be appraised.

Drawback allowed to Importer in Country from whence such Goods are imported, to be deducted from amount of Invoice, &c.

XX. And be it enacted, That it shall be lawful for any of the Collectors aforesaid, or for any Surveyor or Laudwaiter, when directed by any such Collector, to open all Packages, and fully to examine all Goods therein contained, and if the Goods so examined, shall be found to correspond in all respects with the Cocket or Clearance, or with the Importer's Entry, such Goods shall be repacked at the charge of the Collector who may have examined or directed the same Goods to be examined, and such charge may be repaid the said Collector, on application to the Lieutenant Governor and Council, if they shall see fit to allow the same.

XXI. And be it enacted, That when any Goods, Wares or Merchandize, liable to the payment of the Duty of Impost, shall have arrived at any Port or Place within this Island, before the Consignee thereof shall have received an Account, or Invoice of the same, the Collector for the District is hereby required, on request of such Consignee, to grant a Permit for the same to be landed, or inspected on board, and the same being appraised as to the prime Cost thereof, when landed, by two competent and disinterested persons, on oath made before such Collector, shall pay Duty according to such appraisement: Provided always, that if for any Goods, Wares or Merchandize so imported, the Importer shall be entitled to a Drawback of any Duties imposed on such Goods in Great Britain or Ireland, or any British Colony, the amount of such Drawback shall be deducted from the amount of such Invoice, and the said Duty of Six *per centum* be imposed on the residue of the Invoice, after such a deduction.

XXII. And be it enacted, That the Collectors that now are, or hereafter shall be appointed by the Lieutenant Governor, by and with the advice and consent of Her Majesty's Council, to secure and collect the Duties payable under the hereinbefore mentioned Acts, and this Act, shall only be paid and have Five *per centum* on all Moneys paid or secured under and by virtue of the hereinbefore mentioned Acts, and this Act, except the Collector for Charlottetown, who is already provided for by Salary.

Allowance to be paid to all Collectors of Impost,

Except Collector of Impost for Charlottetown.

XXIII. And be it enacted, That when from henceforth the Duty to be paid by any Importer or Importers of any Articles liable to Duty, under the hereinbefore mentioned Acts, or this Act, shall exceed the sum of One hundred Pounds, the Collector of such Duty is hereby authorized to give credit for the payment thereof for the space of Twelve months: Provided, that sufficient Security be given for the payment of the said Duty within the time so limited as aforesaid, for the payment thereof, any thing in the hereinbefore recited Acts to the contrary notwithstanding.

Credit allowed to Importer when duty shall exceed £100.

Provided sufficient security be given.

XXIV. And be it enacted, That the Twentieth, Twenty-first, Twenty-second, and Twenty-third Sections of an Act passed in the Twenty-fifth year of the Reign of His late Majesty King George the Third, intituled *An Act to amend, render more effectual, and to reduce into one Act the several Laws made by the General Assembly of this Island, relative to the Duties of Impost on Wines, Rum, Brandy, and other Distilled Spirituous Liquors, and for allowing a Drawback on all Wines, Rum, Brandy, and other Distilled Spirituous Liquors exported from the Island*, shall be and the same are hereby suspended during the continuance of this Act.

Suspends the 20th, 21st, 22d, and 23d sections of Act of 25th Geo. 3d, c. 4.

Persons re-im-
porting Sails,
&c. used in
taking vessel to
market, to make
Oath of identity.

Before whom
Oath is to be
made.

XXV. And be it enacted, That on the re-imp-
ortation of any Sails, Rigging, Blocks, Cables,
or Anchors, which may have been used in taking
Vessels to Market, as aforesaid, the person re-
importing the same, shall make Oath before one
of the Collectors of Impost; that such articles
are the identical Sails, Rigging, Blocks, Cables,
or Anchors, as were so previously exported, in
any such Vessel, in manner aforesaid.

Military and
Naval Stores for
Her Majesty's
Service, and Mi-
litary Baggage
exempted from
duty.

XXVI. And be it enacted, That if any Con-
tractor or Contractors, Commissioner or Com-
missioners, or any person or persons in Her
Majesty's Service, shall import and bring into
this Island, for the use of Her Majesty's Army
or Navy, any Ordnance or Commissariat Stores,
or War Munitions of any kind whatsoever, or
Military Baggage and Clothing, the same shall
not be considered in any manner liable to any
Duty imposed by this Act, anything herein con-
tained to the contrary notwithstanding.

Wines, Rum,
&c. imported in
Boats, liable to
same Duties, as
if imported in
larger Vessels.

XXVII. And be it enacted, That all Wines,
Rum, Brandy, Gin, or other Distilled Spirituous
Liquors, Tea, Tobacco, Goods, Wares and Mer-
chandize, as aforesaid, which shall or may be
imported in Boats from any part of the neigh-
bouring Colonies, shall be subject to the same
Duties, Regulations, Fines and Forfeitures, as
if the same were imported in Vessels of greater
burthen.

Time during
which Collectors
of Impost are to
keep open their
Offices.

XXVIII. And be it enacted, That the Col-
lectors appointed, or who may hereafter be ap-
pointed, shall be, and they are hereby required,
to keep open and attend their respective Offices
from Ten of the Clock in Forenoon, until Four
in the Afternoon, (Sundays excepted,) for the
purpose of collecting and receiving Duties of
Impost imposed by this or any other Act of the
Legislature of this Island.

XXIX. And be it enacted, That it shall and may be lawful for the Collectors now appointed, or who may hereafter be appointed, for collecting and receiving the Duties of Impost, payable to Her Majesty in this Island, under and by virtue of any Act of the Legislature thereof, and they are hereby respectively directed to take and receive the amount of Duties payable under and by virtue of this Act, or to secure the same as hereinbefore directed, and thereupon to grant a Permit for the landing of the Goods, the Duties upon which have been so paid or secured as aforesaid; and if it should so happen, on the landing of any Wine, Gin, Brandy, Rum, or other Distilled Spirituous Liquors liable to Impost Duty, the amount of which Duty has been included in any such Security, that on guaging such Wine, Gin, Brandy, Rum, or other Distilled Spirituous Liquors, a difference in quantity should appear, the said Collectors are hereby severally directed and required to endorse, on the back of such Security, the difference either way, so ascertained after such guaging as aforesaid, and the endorsement so made, shall be signed by the Collector before whom the Entry has been made, and also by the Importer entering into such Security, if he thinks fit, and such endorsement shall be and is hereby declared to be part of the defeazance or condition to every such Bond or Security, which may be so endorsed as aforesaid.

Collectors to receive payment of all Duties or secure the same as hereinbefore directed.

Mode of proceeding, when, on guaging Casks, quantity does not agree with Invoice on Entry.

XXX. And be it enacted, That if articles liable to Duty under the hereinbefore recited Acts, or any other Act, shall be landed from on board any Ship, Vessel, or Boat, after report shall have been made, other than such as shall have been specified and contained in any Report or Manifest directed to be made by this Act, then and in such case, all such Articles, or the value thereof, the same to be estimated at the highest

Articles landed before duty paid or secured, or the value thereof to be forfeited.

And the articles
may be seized;

but if concealed
or destroyed, the
Owner or Mas-
ter of Vessel
liable for value.

price, such commodities shall or may then respectively bear, shall be, and the same are hereby declared to be forfeited; and shall and may be seized by any of the Collectors of such Duties for the time being, or by any of the Landwaiters or Guagers, and if such Articles shall be concealed or destroyed, so that seizure cannot be made of the same, then the Master of the said Ship, Vessel, or Boat, or the Owner or Owners thereof, or the Receiver or Receivers of such Articles so concealed, shall on being duly convicted thereof, pay the value of the same according to the aforesaid estimate.

In case of dispute
as to payment of
Duty, or whether
Goods, &c. have
been legally im-
ported, &c. onus
of proof to be on
Owner or Claim-
ant.

XXXI. And be it enacted, That if any Goods, Wares or Merchandize, shall be seized for non-payment of Duties, or any other cause of forfeiture, and any dispute shall arise whether the Duties have been paid for the same, or the same shall have been lawfully imported, or lawfully laden or exported, the proof shall be on the Owners or Claimants of such Goods, Wares or Merchandize, and not on the Officer who shall seize and detain the same, any law or usage to the contrary notwithstanding.

All Fines, For-
feitures, &c. im-
posed by this or
any other Reve-
nue Act, to be re-
covered in Court
of Vice Admiralty,
except in cer-
tain cases.

XXXII. And be it enacted, That all Fines, Forfeitures and Penalties, arising by operation of this, or any other Act, relating to the Revenue of this Island, raised from Duties of Impost on Goods, Wares and Merchandize, except such as relate to the distillation of Spirituous Liquors within this Island, and the Duties by this Act imposed on such Spirituous Liquors, shall be sued for and recovered, together with Costs, in Her Majesty's Court of Vice Admiralty, except as hereinbefore provided, and except in cases where any Fine or Penalty is imposed on the Treasurer of this Island, and the Moneys arising from such Penalties, Fines and Forfeitures, shall be applied, one half to and for the purposes for which the said Duties are granted, and the other

half to him or them who shall inform, seize, or sue for the same.

XXXIII. And be it enacted, That for the better and more effectually collecting and securing the several Duties levied by this or any other Act, it shall and may be lawful for any Collector of Impost, having a Writ of Assistance under the Seal of Her Majesty's Supreme Court of Judicature of this Island, which Writ the Chief Justice of the said Court, or, in his absence, the Puisne Judges, are hereby authorized and empowered to grant, on application for that purpose, to take a Constable, or other Public Officer inhabiting near the place, and in the day time to enter into and search any Shop, House, Cellar, Warehouse, Room, or other place, and in case of resistance, to break open Doors, Chests, Trunks, and other Packages, there to seize and from thence to bring any Goods which have not been duly entered, and the Duties thereon paid or secured, and which may be deemed liable to forfeiture under this or any other Act of this Island, and to put and secure the same in some secure place, at or near the Port where such Goods shall be so taken as aforesaid.

Collectors entitled to Writ of Assistance, and how to be obtained.

Authority of Collector thereunder.

XXXIV. And be it enacted, That all Writs of Assistance so issued from the Supreme Court as aforesaid, shall continue and be in force during such time as shall be therein limited and expressed by the said Court.

Period for which Writs of Assistance shall be in force.

XXXV. And be it enacted, That all the Moneys arising from the several Rates or Duties raised and levied by this Act, and paid into the Treasury, shall be applied and appropriated to such purposes, and no other, as are or may be expressed or contained in any Act of the General Assembly of this Island, to be passed this present Session, and if the Treasurer of this Island shall

Appropriation of Moneys, to be raised under this Act.

Penalty upon Treasurer paying such Moneys otherwise than as appropriated by this Act.

Penalty, how to be recovered.

Masters of all Vessels, &c., to report within 24 hours after arrival, and before breaking bulk, on Oath.

Particulars of such Report.

Collector empowered to administer Oath.

issue and pay any of the said Moneys arising from this Act, for any purpose than is therein mentioned, declared or expressed, he shall forfeit and pay the sum of One thousand Pounds, and be rendered incapable of holding said Office of Treasurer, said forfeiture to be applied to and for the use which shall be expressed in the said Act, and to be recovered by Bill, Plaint, or Information, in Her Majesty's Supreme Court of Judicature, of this Island.

XXXVI. And be it enacted, That all Masters of Ships, Coasting, Fishing and all other Vessels whatever, coming into any Harbour, Port, River, Creek, or any part of the Coasts of this Island, having on board any Wines, Rum, Brandy, Gin, or other Distilled Spirituous Liquors, Tea, Tobacco, Goods, Wares, or Merchandize, shall, before breaking bulk, or landing Passengers' Baggage, and in Twenty-four hours after their arrival, make report in writing, upon oath, to the Collector of Impost for the Harbour or District wherein such Vessel shall have arrived, of all Wines, Gin, Brandy, Rum, or other Distilled Spirituous Liquors, Tea, Tobacco, Goods, Wares or Merchandize, on board any such Ship or Vessel, specifying therein the kind of Casks, Packages, Parcels, Boxes, Trunks, Bales, and all other manner of things in which they shall or may be contained, together with the marks and numbers thereof, and that they have not landed, nor suffered to be landed, sold, bartered, or exchanged, any Wine, Gin, Brandy, Rum, or any other Distilled Spirituous Liquors, Tea, Tobacco, Goods, Wares, or Merchandize, at any port or place within this Island, or on the Coasts thereof, since their sailing from the port or place where the same were laden on board any Ship or Vessel for exportation, which Oath the said Collector is empowered to administer, as in the form following :—

You *A. B.* do swear, that the Report which you have made, read, or heard read, and subscribed, contains a just and true account of all the Wines, Rum, Brandy, Gin, or other Distilled Spirituous Liquors, Tea, Tobacco, Goods, Wares, or Merchandize, laden on board at the Port of _____ or any other Port or Ports, or elsewhere, before or since your sailing from _____, and that you have not landed, nor suffered to be landed, sold or delivered, bartered or exchanged, any Wine, Rum, Brandy, Gin, or other Distilled Spirituous Liquors, Tea, Tobacco, Goods, Wares, or Merchandize, at any port or place within this Island, or on the Coast thereof, since your sailing from _____

So help you God.

Form of Oath.

XXXVII. And be it enacted, That all Masters of Ships, Coasting, Fishing, and all other Vessels whatsoever, coming into any Harbour, Port, River, Creek, or any part of the Coast of this Island, shall, within Twenty-four hours after their arrival, make and subscribe a Report in writing, on Oath, to the Collector of Impost appointed for the Harbour or District where any such Vessel shall be, as mentioned in the last foregoing Section of this Act, of the Lading or Cargo of such Vessel, or whether in ballast or otherwise, (*as the case may be,*) and shall also make and subscribe a Report, on Oath, in the form prescribed by the said last foregoing Section: Provided nevertheless, that nothing in this Act contained shall be construed to require or permit the reporting or entry of any Vessel belonging to any Foreign Power or State, which is not legally entitled to make such Report and Entry at the Custom House, by Laws of the Imperial Parliament of Great Britain, now in force in the Colony.

Masters of Vessels in ballast, to report on Oath within 24 hours after arrival.

Not to be construed to permit Foreign Vessels, prohibited by Imperial Acts, to enter Ports of this Colony.

XXXVIII. And be it enacted, That if any such Master shall neglect or refuse to make

Penalty on Master neglecting or

refusing to report
or making false
report.

such Report, as herein directed, or shall make a false Report, such Master shall be liable to and shall forfeit and pay, for every offence, a Fine not exceeding One hundred pounds.

When only part
of cargo is to be
landed, Master
to make Affidavit
before Collector.

XXXIX. And be it enacted, That any Ship or Vessel arriving at any Port or Place in this Island, having on board any Goods liable to Duty in this Colony, and where it is the intention of the Master of such Vessel to land in such Port or place, only a portion of such Goods, then, and in every such case, after landing such portion of Goods as aforesaid, he the said Master shall, and is hereby required, to make and subscribe, at the Office of Excise, for the District or Harbor within which such Port shall be situate, the following Affidavit, that is to say :

Form of Affidavit.

I, *A. B.*, do swear, that the following Goods, to wit, mentioned in the Manifest of the Cargo of the made at this Office on the day of are now actually on board the said Vessel, and that no part of the same shall be landed on this Island, or the territories thereof, with my knowlege or consent unless the Duties on any such Goods shall previously be paid or secured.

So help me God.

Penalty on Master neglecting or refusing to make Affidavit.

And if any such Master shall neglect or refuse to make and subscribe such Affidavit, he shall be liable for and forfeit and pay, on conviction, a Fine not exceeding One hundred pounds, the same to be recovered in the same way and manner as is pointed out in the Thirty-second section of this Act.

How recoverable.

When Owner or Consignee of Goods does not pay or secure the Duties thereon within a reasonable time, Master may deliver the

XL. And be it enacted, That it shall and may be lawful for the Master of any Ship or Vessel arriving in any Port or Place in this Island, having on board any Goods, Wares or Merchandize, and where the Owner or Consignee does not pay or secure the Duties upon such Goods

within a reasonable time after his arrival in the said Port or Place, or when such Importer or Consignee is absent from such place, to deliver such Goods to the said Collector for the security of such Duties, which said Collector is hereby empowered and directed to receive, and keep the same at the Owner's or Consignee's risk until the Duties due thereon, together with the charges have been paid, and if the Duties due, and payable on such Goods, shall not be paid or secured by the Owner, Owners or Consignee thereof, within Three Months from the time of landing of such Goods, then, and in such case, the said Collector is hereby empowered to sell and dispose of so much thereof as shall be sufficient to pay the Duties due thereon, and also the freight, charge of custody, storage, and expenses incurred by the sale thereof.

same to Collector.

Power and duty of Collector in such case.

If Duties not paid or secured within Three Months, Collector to sell Goods.

XLI. And be it enacted, That on any person entering any Goods, Wares or Merchandize, for Duty, at any Excise Office within this Island, at a less value than may appear to the Collector of Excise, at any such Office, to be the real value thereof, according to the true intent and meaning of this Act, it shall and may be lawful for the said Collector to detain such Goods, Wares or Merchandize, within Five days after the landing thereof, and the said Collector, at the Port at which the same have been entered, shall pay to the Importer or Proprietor, on demand, the value declared on such aforesaid Entry, together with the Costs and Charges of Importation, and an addition of Ten Pounds *per centum* thereon, which shall be a full satisfaction for such Goods, to the Importer or Owner thereof, and it shall be lawful for the said Collector, and he is hereby directed, to cause the said Goods to be publicly sold to the best advantage, and out of the proceeds thereof, the Money so as aforesaid directed to be paid for such Goods, shall be reimbursed to such Collector, and after deducting from the

Goods entered by Importer lower than real value may be detained by Collector on paying Importer the value at which they are entered, the cost of Importation and £10 *per centum* on the whole.

Duty of Collector in such case.

Appropriation of proceeds of such Goods.

overplus (if any) the expenses incurred for the detaining, securing, and sale of such Goods, one moiety of the balance shall be paid into the Treasury of this Island, and the other moiety shall go to and for the use of such Collector.

Imposes a Duty of 8*l.* per gallon on all Spirits distilled in this Colony.

XLII. Whereas it is deemed expedient to impose a Duty on Spirits distilled in this Island: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, a Duty of Eightpence per Gallon shall be levied and paid on each and every Gallon of Spirituous Liquors manufactured, extracted or distilled in this Island: Provided always, that there shall be allowed and paid, on all such distilled Spirituous Liquors so manufactured within this Island, or exported therefrom, a Drawback equal in amount to seven-eighths of the whole Duty paid, or secured to be paid, on such distilled Spirituous Liquors; subject nevertheless to all the regulations and conditions prescribed by this Act, on the exportation of Gin and Brandy from this Island.

Drawback allowed on exportation of such Spirits.

Owners of Distilleries or managers to render account to Collector of Impost, &c.

XLIII. And be it enacted, That the Owner or Owners of any Distillery or Distilleries, or other person or persons who shall manufacture any distilled Spirituous Liquors in this Island, and in case any such Distillery or Distilleries shall be carried on by any Servant or Servants, having the care or management of the same, such Owner, Master or Servant respectively, shall, on the First Monday in January, April, July and October in each year, during the continuance of this Act, render a just and true account, in writing, to the nearest Collector of Impost and Excise, of the quantity of all distilled Spirituous Liquors manufactured, extracted or distilled by him or them, for the Quarter last past, and shall make and subscribe before the said Collector,

Days on which such Account shall be rendered.

Account to be verified upon Oath.

the following Oath, which Oath he is hereby empowered to administer :

I, *A. B.*, do swear, that the account which I have now rendered and subscribed, contains a just and true account of all the Rum, Brandy, Gin and Whiskey, and other distilled Spirituous Liquors manufactured, extracted or distilled by me, or any person or persons under me, since the day of last past.

Form of Oath.

So help me God.

And the said Owner, Master or Servant, after making and subscribing the before mentioned Oath, shall forthwith pay unto the said Collector of Impost and Excise the amount of Duty hereinbefore imposed on such distilled Spirituous Liquors, so manufactured, extracted or distilled by him, during the Quarter last past, the said Duties to be paid in way and manner, and under like regulations, as Duties are payable by this and other Acts of the General Assembly, now in force, relating to the importation of Spirituous Liquors.

Owner, &c., after such account rendered to pay amount of Duty for Spirits distilled last preceding quarter

XLIV. And be it enacted, That if any person shall neglect to make Affidavit of his intention to distil as hereinafter mentioned, or make such Return, or shall make a false Return of the quantity of distilled Spirituous Liquors so manufactured, extracted or distilled by him or them, or shall refuse to pay the amount of any such Duty as shall then be due as aforesaid, such person shall, for each and every offence, forfeit and pay the sum of Twenty Pounds.

Imposes a penalty on persons neglecting to make affidavit of intention to distil and for making false return.

Amount of penalty.

XLV. Provided always, and be it enacted, That any Distiller who shall be convicted of having wilfully and fraudulently made a Return short of the real quantity made by him, or by those employed by him or them as aforesaid, or who shall be convicted of having refused to account or pay, at the times prescribed by Law, or who

Prohibits Distiller convicted of making a false return, or of having refused to account or to pay duty, or who shall have delayed making his return more than

20 days, from
distilling for 6
months under a
penalty of £5
per day.

shall have delayed his return or payment for more than Twenty Days after the expiration of the Quarter from that day whereon he last accounted, shall, on conviction thereof, over and above the aforesaid penalty, be held not entitled to distil for Six Months from and after the date of such conviction, under penalty of Five Pounds for each and every day he or those employed by him, shall so distil after such conviction.

No Drawback
allowed on
Spirits distilled
in this Island,
unless oath be
made before Col-
lector.

XLVI. And be it enacted, That no person shall be entitled to a Drawback on any Spirits distilled in this Island unless the person claiming the same shall make and subscribe, before the Collector of Impost for the proper District, an Oath, in the form following, which Oath the aforesaid Collector is hereby empowered to administer :

Form of such
Oath.

I *A. B.* do swear, that the entire quantity of Liquor by me shipped for exportation on board the Ship or Vessel called the _____ whereof _____ is Master, bound for the Port of _____ in _____ was distilled at the Distillery entered by me in the Impost Office, for the District of _____ and is of the same strength as that for which the Duty has been paid or secured, and that the Duties of Excise directed to be levied thereon by the Laws of this Island, have been actually paid or secured, agreeably to the value in the annexed Return, and that I have shewn and exhibited the Casks or Vessels in which the said Liquor is contained, to the Officer appointed to examine the same, who has attended to the shipment thereof, and that the same hath been regularly entered at this Office, and that neither the whole nor any portion of said Liquor is intended to be fraudulently reloaded, brought back, sold, bartered exchanged or consumed, in any Port or place within this Island, or any of the Territories thereunto belonging.

So help me God.

XLVII. And be it enacted, That any person or persons who shall hereafter manufacture, extract, or distil any Spirituous Liquors, is hereby obliged, Six Days before first commencing to distil, to make Affidavit before the Collector of Impost for the District wherein he resides, (which Affidavit the said Collector is hereby empowered to take) that he intends so to Distil, and in such Affidavit shall describe clearly the locality of the Premises wherein he intends so to distil.

Persons intending to distil, to make Affidavit before Collector, 6 days before they commence distilling.

Requisites of such Affidavit.

XLVIII. And be it enacted, That such Collector of Impost shall, on receipt of such Affidavit deliver to the person producing the same, a Copy of said Affidavit, with his Certificate that the same had been taken at such certain date, before him the said Collector.

Collector to give copy of Affidavit with Certificate to party making the same.

XLIX. And be it enacted, That all Fines and Penalties mentioned in this Act, relating to the distillation of Spirituous Liquors within this Island, and the Duties imposed on such Spirituous Liquors by this Act, may be sued for and recovered, with Costs, by Bill, Plaint or Information, in Her Majesty's Supreme Court of Judicature of this Island, and paid one half to the person who shall inform and sue for the same, and the other half to the Treasurer of this Island, to and for the use of Her Majesty's Government.

Mode of recovery of penalties relating to spirits distilled in this Island.

L. And be it enacted, That it shall not be lawful for the Lieutenant Governor, or other Administrator of the Government for the time being, either in Council, or otherwise, to direct or issue, or cause to be issued, any Warrant or Warrants for the payment of any Moneys arising from the several Rates and Duties raised and levied by this Act, save and except for such purposes, and no other, as are or may be expressed in this Act, and in the Appropriation Act of the General Assembly of this Island to be passed in this present Session.

No Warrant to be issued for payment of moneys arising from this Act except for purposes expressed in appropriation Act of 1849.

Commencement
and continuance
of Act.

LI. And be it enacted, That this Act shall commence and take effect immediately from and after the First day of May, in the present year of our Lord One Thousand Eight Hundred and Forty-nine, and shall continue and be in force until the Second day of May which will be in the year of our Lord One Thousand Eight Hundred and Fifty.

C A P. X I.

An Act relating to Statute Labour, for Charlottetown, its Common and Royalty, and also to Nuisances in and about the same.

[Passed 2d May, 1849.]

WHEREAS it is deemed expedient, to consolidate and reduce into one Act, the several Acts of this Island now in force, regulating the performance of Statute Labour, on the Streets and Highways of Charlottetown, its Common and Royalty, and of Nuisances and obstructions in and about the same: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the several Clauses of the Act made and passed in the Sixth year of the Reign of Her present Majesty, intituled, *An Act to consolidate and amend the Laws relating to Statute Labour, and the expenditure of Public Moneys on the Highways*, hereinafter enumerated, that is to say: the Thirty-second, Thirty-fifth, Thirty-sixth, Thirty-seventh, Thirty-eighth, Thirty-ninth, Fortieth, Forty-first, Forty-second, Forty-third, Forty-fourth, Forty-fifth, Forty-sixth, Forty-seventh, Forty-eighth, Forty-ninth, Fiftieth, Fifty-first, Fifty-second, Fifty-third, and Fifty-fourth, and so much of the whole Act generally, as relates to Charlottetown, its Common and Royalty; and also, an Act made and passed in the Seventh year of the Reign of Her

Repeals 32d, 35th, 36th, 37th, 38th, 39th, 40th, 41st, 42d, 43d, 44th, 45th, 46th, 47th, 48th, 49th, 50th, 51st, 52d, 53d, & 54th Sections of Act of 6 Vic., c. 1, and such other parts of the same Act as relates to Charlottetown, its Common and Royalty.

present Majesty, intituled *An Act to alter the Act relating to Statute Labour*; and also an Act made and passed in the Eleventh year of the Reign of Her present Majesty, intituled *An Act to repeal certain parts of the Laws now in force regulating the performance of Statute Labour on the Highways, relating to Charlottetown, its Common and Royalty, and to make other provisions in lieu thereof*; and also an Act made and passed in the Tenth year of the Reign of Her present Majesty, intituled *An Act to provide against Nuisances in the Streets and Squares of Charlottetown*, be, and the same are hereby respectively repealed.

Also Act of 7 Vic., c. 5.

Also Act of 11 Vic., c. 2.

And also Act of 10 Vic., c. 6.

II. And be it enacted, That the present Justices for ordering and directing the performance of Statute Labour in Charlottetown and Royalty, appointed by virtue of the said recited Act, passed in the Sixth year of the Reign of Her present Majesty, intituled *An Act to consolidate and amend the Laws relating to Statute Labour and the expenditure of Public Moneys on the Highways*, shall continue in office; and it shall be lawful for the Lieutenant Governor, or other Administrator of the Government, at any time hereafter, or from time to time, to remove or add to the number of such Justices, or to fill up any vacancy or otherwise, and it shall be the duty of such Justices, to assemble together at some convenient place within Charlottetown, as often as to them shall seem requisite, not being less than twice in each year, for the purpose of making such Orders and Appointments, and giving such directions as may be necessary for carrying into effect the provisions of this Act, and at their first meeting in each year, they shall appoint from among themselves a Chairman.

Justices appointed under Act of 6 Vic., c. 1, to remain in office for purposes of this Act.

How vacancies are to be filled up.

Duties of Justices.

When to meet.

Justices to appoint a Chairman.

III. And be it enacted, That the first Meeting of the said Justices, after the passing of this Act, shall be on the First Wednesday in the

First and other times of meeting of Justices.

Notice of meeting how to be given.

month of April, and annually thereafter on the First Wednesday in the month of April, and shall be convened by at least Six days' notice thereof, published in the *Royal Gazette*, or other Newspaper in place thereof published by Her Majesty's Printer for this Island, which Notice for the first Meeting to be held after the passing of this Act shall be given by the Senior of such Justices, and for every other Meeting by the Chairman, to be by them appointed, as aforesaid, or in his absence by such Senior Justice.

The appointment of any Overseer by Justices prior to passing of this Act, may be revoked and new appointment made.

IV. And be it enacted, That in case any Overseer shall be appointed by the said Justices, for the present year before the passing of this Act, it shall be lawful for them to revoke such appointment, and to make such new appointments of Overseers as are required by this Act.

Justices to appoint Chief Overseer for Charlottetown.

Also one or more for Royalty.

Appointments to be annual.

Justices to assign Precincts to Overseer.

Duty of Overseers so appointed.

V. And be it enacted, That in every year, at such first Meeting of such Justices, they shall proceed to choose and appoint one proper person to be Overseer of the Roads for the said Town of Charlottetown proper, and also one or more proper persons, to be Overseers for the Royalty of Charlottetown, and who shall be appointed annually by the said Justices, and if more than One Overseer be by them appointed for the said Royalty, they, the said Justices, shall assign to each their several Precincts or portions thereof, as to them shall appear most advantageous, and every Overseer so to be appointed, shall, immediately after notification and acceptance of his appointment, notify the Inhabitants of the respective Precinct, Town, Royalty or part thereof, for which he has been so appointed, of his appointment, by causing Notices to be posted in the most public places throughout the said Town and Royalty, to the intent that such Inhabitants may know to whom to pay the Rates or Duties imposed upon them by this Act.

VI. And be it enacted, That a Meeting shall be held, by such Justices, annually on the First Monday in May, in each year, at such time and place, as shall be notified by their Chairman, who shall cause at least Ten days' notice thereof to be posted in Two or more public places in the said Town, and it shall be lawful for such Chairman, in like manner, to convene a special Meeting of such Justices, as often as the same shall become necessary, touching any matter relating to this Act, which several Meetings shall be adjourned from day to day, until the business thereof is finished.

Justices to meet annually on 1st Monday in May, in each year.

Chairman to give notice of such Meeting.

Chairman may likewise convene special Meeting.

VII. And be it enacted, That all repairs and improvements required in the Streets of Charlottetown, and in the Highways of the Royalty thereof, shall be done and performed in such particular parts thereof, at such time or times, and in such manner, and to such extent, as by such Overseers, so to be appointed as aforesaid, shall be deemed necessary for the Public interest, in the several Precincts assigned to each, subject, nevertheless, to any special Order, to be made by such Justices, at any Meeting by them convened.

Overseers to direct repairs of Streets and Highways, but subject to special Orders of Justices.

VIII. And be it enacted, That the amount of Tax imposed upon Dogs kept in Charlottetown, and in the Common and the Royalty thereof, heretofore collected, under the authority of an Act intituled *An Act to consolidate and amend the several Acts relating to Dogs, and the Taxation thereon*, by the several Overseers of Statute Labour, to be yearly appointed from the said Town and Royalty, shall be collected by the Overseers, to be appointed under the authority of this Act, aforesaid, in manner prescribed by the said recited Act, who shall be entitled, for the collection thereof, to receive the same *per centage* for the sum so collected, as he is by this Act entitled to receive, on the amount of

Overseers to collect Dog Tax in Charlottetown, &c., under Act of 9th Vic. c. 3.

Allowance to Overseers for collection of Dog Tax.

Duties collected by him for expenditure on the Highways.

Overseers to let repairs of Streets, Highways, &c. by Auction or Tender.

Security to be taken from Contractor.

IX. And be it enacted, That it shall be the duty of the said Overseers to cause the repairs of Streets and Highways to be let at Public Auction, in all cases where the same may be deemed necessary, and to accept Tenders, and to take and accept Security for the performance of any repairs, either as may be deemed necessary at the time of such Tender, or which in any particular Street, Streets or Highways, to be described and limited by such Overseer, may probably be required for any given length of time, not exceeding Three years.

Rates payable by owners of Horses, Oxen and Carts, annually.

Rates payable by male persons between 16 and 60 years of age, annually.

To whom payable.

X. And be it enacted, That there shall be paid by every person resident within the Town and Royalty of Charlottetown, and who shall have resided within this Island Six months, at the time of appointing the Overseers hereinafter mentioned, the Rates or Duties following, for or towards the expenses of the repairs of Roads and Bridges within such Town and Royalty, by the Owner of Two Horses or Two Oxen and a Cart, the sum of Five Shillings; the Owner of One Horse or Two Oxen without a Cart, the sum of Three Shillings; and the Owner of more than Two Horses, for each and every Horse, over and above the number of Two, if above the age of Four years, the sum of Two Shillings each; and for every Male person between the ages of Sixteen and Sixty years, the sum of Five Shillings, over and above the said Rates or Duties, which said several sums shall be paid annually to the Overseers appointed for the said Town or Precincts, respectively to collect the same.

Rate of male persons between

XI. And be it enacted, That the Rate or Duty of all Male persons between the ages of Sixteen and Twenty-one years, shall be paid by

the Parents of such persons respectively, in all cases where such Parents shall retain the ordinary control, and derive the ordinary services of persons within such ages, and the Rate or Duty of all Apprentices shall be paid by their Masters, but every such Master, shall, nevertheless, be entitled to retain such amount out of any Wages, by him payable to such Apprentice, over and above any sum allowed for Board, Lodging and Clothing only.

16 and 21 years of age to be paid by parents, if under their control.

Rates of Apprentices to be paid by Masters, &c. Master may retain amount from wages of Apprentices.

XII. And be it enacted, That the amount of Rate or Duty for Statute Labour, when not duly paid, after having been demanded, shall and may be recovered by Summons, in the name of the Overseer appointed for the Town or Precinct in which the defaulter may reside, or shall have last resided, and before any Court of Commissioners for the Recovery of Small Debts, and in like manner; and subject to the same Rules and Regulations as prescribed for the recovery of Small Debts.

Mode of recovery of Rate for Statute Labour under this Act.

XIII. And be it enacted, That all Teachers of Schools, who are entitled to receive Legislative aid as such, shall be exempt from the performance of Statute Labour under the provisions of this Act.

Exempts Teachers of Schools, entitled to Legislative aid, from Statute Labour.

XIV. And be it enacted, That every Housekeeper, within the said Town and Royalty, and every Master or actual Employer of any Apprentices, Journeymen or Workmen, resident therein, shall be obliged, on request made by the proper Overseer, to make known to him the Number, Names, and Residences of all persons living or lodging in his or her house, and liable to the aforesaid Rate; and of all Apprentices, Journeymen or Workmen employed by any such Master, and liable to the aforesaid Rate, and

Housekeepers on request to make known numbers, names, &c. of persons, resident in their houses, liable to Rates under this Act.

Also of all Apprentices, so liable.

Penalty on Housekeeper refusing to give, or falsely giving, information.

Mode of recovery of penalty, and appropriation thereof.

every such Housekeeper, Master or actual Employer as aforesaid, who shall refuse or falsely give such information, shall be liable to a Penalty of not less than Ten Shillings, nor more than Forty Shillings, the same to be recovered, with Costs of Suit, on the Oath of the said Overseer or other credible Witness, before any Justice of the Peace residing in the said Town, and appropriated in the repairs of Streets therein.

Overseers during Winter may summon Inhabitants to work on Roads with Horses, &c.

XV. And be it enacted, That any such Overseer shall have power and authority, and he is hereby required, during the Winter Season, to Summon so many of the Inhabitants, as he, in his discretion, shall see fit, to work at the times and places he may appoint, on the Highways or Public Winter Roads, by breaking and levelling Roads in the Snow, with their Horses or Teams, if possessed thereof, or with such Implements as the said Overseer may deem requisite, whenever the depth of Snow shall render the same necessary in each Winter, and at no greater distance than Three Miles from their own respective residences, and each and every person neglecting or refusing to turn out with his Team or Teams, or with such Implements as he may be directed to furnish by the said Overseer, shall be liable to, and pay a Fine not exceeding Ten Shillings for every such neglect or refusal.

Distance they may be taken from home.

Penalty on persons neglecting, &c. to turn out to work, &c.

Justices to appoint 6 Winter Overseers.

And define their respective Precincts.

Powers and duties of Winter Overseers.

XVI. And be it enacted, That it shall and may be lawful for the said Justices, and they are hereby authorized and required to appoint Six Winter Overseers, in and for the Royalty of the said Town; and assign and define to each one thereof, a certain Precinct, with its limits and boundaries, which said Winter Overseers shall have the same power and authority to keep the Winter Roads broken in their respective Precincts, and shall proceed therein, in the same manner as is hereinbefore prescribed and directed, to the said Overseer for Charlottetown, in

and by the last preceding Section of this Act ; and any person neglecting or refusing to turn out as aforesaid, on the Summons of any such Winter Overseer, shall be liable to and pay a like Penalty as is by the said Section imposed ; and the said Overseer for Charlottetown, and each and every Winter Overseer, is hereby authorized to appoint a person or persons, within their respective Precincts, to notify the Inhabitants in the said Town and Royalty, when such Inhabitants are required to turn out and break and level the said Winter Roads within the limits aforesaid ; and the person or persons so notifying the Inhabitants, shall be exempt, for one day, from such labour in breaking the Roads, for each time they shall be so engaged.

Penalty on persons refusing to work on summons of Winter Overseer.

Winter Overseers to appoint persons to notify Inhabitants, &c.

Exempts person so appointed from Statute Labour for 1 day.

XVII. And be it enacted, That each and every of the Fines imposed in and by the Two immediately preceding Sections, and also the next succeeding Section of this Act, shall and may respectively be sued for and recovered, with Costs of Suit, in like manner as Small Debts now are before the Commissioners of any Court for the Recovery of Small Debts, situate in the said Town or Royalty, on the Oath of one or more credible Witness or Witnesses, and shall be paid into the hands of the Chairman of the hereinbefore mentioned Board of Justices, to be laid out in manner prescribed for the Rate or Duty payable within the said Town and Royalty.

Mode of recovery of Fines imposed by 2 last preceding sections and next section ;

Appropriation of such penalties.

XVIII. And be it enacted, That every person who shall refuse to accept the Office of Overseer, or Winter Overseer of any Precinct, as by this Act, or by any Act herein referred to, prescribed, shall forfeit and pay a sum not exceeding Forty Shillings.

Penalty on persons refusing to serve as Overseers, or as Winter Overseers.

No Winter Overseer to be compelled to serve more than once in 3 years.

XIX. And be it enacted, That no Winter Overseer shall be compelled to serve under any such appointment, oftener than once in Three years.

Justices may displace Overseers and fill up vacancies.

XX. And be it enacted, That it shall be lawful for the said Justices, upon complaint to them made, to enquire into the conduct of the said Overseers, and each and every of them, and for any culpable neglect of duty which shall be made to appear to them, to dismiss him or them respectively from Office, and the vacancy or vacancies occasioned thereby, or by the death, resignation, removal from the District, or otherwise, to fill by re-appointment, as often as the same shall become necessary.

Imposes an additional Rate on persons not paying first Rate, within 10 days after notice, &c.

XXI. And be it enacted, That every person, except those hereinafter excepted, who shall make default in payment of his Rate or Duty, it having been duly demanded as aforesaid, at the expiration of Ten days from the day on which Notice shall be given by any Overseer as mentioned in the Tenth Section of this Act, shall be liable to pay, in addition to such Rate or Duty, and to be recovered along with the same, a sum equal to one-fourth part thereof; and every such Overseer shall, within Twenty-one days from the day of his appointment, account with, and pay over to the Chairman, appointed by such Justices as aforesaid, or any other person by them appointed for that purpose, all Moneys by him collected, by virtue of this Act.

Overseers to account to Chairman of Justices, within 21 days, for all moneys recovered.

Justices may permit Overseers to take labour in place of money rate in certain cases.

XXII. And be it enacted, That it shall be lawful for such Justices to make an Order, permitting the said Overseers to allow Labour to be performed on the said Streets and Roads by any person or persons liable to the Rates imposed by this Act; but who, from their poverty, shall be unable to pay such Rates in Money, the duration

of such labour, to be apportioned in manner prescribed by the Act of Assembly, passed in the Sixth year of Her present Majesty's Reign, intituled *An Act to consolidate and amend the Laws relating to Statute Labour, and the Expenditure of Public Money on the Highways* ;* and it shall also be lawful for such Justices, to make an Order, permitting the said Overseers to exempt from payment of the Rates for Labour by this Act imposed, or from the performance of such Labour, any decrepit person who from bodily infirmity or other sufficient cause, the said Justices shall deem fit objects for exemption.

6 Vic. c. 1.

XXIII. And be it enacted, That it shall be the duty of the said Overseers, without any further notice than shall be given publicly, as aforesaid, to attend each Meeting, to be held as aforesaid, on the first Monday in May, in each year, and to lay before the said Justices, all such Tenders as they shall have received respectively for the repairs of Streets and Roads in the said Town and Royalty, and a full statement in writing of the repairs necessary to be performed for the current year; and the said Justices shall thereupon proceed to make Order for the acceptance of any such Tenders, as to them shall seem expedient, and shall also apportion for each Precinct in the said Town and Royalty as defined in the Schedule to this Act annexed, such part of the full amount of Rate or Duty collected, or to be collected, as to them shall seem just and proper; reserving nevertheless, such proportion of such funds, not exceeding the third part thereof, for contingent repairs of the said Streets and Roads of the said Town and Royalty, either in Summer or Winter, as they may deem necessary.

Overseers to attend annual meeting of Justices.

Duty of Overseers at such meeting.

Duty of Justices on report of Overseers.

* This Act has been repealed by 14 Vic., c. 16, but as explanatory of this Section it still remains on the Statute Book.

Moneys to be paid to Overseers to discharge Contracts.

XXIV. And be it enacted, That out of the Moneys paid to the Chairman of the said Justices, or to such other person by them appointed to receive the same; there shall be paid to the said Overseers or to their orders, the necessary amount to discharge all Contracts by them respectively entered into for work on the said Streets and Highways.

Overseers to furnish to Chairman on or before 31st December in each year, an account on Oath of work, &c., performed and moneys received and expended.

XXV. And be it enacted, That each and every of the said Overseers, shall furnish to the Chairman of such Justices, on or before the Thirty-first day of December in each year, a particular account in writing, attested on Oath, specifying the different Streets or Highways within the several Precincts of the said Town and Royalty where the Repairs or Works shall have been performed, and the amount of all Moneys received by them respectively, and paid upon Contracts or in any other manner on account of the Repairs in the said Streets and Highways.

All moneys voted for Chai lotte-town, &c., to be paid to Chairman, &c.

XXVI. And be it enacted, That all Moneys to be expended by virtue of any Act of the General Assembly of this Island, in aid of the Repairs, Alterations or Improvements, in and upon the several Streets and Highways within the said Town and Royalty, shall be paid into the hands of the Chairman for the time being, of such Justices or other Person, by them appointed to hold the same, to be appropriated by such Justices, in manner prescribed in the preceding Sections of this Act.

Power and duty of Overseers when Drains are necessary to be opened.

XXVII. And be it enacted, That when and so often as it may in the opinion of any Overseer become necessary, for the draining of any Highway, to cut or open any Ditch or Drain, from the side of any Highway, through any Land adjacent thereto, and the Owner thereof shall refuse his consent for so doing, then said Justices, or their Chairman, shall upon application of

Mode of proceeding when Owners of Land refuse to allow Drains to be made through their Lands.

any such Overseer, issue a Summons, directed to such Owner, to appear before them, at a time and place therein mentioned, of which at least three clear days' notice, shall be given to such Owner, to show cause why the said Drain should not be opened, and in default of appearance, or after hearing the said Owner, and Evidence relating thereto, such Justice shall and may make an Order for the opening of such Drain, to run in such course, and of such width, depth and extent, as to such Justices shall seem needful and necessary, and the Costs of such Order, shall be paid as by such Justices, shall or may be adjudged, and if against the said Owner may be enforced by Execution, in the same manner, as the same shall or may be issued, for the recovery of Small Debts, and the Order of such Justices, so to be made, shall be full authority and justification for such Overseer, and all persons employed therein, in opening such Drain, or in clearing or keeping open the same, and may be proved as often as may become necessary, under a plea of the general issue: Provided always, that if at any future time, it should be made to appear to such Justices, that such Drain has become unnecessary, or is no longer useful to the Public, then they shall make Order for the closing of the same, and provided also, that every such Owner, who may feel aggrieved by any such Order, shall and may appeal therefrom, to the Supreme Court of Judicature, in manner prescribed by Law, for Appeals in matters of Small Debts, and the Supreme Court on hearing such Appeal, may confirm, annul, reverse, vary or limit such Order, and award Costs thereupon, as to such Court shall seem just and necessary.

Justices in such cases may order Drains to be made.

Costs of proceeding how payable.

Order of Justices full authority for making Drains.

Justices may order Drains no longer necessary, &c., to be closed.

Gives an appeal to Owners of land against Justices' order.

XXVIII. And be it enacted, That in all cases where any Drain shall be made through any Land, in pursuance of the immediately preceding Section of this Act, the Owner or Owners of such Land, shall be entitled to receive such

Compensation to Owners, &c., of lands through which Drains are made.

Amount thereof
how to be ascer-
tained.

amount of compensation for any injury done by cutting such Drain as shall be ascertained and awarded by a Justice of the Peace, and Commissioner of Small Debts, or two Justices of the Peace, or Commissioners of Small Debts, resident nearest the said Land, the said Justices or Commissioners, in case they cannot agree, appointing a third party, in no wise interested in the said Land, and the amount which shall be agreed to, by such two Justices or Commissioners, or such third party, by them to be named in the event aforesaid, when certified in writing, shall and may be paid to such Owner or Owners, out of the Treasury of this Island, by Warrant under the Hand and Seal of the Administrator of the Government for the time being.

From what
source compen-
sation payable.

Owners, &c.,
dissatisfied with
amount of com-
pensation as or-
dered may appeal
to Supreme
Court.

XXIX. Provided always, and be it enacted, That in case any person or persons, to whom compensation shall be so made, shall be dissatisfied with the amount thereof, he or they shall be at liberty to appeal from the decision of the person or persons awarding such amount, unto the Supreme Court of Judicature, and such Court shall and may proceed thereupon, in manner prescribed in and by the Twenty-sixth Section of this Act.

Power of superi-
or Court in such
appeals.

On non-suit in
any prosecution
under this Act,
on certificate of
reasonable
grounds of ac-
tion, costs of such
non-suit to be
paid to Over-
seer by Treasurer
under order of
Lieut. Governor
in Council.

XXX. And be it enacted, That in the event of any Overseer who may prosecute for any Penalty or offence, under the provisions of this Act, becoming non-suit, and it shall be certified by the Justice of the Peace, or Commissioner of Small Debts, before whom such case shall be heard and determined, or other Court who shall finally decide the same, that such Overseer had just and reasonable grounds of Action, then and in such case, said Justice of the Peace, Commissioner of Small Debts, or other Court as aforesaid, shall make out a certified statement of the Costs of such Action, which certified statement shall be delivered to the Clerk of Her Majesty's Council, and the amount so certified,

after being approved of by the Administrator of the Government for the time being, in Council, shall be paid to the Overseer claiming the same, by the Treasurer of this Island.

XXXI. And be it enacted, That the said Justices may at any of their Meetings, as often as they shall see necessary, change or alter the Limits or Boundaries of the said Precincts as defined by this Act.

Justices may alter boundaries of Overseers' precincts.

XXXII. And be it enacted, That every Overseer to be appointed as aforesaid, who shall neglect to perform all, or any of the duties prescribed by this, or the Act lastly hereinbefore recited, or who after having gone out of office, or being removed from office, shall refuse to account for and pay over to the Chairman of such Justices, or Person by them appointed to receive the same, any Moneys paid into his hands by virtue of this Act, each and every Overseer so offending, shall forfeit and pay for each and every offence, any sum not exceeding Ten Pounds, the same to be sued for and recovered in the name of Her Majesty, with Costs of Suit, before any Two of Her Majesty's Justices of the Peace, or the Commissioners for the Recovery of Small Debts resident in the said Town or Royalty, on the Oath of one or more credible Witness or Witnesses, and shall be paid into the hands of the Chairman of the aforesaid Justices, to be laid out in manner prescribed for the Rate or Duty payable within the said Town and Royalty; and in default of payment of such sum, it shall be lawful for such Justices or Commissioners of Small Debts, to imprison the Overseer so in default, for a period not exceeding Five Months.

Penalty on Overseers for neglect, &c., for not accounting.

Mode of recovery of Penalty.

Appropriation of Penalty.

In default of payment of Penalty Overseers to be imprisoned.

XXXIII. And be it enacted, That the allowance for collecting Moneys raised by virtue of this Act, shall not exceed Five Pounds per

Allowance to Overseers for Moneys collected and expended.

centum, and for expending all Moneys to be laid out thereby, shall not exceed Seven Pounds and Ten Shilings *per centum*, which said *per Centage* shall be apportioned and paid to such Overseers in such proportions as to such Justices shall seem just and reasonable.

Overseers may let for 1 or more years the right to all manure, &c. in Streets, &c., of Town and Royalty.

XXXIV. And be it enacted, That the said Overseers shall and may and they are hereby required to cause to be let for one or more years to any Person or Persons who shall contract to pay the highest sum therefor, the exclusive right to take and appropriate to his and their own use or uses, all Manure, Filth, Scourings, Scrapings, or Compost, which may from time to time, be found upon, or accumulated within the Squares, Streets or Roads, within the said Town and Royalty; and the proceeds thereof, shall be accounted for by such Overseers, to the said Justices at their annual Meeting, hereinbefore provided for.

Proceeds how to be accounted for.

Definition of the term Common of Charlottetown, and of term Overseer, &c.

XXXV. And be it enacted, That the Common of Charlottetown, shall be deemed to be, and taken as part of the Royalty thereof, for all purposes of this Act; and that the term Overseer or Overseers shall not be taken to mean an Overseer or Overseers for the Winter, unless where expressly mentioned as such.

Justices annually to appoint 2 or more persons to remove nuisances, &c. from streets, &c. of Charlottetown and Royalty.

XXXVI. And Whereas the Streets and Squares of Charlottetown, are frequently encumbered with Nuisances of various descriptions, which not only obstruct the thoroughfare, but also tend to affect the health of the Inhabitants, and in some instances to endanger their persons: for remedy whereof, Be it enacted, That the Justices hereinbefore mentioned who have the power to appoint the Overseer for the performance of Statute Labour in the said Town, under and by virtue of this Act, shall also within Twenty Days after the passing of this Act, and from thence annually on or before the First day

of May in each and every succeeding year during the continuance of this Act, appoint any number of persons in their discretion necessary, not being less than Two, nor more than Four, whose duty it shall be to remove, or cause to be removed from off the Streets, Highways and Squares within Charlottetown, its Common and Royalty, Nuisances and Obstructions of all kinds whatsoever; and who shall have certain and defined Districts or Precincts assigned to each in the discretion of the said Justices.

Justices to define their respective Districts.

XXXVII. And be it enacted, That it shall be the duty of the said Overseers to prosecute in the name of Her Majesty for all Trespasses which shall be committed by removing, displacing or subverting the Soil of the Streets, Highways, or Squares of the said Town and Royalty, within their several Districts or Precincts, which Prosecutions shall be proceeded with, in manner prescribed and subject to the Provisions and Regulations, according to the nature of the case, as are required, in and by the several Acts of the General Assembly of this Island, providing against Trespasses on Public and Private Property.

Duty of such last mentioned Overseers.

XXXVIII. And be it enacted, That every Person an Inhabitant of Charlottetown, or Proprietor therein, shall be obliged to keep the Gutters and Streets before the Houses, Buildings or Lands, inhabited, occupied, or possessed by him, her or them, clear and free from Nuisances of every kind; and every Person being the occupier of the House or Premises nearest to which any such Nuisance or Obstruction shall be thrown or deposited, and who shall suffer the same to continue for the space of Twelve Hours, between Sunrise and Sunset, shall forfeit and pay for every such Twelve Hours he, she or they, shall suffer such Nuisance so to continue, a sum not less than Five Shillings, nor more than

Inhabitants to keep Streets and Gutters in front of their premises free from nuisances, &c.

Occupier of House nearest nuisance liable to a penalty if same be suffered to remain over a limited period.

Amount of such penalty.

Penalty on person placing nuisance in Street or Square.

Not to prevent persons building, &c. from placing materials in Street.

Limits the space of Street to be occupied by such materials.

But not to obstruct Gutters.

Inhabitants, &c. of Charlottetown in the Spring to keep open a passage for water in the Gutter, &c. near their houses.

Penalty on persons offending herein.

Carts, Carriages, &c. without Beast attached, placed in any Street, &c. to

Ten Shillings; and every person who shall put or place any Nuisance on any Street or Square of the said Town, shall be subject to a Penalty of not less than Five Shillings, nor more than Twenty Shillings, together with the expense of the Overseer in removing or causing the same to be removed: Provided always, that nothing herein contained, shall extend or be construed to extend to prevent any Person or Persons who may be erecting or repairing any Building whatever, from placing or causing to be placed on the Street or Streets, next to the site of such Building, any such necessary materials, as are to be used, either in the construction or in the repairing of such Building, so that the same do not extend further than Ten Feet from the line of the Street or Streets, and shall be enclosed within a Fence of not less than Five Feet in Height; and that such Materials shall in no manner obstruct the free course of the water in the Gutters of the said Street or Streets.

XXXIX. And be it enacted, That every Inhabitant of Charlottetown, or Proprietor therein, and every owner of unoccupied Houses or Lots, shall in the Spring season, cut, or cause to be cut and kept open a sufficient passage for the Water produced by the melting of Snow or Ice, to run off in the Gutter or Drain in front or rear of such Premises, as the case may be, and in case of neglect thereof, after being required by any one of the Justices appointed for the direction of Statute Labour within the said Town or the Overseer appointed under this Act for Charlottetown, he or she shall be liable, on complaint, before any one of Her Majesty's Justices of the Peace, to a fine not exceeding Forty Shillings.

XL. And be it enacted, That it shall not be lawful for any person to place or cause to be placed, in or upon any Street or Square, in the said Town, any Coach, Cart, Truck, Sledge or

Carriage of any description whatsoever, without a Beast of burden being harnessed or yoked thereto, and every such Carriage found placed as aforesaid, except where the same may be owing to unavoidable accident, and a reasonable time shall first have elapsed for the removal thereof, by the owner, shall be removed by the Overseer, to some convenient and unoccupied place, within the Fuel Yard belonging to the Jail of Charlottetown, and it shall be the duty of such Overseer, after impounding such Carriage, as aforesaid to sell, or cause the same to be publicly sold, having first given at least Three days' notice, by posting advertisements stating the time and place of such sale: Provided that in the mean time and until such sale, the owner of such Carriage, shall be entitled to have the same redelivered to him, upon paying or tendering to the said Overseer, the sum of Five Shillings, and a reasonable sum for any expenses by him incurred, in advertising and impounding such Carriage.

be removed by Overseers.

Where to be removed to.

Further duty of Overseers, as to Carts, Carriages, &c. so removed.

Owner entitled to redelivery on payment of a certain sum.

XLI. And be it enacted, That the several Penalties hereinbefore imposed by this Act, shall be sued for and recovered, together with Costs, by the Overseer for the District or Precinct in which the Penalty shall be incurred, and before any one of Her Majesty's Justices of the Peace, residing in Charlottetown, by distress and sale of the Goods and Chattels of the Offender, unless hereinbefore otherwise provided, and in default thereof, by imprisonment of such offender, for a period not exceeding Five days, which Fines shall be applied, one half to the Overseer, who shall sue for the same, and the remainder shall be paid into the hands of the Chairman of the Justices appointed under this Act, or to such person as shall have been appointed to receive the several sums raised under the authority of the said Act.

Mode of recovery of penalties imposed by this Act.

Appropriation of such penalties.

Winter Overseers appointed under 16th Section exempted from Statute Labour Rate.

Penalty on Winter Overseer refusing to serve, or for neglect of duty.

Mode of recovery of penalty.

XLII. And be it enacted, That the Winter Overseers, appointed under and by virtue of the Sixteenth Section of this Act, shall during their continuance in office, be exempt from performing or contributing to their yearly Labour, on the Streets or Highways, required by this Act, and that in case any of the said Winter Overseers shall refuse to accept their appointment, or shall wilfully neglect or delay to prosecute for any of the foregoing Penalties, or in any other respect to perform his duty under this Act, each and every Winter Overseer, so offending, shall forfeit and pay a Fine of Twenty Shillings, for every such refusal or neglect, to be recovered on the Oath of any One credible Witness, in manner by the preceding Section directed, and be paid into the hands of the Chairman of the said Justices, as hereinbefore last directed.

SCHEDULE to which this Act refers.

Schedule of Precincts. **PRECINCTS FOR CHARLOTTETOWN AND ROYALTY.**

CHARLOTTETOWN:

First Precinct in Charlottetown. **FIRST PRECINCT.**—The Streets and parts of Streets to the Westward of Queen Street, including said Street.

Second Precinct in Charlottetown. **SECOND PRECINCT.**—The Streets and parts of Streets between Queen Street and Prince Street, including the last named Street.

Third Precinct in Charlottetown. **THIRD PRECINCT.**—The Streets and parts of Streets between Prince Street and Weymouth Street, including the last named Street.

Fourth Precinct in Charlottetown. **FOURTH PRECINCT.**—The Streets and parts of Streets to the Eastward of Weymouth Street.

ROYALTY :

FIRST PRECINCT.—The Public Roads to the Westward of the Road leading from the rear of Government Farm, past Dalrymple's Mill, including said Road. First Precinct in Royalty.

SECOND PRECINCT.—The Saint Peter's Road, as far as the Road called the Mount Edward Road, and that Road, and the Roads between the same and Precinct Number One, including so much of the Back Royalty Road as intervenes. Second Precinct in Royalty.

THIRD PRECINCT.—The Saint Peter's Road, commencing at the Mount Edward Road, and the Roads to the South-east thereof. Third Precinct in Royalty.

FOURTH PRECINCT.—The Roads Northward of the Saint Peter's Road, and Eastward of the Mount Edward Road, including the Back Royalty Road, Eastward of the Mount Edward Road. Fourth Precinct in Royalty.

CAP. XII.

An Act to consolidate and amend the several Acts relating to Prison Discipline and Hard Labour, and to repeal certain Acts therein mentioned.

[Passed 2d May, 1849.]

BE it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, the following Acts be, and they are hereby repealed, that is to say, an Act passed in the First year of the Reign of Her present Majesty, intituled *An Act for regulating the several Jails within this Island, and establishing Prison Discipline therein*; an Act passed in the Second year of the Reign of Her present Majesty, intituled *An Act to amend an Act for regulating the several Jails within this*

Repeals Act of 1st Vic. c. 12;

Also Act of 2d Vic. c. 6;

And also Act of
5th Will. 4th, c.
2.

Island, and establishing Prison Discipline therein; an Act passed in the Fifth year of the Reign of His late Majesty King William the Fourth, intituled An Act for the more effectual punishment of Offenders, by enabling the Supreme Court to add Hard Labour to the Sentence of Imprisonment.

Supreme Court
may order party
convicted of fe-
lony, &c. to be
kept to hard la-
bour.

II. And be it enacted, That from and after the passing of this Act, it shall and may be lawful for the Supreme Court, in cases of Conviction for Felony or Misdemeanor, to order, if it shall see fit, that the person or persons so convicted, be kept to Hard Labour during the time of his or her imprisonment.

Lieut. Governor,
&c. to appoint 3
Justices of the
Peace in each
County, for car-
rying Act into
effect.

III. And be it enacted, That it shall and may be lawful for the Lieutenant Governor, or other Administrator of the Government, by and with the advice and consent of Her Majesty's Council, to appoint Three or more fit and proper persons, being Her Majesty's Justices of the Peace resident in each of the Counties of this Island, to be Commissioners for carrying into effect the provisions of this Act.

Justices to be
also Visitors of
Jail in each
County.

IV. And be it enacted, That such Justices of the Peace shall be likewise Visitors of the Jail in each County respectively.

Power of Jus-
tices as such
Commissioners.

V. And be it enacted, That such Commissioners shall have power to make such Rules, Regulations, and Orders, and to prescribe the place, time, and mode of performing such Labour, whether within or without such Jail, as may to the majority of them seem best adapted to the more effectual punishment of Offenders so convicted and imprisoned as aforesaid.

Further power
of Commis-
sioners, as to food
prisoners, &c.

VI. And be it further enacted, That the Commissioners shall have power to reward such Prisoners, by allowing them such coarse, but

wholesome Provisions, in addition to the Allowance now furnished, as they shall from time to time see fit; and such Commissioners shall be allowed to make such Rules and Regulations, for the more effectually compelling such Prisoners to work, as to the majority of such Commissioners may seem meet: Provided, that such Rules and Regulations shall be approved of by the Lieutenant Governor and Council.

Rules to be approved of by Lt. Governor in Council.

VII. And be it further enacted, That the proceeds of the Labour of such Offenders, (if any,) after deducting necessary charges, shall be paid into the Treasury of this Island, for the use of Her Majesty's Government.

Appropriation of proceeds of labour of Prisoners.

VIII. And be it enacted, That such Commissioners and Visitors, shall personally visit and inspect the County Jail for which they are appointed, at least three times in each quarter of a year, and oftener if occasion shall require; and shall examine into the state of the Buildings; the instruction and employment of the Prisoners; the adequacy of the supply of all articles contracted for, for the use of the Jail, and the Prisoners therein; the conduct of the Jailer, or other respective Officers; and the treatment, behaviour, and condition of the Prisoners, and of all abuses within the Prison; and shall make a true Report thereof, in writing, to the Lieutenant Governor, or other Administrator of the Government, once in each year, or oftener if occasion shall require.

Duty of Commissioners, as Jail Visitors.

IX. And be it enacted, That the following Rules and Regulations shall be adopted and observed in every Jail and House of Correction within this Island:—When the Keeper or other Officer shall visit Female Prisoners, he shall be accompanied by the Matron, or, in case of her unavoidable absence, or if none shall have been appointed, by some Female Officer of the Prison,

Duty of Keeper of Prison, on visiting Female Prisoners.

Classification of
Prisoners.

or by such other Female, as the Visiting Justices may name for that purpose. The Prisoners of each sex shall be divided into distinct classes, care being taken that Prisoners of the following classes to not intermix with each other:—First, Debtors and persons convicted for Contempt of Court on Civil Process; Second, Prisoners convicted of Felony; Third, Prisoners convicted of Misdemeanors; Fourth, Prisoners committed on charge or suspicion of Felony; Fifth, Prisoners committed on charge or suspicion of Misdemeanors, or for want of Sureties; such Prisoners as are intended as Witnesses on behalf of the Crown in any Prosecution, shall also be kept separate: Provided always, that nothing herein contained shall be construed to extend to prevent the Visiting Justices from authorizing at their discretion, the employment of any Prisoner in the performance of any menial Office within the Prison, or its precincts, or for the purpose of instructing others: And provided also, that if the Keeper shall at any time deem it improper or inexpedient for a Prisoner, on account of his or her being a juvenile Offender, or for any other reason, to associate with the other Prisoners of the class to which he or she may belong, it shall be lawful for him to confine such Prisoner with any other class or description of Prisoners, or in any other part of the Prison separately, until he can receive the directions of a Visiting Justice thereon, to whom he shall apply with as little delay as possible, and who, in every such instance, shall ascertain whether the reasons assigned by the Keeper, warrant such deviation from the established Rules, and shall give such orders in writing as he shall think fit, under the circumstances of the particular case.

Regulates the
admission of
Food, &c. to
Prisoners not re-
ceiving public al-
lowance.

Prisoners who shall not receive any allowance from the County or Government, whether confined for Debt, or before Trial for any supposed crime or offence, shall be allowed to procure for themselves, and to receive at proper hours, any

Food, Bedding, Clothing, or other necessaries, subject to a strict examination, and under such limitations and restrictions, to be prescribed by the Visiting Justices, as may be reasonable and expedient, to prevent extravagance and luxury within the walls of a Prison.

All articles of Clothing and Bedding shall be examined, in order that it may be ascertained that such articles are not likely to communicate infection or facilitate escape.

That, when necessary, a Surgeon shall examine any Prisoner who shall be brought into the Prison, before he or she shall be passed into the proper Ward, and no Prisoner shall be discharged from Prison, if labouring under any acute or dangerous Distemper, nor until, in the opinion of a Surgeon, such discharge is safe, unless such Prisoner shall require to be discharged.

When necessary, a Surgeon may examine Prisoners.

Every Prisoner shall be provided with suitable Bedding, and every Male Prisoner with a separate Bed, Hammock, or Cot, either in a separate Cell, or in a Cell with no less than Two other Male Prisoners; convenient places for the Prisoners to wash themselves, shall also be provided with an adequate allowance of Soap, Towels and Combs.

Lodging and Classification of Prisoners.

No Money under the name of Garnish, shall be taken from any Prisoner on his or her entrance into the Prison, under any pretence whatever.

Abolishes Garnish Money.

The Visiting Justices shall, and they are hereby required, from time to time, to cause Copies of so much of the Rules as relate to the treatment and conduct of Prisoners, to be printed in legible characters, and to be fixed up in conspicuous parts of every Prison, so that every Prisoner may be able to have access thereto.

Duty of Visiting Justices.

That no Keeper or Officer of any Prison shall sell, or have any benefit or advantage from the sale of any article to any Prisoner, nor have any interest in any Contract for the Supply of the

No Keeper or Officer of Prison to sell any article, &c. to Prisoner.

Prison, and the Keeper of every such Prison shall reside therein.

Sheriff of each County to appoint a Matron for Jail, if required.

The Sheriff of any County, on the recommendation of the Visiting Magistrates, shall appoint a Matron for the Jail of the said County, when, and as often as such a person shall be required, whose duty it shall be constantly to superintend the Female Prisoners; and the said Sheriff and Visiting Magistrates shall fix and determine the amount of Salary or Allowance to be paid to such Matron.

Duty of Keeper of Prison.

The Keeper shall visit every Ward, and see every Prisoner, and inspect every Cell, at least once in every Twenty-four hours, and shall keep a regular Journal of every occurrence of importance within the Prison, which Journal shall be submitted to, and inspected by, the Visiting Magistrates, at their several Visitations.

Male and Female Prisoners to be kept separate.

The Male and Female Prisoners shall be confined in separate apartments, so as to prevent them from seeing, conversing, or holding intercourse with each other.

No Prisoner to be put in Irons, unless in case of urgent necessity. Duty of Keeper thereupon.

No Prisoner shall be put in Irons, except in case of urgent and absolute necessity, and the particulars of such case, shall be forthwith entered in the Keeper's Journal, and notice thereof forthwith given to one of the Visiting Justices, and the Keeper shall not continue the use of Irons on any Prisoner, after such Notice shall have been given, without an Order, in writing, from a Visiting Justice, specifying the cause thereof, which Order shall be preserved by the Keeper as his Warrant for the same.

No Prisoner to receive any Food beyond Jail Allowance, except by order of a Visiting Justice.

No Prisoner, confined under the sentence of any Court, or on any conviction before a Justice or Justices of the Peace, shall receive any Food, Clothing, or necessaries, other than the Jail Allowance, except under special circumstances, to be judged of by one of the Visiting Magistrates.

Regulates the admission of Visitors to Prisoners.

Due provision shall be made by the Visiting Magistrates for the admission, at proper times, and under proper restrictions, of persons with

whom Prisoners committed for trial, may wish to communicate, but no Person shall be allowed to visit, or have intercourse with convicted Prisoners under sentence, without the special permission of one of the Visiting Magistrates.

The Walls and Ceilings of the Wards, Cells, Rooms and Passages used by the Prisoners, shall be scraped and limewashed, at least once in the year, and the Rooms and Cells shall be washed and cleaned once a week at least.

Prison to be cleansed.

All Prisoners shall be allowed as much air and exercise as may be deemed proper for the preservation of their health; and separate Yards shall be assigned to Debtors and Criminals, respectively.

Prisoners to be allowed air and exercise.

No Tap shall be kept in any Prison, nor shall any Wine, Spirituous or fermented Liquors be admitted for the use of any of the Prisoners therein, unless by a written Order of one of the Visiting Magistrates or Surgeon, specifying the quantity, and for whose use.

No Tap to be kept in Prison or Wine, &c., admitted, unless by order of a Visiting Justice.

No Gaming shall be permitted in any Prison, and the Keeper shall seize and destroy all Dice, Cards, or other instruments of Gaming.

No Gaming permitted in Prison.

Upon the Death of a Prisoner, notice thereof shall be given by the Keeper forthwith, to one of the Visiting Justices, as well as to the Coroner, and to the nearest relative of the deceased, when practicable.

Duty of Keeper on death of Prisoner.

No Prisoner before trial shall be compelled to wear a Prison dress, unless his or her clothes be deemed insufficient or improper, or necessary to be preserved for the purposes of Justice; and no Prisoner who has not been convicted of Felony, shall be liable to be clothed in a party-coloured dress; but if it be deemed expedient to have a Prison dress for Prisoners, the same shall be plain.

Regulates Prison dress.

The Keeper of the Prison or House of Correction, shall have power to hear and determine all complaints touching the following offences:—

Power of Keeper in certain cases.

1.—Disobedience of any Rules of the place.

3.—Assaults by one Prisoner on another, or on any Officer of the Establishment, where no dangerous wound or bruise is given.

3.—Profane Swearing or Cursing.

4.—Idleness, or neglect of Work, or wilful mismanagement of Instruments or Tools.

Keeper may punish Offender against Prison Rules.

The Keeper may examine any person touching such offences, and may punish all such offences, by ordering any Offender into close confinement in the solitary Cells, and keep such Offender there until he shall have reported the same to one of the Visiting Magistrates, which he (the Keeper,) shall be bound to do, within two hours, or as soon after as possible.

Visiting Justices may punish Offenders against Rules.

The Visiting Magistrates may punish such Offender by imprisonment in the solitary Cells, for a term, not exceeding Seven days.

Keeper to afford assistance to Prisoner desirous to petition Court, &c.

The Keeper shall, if required, afford assistance to any Prisoner desirous of presenting a Petition to the Court, or other competent authority.

Prisoners to attend Divine Worship except when ill or excused by Keeper, &c.

Prisoners under charge or conviction of any Crime, shall attend Divine Service on Sundays and other days, when such service is performed, unless prevented by illness, or by other reasonable cause to be allowed by the Keeper, or unless their attendance shall be dispensed with by one of the Visiting Justices.

Visiting Justices may order addition to usual allowance of food.

X. And be it enacted, That whenever it shall appear to be necessary to the said Commissioners and Visitors, on the representation of the Jailor or Petition of the Prisoners, to make any addition to the usual allowance of food, they shall, if they shall see fit, cause such necessary addition to be supplied.

Duty of Keeper when persons bring, or attempt to bring any Liquor into Prison.

XI. And be it further enacted, That if any Person, in contravention of the existing Rules, shall carry or bring, or attempt, or endeavour to carry or bring into any Prison or House of Correction, any Spirituous or Fermented Liquor, it shall be lawful for the Jailor, Keeper, Turn-

key, or any other of the assistants to the said Jailor or Keeper, to apprehend, or cause to be apprehended, such Offender, and carry him or her before a Justice of the Peace (who is hereby empowered to hear and determine such offence in a summary way), and if he shall lawfully convict such person of such offence, he shall forthwith commit such Offender to the common Jail of the County in which such Offender shall be convicted, there to be kept in custody for any time not exceeding Two Months, nor less than Five Days, without Bail or Mainprize, unless such Offender shall immediately pay down such sum of Money, not exceeding Five Pounds, and not less than Ten Shillings, as the Justice shall impose on such Offender; to be paid, one moiety to the Informer, and the other moiety to the Visiting Justices, in aid of the maintenance of such Prison; and if any Justice shall receive information upon Oath, that any Spirituous or Fermented Liquor is unlawfully kept or disposed of in any Prison, he may enter and search, or issue his Warrant to enter and search for such Liquor; and in case it shall be found, it shall be lawful for the person so finding, to seize the same, and cause it to be disposed of, as the Justice shall direct; and if any Jailor, or Keeper of any Prison, shall sell, use, lend or give away, or knowingly permit or suffer to be sold, used, lent or given away in such Prison, or brought into the same, any Spirituous or Fermented Liquor, in contravention of the existing Rules of such Prison, he shall, for every such offence, forfeit and pay the sum of Five Pounds, such Penalty to be recovered in a summary way, before any one Justice of the Peace, upon the Oath of one or more credible Witness or Witnesses; and if the said Jailor or Keeper shall not immediately pay down the said Penalty, he shall be dismissed from his Office, and be rendered incapable of holding the said Office again; and in the event of a second conviction of any Jailor or Keeper, of such

Justice of the Peace empowered to hear and determine case in a summary way, and commit party on conviction to Jail, &c.,

unless Fine be paid.

Amount of Fine.

Appropriation of Fine.

Duty of Justice on receiving information that Spirituous Liquors, &c., are kept in any Prison.

Any found may be seized.

Fine on Jailor selling Liquor to Prisoners.

Mode of recovery of such Fine.

Offence, he shall forfeit and pay the sum of Ten Pounds, and shall be dismissed from his said Office, and be rendered incapable of holding the same again; and if he shall not immediately pay down the said Fine, the said Justice is hereby authorized and empowered to issue his Warrant against him, and to cause him to be imprisoned in the Common Jail of the County for a period not exceeding Two Months, the said Fine or Fines, if recovered from any Jailor or Keeper as aforesaid, to be applied, one moiety to the Informer, and the other moiety to be paid into the Treasury, for the use of Her Majesty's Government.

Visiting Justices may procure any Clergyman to perform Divine Service in Prison and compel attendance of certain Prisoners professing same faith.

XII. And be it further enacted, That the Visiting Justices of any Jail or Prison, shall have power, and they are hereby empowered to procure the services of any Clergyman, professing the faith of any Prisoner or Prisoners, imprisoned from time to time, for Felony or Misdemeanors, or suspicion of Felony or Misdemeanor, for the performance of Divine Service, at such time or times, as the said Justices may fix or agree upon; and they are hereby empowered to order the attendance of such Prisoner or Prisoners during such period of Divine Service; and should the said Prisoner or Prisoners refuse or neglect to obey the order of said Justices in this behalf, or behave improperly or irreverently during Divine Service, the said Visiting Justices are hereby empowered to cause such Prisoner or Prisoners to be placed in solitary confinement, for a period not exceeding Five Days.

CAP. XIII.

An Act relating to the Duties of the Harbour Master of the Port of Charlottetown, and for the better regulation of the Public Wharfs therein.

[Passed 2d May, 1849.]

BE it enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Administrator of the Government, and he is hereby authorized by and with the advice of Her Majesty's Council, from time to time, as need shall require, to appoint a fit and proper Person to act as Harbour Master for the Harbour of Charlottetown, and Wharfinger for the Public Wharfs now erected, or hereafter to be erected therein at the said Town, which Harbour Master so to be appointed, shall receive and be paid out of the Moneys in the Public Treasury of this Island, the sum of Sixty Pounds *per annum* for his services during the time he may hold the said appointment, and shall also receive and be paid out of the aforesaid Moneys, the further sum of Eight Pounds *per annum*, in order to enable the said Harbour Master to rent and keep a suitable Office in the immediate vicinity of the said Wharfs.

Lt. Governor in Council to appoint Harbour Master and Wharfinger for Charlottetown.

Salary to Harbour Master and Wharfinger.

Office rent to Harbour Master and Wharfinger.

II. And be it enacted, That it shall be the duty of such Harbour Master to cause the Buoy of the said Harbour to be properly laid down, maintained and preserved, and the Beacons thereof to be sufficiently affixed and upheld, and the said Wharfs to be kept in due preservation and repair, and for any omission, neglect or default in such duty, the said Harbour Master shall be responsible and be subject therefor, to any deduction in his Salary, upon Order made by the Lieutenant Governor and Her Majesty's Council: Provided always, that the said Harbour Master shall not

Duty of Harbour Master, &c., as to Buoy and Beacons.

And also as to Wharfs.

For neglect, &c., Harbour Master & Wharfinger's Salary liable to deduction. Deduction, how to be made.

Not liable to deduction, in the event of no funds in his hands, in certain cases.

be deemed liable for any matter complained of, when the cause of complaint shall appear to be owing only to a want of Funds at his immediate disposal.

Rates of Wharfage payable under this Act.

III. And be it enacted, That it shall and may be lawful for the said Harbour Master to ask, demand, take and receive for all Vessels, except Her Majesty's Ships and the Government Packet Boats, whilst careening, loading, unloading or lying fast to the said Wharfs, the following rates *per diem*, Sundays excepted, that is to say:

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

Vessels of Twenty Tons and under Forty Tons, One Shilling and Six-pence.

Vessels of Forty Tons and under Seventy Tons, Two Shillings and Three-pence.

Vessels of Seventy Tons and under One Hundred Tons, Three Shillings.

Vessels of One Hundred Tons and under One Hundred and Fifty Tons, Three Shillings and Nine-pence.

Vessels of One Hundred and Fifty Tons and under Two Hundred Tons, Four Shillings and Six-pence.

Vessels of Two Hundred Tons and under Two Hundred and Fifty Tons, Five Shillings and Three-pence.

Vessels of Two Hundred and Fifty Tons and under Three Hundred Tons, Six Shillings.

Vessels of Three Hundred Tons and under Three Hundred and Fifty Tons, Six Shillings and Nine-pence.

Vessels of Three Hundred and Fifty Tons and under Four Hundred Tons, Seven Shillings and Six-pence.

Vessels of Four Hundred Tons, and under Five Hundred Tons, Eight Shillings and Three-pence.

Vessels of Five Hundred Tons and upwards, Nine Shillings.

For Lighters per Load, Nine-pence.

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

No Wharfage payable when the Navigation is closed by Ice.

IV. And be it enacted, That all Deals, Boards, Scantling, Lumber, Bricks, Stone, Limestone and all and every species of Merchandize, deposited upon the said Wharfs, and discharged from any Vessel, or placed thereon, to be shipped in any Vessel, after the same shall continue thereon for the space of Twenty-four hours, shall be subject and liable to the following Rates of Wharfage, that is to say:—

Rates of Wharfage payable for Deals, Boards, &c.

Deals, for every Twenty-four hours, at the rate of One Shilling and Six-pence per Thousand.

Boards, for every Twenty-four hours, at the rate of Eight-pence per Thousand.

Bricks, for every Twenty-four hours, at the rate of One Shilling per Thousand.

Limestone, for every Twenty-four hours, at the rate of Three-pence per Ton.

Scantling, per Hundred, running-feet, Two-pence.

Shingles, per Thousand, Two-pence.

All other Articles, Materials, or Matter, at the rate of Three-pence per Ton, either by Weight or Cubical Measurement, at the option of the Wharfinger: Provided always, that the said Harbour Master shall have power to remove, or cause to be removed from off the said Wharfs, as directed in the Seventh Section of this Act, any of the foregoing Articles or Matter, after the same shall have continued on the said Wharf, a time sufficient, in the judgment of the said Harbour Master, for all reasonable purposes; provided, in no case, such time shall exceed Forty-eight hours.

Power and duty of Harbour Master and Wharfinger as to removal of Deals, Boards, &c.

Vessels at Wharfs, not loading or unloading, may be removed to make room, &c.

Penalty on Master, &c. refusing to remove.

Mode of recovery of penalty.

V. And be it enacted, That any Ship or Vessel, which shall at any time be lying at either of the said Wharfs, not for the purpose of loading or unloading, and which shall or may be in a condition to be removed, shall be removed from such Wharf or Wharfs, when such Wharf or Wharfs may be required for the use of any other Vessel to load, unload, or careen thereat, and on the refusal or failure of the Master, Owner, or part Owner, or person, having charge of any such Ship or Vessel, to remove the same, after reasonable notice so to do, such Master, Owner, part Owner, or person, having charge as aforesaid, shall forfeit and pay to the said Harbour Master, a sum not exceeding Five Pounds for each and every such neglect, failure, or refusal, to be recovered on the Oath of the said Harbour Master, or of any other credible Witness or Witnesses, before any one of Her Majesty's Justices of the Peace, and levied by Warrant of Distress, and Sale of the Goods and Chattels of the Master, Owner, part Owner, or person in charge of such Ship or Vessel, or of the Boats, Apparel, or Tackle of the said Ship or Vessel, rendering the overplus, if any, after deducting the Costs and Charges of Prosecution and Sale, to such Master, Owner, part Owner, or person, having charge of the said Ship or Vessel.

Half Wharfage only, payable by Vessel made fast to another whilst navigation is closed.

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

VII. And be it enacted, That if either of the said Wharfs, shall at any time be so encumbered with Lumber, Coals, Bricks, Ballast, or any other species of Goods, Merchandize, or Materials, so as to incommode or obstruct the passing or repassing of any Carts or Carriages employed for the purpose of loading or unloading any Ship or other Vessel, then and in that case, the said Harbour Master shall personally warn, or by Notice in Writing, left at the place of Residence of the Owner, or Owners of such Lumber, Coals, Bricks, or other Goods, their Agent or Agents, requiring him or them to remove the same from thence within a reasonable time, and if the same shall not be removed accordingly, the said Harbour Master, by himself or his Agent or Agents, is hereby empowered to remove the same, and keep them in his custody until the whole Charges attending the removal be paid by the Owner, or Claimant of such Goods, and in case the Owner or Agent is not to be found, the Harbour Master may and shall at his discretion, remove the said Goods, as hereinbefore directed.

Harbour Master &c. to cause encumbrances to be removed from Wharfs, if owners do not remove same after notice, &c.

VIII. And be it enacted, That if any Lumber or other Goods, shall be laid or left on the Wharfs contrary to the directions of the said Harbour Master for the time being, the Party so offending shall be liable to pay a Fine not exceeding Forty Shillings, with Costs, to be recovered as hereinafter mentioned, over and above all the Charges of removing the same therefrom, in case the Harbour Master shall cause the same to be removed, as he is hereinbefore authorized to do.

Penalty on persons causing encumbrances on Wharfs.

Amount of penalty.

Mode of recovery of penalty.

IX. And be it enacted, That when and so often as it shall appear necessary to the said Harbour Master, for any Vessel to come alongside the said Wharfs, for the purpose of loading, or discharging, Passengers, Goods, Merchandize, Chattels, or Her Majesty's Mails, or of Shipping, or

Further power and duty of Harbour Master and Wharfinger.

May cause Vessels, &c., to be removed from one part of a Wharf to another part.

receiving on board any such Goods, Merchandize, or Chattels, and no suitable berth for such Vessel, at either of the said Wharfs, shall appear unoccupied, it shall and may be lawful for the said Harbour Master, and he is hereby required to cause to be removed to any other equally safe and suitable berth, at the Wharf at which such Vessel is lying, any other Vessel being afloat and requiring a less draught of Water, and in a condition capable of being removed, and whether loading or unloading, in order to give place to any such first mentioned Vessel.

Harbour Master &c. may cause vessels to be removed from Wharf in certain cases.

X. And be it enacted, That when and as often as it shall appear to the said Harbour Master, that any Vessel is hindered from either loading or discharging her Cargo, or any material part thereof, at either of the said Wharfs, by reason of the want of a suitable situation to lie thereat, it shall be lawful for the said Harbour Master, and he is hereby required, upon request to him made, to cause to be shifted or hauled off, from either of the said Wharfs, in order to cause place and room to be given to such Vessel, for the purpose aforesaid, any other Vessel being in a condition capable of being removed, and which shall not be loading from either of the said Wharfs, or discharging thereat.

Harbour Master &c. may remove Vessels, moorings &c. obstructing passage of Ferry Boats.

XI. And be it enacted, That it shall and may be lawful for the said Harbour Master, and he is hereby required to cause to be removed in manner prescribed in the preceding Sections of this Act, as often as to him shall seem necessary, any Vessel, or the Moorings, Furniture, or Materials of any Vessel, and any Lighter, Barge, Boat, Flat, Raft, Spar, Timber, or any Article or Material whatsoever, which may obstruct the free passage of the Public Ferry Boats, in approaching to, or departing from the Slips belonging to the said Wharfs, or any Article or Impe-

diment, which may obstruct Persons in ascending, or descending the said Slips.

XII. And be it enacted, That in case of neglect, or refusal to remove any such Vessel, Moorings, Boat, or any such Article, Material or obstruction, being within the meaning of either of the preceding Sections of this Act, after due notice and request thereof, to the Master or Commander, or to any of the Owners of any such Vessel, Barge, Boat or Flat, or to the owner or Owners of any such Article, Material, or Obstruction as aforesaid, he or they shall be subject to the like Penalty, as is imposed in and by the Eighth Section of this Act.

Penalty on Masters of Vessels or Owner of Goods, &c. neglecting, &c. to remove them.

XIII. And be it enacted, That in case of any dispute between the Masters or Owners of Vessels, as to the right of one Vessel lying outside of any other Vessel, for the purpose of loading or discharging at either of the said Wharfs, while such last mentioned Vessel shall be lying at either of the said Wharfs, the same shall be decided and determined by said Harbour Master; and the Master or Owner of any Vessel refusing to comply with the order of the said Harbour Master in this respect, or who, after request made, shall refuse to allow any Goods, Merchandize, or Passengers to be conveyed across his Vessel, from any such outside Vessel, or shall refuse to allow any Stage to be erected for that purpose, so far, and in such manner, as the said Harbour Master shall deem necessary, shall be liable to the like Forfeitures, as are imposed by the Eighth Section of this Act, besides being liable to have his or their Vessel moved from either of the said Wharfs, at the discretion of the said Harbour Master.

Harbour Master, &c. to decide disputes between Masters of Vessels as to right to lie at Wharfs.

Penalty on Master of Vessel refusing to obey orders of Harbour Master and Wharfinger,

and Vessel may be removed.

XIV. And be it enacted, That the person in charge of any Vessel, lying at either of the said Wharfs, when directed by the Harbour Master

Harbour Master, &c. may direct boom, &c. of

Vessel to be taken in.

Penalty for refusal.

Penalty on persons riding or driving at greater speed than a walk upon any Wharf.

Mode of recovery of penalty.

Harbour Master, &c. to cause obstructions on Wharfs to be removed, and to prevent stones, rubbish, &c. being thrown into the water, &c.

so to do, shall cause the Jib-boom, Spiritsail-yard, and Main-boom of said Vessel, or either of them to be struck or taken on board of the said Vessel, or any of the Yards thereof to be braced, under a Penalty not exceeding Twenty Shillings.

XV. And be it enacted, That if any person or persons shall ride or drive any Horse, Mare, Gelding, or any other Beast of burthen, in any Carriage, Coach, Wagon, Truck, Cart, Sled, Sleigh, or other Vehicle, used for the transportation of persons and Goods, or either of them; or on horseback, on or over the said Wharfs, or either of them, at a greater speed than a walk, such person or persons shall forfeit and pay, for each Offence, a sum not less than Five Shillings, nor more than Twenty Shillings, with Costs of Prosecution, to be recovered before any one of Her Majesty's Justices of the Peace for Queen's County, on view of the said Justice, or upon the Oath of the Harbour Master, or any other credible Witness or Witnesses, and levied by Warrant of Distress and Sale of the Offender's Goods and Chattels, and for want thereof, such Offender or Offenders shall be committed to the Common Jail of the said County, for a Term not less than Twenty-four Hours, nor exceeding Five Days, which Fines shall be paid into the Treasury of this Island, for the use of Her Majesty's Government.

XVI. And be it enacted, That the said Harbour Master is hereby empowered to cause to be removed, all obstructions which may be placed on either side of said Wharfs, in a line with Queen Street and Pownal Street respectively, at the expense of the person or persons causing such obstruction, and to make and enforce such regulations as shall be necessary, to prevent Ballast or other Materials from falling or being thrown in the Water near the said Wharfs, when being loaded on board or discharged from any Vessel, and

to prevent to the utmost of his power, the Master or Owner of any Ship, Vessel, Lighter or Boat, or any other person from throwing or unloading any Stones, Gravel, Ballast, Oyster Shells, Rubbish or any other thing, that will not float, into the Water, within the limits aforesaid; and the said Harbour Master is hereby authorized and required to prosecute any person or persons so offending, who shall, upon due proof thereof before any one of Her Majesty's Justices of the Peace, forfeit and pay for every such offence, a sum not exceeding Five Pounds, besides being liable to an Action for the damage that any Vessel or Cargo may sustain thereby.

Penalty on party offending, and mode of recovery thereof.

XVII. And be it enacted, That if the Owner, Master or Person in charge of any Vessel shall allow such Vessel, through neglect or otherwise, to injure either of the said Wharfs, such Person shall be liable for every such offence, to a Fine, not exceeding Twenty Shillings, over and above the damages thereby done to the said Wharf, and the damages so done to the Wharf if exceeding Eight Pounds, shall be recovered at the suit of the Harbour Master, by Action in Her Majesty's Supreme Court of Judicature of this Island; and if of the sum of Eight Pounds or under, then to be recovered before any one of Her Majesty's Justices of the Peace.

Penalty on Master, Owner, &c., of Vessel injuring Wharf.

Mode of recovery of Penalty.

XVIII. And be it enacted, That the Harbour Master is hereby required to furnish an Account, on Oath, and pay over to the Treasurer of this Island, quarterly, that is to say, on the first Monday in January, the first Monday in April, the first Monday in July, and the first Monday in October, in each and every year, all Moneys that may come into his hands, either for Wharfage or Fines imposed by this Act, under a Penalty of Twenty Pounds, to be imposed upon him for each and every neglect or refusal, the

Periods at which Harbour Master and Wharfinger is to account to Treasurer on Oath for all Moneys, &c.

Penalty for neglecting, &c., to account.

Mode of recovery of Penalty.

Appropriation of Penalty.

Liable also to be displaced from office.

Wharfage Fines and Penalties, except Penalty on Wharfinger for not accounting, how to be appropriated.

Limits the amount to be expended annually on Wharfs, &c.

Penalty on Harbour Master and Wharfinger for neglect of other duties under this Act.
Mode of recovery of Penalty.

Harbour Master and Wharfinger to assign berth for Mail Steamboat or other Mail Vessel.

Penalty on Masters of Vessels not obeying directions of Harbour Master and Wharfinger in this respect.

same to be recovered by Bill, Plaint or Information in Her Majesty's Supreme Court of Judicature of this Island, and to be applied to and for the use of Her Majesty's Government; and the said Harbour Master shall also be liable to be displaced from his situation; which said Wharfage Fines and Penalties, except the aforesaid Fine of Twenty Pounds, shall be applied towards the payment of the Salary of the said Harbour Master, and the necessary repairs of the Wharfs, and to and for such other uses and purposes, as shall or may hereafter be authorized and directed, in and by any Act or Acts of the Legislature of this Island: Provided always, that the said Harbour Master and Wharfinger shall not be allowed to expend on the necessary Repairs of the said Wharfs, beyond the sum of Thirty Pounds annually, unless authorized by Law, so to do; and for each and every neglect of the other duties imposed on said Harbour Master by this Act, he shall forfeit and pay a sum not exceeding Eight Pounds, to be recovered before any Two of Her Majesty's Justices of the Peace, to be applied as hereinbefore directed.

XIX. And be it enacted, That the said Harbour Master shall have authority, and he is hereby required to assign any particular Berth at either of the said Wharfs, for the use of any Steamboat, or other Vessel carrying the Government Mails of this Island, and to change such Berth as often as to such Harbour Master shall seem necessary; and every Master of any Vessel coming into the said Harbour, or the Pilot in charge thereof, shall from time to time, conform himself strictly to all directions which shall be given to him by the said Harbour Master, touching the mooring, unmooring, placing or removing of any Ship or Vessel under his charge, as long as such Ship or Vessel shall be lying and situate within the limits of the authority of the said Harbour Master, under a

Penalty for each and every offence, of any sum not exceeding Five Pounds.

XX. And be it enacted, That the said Harbour Master shall have, and he is hereby required, to use and exercise all the powers and authority prescribed and given to the Harbour and Ballast Master for the said Harbour of Charlottetown, in and by an Act passed in the present Session of the General Assembly of this Island, intituled *An Act relating to Harbour and Ballast Masters*, and the said Harbour Master shall strictly collect and account for, upon Oath, as aforesaid, all Rates and Fees, payable by the said last recited Act, and pay the same into the Treasury of this Island, to be appropriated for the like purposes as the aforesaid Wharfage Rates and Dues, any thing to the contrary thereof, in the said Act notwithstanding.

Harbour Master to have all powers given to Harbour and Ballast Masters by Act of 12 Vic., c. 18.

And to account on Oath for all Rates, Fees, &c., imposed by said Act.

Appropriation of said Rates and Fees.

XXI. And be it enacted, That the Rates of Wharfage established in and by the Third Section of this Act, shall and may be recoverable from the Master, Owner, part Owner or Person in charge of the said Ship or Vessel, liable to the same, or any one of them, and that if the Master, Owner, part Owner or Person in charge of the said Ship or Vessel, shall refuse to pay the same, agreeably to this Act, when required so to do by the said Harbour Master, or by any Person by him duly authorized to demand the same, or if the Owner, Consignee or Agent, of any of the Articles, Materials or Matter, mentioned in the Fourth Section of this Act, shall refuse to pay Wharfage for the same, agreeably to the Rates by this Act established, then, and in such case, the same shall be recovered by, and at the Suit of the said Harbour Master, in manner following, that is to say: if exceeding the sum of Eight Pounds by Action in Her Majesty's Supreme Court of Judicature of this Island, and if not ex-

Mode of recovery of Wharfage imposed by Third Section of this Act.

Mode of recovery of Wharfage for articles, &c. mentioned in fourth Section of this Act.

ceeding Eight Pounds, then the same shall be recovered in manner prescribed in and by the Fifth Section of this Act.

Harbour Master and Wharfinger may recover Wharfage, &c., by bailable Capias.

XXII. And be it enacted, That for the better recovery of the Rates of Wharfage, Dues, Fines and Penalties by this Act imposed and directed, to be recovered in manner therein mentioned and set forth, it shall and may be lawful for the said Harbour Master in all cases in which he may deem it advisable or necessary, to proceed for the recovery of the same, by Bailable Capias, or otherwise; and in all such cases where the demand so to be recovered, shall exceed the sum of Eight Pounds, the same shall be recovered with Costs, in the Supreme Court of Judicature, according to the ordinary practice of that Court, and if by Bailable Capias, it shall be sufficient if the Affidavit of Debt to be made by said Harbour Master thereupon, states that the amount of Debt or Penalty, so sought to be recovered, is according to his discretion and belief, due under and by virtue of this Act, and if the amount shall not exceed Eight Pounds, the same shall be recovered before any one or more Justice or Justices of the Peace, in manner prescribed in and by the immediately preceding Section of this Act; and the said Harbour Master shall be admitted as a competent Witness therein, in either of said Court or Courts.

If over £8 in Supreme Court.

Affidavit of debt, how to be made.

If under £8, before 2 Justices of the Peace, &c.

Harbour Master and Wharfinger a competent witness in any Court, &c.

Mode of recovery of Penalties not hereinbefore provided for.

XXIII. And be it enacted, That all Fines and Penalties, arising under and by virtue of this Act, and not otherwise provided for by this Act, shall be recovered together with Costs, upon the Oath of the said Harbour Master, or any other credible Witness, before any one of Her Majesty's Justices of the Peace, and be levied by Warrant of Distress and Sale of the Offender's Goods and Chattels, or of the Boats, Apparel or Tackle of any Ship or Vessel in respect of which, or in respect of the Master, Owner, part Owner, or Com-

mander of which any such Fine or Penalty may have been payable, and if no such Goods and Chattels can be found whereon to levy the same, it shall and may be lawful for the said Justice to commit the party so offending to the common Jail, for a period not exceeding Two Calendar Months.

XXIV. And be it enacted, That it shall and may be lawful for the said Harbour Master and Wharfinger, from time to time, to depute so many Deputies or Assistants, as he shall deem requisite under him, to perform all, or any of the Duties imposed upon him by this Act, and each of such Deputies or Assistants, while acting under any such appointment, shall be vested with all the powers, authority and discretion conferred and allowed by this Act, on, and that may be exercised by the said Harbour Master and Wharfinger, for performing the services he may require of them; and the said Harbour Master and Wharfinger, shall be responsible in all respects whatsoever, for the acts and conduct of such, his Deputies and Assistants, so far as they may be employed by him, and he alone shall be liable to compensate and pay them for their services.

Harbour Master and Wharfinger may appoint Assistants.

Powers, &c., of such Assistants.

Principal responsible for Assistants, and to pay them, &c.

XXV. And be it enacted, That the Harbour Master for the Harbour of Charlottetown, and Wharfinger for the Public Wharfs, now or hereafter to be erected therein, at the said Town, appointed under and by virtue of an Act of the General Assembly of this Island, passed in the Eighth year of the Reign of Her present Majesty, which said recited Act will expire on the passing hereof, shall nevertheless, be, remain and continue in his office and appointment as such Harbour Master and Wharfinger as aforesaid, in every respect, as if the said Act were to continue in force, or as the said Harbour Master would be, if appointed by the Administrator of the Government, under the authority of, and in manner di-

Harbour Master and Wharfinger appointed under Act of 8 Vic., c. 16, confirmed in office.

rected and declared in and by the Second Section of this Act, anything in this Act contained to the contrary notwithstanding.

Continuance of Act.

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

C A P. X I V.

An Act for the improvement of the practice of the Court of Chancery of this Island.

[Passed 2d May, 1849.]

WHEREAS the practice of the Court of Chancery is in many respects dilatory and expensive, and ill adapted to the state of the Island, and requires extensive alterations and amendments: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, that the Chancellor, by and with the advice and consent of the Master of the Rolls, shall have full power and authority, from time to time, to direct and declare the forms and proceedings to be observed in all matters of which the Court now has, or hereafter may have cognizance and jurisdiction; such forms and proceedings not being inconsistent with the Laws of Great Britain and this Island, and the practice of Her Majesty's High Court of Chancery in England.

Chancellor with advice of Master of the Rolls to direct forms and proceedings, &c.

Not inconsistent with forms, &c., and practice of Court of Chancery in England.

Number and names of Terms in Chancery, &c.

II. And be it enacted, That there shall be Three Terms of the said Court in each year, that is to say, Hilary Term to commence on the First Tuesday in February, and to end on the Saturday then next ensuing; Trinity Term, to commence on the last Tuesday in May, and to end on the Saturday then next ensuing; and Michaelmas Term, to commence on the Third Tuesday in November, and to end on the Satur-

day then next ensuing; and that causes and other matters to be heard in the said Court, may be brought to hearing, and heard and determined in Vacation, as well as in Term time, under such Regulations as may be established in that behalf by the Rules and Orders of the said Court.

Causes, &c. may be heard in vacation.

III. And be it enacted, That the common Jail of the County of Queen's, shall be the Prison of the said Court: Provided always, that in case it shall be expedient, and the ends of justice be thereby answered, any Prisoner of the Court may be committed to the common Jail of any County within which he may have been arrested, in case the Court shall so order and direct.

Queen's County Jail to be the Prison of Court of Chancery. Gives Court power to commit Prisoner to Jail of any County, wherever he may be arrested.

IV. And be it enacted, That it shall be the duty of the Sheriffs in the several Counties, to serve any Writs of Subpœna, or execute any Process of this Court, within their respective Counties, that may be sent to them for that purpose.

Sheriffs to serve Subpœnas and Process of Court.

V. And be it enacted, That all Sheriffs, Deputy Sheriffs, Jailors, Constables, and other Officers, shall be aiding, assisting, and obeying the said Court, in the exercise of its jurisdiction, whenever required so to do.

Sheriffs, Deputy Sheriffs, &c. to aid Court in exercise of its jurisdiction.

VI. And be it enacted, That in case the Plaintiff in any Suit, commenced or to be commenced in the Court, shall neglect to proceed in the same in due time, according to the practice of the said Court, the Bill may be ordered to be dismissed; and in case the Defendant shall neglect to appear in due time, after service of Process, or shall neglect to put in his answer, or to take any other necessary step in the cause, within the time in that behalf limited by the practice of the said Court, the Bill may be ordered to be taken against him as confessed; subject nevertheless, to such Regulations and Restrictions as

Powers of the Court in Suits as respects Plaintiff and Defendant.

may be established and provided, in that behalf, by the Rules and Orders of the said Court.

Masters to act as Examiners.

Chancellor or Master of the Rolls may appoint an Examiner *pro hac vice*.

Power of such Examiner.

VII. And be it enacted, That the several Masters in Ordinary in this Court, now appointed, or hereafter to be appointed, shall have power to act as Examiners in the said Court, and in any case, where from the remoteness of residence of any Examiner from the place of residence of the Witness, or other circumstance, it may be deemed expedient, the Chancellor or Master of the Rolls shall have full power and authority, by Order of the said Court, especially to appoint some other person or persons, *pro hac vice*, being in no way interested in the event or issue of the Suit, who shall have power to administer the Oath to the Witnesses, and take the examination in such cause: Provided always, that no examination be taken before any Examiner, until such Examiner shall have been first duly sworn, according to the Rules and Regulations of the said Court, to be established in that behalf.

Witnesses may be examined on questions suggested at time of examination.

Examination may be attended by parties, Solicitors, &c.

VIII. And be it enacted, That the examination of Witnesses in matters pending in the said Court to such extent, and subject to such Rules and Regulations, as may on that behalf be prescribed and established, may be conducted on questions suggested and prepared at the time of examination, and be attended by the parties, their Solicitors, and Counsel.

Moneys subject to control of Court to be paid into Treasury;

Or vested in Securities, &c.

Appropriation of Interest, &c.

IX. And be it enacted, That all Moneys, which are now, or which hereafter shall become subject to the control and distribution of this Court, shall be paid into the Treasury of this Island, or be vested in such Securities as the Master of the Rolls shall, from time to time, direct; and all interest and increase accruing thereon, or which shall have accrued thereon, whether from an increase in the value of Coins, or otherwise, shall be added to the principal, and

distributed therewith to the person entitled to the same, subject to such Rules and Regulations as may be established in that behalf.

X. And be it enacted, That for every sum of Money to be paid into the Treasury of this Island, as aforesaid, the Registrar shall give a Certificate, mentioning the Order or Report, under the authority of which the person named in the Certificate is to pay the sum therein specified, and directing it to be placed to his account as Registrar, and on receipt of the Money specified in such Certificate, the Treasurer shall, on the back thereof, indorse a Certificate of such payment, and shall also enter, in an account to be kept by him for that purpose, the amount paid to the credit of the Registrar; such entry specifying the particular Cause on account of which such Money is paid in; and such Certificate, so endorsed, shall thereupon be filed with the Registrar by the party paying in such Money. And all Moneys so paid into the Treasury as aforesaid, may be applied by the Treasurer in paying off Treasury Warrants in the same manner, as other public Moneys.

Regulates the mode in which Moneys are to be paid into the Treasury.

Treasurer to keep an account of such Moneys.

Particulars of such account.

Treasurer may apply Moneys to payment of Treasury Warrants.

XI. And be it enacted, That whenever any Moneys so paid in, shall, by any Order or Decree of the said Court, be directed to be paid out, the Registrar shall draw an order under his hand on the Treasurer, entitled in the particular Cause on account of which the Money is to be paid, and directing the Treasurer to charge the same to his account as Registrar; and the Treasurer shall thereupon, on the same being presented for payment, pay the amount of such Order, or if not then in funds so to do, shall pay the same out of such Moneys as shall first come to his hands after payment of such Order shall be demanded, together with the Interest thereon, after the rate of six *per centum per annum*, from the time at which payment of such Order may have been de-

Regulates the mode by which Moneys may be withdrawn from Treasury.

manded, until he shall give Notice in the *Royal Gazette* of his readiness to pay the same.

Registrar to keep accounts of cash, &c., in Causes.

XII. And be it enacted, That it shall be the duty of the Registrar, to keep proper accounts of the Cash and other Effects, standing in the particular Causes, in such manner, and under and subject to such Rules and Regulations, as may be prescribed and established by the said Court in that behalf.

Practice of Court in case of death of one or more Plaintiffs or Defendants.

XIII. And be it enacted, That where, in any Suits pending in the said Court, the Cause of Action shall survive, such Suits shall not abate by reason of the death of one or more of the Plaintiffs or Defendants, but upon suggestion of such death to the Court, the Suit shall be allowed to proceed in favour of, or against the surviving party, as the case may be; and in case of the death of one or more Plaintiffs or Defendants in any suit where the cause of Action shall not survive, it shall only abate as to the Person or Persons so dying, and not otherwise.

Practice of Court when necessary to revive a suit.

XIV. And be it enacted, That in all Causes where it shall be necessary to revive a Suit against the Representatives of a Deceased Defendant, no Bill of Revivor shall be necessary, but the Court may by Order direct, that the same stand revived upon the Petition of the Plaintiff, subject to such Rules and Regulations as may be made in that behalf.

Powers of Court in enforcing performance of any Decree by Execution against the body, &c., of party.

XV. And be it enacted, That the said Court shall have power to enforce performance of any Decree or obedience thereto, by Execution against the body of the Party against whom such Decree is made, or against the Goods and Chattels, and in default thereof, against the Lands and Tenements of such party, which Execution so issued, shall have the like effect, as Executions issuing out of the Supreme Court of this Island,

and every person so imprisoned under any Execution issuing out of the said Court of Chancery, shall be entitled to the like benefit of any Statute made for the relief of Insolvent Debtors, as if arrested under Process of the said Supreme Court.

Party imprisoned under Execution, entitled to benefit of Insolvent Debtors' Act.

XVI. And whereas it frequently happens, that persons absent or resident out of this Island, are necessary parties, Defendants to Suits in the Court of Chancery of this Island: Be it enacted, That if in any Suit which hath been or hereafter shall be commenced in the said Court of Chancery, any Defendant or Defendants against whom any Subpœna or other Process may issue, shall not cause his, her, or their appearance to be entered upon such Process within such time, and in such manner as, according to the Rules of the Court, the same ought to have been entered in case such Process had been duly served, and it shall be made to appear upon Affidavit to the satisfaction of the said Court, that such Defendant or Defendants are absent from, or do not reside within the Island, then, and in such case, the said Court may make an Order, directing and appointing such Defendant or Defendants to appear at a certain day therein to be named, and a Copy of such Order shall, within Fourteen days after such Order made, be inserted in the *Royal Gazette*, published by the Queen's Printer in this Island, and shall continue to be inserted in the same *Gazette* for so long a time as the Court shall direct, not less than Three months; or in case the said Court shall see fit so to direct, that a Copy of such Order shall, within One year next after the making of the same, be served on the Defendant or Defendants either personally or by leaving the same at the residence of the Defendant or Defendants with some person belonging to the family, or living in the House of the said Defendant or Defendants, and if such Defendant or Defendants do not appear within the

Regulates the practice of the Court when necessary parties to suit are absent.

time limited in and by such Order, or within such further time as the Court shall appoint; then, on proof made of such publication or service of such Order, as aforesaid, the Court being satisfied of the truth thereof, may order the Plaintiff's Bill to be taken *pro confesso*, and make such Decree thereon as shall be thought just and proper, and may thereupon issue Process to compel the performance of such Decree, either by an immediate sequestration or absolute Sale of the Real and Personal Estate and Effects of such Defendant or Defendants, if any such can be found, or such part thereof as may be sufficient to satisfy the demand of the Plaintiff or Plaintiffs in such Suit, in the manner hereinafter provided, or by causing possession of the Estate or Effects demanded by the Bill to be delivered to the Plaintiff or Plaintiffs, or otherwise, as the nature of the case may require; and the said Court may likewise order such Plaintiff or Plaintiffs to be paid and satisfied his, her, or their demand out of the Estate or Effects so sequestrated or sold, according to the true intent and meaning of such Decree, such Plaintiff or Plaintiffs first giving sufficient security, in such sum as the Court shall think proper, to abide such Order, touching the restitution of such Estate or Effects as the Court shall think proper to make concerning the same, upon the Defendant or Defendants' appearance to defend such Suit, and paying such Costs to the Plaintiff or Plaintiffs as the Court shall order: Provided always, that in case of a Decree for an absolute Sale of such Real or Personal Estate as aforesaid, such security be given before such Rule be made; but in case the Plaintiff or Plaintiffs shall refuse or neglect to give such security as aforesaid, then the Court shall order the Estate or Effects so sequestrated, or whereof possession shall be decreed to be delivered, to remain under the direction of the Court, either by appointing a Receiver thereof, or otherwise, as to such Court shall seem meet, until the appearance of the

Defendant or Defendants to defend such Suit, and his, her, or their paying such Costs to the Plaintiff or Plaintiffs as the said Court shall think reasonable, or until such order shall be made therein as the Court shall think just : Provided always, that if any Decree shall be made in pursuance of this Act, against any person or persons being out of this Island, in manner aforesaid, at the time such Decree is pronounced, and such person or persons shall, within Three years after the making of such Decree, return, or become publicly visible, then, and in such case, he, she, or they shall be served with a copy of the Decree, within a reasonable time after his, her, or their return or public appearance shall be known to the Plaintiff or Plaintiffs ; and in case any Defendant against whom such Decree shall be made, shall, within Three years after the making of such Decree, happen to die before his or her return into this Island, or appearing openly as aforesaid, or before his or her being served with a copy of such Decree, then the Heir of such Defendant (if such Defendant shall have had any Real Estate) which may have been sold as aforesaid, or shall have any Real Estate sequestered or sold, or whereof possession shall have been delivered to the Plaintiff or Plaintiffs as aforesaid, and such Heir may be found, or if such Heir shall be a *Feme Covert* or *non compos mentis*, the Husband, Guardian, or Committee of such Heir respectively, or if the Personal Estate of such Defendant or Defendants be sold, sequestered or possession thereof delivered to the Plaintiff or Plaintiffs, then his or her Executor or Administrator (if any such there be) may and shall be served with a copy of such Decree, within a reasonable time after it shall be known to the Plaintiff or Plaintiffs, that the Defendant is dead, and who is his or her Heir, Executor, or Administrator, or where he, she, or they respectively may be served therewith : Provided always, that if any person or persons so served with a Copy of such Decree, shall not, within

Limits the time wherein absent parties after service of decree, are

allowed to have
Cause re-heard.

Six months after such service, appear and petition to have the said Cause re-heard, such Decree, so made as aforesaid, shall stand absolutely confirmed against the person or persons so served with a copy thereof, his, her, or their respective Heirs, Executors, or Administrators, and all persons claiming, or to claim, by, from, or under him, her, or them, or any of them, by virtue of any Act done or passed subsequent to the commencement of such Suit: Provided nevertheless, that if any person so served with a copy of such Decree shall, within Six months after such service, or if any person, not being so served, shall, within Three years next after the making of such Decree, appear in Court, and petition to be heard with respect to the matter of such Decree, and shall pay down, or give security for payment of such Costs as the Court shall think reasonable in that behalf, the person so petitioning, his, her, or their respective representatives, or any person or persons claiming under him, her, or them, respectively, by virtue of an act done before the commencement of the Suit, may be permitted to answer the Bill exhibited, and issue may be joined, and Witnesses on both sides examined, and such other proceedings, Decree and Execution may be had thereon as there might have been in case the same party had originally appeared, and the proceedings had then been newly begun, or as if no former Decree or proceedings had been in the same cause.

Decree to be absolute, if regular application for re-hearing be not made within 3 years.

XVII. Provided nevertheless, and be it enacted, That if any person or persons against whom such Decree shall be made, his, her, or their Heirs, Executors, or Administrators, shall not, within Three years next after the making of such Decree, appear and petition to have the cause re-heard, and pay down, or give security for payment of such Costs as the Court shall think reasonable in that behalf, such Decree, made as aforesaid, shall stand absolutely confirmed

against the person or persons against whom such Decree shall be made, his, her, or their Heirs, Executors and Administrators, and against all persons claiming or to claim by, from, or under him, her, or them, or any of them, by virtue of an act done subsequent to the commencement of such Suit, and at the end of such Three years it shall and may be lawful for the Court to make such further Order as shall be just and reasonable, according to the circumstances of the case.

XVIII. Provided always, and be it enacted, That in all cases where any Defendant or Defendants reside out of this Island, the Plaintiff in such Suit may, if he find it more convenient so to do, cause such party to be served with a Subpœna, to appear in the same manner as if such Defendant resided within the jurisdiction of the said Court, which shall be deemed good service: Provided always, that if such Defendant resides in the United Kingdom, or any part of Europe, or in the West Indies, such Subpœna shall direct such party to appear within Three Calendar Months from the time of the service thereof, and if such Defendant resides in any part of the United States of America, or in any of the British North American Colonies, such Subpœna shall direct such party to appear within Two Calendar Months from the time of the service thereof, and if the Defendant or Defendants reside in any other part of the World, such Subpœna shall direct such party to appear within Six Calendar Months from the time of the service thereof.

Plaintiff may serve absent Defendant with Subpœna to appear.

Defines the period within which parties so served may appear.

XIX. And be it enacted, That proof of the service of any Order or Subpœna of the said Court on any Defendant residing out of this Island, may be made by Affidavit or Affidavits to be taken and attested before any Judge of the Court of Queen's Bench, Common Pleas, or Exchequer, or before the Lord High Chancellor,

Proof of service of Order, &c. on absent Defendant how to be made.

Master of the Rolls, or Vice Chancellor, or any Master of the High Court of Chancery, or Mayor of any City, Borough, or Town Corporate, in England or Ireland, before any Lord of Sessions or other superior Judge, or any Provost, or other Chief Magistrate of any City, Borough, or Corporate Town in Scotland, before any Judge of the Supreme or other superior Court, or Master of the Rolls in any British Colony, or before any superior Court, or any Judge thereof, in the United States of America, or any other Foreign Country: Provided always, that such Affidavit, if taken in any Foreign Country, be authenticated by a Certificate under the Hand and Seal of the British Ambassador, Envoy, Minister, Consul, or Vice Consul; and if taken in any part of the British Dominions, by a Certificate under the Hand and Seal of some Public Notary, to the satisfaction of the said Court of Chancery.

In case of Bill for foreclosure of Mortgage, Court may decree sale.

XX. And be it enacted, That whenever a Bill shall be filed in the Court of Chancery, for the foreclosure or satisfaction of a Mortgage, the Court shall have power to decree a sale of the mortgaged Premises, or such part thereof as may be sufficient to discharge the amount due on the Mortgage, and the Costs of Suit.

Sales of mortgaged Premises and Conveyances how to be made.

XXI. And be it enacted, That all Sales of mortgaged Premises, under the Decree of the Court of Chancery, shall be made by a Master, under the direction of the said Court, and the Conveyance shall be executed by such Master, which shall vest in the Purchaser, the same Estate, and no other or greater than would have vested in the Mortgagee, if the Equity of Redemption had been foreclosed, and such Deed shall be as valid as if the same were executed by the Mortgagor and Mortgagee, and shall be an entire bar against each of them, and against all parties to the Suit in which such Decree for

sale was made, and against their Heirs, respectively, and all claiming under their Heirs.

XXII. And be it enacted, That the proceeds of every sale made under the Decree of the Court of Chancery as aforesaid, shall be applied to the discharge of the Debts adjudged by such Court to be due, and of the Costs awarded, and in case there shall be any surplus, it shall be brought into Court for the use of the Mortgagor or of the person who may be entitled thereto, subject to the order of the Court.

Appropriation of proceeds of sale under Decree of Court.

XXIII. And be it enacted, That when any Bill shall be filed for the foreclosure or satisfaction of any Mortgage, upon which there shall be due any Interest or portion only of the Principal, the Bill may be ordered to be dismissed, upon the Defendants bringing into Court, at any time before the Decree, the Principal and Interest due, with Costs; and in case the same shall be brought into Court after a Decree and before a sale, further proceedings thereupon shall be stayed, but the Decree shall stand as a security for such further sums as may thereafter fall due on the Mortgage, and upon any subsequent default of payment thereof, may be enforced by the further Order of the Court for the sale of the mortgaged Premises, or of such part thereof as shall be necessary, from time to time, until the amount secured by the Mortgage and the Costs of the proceedings thereon, shall have been fully paid and satisfied.

Powers of Court and practice in cases of Bills filed for foreclosure where Interest or portion only of Principal is due.

XXIV. And be it enacted, That if in any of the foregoing cases it shall appear to the Court that the mortgaged Premises are so situated that the sale of the whole will be most beneficial to the parties, the Decree shall, in the first instance, be entered for the sale of the whole Premises accordingly, and in such case the proceeds of

Sale of whole mortgaged Premises in discretion of Court.

such sale shall be applied as well to the payment of the amount due, and the costs of suit, as towards the residue of the sum not due at the time of such sale, and if such residue do not bear Interest, then the Court may direct the same to be paid, with a deduction of the rebate of legal Interest for the time during which such residue shall not be due and payable.

Proceeds of sale of mortgaged Premises after satisfaction of first mortgage, &c. to be subject to claims of subsequent incumbrances under Order of Court.

XXV. And be it enacted, That in case of subsequent incumbrances affecting any mortgaged Premises which may be sold under the Decree of the said Court by virtue of this Act, the residue of the proceeds which may remain after the discharge of the first Mortgage thereon, shall be subject under the order and direction of the said Court, to the claims of the holders of such subsequent incumbrances according to their due priority, whether the same be due and payable, or otherwise subject to the like rebate of Interest in case of sums not payable when the same do not bear Interest, as is provided in the last preceding Section of this Act.

Sales of mortgaged Premises to be by Public Auction.

Notice of sale.

XXVI. And be it enacted, That all sales of any mortgaged Premises made under the authority of this Act, shall be made by Public Auction, of which not less than Three months' notice shall be given.

In all matters not provided for by Legislative enactment or Rules, &c. of Court, the Rules of English Court of Chancery to be in force.

XXVII. And be it enacted, That in all matters relating to the practice of the Court of Chancery of this Island, not otherwise particularly provided for by Legislative enactment, or the Rules and Orders of this Court, the Rules of Practice of the High Court of Chancery in England as now established, shall be in force, subject nevertheless to the like exceptions, limitations, restrictions, and rules of construction in the application of the same, as the Practice of the High Court of Chancery prevailing and in force at the time of the erection of this Island into a Govern-

ment have been, and subject to be altered, modified and restricted by such Rules of Practice as may be hereafter, from time to time, introduced and established in the Court of Chancery in this Island, by any Act or Acts of the General Assembly, or the Orders of the said Court.

XXVIII. And be it enacted, That so much of an Act passed in the Sixteenth year of the Reign of King George the Third, intituled *An Act for regulating Fees*, as relates to the Fees to be taken in the Court of Chancery of this Island, be, and the same is hereby repealed.

Repeals so much of Act of 16 G. 3, c. 1, as relates to fees to be taken in Court of Chancery.

XXIX. And be it enacted, That whenever any Infant shall be seised or possessed of any Lands, Tenements or Hereditaments by way of Mortgage, or in Trust only for others, the Chancellor or Master of the Rolls on the Petition of the Guardian of such Infant, or of any Person interested, may enable and compel such Infant to convey and assure such Lands, Tenements and Hereditaments to any other person, in such manner as the said Court shall order and direct; and every Conveyance or Assurance, made pursuant to such Order, shall be as good and effectual in the Law, as if the same were made by such Infant, when of lawful age.

Court may compel Infant in certain cases to convey Lands, &c.

XXX. And be it enacted, That the Court of Chancery shall have power to decree and compel the specific performance by any Infant-Heir, or other Person, of any Bargain, Contract or Agreement made by any Party who may die before the performance thereof, on Petition of the Executors or Administrators of the Estate of the deceased, or of any Person or Persons interested in such Bargain, Contract or Agreement, and on hearing all parties concerned, and being satisfied that the specific performance of such Bargain, Contract or Agreement, ought to be decreed or compelled.

Court may decree specific performance by Infant Heir of any contract made by ancestor.

Infant may apply by next friend or guardian for order for sale of Real Estate or Term for years.

XXXI. And be it enacted, That any Infant seised of any Real Estate, or entitled to any Term for years in any Lands, may by his next friend, or by his Guardian, apply by Petition, to the Chancellor or the Master of the Rolls for an Order, for the sale or other disposition of the said Property, in manner hereinafter mentioned.

Powers of Court and mode of proceeding under such application of Infant.

XXXII. And be it enacted, That on such application, the said Court may appoint one or more suitable person or persons to be the Guardian or Guardians of such Infant, in relation to the proceedings on such application, who shall be required to give Security, by Bond, to the Infant, to be filed with the Registrar, in such Penalty, and with such Sureties, and in such form as the Court shall direct, conditioned for the faithful performance of the trust in him or them reposed, for the paying over, investing and accounting for all Moneys which shall be received by such Guardian or Guardians, according to the order of the Court, and for the observance of the orders and directions of the said Court in relation to the said trust, and in case of the forfeiture of such Bond, the said Court may order and direct the same to be prosecuted for the benefit of the party injured.

Mode of proceeding under such application of Infant.

XXXIII. And be it enacted, That upon the filing of such Bond, by such Guardian or Guardians as aforesaid, the said Court may proceed in a summary way, by reference to a Master, to enquire into the merits of such application, and in case it shall appear satisfactorily, that a disposition of the Real Estate of such Infant, or any part thereof, for any Term of years, of which he or she may be possessed, or in which he or she may be interested, is necessary or proper, either for the support and maintenance of such Infant, or for his or her education, or that the interest of such Infant requires or will be substantially promoted by such disposition, on account of any part

of his or her said Property being exposed to waste and dilapidation, or on account of its being wholly unproductive, or for any other reasons or circumstances, the Court may order the letting for a term of years, or the sale or other disposition of such Real Estate or Interest by such Guardian so appointed in such manner, and with such restrictions as shall be deemed expedient: Provided always, that nothing herein contained shall be construed to authorize the ordering of the Sale, Leasing or other disposition of any Real Estate or term for years, in any manner contrary to the provisions of any last Will or any Conveyance, by, through or under which such Estate or term was devised or conveyed to such Infant.

Nothing herein contained to authorize a sale, &c., of Lands contrary to provisions of a Will or Conveyance.

XXXIV. And be it enacted, That upon any Agreement for the Sale, Leasing or other disposition of such Property made pursuant to such Order, the same shall be reported to the Court upon the Oath of the Guardian making the same, and if it be confirmed, a Conveyance shall be executed under the direction of the said Court.

Court may confirm order for Sale or Lease and direct Conveyance to be made.

XXXV. And be it enacted, That all Sales, Leases, Dispositions and Conveyances, made in good faith by any Guardian, in pursuance of any such Agreement so confirmed as aforesaid, shall be valid and effectual, as if made by such Infant when of full age.

Confirms all Sales, Leases, &c., made in good faith by guardian of Infant under agreement confirmed by Court.

XXXVI. And be it enacted, That upon any Order for the sale of any Property being made as aforesaid, the Infant to whom the same shall belong, shall be considered, so far as relates to such Property, a Ward of the Court of Chancery; and the Court shall have power to make such Order for the investment, disposition and application of the proceeds of such Property, and of the increase and Interest arising therefrom, as to secure the same for the benefit of such Infant, in such manner as may be deemed most expedient.

Infant whose property may be ordered to be sold to be deemed a Ward of Court.

No sale of Infant's property to give to such Infant any greater Interest in proceeds of sale than entitled to previously.

XXXVII. And be it enacted, That no sale so made as aforesaid, shall give to such Infant any other or greater Interest or Estate in the proceeds of such sale than he had in the Estate so sold, but the said proceeds shall be deemed Estate of the same nature as the property sold.

Regulates the mode of registering of Conveyances made under this Act.

XXXVIII. And be it enacted, That every Conveyance made under the provisions of this Act having been first duly acknowledged or proved, according to the provisions of the Laws relating to the registry of Deeds, may be registered in the Office of the Registrar of Deeds for this Island; and such Conveyance so registered, or a Copy thereof, may be given in evidence, in any Court of Law or Equity in this Island, in like manner with, and under the same rules and restrictions as any other registered Deed, and when so given in evidence, shall be deemed and taken to be evidence, that all the proceedings on which such Conveyance is founded, were rightly had and done.

Form to be taken under this Act.

XXXIX. And be it enacted, That no person acting under and by virtue of this Act, shall take or receive, directly or indirectly, any greater or other Fee or Fees for his services than is or are mentioned and allowed in the Schedule of Fees to this Act annexed, such Fees to be paid and received in the same currency or description of Money in which payments shall be made at the Treasury.

Schedule of Fees. **SCHEDULE of Fees to which this Act refers.**

Master's Fees.

MASTER'S FEES.

For every Summons, - - -	£0 2 0
Copies of all writings brought in before the Master, for each folio, containing	
One hundred words, - - -	0 0 6

For every Report or Certificate made pursuant to a hearing, -	£0	10	6
If Report exceeds six folios, for every additional folio beyond that number, -	0	1	0
For every Recognizance prepared by him, per folio, -	0	1	0
For an Examination Fee, each person examined, -	0	3	0
For every Exhibit signed by the Master, -	0	1	0
For every Exemplification examined by two Masters, for each of the two Masters, -	0	3	0
For preparing and executing a Conveyance of Land, -	1	3	4
For every folio beyond ten, which the Conveyance may contain, -	0	1	6
For preparing an Advertisement of sale of Land, -	0	5	0
For attending a Public Sale, when Conveyance is to be executed by him, -	1	3	4
For examining and settling a Conveyance to be executed by another, -	0	11	8
For swearing every Witness, -	0	1	0
For every Bill of Costs taxed, for every page of the same, -	0	2	0
Appointing time and place for examination of each Witness, -	0	1	6
Taking down Interrogatories and Depositions, per folio, -	0	1	0
Certifying the Examination, -	0	2	6
Swearing a party to an answer or other pleading, -	0	2	0
For every attendance on Summons to appear before him, -	0	9	0
For every Recognizance acknowledged before him, -	0	3	6

MASTER EXTRAORDINARY'S FEES.

Master Extraordinary's Fees.

The like Fees as the Master for the like services.

REGISTRAR'S FEES.

Registrar's Fees.	For entering and drawing all Orders and Rules, per folio, - - -	£0	2	0
	Filing and entering every Bill, Answer, or other Pleading, - - -	0	2	3
	For filing every Report or other Paper, - - -	0	1	0
	Copies of all Orders and Reports, per folio, - - - - -	0	1	0
	For drawing, engrossing and copying, in cases not otherwise provided for, the same Fee as the Solicitor, for the like services respectively.			
	For the Registrar's hand to every copy of Affidavit, - - - - -	0	1	0
	For every Certificate, - - - - -	0	2	3
	For entering a Cause for hearing, or setting down in motion paper, - - -	0	1	0
	For every Decree and Dismission, - - -	0	5	0
	For every Search, - - - - -	0	1	0
	For entering Attachments, for each person, - - - - -	0	0	6
	Entry of all Amerciaments, - - - - -	0	1	0
	Entry of Appearances, - - - - -	0	2	0
	Signing and Sealing every Writ or Process, - - - - -	0	1	6
	For every Paper read in evidence, - - -	0	0	6
	For preparing every Subpœna, over and above Signing and Sealing, - - -	0	2	6

COUNSEL'S FEES.

Counsel's Fees.	Retaining Fee in each Cause, - - -	£1	0	0
	For perusing and Signing every Bill, Answer, Plea, Demurrer, or any other special Pleading, Interrogatories, or Exceptions, - - -	1	0	0
	For every Motion of course, - - - - -	0	10	0
	For every Special Motion, - - - - -	0	15	0

For arguing every Plea, Demurrer, or other Special Argument, before the Court, and on the hearing of the Cause, Fee at the discretion of the Court.

For attending the Examination of, and examining each Witness, when Examination is oral, - - - £0 5 0

Counsel Fees upon Special Matters, where their assistance is necessary, and not otherwise provided for, at the discretion of the Court, on Master's Certificate.

SOLICITOR'S FEES.

Retaining Fee in each Cause, -	£0 15 0	Solicitor's Fees.
For drawing every Bill, Answer, Plea, Demurrer, or any other Writing, not otherwise provided for, per folio,	0 1 0	
For every Copy thereof, per folio,	0 0 6	
Solicitor's Fee for each Term, only four allowed, - - -	0 5 0	
Attending in getting every Petition answered, - - -	0 6 8	
Attending the Court on every Common Motion, when actual attendance is given, - - -	0 3 4	
For the like attendance on every Special Motion, - - -	0 6 8	
For Copy of every Order, per folio,	0 0 6	
Serving the same, - - -	0 3 4	
Attending the Court upon every hearing, and upon every argument where actual attendance is given, -	0 15 0	
For abbreviating every Bill, Answer and all other Proceedings, per folio,	0 0 4	
Attending the Registrar upon drawing every Decretal Order, - -	0 6 8	
Attending the Master to file any charge or discharge, - - -	0 3 4	
Attending on Summons to proceed,	0 6 8	

Serving all Papers not otherwise provided for, - - - £0 1 0
 Postage actually incurred, to be allowed.

SERGEANT AT ARMS' FEES.

Sergeant at
Arms' Fees.

For taking a Prisoner into custody, £0 13 4
 Mileage, for each mile, - - - 0 0 3
 For Serving every Summons to attend
 a Master, - - - 0 1 0
 Serving every Subpœna to appear and
 answer or other Process on each De-
 fendant, not otherwise provided for, 0 2 6
 Poundage, the same allowance as on
 Process at Common Law, (except
 that no Poundage be to be allowed,
 except in cases of Moneys levied
 and paid over, under Process of the
 Court,) the amount to be levied in
 addition to the sum directed to be
 paid or levied by such Process.

SHERIFF'S FEES.

Sheriff's Fees.

Serving every Subpœna to appear and
 answer or other Process, not other-
 wise provided for, - - - £0 2 6
 Mileage for each mile to be computed
 as on Process at Common Law, 0 0 4
 Poundage, the same as the Sergeant at
 Arms.
 For every Arrest under Writ of Attach-
 ment, or other Process, - 0 5 0

NOTE.—In all cases, under the foregoing Table, the Folio is to be considered as containing One hundred words, and the fraction of a Folio is to be reckoned as one Folio, and that none of the above Fees shall be taxed, unless the services for which the same are charged, shall have been necessary and actually performed.

CAP. XV.

An Act to repeal an Act passed in the Seventh year of the Reign of Her present Majesty, intituled *An Act for regulating the size and quality of Fish Barrels and Tierces, and the weight of Fish made up therein, and for the appointment of Fish Inspectors; also, to regulate the Inspection of Pickled Fish,* and to make other provisions in lieu thereof.

[Passed 2d May, 1849.]

BE it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, an Act passed in the Seventh year of the Reign of Her present Majesty, intituled *An Act for regulating the size and quality of Fish Barrels and Tierces and the weight of Fish made up therein, and for the appointment of Fish Inspectors, also to regulate the Inspection of Pickled Fish,* be, and the same is hereby repealed; and whereas it is desirable that there should be an uniformity in the size and quality of Barrels, half Barrels, and Tierces, in which Pickled Fish shall be packed, either for exportation or home consumption, and that the weight of Fish the same shall contain should be regulated: Be it therefore enacted, That all Barrels, half Barrels, and Tierces, in which Pickled Fish, either for exportation or home consumption, shall be packed for sale, shall be made of sound well seasoned Timber, free from sap, and constructed of Staves of the thickness of not less than half an inch in the thinnest parts, if made of Hardwood, or three-fourths of an inch, if made of Softwood, with heading well seasoned and planed, and free from sap, the Barrels, half Barrels and Tierces, to be well hooped, having at least Three Hoops on each chime, and Three on

Repeals Act of
7th Vic. c. 7.

Barrels, half
Barrels, &c. con-
taining Pickled
Fish for exporta-
tion, &c. how to
be made.

What quantity of gallons to contain.

each bilge, the Barrel Staves to be Twenty-eight inches in length, and the heads to be Seventeen inches between the chimes, and to contain not less than Twenty-eight Gallons, the half Barrel to contain not less than Fifteen Gallons, and the Tierce to contain not less than Forty-five Gallons, and all Barrels to be used for exportation, shall have the bung Stave made of Hardwood.

Weight of Pickled Fish to be contained in Tierce, Barrel, &c.

II. And be it enacted, That every Tierce of Pickled Fish shall contain not less than Three hundred pounds of Fish, every Barrel shall contain not less than Two hundred pounds, and every half Barrel shall contain not less than One hundred pounds.

Penalty on persons selling Pickled Fish in Barrels, &c. of less size or weight.

III. And be it enacted, That any Person or Persons who shall sell or cause to be sold, any Pickled Fish in Barrels, half Barrels or Tierces of a less size or weight than is prescribed by this Act shall for each and every Barrel, half Barrel or Tierce so sold, forfeit and pay a Fine of Seven Shillings and Six-pence, the same to be recovered and applied in manner, and to the purposes hereinafter in this Act directed and declared.

How to be recovered and appropriated.

Importer of Pickled Fish required to brand Tierce, Barrel, &c. in which Fish packed.

IV. And be it enacted, That when and so often as any Person or Persons, shall import and bring into this Island, any Pickled Fish in Barrels, half Barrels, Tierces or Casks of any description whatsoever, he or they shall on entry thereof, being made by him or them at the Custom House, for the Port or Place at which the said Fish shall arrive, brand in plain and legible letters and figures on the head of each and every Cask, in which such Fish shall be packed or repacked, the initials of the Christian Name or Names of the Importer or Seller, with his or their Surname or Surnames in full, the year in which they are imported, and also the weight of the Fish contained in each Cask, and any Person

Description of Brand.

or Persons who shall contrary to the provisions of this Act, sell or expose for sale, or cause or procure to be sold, or exposed for sale within this Island, any Pickled Fish which shall have been imported or brought into the same as aforesaid, and which shall not have been first duly branded in manner hereinbefore directed and required, shall for each and every Barrel, half-Barrel, Tierce or other Cask containing such Pickled Fish, which he or they shall have so sold or exposed for sale, or caused and procured to be sold or exposed for sale, forfeit and pay a Fine not exceeding Ten Shillings, the same to be recovered and applied in manner, and to the purposes hereinafter in this Act directed and declared.

Penalty on persons selling, &c. Fish not branded.

Mode of recovery of penalty, and appropriation.

V. And be it enacted, That all Barrels, half Barrels, Tierces and Casks of any description whatsoever, containing Pickled Fish, which shall hereafter be sold or exposed for sale within this Island, shall consist of Fish of one and the same quality, and any Person or Persons who shall contrary to the provisions of this Act, sell or expose for sale, or cause or procure to be sold, or exposed for sale, any Barrel, half Barrel, Tierce or other Cask containing Pickled Fish, which Fish shall not be of the like good quality throughout such Barrel, half Barrel and Tierce or other Cask, as at the heads thereof, shall for each and every Barrel, half Barrel, or Tierce or other Cask so sold or exposed for sale, forfeit and pay a fine of Twenty Shillings, the same to be recovered and applied in manner, and to the purposes hereinafter in this Act directed and declared.

Fish in Tierce, Barrel, &c. to be of one and same quality throughout.

Penalty on persons selling, &c. Tierce, Barrel, &c. containing Fish not of good quality throughout.

Mode of recovery and appropriation of penalty.

VI. And be it enacted, That in all cases in which any person or persons, shall sell, or cause to be sold, any Barrel, half Barrel, Tierce or other Cask containing Pickled Fish, which Fish shall be unsound, or not of the like good quality throughout such Barrel, half Barrel, Tierce, or other Cask, as at the heads thereof, or deficient in

Venue may return unsound Fish, &c. to vendor within 10 days after sale, and recover price paid, with a reasonable sum for any loss sustained.

Mode of recovery
of price, &c.

weight, it shall and may be lawful for the person or persons, who shall or may have purchased the same, at any time within Ten days after he, she, or they shall have made such purchase, to return the Fish, so bought as aforesaid, to the party or parties from whom he, she, or they may have purchased the same, and to demand from such party or parties the amount which such Purchaser or Purchasers may have paid therefor, together with a reasonable sum, as an equivalent for any loss which he, she, or they may have sustained in consequence of such Fish being so intermixed as aforesaid; and if the person or persons, who shall have so sold such Fish as aforesaid, shall upon the same being returned, and demand made as aforesaid, refuse to refund the amount paid for the same, and also to pay to such person or persons a reasonable and just equivalent for any loss which he, she, or they may have sustained as aforesaid, then, and in such case, it shall and may be lawful for the said Purchaser or Purchasers, to sue for and recover the same, with Costs of Prosecution, if under the sum of Eight Pounds, by Summons or Capias, issued by and made returnable before any Court of Commissioners, or Justice of the Peace, in manner prescribed for the recovery of Small Debts, in and by the Act of the General Assembly of this Island, passed in the Seventh year of Her present Majesty's Reign, intituled *An Act relating to the recovery of Small Debts, and to repeal certain Acts therein mentioned*; if by Capias, an Affidavit having been previously made by such Purchaser or Purchasers, in the form prescribed in the Schedule to this Act annexed: And in case the same shall exceed the sum of Eight Pounds, then by action in the Supreme Court of Judicature of this Island, anything in this Act contained to the contrary notwithstanding.

7 Vic. c. 2.

Mode of recovery
of penalties im-
posed by this Act.

VII. And be it enacted, That all Fines, Penalties, and Forfeitures imposed and arising by virtue of this Act, when the same shall not exceed

the sum of Five Pounds, shall be recovered before any one of Her Majesty's Justices of the Peace, or where the same shall be more than Five Pounds, and shall not exceed Eight Pounds, before any Two of Her Majesty's Justices of the Peace, together with the Costs of Prosecution, on the Oath of one or more credible Witness or Witnesses, and at the Suit of any person or persons who shall sue for the same, and shall and may be levied by Warrant of Distress under the hand and seal, or hands and seals of such Justice or Justices, and sale of the Offender's Goods and Chattels, and for want of sufficient Distress, such Offender or Offenders, shall suffer not less than Five days nor more than Two months' Imprisonment, and in case such Fine shall exceed the sum of Eight Pounds, the same may be recovered in Her Majesty's Supreme Court of Judicature of this Island, by action of Debt, together with Costs of Suit, one half of all such Fines, Penalties, and Forfeitures, to be paid to the person or persons who shall sue for the same, and the other half to be paid into the Treasury of this Island, to and for the use of Her Majesty's Government.

VIII. And be it enacted, That this Act shall continue and be in force for Ten years from the passing thereof, and from thence to the end of the then next Session of the General Assembly of this Island.

Continuance of Act.

SCHEDULE.

Schedule.

PRINCE EDWARD ISLAND.

of _____ in the said Island, maketh Oath and saith, that _____ is justly indebted to this Deponent in the sum of _____ being the price paid by this Deponent to the said _____ for _____ Barrel (or Barrels, as the case may

Form of Affidavit to obtain Capias.

be,) of Pickled Fish sold by him (*or them*) to this Deponent, as and for good and sound Fish. but which Fish on examination proved to be unsound, (mixed in quality or deficient in weight, *as the case may be,*) and have been returned to the said and this Deponent further saith, that he, this Deponent, hath duly demanded of the said the said sum so paid by him as aforesaid, in the manner prescribed by Law, but the said hath refused to pay or refund the same.

Sworn to, this day of }
 IS before me, }

C A P. X V I.

An Act to consolidate and amend the several Acts relating to Summary Trespasses, and to repeal certain Acts therein mentioned.

[Passed 2d May, 1849.]

BE it enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, the several Acts relating to Trespasses hereinafter enumerated, shall be, and they are hereby repealed, that is to say:—An Act passed in the Sixteenth year of the Reign of His late Majesty King George the Third, intituled *An Act to prevent Trespasses on Crown Lands*; an Act passed in the Twentieth year of the same Reign, intituled *An Act for preventing Trespasses by unruly Horses, Cattle, and Sheep, and for preventing the running of Hogs at large through the Town of Charlottetown*; an Act passed in the Twentieth year of the same Reign, intituled *An Act to prevent the cutting of Pine and other Trees without permission of the Proprietor, and to prevent the cutting down and destroying of Fences*; an Act passed

Repeals Act of
16th Geo. 3d, c.
3.

Also Act of 20
Geo. 3d, c. 6.

Also Act of 20
Geo. 3d, c. 4.

in the Thirtieth year of the same Reign, intituled *An Act to prevent the malicious killing, wounding, or maiming of Cattle*; an Act passed in the Thirty-fifth year of the same Reign, intituled *An Act to amend an Act made and passed in the Twentieth year of His present Majesty's Reign, intituled 'An Act to prevent Trespasses by unruly Horses, Cattle and Sheep, and for preventing the running of Hogs at large through the Town of Charlottetown'*; an Act passed in the Thirty-sixth year of the same Reign, intituled *An Act to prevent the robbing of Gardens and Orchards, Potato and Turnip Fields, and throwing down of Fences, and for amending an Act made and passed in the Twentieth year of His present Majesty's Reign, intituled 'An Act for preventing Trespasses by unruly Horses, Cattle and Sheep, and for preventing the running of Hogs at large through the Town of Charlottetown'*; an Act passed in the Fiftieth year of the same Reign, intituled *An Act to amend an Act, intituled "An Act to prevent the malicious killing, wounding and maiming of Cattle,"* and so much of an Act passed in the Ninth year of the Reign of His late Majesty King George the Fourth, intituled *"An Act for continuing several Laws near expiring"* as relates to an Act passed in the Fifth year of the Reign of His said late Majesty King George the Fourth, intituled *"An Act for summary punishment in certain cases of persons wilfully or maliciously damaging, or committing Trespasses on public or private property;"* an Act passed in the Ninth year of the said last mentioned Reign, intituled *An Act to continue and amend an Act of the Fifth year of His present Majesty's Reign, intituled 'An Act to prevent the running at large of Boar Pigs, and to restrain Swine from going at large without Rings;* an Act passed in the Third year of the Reign of His late Majesty King William the Fourth, intituled *An Act to consolidate,*

Also Act of 36th
Geo. 3d, cap. 9.

Also Act of 36th
Geo. 3d, cap. 9.

Also Act of 36
Geo. 3d, cap. 2.

Also Act of 50
Geo. 3d, cap. 1.

Also so much of
Act of 9 Geo.
4 cap. 2, as
relates to Act of
5 Geo. 4 cap. 13.

Also Act of 9
Geo. 4, cap. 7.

Also Act of 3d
Will. 4, cap. 27.

Also Act of 5
Will. 4, 1st
Session cap. 3.

Also Act of 5
Vic., cap. 9.

And also Act of
11 Vic., cap. 19.

*amend and reduce into one Act, the several Acts of the General Assembly, relating to Trespasses, and for other purposes therein mentioned ; an Act passed in the Fifth year of the Reign of His late Majesty, intituled *An Act to explain and amend the Act relating to Trespasses* ; an Act passed in the Fifth year of the Reign of Her present Majesty, intituled *An Act to further explain, and amend an Act passed in the Third year of the Reign of His late Majesty King William the Fourth, intituled 'An Act to consolidate, amend, and reduce into one Act, the several Acts of the General Assembly relating to Trespasses, and for other purposes therein mentioned* ; an Act passed in the Eleventh year of the Reign of Her present Majesty, intituled *An Act to provide for the summary punishment of Persons Trespassing upon Crown Lands.**

Penalty for occu-
pying Crown
Lands without
License.

From whom Li-
cense is to be ob-
tained.

Appropriation &
mode of recovery
of penalty.

II. And be it enacted, That from and after the publication hereof, all Persons whosoever, who shall or may locate, settle, or place any Person or Persons whomsoever, on any Lands belonging to, or vested in the Crown, whether held in trust for any public purpose or otherwise, or who shall or may occupy any such Lands in any manner without having first obtained a Grant thereof, or License, or leave in writing for that purpose, from the Lieutenant Governor or other Person or Persons authorized to grant the same, shall or may be prosecuted for the same, and shall forfeit and pay a sum not exceeding Twenty Pounds, to be recovered in a summary manner in Her Majesty's Supreme Court of Judicature, with Costs, and to be applied to and for the use of Her Majesty's Government of this Island.

Penalty on per-
sons cutting, &c.,
trees on Crown
Lands, or carry-
ing away any
trees, wood, &c.
felled, &c.,
thereon.

III. And be it enacted, That any person or persons, who shall hereafter cut down or fell any Trees or Wood of any kind or description, or bark or box any Pine or other Tree, standing, growing or being upon any of the Lands belong-

ing to or vested in the Crown in this Island, whether held in trust for any public purpose, or otherwise, or take or carry away therefrom, any Trees or Wood of any kind or description, felled, cut down, lying or being upon any such Lands, shall forfeit and pay for every such offence, a Penalty not exceeding Thirty Shillings, for every Tree so cut down, barked or boxed, taken or carried away, together with reasonable Costs of recovering the same, the said Penalty and Costs to be recovered by and on the Oath of any person or persons who may prosecute and sue for the same, or on the Oath of any other credible Witness, before any Two of Her Majesty's Justices of the Peace, for the County wherein such offence shall be committed, provided the forfeiture sued for before such Justices shall not exceed the sum of Ten Pounds; but if the amount of Penalty sought to be recovered for any such offence shall exceed the said sum of Ten Pounds then the same may be sued for and recovered with reasonable Costs in a Summary manner, in Her Majesty's Supreme Court of Judicature, by and on the oath of any person or persons, who may prosecute and sue for the same, or on the Oath of any other credible Witness, one-half of the penalty to be paid to the person or persons who shall prosecute and sue for the same, and the other half to be applied to and for the use of Her Majesty's Government, of this Island: Provided also, that such Penalties shall be sued for within Six Calendar Months, next after the offence shall have been committed, and not afterwards.

Mode of recovery of penalty of £10 or under

Mode of recovery of penalty over £10.

Limits the time within which penalties are to be sued for.

IV. And be it further enacted, That from and after the Publication hereof, no person or persons shall cut down or fell any Trees or Timber, or bark or box any Pine, or other Trees standing or growing upon any Lands in this Island, nor carry away the same therefrom, with

Penalty on persons cutting down or barking trees, &c., on lands of private parties.

out first obtaining a written License from the owner or owners thereof, or from the Agent or Attorney, on pain of forfeiting and paying a sum not exceeding Thirty Shillings for every Tree removed, barked or boxed, together with reasonable Costs of recovering the same, the said Fine to be paid to the owner or owners of such Trees, and to be recovered before any Two of Her Majesty's Justices of the Peace in this Island, provided the forfeiture shall not exceed the sum of Ten Pounds, but if the same shall exceed that sum, then to be recovered by due course of Law in the Supreme Court of Judicature: Provided always, that such penalties as are last mentioned shall be sued for within Six Calendar Months, next after the offence shall have been committed, and not afterwards.

Appropriation of penalty and mode of recovery thereof.

Limits the time within which such penalty shall be sued for.

No fence to be deemed lawful unless 4½ feet high and strongly made.

Fence Viewers' opinion of sufficiency to be conclusive.

In case of ground bounded by a Cape, &c., Fence Viewers' opinion also conclusive.

Limits the time for prosecutions for Trespasses.

Owners of Horses, Cattle, &c., breaking into grounds

V. And be it further enacted, That from and after the passing of this Act, no fence shall be deemed sufficient to entitle the owner to sue for Trespasses committed by any of the Animals hereinafter mentioned, upon the Lands thereby enclosed, unless the same shall be at least four and a half feet high, and strong and substantial; and the judgment of the Fence Viewers for the district, as to its sufficiency, shall be conclusive to entitle the party injured to damages under this Act: Provided always, that when the ground enclosed is in part bounded by a Cape, or any inaccessible natural Boundary, the decision of the Fence Viewers of the District, as to its being sufficient or otherwise, shall be deemed conclusive; and no Person shall be liable to any prosecution for Trespass committed as last aforesaid, unless the same shall be commenced within Three Calendar Months next after they shall have taken place.

VI. And be it further enacted, That if any Horses, neat Cattle, Hogs, Sheep, or other beasts, shall break into any ground (not being

pasture land,) enclosed as aforesaid, the Owner or Owners thereof, shall for every such Trespass, make reparation to the party injured, to the full amount of the Damages he or they shall have sustained, with Costs of suit; and in order to ascertain the amount of such Damages, the party injured may apply to the next Justice of the Peace, who is hereby empowered and required, (upon the Oath of the Complainant, or some other credible Witness, as to the Damage being done, and also stating who is or are the supposed Owner or Owners of, and the description of the trespassing Beasts), to grant a Warrant under his hand and Seal to Three of the nearest neighbors, empowering and requiring them to go to the Grounds so trespassed upon, and to view and appraise the Damages, also giving notice to the Owner or Owners of the Trespassing Beasts, if known, to attend such appraisement, and to cause the said Appraisers, or any Two of them, to return a Certificate to him upon Oath, of the amount of the Damages; and such Justice of the Peace shall have power, and he is hereby authorized and required to direct and order a reasonable satisfaction to the said Appraisers for their trouble, according to the distance they shall have travelled, and other circumstances; which allowance to the said Appraisers, it is hereby declared, shall be considered as in addition to the amount awarded for the Damages so done to the injured party, and which the Owner or Owners of the Trespassing Beasts, hereinbefore mentioned, shall be obliged to pay; and if not paid within one Calendar Month, the same with the assessed Damages, as aforesaid, and Costs, shall be levied by Warrant under the Hand and Seal of the said Justice, on the Goods and Chattels of the said owner or owners; and in order that the condition of the Fence, at the time of the Trespass committed as aforesaid, may be ascertained, (in case the owner or owners of the Trespassing Beasts, hereinbefore mentioned, should allege the same

(not being pasture lands) lawfully fenced, liable to damages and costs. Mode of ascertaining damages.

Mode of recovery of damages.

Proof of condition of Fence to be upon owner.

to have been insufficient), the proof thereof shall lie upon such owner or owners; and in case of such Fence being proved to be insufficient, then and in such case, the owner or owners of the Trespassing Beasts shall not be liable to any Damages whatsoever.

Mode of appor-
tioning dama-
ges when tres-
passing Cattle
are owned by
several persons.

Penalty on ap-
praiser neglect-
ing, &c., obe-
dience to Jus-
tices' warrant.

Mode of reco-
very.

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

On proof by 2
witnesses of an
unruly beast
being at large,
any Justice of
the Peace may
order Owner to
confine it.

Penalty on
Owner neglect-
ing to obey
order of Justice.

VIII. And be it further enacted, That from and after the passing hereof, when proof shall be made by two credible Witnesses, residing in any Settlement or District within this Island, to any one of Her Majesty's Justices of the Peace, that any unruly Beast is at large, it shall and may be lawful for such Justice, and he is hereby directed and required to notify the owner of such Beast of the proof so made and to order the said Beast to be confined, and, if after such Notice, the owner of any such Beast shall refuse or neglect to take up and keep the same confined, he or she shall be liable to a fine of Five Shillings, for every day such beast shall be seen at large, after the Notice so given, the said Fine to be recovered, as hereinbefore last directed, and paid into the Treasury of this Island, for the use of Her Majesty's Government.

IX. And be it further enacted, That the owner of every such unruly Beast shall, if he or she neglect to take up and confine the same, after receiving such Notice as aforesaid, be liable to all the Damages occasioned by other Cattle following such unruly Beast into any enclosed Ground, as aforesaid, the same to be recovered and paid as hereinbefore last directed.

Owner of such Beast, neglecting to obey order of Justice, liable for all damages occasioned by other Cattle following same into enclosed ground.

X. And be it further enacted, That if any Horses, Neat Cattle or Sheep shall break into any Pasture Ground, fenced in manner hereinbefore specified, the owner or owners thereof shall forfeit and pay to the party aggrieved by the same, as follows, that is to say: For every Horse, Three Shillings; for every head of Neat Cattle, Two Shillings, and for every Sheep or Lamb, Six-pence; to be recovered on the Oath of one or more credible Witness or Witnesses, before any one of Her Majesty's Justices of the Peace, together with the Costs of recovering the same, and if any person shall enter into or pass through any inclosed Field or Garden, without the permission of the Occupier thereof, or some person duly authorized by him to grant such permission, he or she shall be liable to a Penalty of Two Shillings and Six-pence for each offence, over and above the amount of all Damages occasioned thereby, to be levied, recovered and paid, as last hereinbefore directed.

Penalty on owner of Horses, Cattle, &c., breaking into pasture ground.

Mode of recovery thereof.

Penalty for entering inclosed field or garden without permission.

Mode of recovery thereof.

XI. And whereas the running at large of Boar Pigs is found to be highly prejudicial to the breed of Hogs, within this Island, and the practice of allowing Swine to go at large without Rings has been found injurious: Be it therefore enacted, That from and after the passing hereof, it shall and may be lawful to and for any person or persons, whomsoever, to take up any Boar Pig of Three Months old, or upwards, found at large, and upon complaint made by him or them to the nearest Justice of the Peace, within the County or Dis-

Any Boar Pig of 3 months old, or upwards found at large, may be taken up

Justice of the Peace may cause same to be sold at Auction, and pay proceeds to the taker.

3 days' notice of sale to be given.

If claimed before sale, to be returned to Owner on payment of a Fine not exceeding 10s.

Swine going at large without being ringed may be taken up.

Owner to be fined, and amount.

If no Owner appears to claim, swine to be sold.

Appropriation of penalty on owner,

tract where the said Boar Pig shall be so found at large, the said Justice is hereby authorized and empowered to cause the same to be sold by Public Auction, and to pay to the person or persons who shall take up the same, the proceeds of such Sale, after deducting reasonable Costs and Expenses: Provided, that no such Pig shall be sold, until the person who may have taken the same up, shall have given at least Three days' Public Notice in writing of such intended Sale, by posting the same up at Three of the most public places in the District; and if the owner of such Pig shall claim the same before Sale, he shall be entitled to have the same returned to him, on payment of a Fine not exceeding Ten Shillings, to be determined by the Justice to whom the complaint shall have been made, which Fine shall be paid to the person or persons who shall have taken up the said Pig.

XII. And be it further enacted, That it shall and may be lawful for any person, whomsoever, to take and seize all Swine going at large within any Township or Settlement, or on any of the Highways in this Island, without being ringed in the Nose, so as effectually to prevent them from rooting or digging, and upon proof thereof on the Oath of one or more credible Witness or Witnesses, before any one of Her Majesty's Justices of the Peace, for the County in which such Township, or Settlement or Highway shall be situated, the owner thereof shall be by the said Justice, fined in the sum of Two Shillings and Six-pence, and reasonable Costs for every Pig so seized, as aforesaid, and if the said Fine shall not be paid within Three days, or if no owner shall appear to claim the said Swine, after notices having been posted up for Three days, at Three of the most public places within the District, that then the said Justice shall order the said Swine to be sold, and shall pay the proceeds of such Sale, or Fine to the person or persons who shall have

taken up such Swine, after deducting reasonable Costs and Expenses. and proceeds of sale.

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

Proprietor, &c., of Land between 1st and 31st of July in each year, may require Owner, &c., of Lands adjoining, not under Crop,

to destroy all Thistles growing thereon.

having first cut down all Thistles on his own land. If not cut down within Six days from time of notice.

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

Penalty *per diem* for every day such Thistles shall remain standing after time limited in order.

growing after the time allowed by the Justice for destroying or cutting the same down, with the expenses incurred in obtaining such order, and recovering the said Fine, the same to be recovered before the Justice of the Peace who may have granted the order last aforesaid, and be levied by Warrant of Distress, against the Goods and Chattels of such Offender or Offenders.

Mode of recovery thereof.

Penalty for damaging or injuring of any Building, Fence, &c.

XIV. And be it further enacted, That if any person or persons shall do or commit any damage, injury or spoil, to or upon any Building, Fence, Hedge, Gate, Style, Guide-post, Mile-stone, or Post, Tree, Wood, Underwood, Orchard, Garden, Nursery Ground, Crops, Vegetables, Plants, Land, or other matter or thing growing or being thereon, or to or upon Real or Personal Property, of any nature or kind soever, whether wilfully and maliciously or otherwise, and shall be thereof convicted within Six Calendar Months next after the committing of such injury, before any Justice of the Peace for the County or place where such offence shall have been committed, either by the confession of the party offending, or by the Oath of one or more credible Witness or Witnesses, or of the party aggrieved in the premises, which Oath such Justice is hereby empowered to administer, every person so offending, and being thereof convicted as aforesaid, shall forfeit and pay, to the person or persons aggrieved, such a sum of Money as shall appear to such Justice to be a reasonable satisfaction or compensation for the damage, or injury, or spoil so committed, not exceeding in any case the sum of Five Pounds over and above the Costs of recovering the same, which said sum of Money and Costs shall be paid to the person or persons aggrieved; but in case such conviction shall take place on the sole evidence of the party aggrieved, then, and in such case, such satisfaction and compensation shall be paid into Her Majesty's Treasury, towards the support of Her Majesty's Government of this

Conviction to be within six Calendar Months, and before whom.

Penalty to be paid to party aggrieved, except conviction takes place on his own sole evidence, in which case to be paid into Treasury.

Island, and in default of payment of the sum of Money in which the Offender or Offenders shall have been so convicted as aforesaid, immediately, or within such time as the Justice shall appoint at the time of conviction, together with all Costs, Charges and Expenses attending the conviction, such Justice shall and may commit such Offender or Offenders to the common Jail, for any time not exceeding Three Calendar Months, unless such Penalty, Costs and Charges, shall be sooner paid and satisfied.

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

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

In case of damage committed on any species of public property.

Offender may be prosecuted at the instance of any person.

Penalty on such Offender.

Appropriation of Penalty.

If Penalty, &c., be not paid, Offender may be committed to Jail for a period not exceeding 3 Calendar months.

XV. Provided also, and be it further enacted, That if any person or persons, under the age of

Offenders under 16 years of age, how punished.

Sixteen years, shall offend against either of the last two foregoing clauses of this Act, it shall be lawful for the Justice before whom he, she, or they, shall have been convicted, in default of payment of the sum of money awarded against him, her, or them, by the said Justice, together with all costs, charges, and expenses, attending such conviction, immediately, or within such time as the Justice shall appoint at the time of conviction, to commit such Offender or Offenders to the common Jail, there to be kept for any term not exceeding Six weeks.

Offenders against 14th and 15th sections may be seized & detained without warrant.

XVI. And for the more easy bringing of Offenders against the Fourteenth and Fifteenth Sections of this Act to justice: Be it further enacted, That it shall and may be lawful to and for any Constable, and to and for the Owner or Owners of any Property so damaged, injured, or spoiled, and to and for his, her, or their Servants, or other person or persons acting by or under his or their authority, and to and for such person or persons, as he, she, or they may call to his, her, or their assistance, without any Warrant or other authority than by this Act, to seize, apprehend, and detain, any person or persons who shall have actually committed, or be in the act of committing, any offence or offences against any of the provisions contained in the said Fourteenth and Fifteenth Sections of this Act, and take him, her, or them before any Justice of the Peace for the County or place where the offence or offences shall have been committed, and such Justice is hereby empowered and required to proceed and act with respect to such Offender or Offenders in manner by this Act directed.

And taken before a Justice of the Peace.

Power of Justice in such case.

Form of Conviction under this Act.

XVII. And for the more easy and speedy conviction of Offenders against any of the provisions contained in this Act: Be it further enacted, That every Justice of the Peace before whom any person or persons shall be convicted of

any offence against any of the provisions contained in this Act, shall and may cause the Conviction to be drawn up in the following form of words, to the same effect as the case may happen, viz:—

Be it remembered, That on the _____ day of _____ in the year of our Lord One thousand Eight hundred and _____ *A. B.* is convicted by and before me _____ one of Her Majesty's Justices of the Peace for the County of _____ for that the said *A. B.* (*here state the offence, and the time and place when and where the same was committed, contrary to the Statute in such cases made and provided,*) and I, the said Justice, do hereby adjudge and determine that the said *A. B.* shall, for his said offence, forfeit and pay the sum of _____ lawful Money of this Island, together with Costs, and do order that the same shall forthwith be paid by him (*here direct the payment according to the above mentioned Sections of this Act.*)

Given under my hand and seal, the day and year first above written.

XVIII. Provided always, and be it further enacted, That in case any person or persons shall be convicted of any offence against any of the provisions contained in the said Fourteenth and Fifteenth Sections of this Act, before any Justice of the Peace, on the complaint or information of any person or persons, of public or private Property having been so injured, damaged or spoiled, and shall have paid the penalty, costs and charges, under such conviction, or shall have suffered the imprisonment awarded for non-payment thereof, then, and in every such case, such conviction shall and may be pleaded in Bar of any Action, Suit, or Information, that shall afterwards be commenced, instituted, or prosecuted, for such and the same offence in any Court whatsoever.

Conviction and punishment may be pleaded in bar of any suit for same offence.

XIX. And whereas great damage is often occasioned to Proprietors or Occupants of Land under cultivation, by Geese, Turkeys and Ducks, belonging to persons other than such Proprietors or Occupants: Be it therefore enacted, That it shall and may be lawful for any person, being Proprietor or Occupant of such Lands where any such damage is occasioned, to make complaint thereof before any one Justice of the Peace, and on proof thereof by one credible Witness, other than the Informer, the Owner of or Possessor of such Geese, Turkeys, and Ducks, shall be adjudged to pay a penalty not exceeding One Shilling for each Goose, Turkey, or Duck, having been found occasioning such damage, together with Costs of recovering the same, the said Fine to be paid to the person or persons sustaining such damage as aforesaid, and in case such Fine be not paid within such time, not exceeding Fourteen days, as such Justice shall see fit, the person adjudged to pay such Fine, shall be committed to the common Jail of the County wherein such offence is committed, for a period not exceeding Fourteen days, unless such sum be sooner paid.

Owner of Turkeys, Geese, &c. trespassing, liable to a penalty of 1s. each, and costs.

Mode of recovery.

Appropriation of penalty.

XX. And be it enacted, That when and as often as any Goose or Geese shall be found at large within the Precincts of Charlottetown, it shall be the duty of each and every of the Hog Reeves of the said Town, under pain of the penalty inflicted for breach of their duty under the Act or Acts by authority of which they shall be appointed, to take up and dispose of such Geese in like manner as Hogs are now by law liable to be taken up and disposed of, and such remedy shall not be deemed to affect or interfere with the right of any private individual to take up, seize, and dispose of any such Geese, as given and prescribed in an Act passed in the Thirty-fifth year of the Reign of King George the Third, intituled *An Act to prevent the running at large of Geese within the Town of Charlottetown.*

Hog Reeves of Charlottetown to take up Geese at large in said Town.

Penalty on Hog Reeves for neglect of this duty.

Geese so taken up, to be disposed of as Hogs found at large may.

XXI. And be it further enacted, That when any person or persons shall be convicted, on the Oath or Oaths of one or more credible Witness or Witnesses, before any one of Her Majesty's Justices of the Peace, of having wilfully and maliciously cut, maimed, or killed any Horses, Neat Cattle, Sheep, or Swine within this Island, it shall and may be lawful for such Justice, and he is hereby authorized to fine any such Offender or Offenders in a sum not exceeding Five Pounds over and above the costs of recovering the same; and, as a further punishment, such Justice is hereby required to commit every such Offender or Offenders to Prison, for a period not exceeding Thirty days, nor less than Ten days, and further for any term not exceeding Sixty days, or until such Fine and Costs shall be paid: Provided always, That when the Damages shall exceed Five Pounds, the party aggrieved may proceed to recover the same by Action in Her Majesty's Supreme Court of Judicature, and therein full double Damages shall be given; and the Offender may also be proceeded against by Indictment, and, upon conviction, shall be liable to Imprisonment in the common Jail, for a period not exceeding Six Calendar months.

Cutting or maiming Horses, Cattle, &c., how punishable.

Penalty on Offender herein.

Damages to be recovered in Supreme Court, when more than £5

Double damages.

Offender may also be Indicted.

XXII. And be it enacted, That no Judgment of non-suit or Judgment for the Defendant, shall be given by any Justice or Justices of the Peace under this Act, only in consequence of the Defendant suggesting or setting up a claim of title to Land in himself, or others than the Plaintiff as aforesaid, but in all such cases the Justices shall, and they are hereby required, to enquire and investigate into the whole complaint and defence made before them, and give Judgment on the whole evidence adduced, whether title to Land may or may not be part of that evidence, any practice or usage heretofore, to the contrary notwithstanding.

Defines the power of Justices of the Peace in prosecutions for Trespasses on Lands.

Gives the right of Appeal to Plaintiff or Defendant in cases under this Act,

in manner as allowed under Small Debt Act of 7 Vic. c. 2.

Power of Supreme Court on Appeal.

XXIII. And be it enacted, That it shall and may be lawful for either the Plaintiff or Defendant, in any case which shall be adjudicated under the provisions and by the authority of this Act, to appeal to the Justices of Her Majesty's Supreme Court of Judicature, within Forty-eight hours from the time of such adjudication, in the manner permitted to any Plaintiff or Defendant in and by an Act passed in the Seventh year of Her present Majesty's Reign, intituled *An Act relating to the recovery of Small Debts, and to repeal certain Acts therein mentioned*, and upon complying with the provisions of the said Act regarding Appeal, and the Justices of the said Court may, and they are hereby authorized and empowered, to allow Costs to the Appellant or Respondent in Appeals, as to such Justices, in their discretion, shall appear proper, and to affirm, quash, or otherwise alter or vary the Judgment given below, with or without Costs, or with such portion of the full Costs for or against either party, as to the said Justices shall seem reasonable, according to the nature of the case, as it may appear to them on the hearing of any such Appeal, and thereupon to enforce their said Judgment in the way and manner prescribed in and by the said last hereinbefore recited Act.

No Judgment of Justice of the Peace, or of Supreme Court, to be pleaded in bar to support or defeat title to Lands, &c.

XXIV. And be it further enacted, That no Judgment of any Justice or Justices of the Peace given under this Act, or Judgment or Decision of the Supreme Court, on any Appeal from any Judgment of any Justice or Justices of the Peace under this Act, shall be pleaded in bar or justification, or otherwise, in any Court, by the party who may have obtained the same, in order to support or defeat any title to Lands, Tenements, or Hereditaments, within this Island.

Construction of Terms used in this Act.

XXV. And be it further enacted, That in the construction of this Act, words importing the singular number only, shall include the plural

number, and words importing the plural number only shall include also the singular number; words importing the masculine gender, shall include Females, except the context excludes such construction.

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CAP. XVII.

An Act relating to Bail and other practical parts of the Law, and to consolidate, amend and reduce into one Act, the Laws heretofore passed on the same subjects in this Island.

[Passed 2d May, 1849.]

BE it enacted, by the Lieutenant Governor, Council and Assembly, That an Act passed in the Twenty-sixth year of the Reign of His late Majesty King George the Third, intituled *An Act to amend, render more effectual and reduce into one Act all the Acts made by the General Assembly of this Island concerning Bail, and to prevent frivolous and vexatious Arrests*; and an Act passed in the Thirtieth year of the Reign of His late Majesty King George the Third, intituled *An Act for taking Special Bail in the Country, upon Actions depending in His Majesty's Supreme Court of this Province*; and an Act passed in the Thirty-first year of the reign of His late Majesty King George the Third, intituled *An Act for admitting persons to swear to their own Accounts, in certain cases, and for amending certain practical parts of the Law, in order to the more easy and speedy attainment of Public Justice in this Island*; and an Act passed in the Seventh year of the reign of Her present Majesty, intituled *An Act concerning Bail in Civil Cases, and to amend an Act made and passed in the Twenty-sixth year of the reign of King George*

Repeals Act of 26 George 3, cap. 10.

Also Act of 30 Geo. 3, cap 8.

Also Act of 31 Geo. 3, cap. 1.

Also Act of 7 Vic., cap. 12.

the Third, intituled "An Act to amend, render more effectual and reduce into one Act all the Acts made by the General Assembly of this Island concerning Bail, and to prevent frivolous and vexatious Arrests"; and also an Act passed in the Ninth year of the reign of Her present Majesty, intituled An Act to authorize the appointment of Commissioners in King's and Prince Counties to accept and take the render of Principals by their Bail," be, and the same are hereby respectively repealed.

And also Act of
9 Vic., cap. 12.

No person to be held to bail out of Supreme Court, unless cause of action amounts to £5.

Affidavit to hold to bail, by whom to be made.

Before whom to be made.

Requisites of Affidavit.

Affidavit, where to be filed.

Amount to be indorsed upon Writ.

II. And be it enacted, That no person or persons shall be held to Special Bail upon any Process issuing out of the Supreme Court of Judicature of this Island, where the cause of Action shall not amount to the sum of Five Pounds and upwards, and in all Causes where the sum in demand shall exceed Five Pounds, the Sheriff, Coroner, or their respective Deputies, may arrest, imprison, or hold to Bail, any Debtor or Debtors, upon the Plaintiff or Plaintiffs in such Action, his, her or their Attorney, Agent, Clerk, Factor or Servant, making and subscribing an Affidavit in writing before any Justice of the said Court, or before any Commissioner empowered to take and administer Affidavits, to be used in the said Court, that the Defendant or Defendants is or are justly indebted to the Plaintiff or Plaintiffs in any sum exceeding Five Pounds, which Affidavit shall be filed in the office of the Clerk of the Court from whence the Writ shall issue, whereupon the sum specified in such Affidavit shall, by the Clerk of the said Court, be endorsed on the back of the said Writ, in the form following, by Oath, for [*in words at full length*], for which sum so endorsed, the Sheriff, Coroner, or their respective Deputies, shall take Bail, and for no more—any Law, usage or custom to the contrary notwithstanding.

III. And be it enacted, That if such action shall be brought by any Agent, Factor, or Attorney in the name of his Principal, (he being absent), then upon producing an Affidavit of the Debt of his Principal or Principals duly authenticated, according to the Laws of that part of Great Britain called England, or the usage or practice of Her Majesty's other Colonies in such cases, and obtaining an Order of some Judge of the Supreme Court, directing the amount for which the Party shall be held to Bail, then upon such Affidavit and Order being filed as aforesaid; the Clerk of the said Court whence any Writ in consequence thereof may issue, shall endorse the sum so mentioned in such Order, and Bail shall be required accordingly.

If Plaintiff be absent, Attorney, &c., to file Affidavit of principal.

How such affidavit is to be authenticated.

By order of a Judge, Defendant may thereon be held to bail.

IV. And be it enacted, That if any Writ or Process shall issue out of the said Supreme Court of Judicature, for the sum of Five Pounds or upwards, and no Affidavit and endorsement shall be made as aforesaid, the Plaintiff or Plaintiffs named in such Writ or Process, shall not proceed to arrest or cause to be arrested, the body of the Defendant or Defendants therein named; but shall serve him, her, or them personally, with a Copy of such Writ or Process, and if such Defendant or Defendants do not thereupon appear at the return thereof, or within four days next after such return, then, and in such case, it shall and may be lawful to and for the said Plaintiff or Plaintiffs, upon Affidavit duly made and filed in the said Supreme Court of Judicature, of the personal service of such Writ or Process as aforesaid, (which said Affidavit shall be filed gratis), to enter a Common Appearance, or to file Common Bail for the Defendant or Defendants, and to proceed thereon, as if such Defendant or Defendants had actually entered his, her, or their Appearance, or filed Common Bail, any Law or Usage to the contrary notwithstanding.

Defendant not liable to arrest upon writ issued without affidavit & endorsement.

But to be served with copy of writ.

Regulates proceedings when Defendant does not appear, &c.

Upon bail given, Sheriff, &c. in other cases to let Defendant go at large.

Sheriff, &c., to assign Bond to Plaintiff.

Such assignment not to prevent Plaintiff from proceeding to Judgment against Defendant.

Plaintiff may sue on forfeited Bail Bond, &c.

Power of Court in such case.

V. And be it enacted, That when any Person shall be arrested by virtue of any Writ, Bill or Process issuing out of the said Court at the Suit of any private Person, the Sheriff, Coroner, or either of their Deputies, (*as the case may be*), shall be obliged, and they are hereby respectively required, upon sufficient Bail being offered, to let the Defendant go at large, upon his first executing a Bond with two sufficient Sureties to the said Sheriff or Coroner, with a condition thereunder written for the due appearance of the Defendant or Defendants, on the First day of the Court to which such Writ is or may be returnable, and the Sheriff or Coroner at the request and Costs of the Plaintiff or Plaintiffs, in such Action or Suit, or his, her, or their lawful Attorney, shall assign to the Plaintiff or Plaintiffs in such Action, the Bail Bond or the Security taken from such Bail, by endorsing the same, and attesting it under his hand and seal, in the presence of Two or more credible Witnesses, which Assignment shall not prevent the Plaintiff from proceeding to final Judgment and Execution, in the same Court, against the Defendant in the said Action, as in cases where default is made, and if the said Bail Bond or Assignment, or other security taken for Bail, be forfeited, the Plaintiff in such Action, after such Assignment made, may bring an Action and Suit thereupon in his own name, and the Court wherein the Action is brought, may, by Rule or Rules of the same Court, give such relief to the Plaintiff and Defendant in the original Action, and to the Bail upon the said Bond, or other Security taken from such Bail, as is agreeable to justice and reason, and such Rule or Rules of the said Court, shall have the nature and effect of a Defeazance to such Bail Bond or other security for Bail; but whenever it shall so happen that the said Defendant in the said Action do appear, according to the tenor of the condition of the said Bond, and give Bail at bar to the satisfaction of the Court, to abide by the

final issue and determination of the Suit, or if the Defendant, from some impediment, shall not appear, but nevertheless Two sufficient persons, to be approved of by the Court, shall offer to become Bail in manner aforesaid, in such case the Bail for appearance only shall be discharged.

Not imperative on Defendant to appear personally to enter special Bail.

VI. And be it enacted, That the said Supreme Court shall and may, by one or more Commission or Commissions under the seal of the said Court, from time to time, as need shall require, empower such and so many persons other than Attorneys and Solicitors, as to the said Court shall seem fit and necessary, in each of the Counties within this Island, to administer, take and receive all and every such Affidavit and Affidavits as any person or persons shall be willing and desirous to make, before any of the persons so empowered, in or concerning any cause, matter or thing, depending or hereafter to be depending, or any wise concerning any of the proceedings to be in the said Supreme Court, which said Affidavits, taken as aforesaid, shall be filed in the office of the Clerk of the said Court, and there be read and made use of in the said Court, to all intents and purposes as other Affidavits taken in the said Court now are, and that all and every Affidavit and Affidavits taken as aforesaid, shall be of the same force and effect as Affidavits taken in the said Court now are, and all and every person and persons forswearing him, her, or themselves, in any such Affidavit or Affidavits, shall incur and be liable to the same penalties as if such Affidavit or Affidavits had been made and taken in open Court, and that for the administering and taking the same, the person or persons so empowered shall be entitled to ask, demand, and take, the sum of One Shilling, and no more.

Supreme Court empowered to appoint Commissioners in each County to take Affidavits.

Affidavits, where to be filed, &c.

Persons falsely swearing in any such Affidavit, liable to same punishment as if sworn in Court.

Fee to Commissioner for taking Affidavit.

VII. And be it enacted, That the said Court shall and may, by one or more Commission or Commissions under the seal of the said Court,

Supreme Court to appoint Commissioners in each County to

take recogni-
sance of bail.

from time to time, as need shall require, empower such and so many persons other than Attorneys and Solicitors, as to the said Court shall seem fit and necessary, in each of the Counties within this Island, to take and receive all and every such Recognizance or Recognizances of Bail or Bails, as any person or persons shall be willing or desirous to acknowledge or make before any of the persons so empowered, in any Action or Suit, depending or hereafter to be depending in the said Court, in such manner and form, and by such Recognizance or Bail piece, as the Justices of the said Court have used to take the same, which said Recognizance or Recognizances of Bail or Bail piece, so taken as aforesaid, shall be transmitted to one of the Judges of the said Court, who, upon Affidavit made of the due taking of the Recognizance of such Bail or Bail piece, by some credible person present at the taking thereof, shall receive and file the same, on payment of a Fee of Two shillings and no more, which Recognizance of Bail or Bail piece so taken and transmitted, shall be of the like effect, as if the same were taken *de bene esse* before any of the Justices of the said Supreme Court, and for taking every such Recognizance of Bail or Bail piece, the person or persons so empowered, shall receive the sum or Fee of Three Shillings, and no more.

Recognizance to
be transmitted to
a Judge of Court
who is authorized
to file same.

Fee to Judge
therefor.

Fee to Commis-
sioner for taking
recognizance of
Bail.

Power and duty
of Supreme Court
to make rules,
&c., for justifying
Bail.

Cognizor may
justify by Affidavit
before a Commis-
sioner.

Power & duty of
Commissioners.

VIII. And be it enacted, That the said Court shall make such Rules and Orders for the justifying of such Bails, and making the same absolute, as from time to time shall seem meet, so as the Cognizor or Cognizors of such Bail or Bails be not compelled to appear in person in the said Court, to justify himself, herself, or themselves, but the same may be, and is hereby directed, to be determined, by Affidavit or Affidavits, duly taken before the said Commissioners, who are hereby empowered and required to take the same, and also to examine the Sureties upon

Oath, touching the value of the respective Estates, unless the Cognizor or Cognizors of such Bail do live within the Town of Charlottetown, or within Fifteen miles thereof.

IX. And be it enacted, That the said Court shall and may by one or more Commission or Commissions under the Seal of the said Court, from time to time as need shall require, empower such and so many persons, resident within at least One mile of the Court Houses of Georgetown and Saint Eleanor's in the Counties of King's and Prince Counties respectively, as to the said Court shall seem fit and necessary, to receive and take the render, by Bail, of their Principals, in any Matter or Cause, civil or criminal, in which Bail are now by Law permitted to render their Principals, whether such Principals shall be on the Limits or otherwise, and such person or persons so appointed, shall be allowed to have and take for the duty of receiving and taking such render, the like Fees as are now allowed and taken by a Judge of the said Court for similar services.

Supreme Court to appoint Commissioners in King's and Prince Counties to take the render of principal by Bail.

Fees to such Commissioners.

X. And be it enacted, That any person or persons who shall before any person or persons empowered by virtue of this Act, to take Bail or Bails, represent or personate any other person or persons, whereby the person or persons so represented or personated may be liable or subjected to the payment of any sum or sums of money, for debt or damages, to be recovered in the same Suit or Action wherein such person or persons are represented and personated, as if they had really acknowledged and entered into the same, being lawfully convicted thereof, shall be liable to be imprisoned for any time not exceeding Two years, with or without Hard Labour, at the discretion of the Court, and in addition to such imprisonment, if the Court shall so think fit, to be fined in such sum as the Court shall award.

Penalty on person personating another on giving Bail, &c.

Defendant served
with non-bailable
process, to file
common Bail.

On failure, so to
do, Plaintiff may
file same for him.

And file Declara-
tion against him,
and enter a rule
to plead, &c.

Power of Court
or Judge in vaca-
tion on applica-
tion for time to
plead one or more
special pleas.

XI. And be it enacted, That in all cases where any Defendant or Defendants shall have been duly served with a Copy of any non-bailable Writ or Process, he, she or they, shall file common Bail in such Suit, on or before the return day thereof, and on failure of his, her or their filing such common Bail, it shall and may be lawful to and for the said Plaintiff or Plaintiffs in such Suit, upon Affidavit being duly made and filed in the said Supreme Court, of the personal service of such Writ or Process, to file common Bail for such Defendant or Defendants therein, at any time from and after the said return day of such Writ or Process, and thereupon the Plaintiff or Plaintiffs in such Suit may file his, her, or their Declaration with the Clerk of the Court wherein such Writ or Process shall or may be returnable, and give or enter a Rule for such Defendant or Defendants to plead thereto within the time allowed by the practice of the said Court.

XII. Provided nevertheless, and it is hereby enacted, That if the Defendant or Defendants in such Suit, shall, in Term time, suggest to the Court, by motion, to be duly entered with the Clerk, or in vacation, upon application for that purpose made to one of the Justices of the said Court, that it is necessary to the defence of him, her or them, in such Action, to plead one or more Special Plea or Pleas therein, (being such Pleas as are allowable by Law, and tending to bring in Issue the real matter of right between the parties), that then, and in such case, it shall and may be lawful for the said Court or Justice, to give such further time for such Defendant or Defendants to plead such Special Plea or Pleas in, as to them may appear reasonable and just, under the particular circumstances of the case being duly made to appear to the said Court or Justice; and provided also, That in the vacation time of said Court, the Plaintiff or Plaintiffs in

such Suit shall be held and allowed to give or enter a Rule for the Defendant or Defendants therein to plead according to the practice of the said Court.

CAP. XVIII.

An Act relating to Harbour and Ballast Masters.

[Passed 2d May, 1849.]

WHEREAS it has become necessary to consolidate the Acts for preventing the unloading or throwing of Stones, Ballast, or other Rubbish which will not float, into any of the Harbours, Rivers or Creeks in this Island, and in other respects to regulate and define the duties of Harbour and Ballast Masters: Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, the several Acts hereinafter mentioned, that is to say, an Act made and passed in the Thirteenth year of the Reign of His Majesty King George the Third, intituled *An Act to prevent the throwing of Ballast into Rivers and Creeks on this Island*; also, an Act made and passed in the Forty-eighth year of the Reign of His said Majesty King George the Third, intituled *An Act for repealing an Act, intituled "An Act to prevent the throwing of Ballast into Rivers and Creeks on this Island, and for the empowering the Governor, Lieutenant Governor or Commander in Chief for the time being, to appoint Ballast Masters, and to regulate their duty;"* also, an Act made and passed in the Seventh year of the Reign of His late Majesty King William the Fourth, intituled *An Act for the appointment of Harbour and Ballast Masters, and for more effectually preventing the throwing of Ballast into Harbours and navi-*

Repeals Act of 13
G. 3, c. 6.

Also Act of 48
G. 3, c. 3.

Also Act of 7
W. 4, c. 12.

And also Act of 7 Vic., c. 10. *nable Rivers*; and also an Act made and passed in the Seventh year of the Reign of Her present Majesty, intituled *An Act to alter and amend an Act passed in the Seventh year of the Reign of His late Majesty King William the Fourth, intituled "An Act for the appointment of Harbour and Ballast Masters, and for more effectually preventing the throwing of Ballast into Harbours and navigable Rivers;"* shall be, and the same are hereby respectively repealed.

Lieut. Governor, &c., in Council, to appoint Ballast Masters for certain enumerated Harbours and for other Harbours, &c.

II. And be it enacted, That it shall and may be lawful to and for the Lieutenant Governor for the time being, by and with the advice of his Executive Council, from and after the passing of this Act, to nominate and appoint one fit and proper person to act as Harbour and Ballast Master for each of the following Harbours and Rivers in this Island, viz: Charlottetown, Three Rivers, Richmond Bay, and such other Harbours and Rivers on this Island as they may think fit, and from time to time to fill up any vacancies occurring in such appointments, whensoever and so often as the same may occur. Provided always, that all appointments made in respect thereof under any Act or Acts of this Island prior to the passing of this Act, shall be, and are hereby confirmed, and no such appointment so made shall be superseded by virtue or construction of this Act.

Confirms previous appointments under repealed Acts.

Commissioners of Highways to appoint Harbour Masters for lesser Harbours, Rivers, &c., in their respective districts.

III. And whereas it is necessary that Harbour and Ballast Masters should be appointed for the lesser Harbours, navigable Rivers and Creeks in this Island: Be it therefore enacted, That it shall and may be lawful to and for the Commissioners of Highways for the time being, and they are hereby required, within their respective Districts, to nominate and appoint Harbour and Ballast Masters for each Harbour, Navigable River or Creek within their District; such Harbour and Ballast Masters so to be ap-

pointed by the Commissioners of Highways, shall be appointed at the time and in the same manner as Overseers of Statute Labour, shall, for the time being, be appointed, and subject to the same Fines, Penalties and Forfeitures for neglect of duty as shall be imposed on Overseers of Statute Labour in and by the Act or Acts relating thereto in force for the time being; and all such Harbour and Ballast Masters, when appointed, shall be exempt from performing Statute Labour and Militia duty during the period they hold such appointments, any thing in any such Act or Acts relating to the performance of Statute Labour to the contrary notwithstanding. Provided always, that such appointment of Harbour and Ballast Master by the Commissioners of Highways may be superseded, at any time, by the Lieutenant Governor, or other Administrator of the Government for the time being, appointing a person to act as Harbour and Ballast Master for any Harbour, River, or Creek within this Island.

Time when to be appointed, and manner of appointment.
Penalties on Ballast Masters appointed by Commissioners.

Exempts such Ballast Masters from performance of Statute Labour and from Militia duty.

Lieut. Governor may supersede such Ballast Masters, &c.

IV. And be it enacted, That in case any person or persons so to be appointed by the Lieutenant Governor, as aforesaid, by virtue of this Act, shall refuse to accept the said office, any such person shall signify his refusal to the Clerk of Her Majesty's Council within Twenty-one days next after he shall have been notified of such appointment, or, in default thereof, shall pay the sum of Five Pounds; and if any person or persons, so to be appointed Harbour and Ballast Masters by the Commissioners of Highways, as aforesaid, shall refuse to accept the said office, such person shall signify his refusal to the Commissioner of Highways within his District within Ten Days next after he shall have been notified of his appointment, or in default thereof, shall forfeit and pay the sum of Three Pounds; and any person having accepted the Office of Harbour and Ballast Master, and who shall fail to

Penalty on person appointed Ballast Master by Lieut. Governor not making known to Clerk of Council his disinclination to serve within 21 days.

Penalty on person appointed Ballast Master by a Commissioner not making known his disinclination to serve within 10 days.

Penalty on Ballast Master for failure of duty, &c.

do his duty, according to the true intent and meaning of this Act, shall forfeit and pay the sum of Twenty Pounds for each and every offence.

Ballast Masters
to be sworn.

V. And be it enacted, That on the appointment of each and every Harbour and Ballast Master, according to the provisions of this Act, he shall, within Ten days after receiving and accepting such appointment, and before he enters on the duties of his said Office, take the following Oath before one of Her Majesty's Justices of the Peace in this Island, that is to say :—

Form of Oath.

I, *A. B.*, do swear, that I will well and truly perform the duty of Harbour and Ballast Master for the District for which I am appointed, to the best of my skill and ability, and without favour, affection, or partiality, according to the directions of the Act of the General Assembly of this Island in such case made and provided.

So help me God.

Ballast Masters
to board Vessels,
&c.

Further duty of
Ballast Masters.

VI. And be it enacted, That every Harbour and Ballast Master shall, without delay, on the arrival of any Ship or Vessel in the Port, Harbour, or District to which he shall be appointed, go on board of any such Ship or Vessel and inform the Master, Mate, Owner, or person having charge or command thereof, of the provisions of this Act, and shall diligently attend to the discharging or delivery of all Stones, Gravel, or other Ballast from on board the same, and shall not knowingly permit Stones, Gravel, or other Ballast, or any part thereof, to be cast, thrown, or let fall into the waters where navigable, but shall direct, and to the utmost of his power, cause all such Ballast to be carried and laid on shore at some convenient place or places for the improvement of Wharfs, Hards, or to where it will not obstruct navigation by being washed into the Channel; and in case any Master, Owner, or

other person having charge as aforesaid, shall offend against any of the provisions of this Act, the said Harbour and Ballast Master shall, and he is hereby required and commanded, without delay, to prosecute for the Forfeiture, Fine, or Penalty imposed on any such offence according to this Act: Provided always, that nothing herein contained shall prevent, or be construed to prevent, any Master, Mate, Owner, or other person having charge or command of any Ship or Vessel, from disposing of any Ballast, Stones, Gravel, or other Rubbish, and landing the same above high-water mark.

Ballast Masters to prosecute for penalties imposed by this Act.

Not to prevent Master, &c. of Vessel from selling and landing gravel, &c. above high water mark.

VII. And be it enacted, That no Master, Mate, Owner, or other person belonging to, or having charge or command of any Ship, Vessel, Lighter, or Boat, shall unload, discharge, or throw overboard, or from any Ship, Vessel, Lighter, or Boat cast or let fall Stones, Gravel, Ballast, or other rubbish, which will not float, into any of the Harbours, Ports, Havens, Rivers, Channels, or Creeks in this Island, nor within one league of the Bars, Headlands, or Points which bound the entrances to any of the Harbours, Ports, Rivers, or Creeks of this Island, but shall carry and land, above highwater mark, all Stones, Ballast, or other rubbish which will not float, or into such other place, Wharf, Hard, or Ballast Bank, as the Harbour and Ballast Master of such Harbour, Port, or District shall appoint and direct.

Master of Vessel, &c. not to unload Ballast into any Harbour, River, &c. nor within 1 league of Headlands, &c.

Ballast, where to be landed, &c.

VIII. And be it enacted, That if any Master, Owner, or other person having charge of or belonging to any Ship, Vessel, Lighter, or Boat, shall unlade or discharge Stones, Gravel, or other Ballast contrary to the true intent and meaning of this Act, or permit any person on board such Ship, Vessel, Lighter, or Boat to unload, discharge, or throw overboard Stones, Gravel, or other Ballast, contrary to the true intent

Penalties on Master of Vessel, &c. infringing the provisions of this Act, or disobeying orders of Ballast Master.

and meaning of this Act, or permit any person on board such Ship, Vessel, Lighter, or Boat to unload, discharge, or throw overboard, Stones, Gravel, or other Ballast in any of the Ports, Harbours, Rivers, Channels, Creeks, or within one league of their entrances, respectively, as aforesaid, or in any other place within such limit than that pointed out and directed by the Harbour and Ballast Master, except as is hereinbefore provided, each and every person so offending shall forfeit and pay, for each and every offence, the following Fines and Penalties, that is to say—when the offence shall be committed on board of or by persons belonging to any Ship or Vessel of Two hundred tons register tonnage and upwards, a Fine or Penalty not exceeding Fifty Pounds; and for Ships or Vessels under Two hundred tons and above One hundred tons register tonnage, a Fine or Penalty not exceeding Twenty-five Pounds; and for Ships or Vessels under One hundred tons, and above Fifteen tons register tonnage, a Fine or Penalty not exceeding Ten Pounds; and for all other Vessels, Lighters, Boats, or Flats, a Fine or Penalty not exceeding Five Pounds, which Forfeitures, Fines and Penalties shall be recovered and applied in way and manner hereinafter prescribed and directed.

Recovery and appropriation of penalties.

Remuneration to Ballast Master, and by whom payable.

IX. And be it enacted, That the Harbour and Ballast Masters shall be paid by the Master, Owner, or other person having charge or command of any Ship or Vessel which shall unlade or discharge Ballast as aforesaid, at the rate of Ten Shillings per day during the time he shall be necessarily employed in attending such Ship or Vessel and discharging the duty enjoined on him by this Act.

X. And whereas it is necessary to encourage such persons as are employed in the Fisheries of this Island, or in its trade with other British American Colonies: Be it enacted, That the Masters

of all Vessels, Lighters, or Boats owned in and belonging to this Island, employed in the Fishing and Colonial Trade, who shall provide themselves with a copy of this Act, and also with the Rules and Regulations of the Harbour and Ballast Master of the respective Ports, Harbours, or Districts into which they may arrive, and of the place or places for unlading Ballast, or other rubbish or thing which will not float, and who shall comply with the provisions of this Act, and the rules and directions of the respective Harbour and Ballast Masters in the discharging of any Ballast or other rubbish which might obstruct the navigation, shall be free and exempt from the attendance of the Harbour and Ballast Master, and from all fees and daily pay to such Harbour and Ballast Master.

Exempt Vessels, Lighters, &c. owned in this Colony, and employed in fishing or Colonial trade from attendance, and fees of Ballast Master, under certain conditions.

XI. And be it enacted, That if any Master, Mate, Owner, or other person, having charge or command of or belonging to any Ship, Vessel, Lighter, or Boat, whether employed in the Foreign, Coasting, Fishing, or any other trade or business whatever, shall throw overboard, cast, or let fall rubbish, or any thing that will not float, and which offence might not come under the denomination of unloading or discharging of Ballast, but would tend to obstruct the navigation of the small Harbours, Channels, Rivers, or Creeks in this Island, contrary to the true intent and meaning of this Act, or contrary to the Rules and Regulations made by any Harbour and Ballast Master for his respective District, except as is hereinbefore provided, each and every person so offending shall, for every such offence, forfeit and pay a fine not exceeding Five Pounds, to the Ballast and Harbour Master of the respective District wherein the offence is committed, or to such other person or persons as may sue or prosecute for the same.

Penalty on Master, &c. of Vessel, &c. for throwing overboard rubbish, &c. contrary to this Act or orders of Ballast Master.

Penalty, to whom payable.

Duty of Ballast Masters as to wrecks, obstructions, &c., impeding navigation, &c.

Ballast Master to remove wrecks, obstructions, &c. if owner, &c., neglects to do so, &c.

Ballast Master to sue owner for costs of removal.

And for a penalty.

Duty of Ballast Master as to removing wreck, obstruction, &c., when owner, &c., is not known.

XII. And be it enacted, That in addition to the duties enjoined upon all Harbour and Ballast Masters under and by virtue of this Act, it shall be the duty of the said Harbour and Ballast Masters to notify the Owner or Owners of any Wrecks or Obstructions, or the person or persons by whose default such Wrecks or Obstructions may be placed or suffered to remain in situations that impede or render dangerous the navigation of any of the said Harbours, to remove or cause to be removed the same, within Thirty Days, or within such less time as the Harbour and Ballast Master may direct, from the time of the service of such notice; and if the said Owner or Owners of the said Wrecks or Obstructions, or the said person or persons, shall refuse or neglect to remove the same within the period aforesaid, then it shall be the duty of the said Harbour and Ballast Master to cause the same to be removed, and to prosecute and sue the said Owner or Owners or the said person or persons, before any Two of Her Majesty's Justices of the Peace, or before any Court of Commissioners for the Recovery of Small Debts for the County wherein the offence is committed, for the Costs and Expenses incurred in such removal, together with a penalty not exceeding Ten Pounds, for each offence; and such Justices or Court of Commissioners are hereby authorized to give Judgment for the amount of such Costs and Expenses, and for such Penalty, and also for the Costs of Prosecution, and to proceed for the recovery thereof in way and manner as Small Debts shall be authorized to be recovered in and by any Act or Acts for the time being in force in this Island.

XIII. And be it enacted, That in the event of the Owner or Owners of any such Wreck or other Obstruction not being known, it shall and may be lawful for the said Harbour and Ballast Master, after due public notice shall have been

given, to cause the said Wreck, or other Obstruction, to be sold at Public Auction, one condition of which sale shall be, that the said Wreck or other Obstruction, shall be removed at the expense of the purchaser, within such time as the said Harbour and Ballast Master may limit, and if the purchaser shall neglect or refuse to remove the same within the time so limited, the said Harbour and Ballast Masters are hereby required to remove the same, and are hereby authorized to recover from the purchaser thereof the said expense by action before any one of Her Majesty's Justices of the Peace, or Court of Commissioners of Small Debts, in the same way as Small Debts shall or may be recoverable under any Act or Acts relating to the Recovery of Small Debts for the time being in force in this Island, and the proceeds of such sales, after deducting the expenses attendant upon the removal of such Wreck or Obstruction, shall be paid into the Treasury of this Island, to and for the use of Her Majesty's Government.

Public Sale of wreck, &c. and conditions of Sale.

Duty of Ballast Master, when purchaser neglects to perform conditions, &c.

Ballast Master to recover from purchaser costs, &c. of removal, &c. and how to be recovered.

Appropriation of proceeds of sale of wrecks, &c.

XIV. Provided always, and be it enacted, That nothing in this Act contained shall prevent any Owner or Owners of Vessels sustaining injury from any Wreck or Obstruction as aforesaid from having their remedy by action at Law for any damage that such Vessels or their Cargoes may sustain thereby.

Not to bar any right of action of owner of Vessel sustaining injury from wreck, &c.

XV. And be it enacted, That all Fines and Forfeitures imposed by this Act shall be recovered with Costs, if not exceeding Ten Pounds, exclusive of Costs, before Two or more Justices of the Peace, or a Court of Commissioners for the Recovery of Small Debts, in like manner, in all respects, as Small Debts may, for the time being, be recoverable; and each and every of such Fines and Forfeitures as shall exceed Ten Pounds, exclusive of Costs, the same shall be

Mode of recovery of penalties imposed by this Act

By whom penalties are recoverable.

Limits the time within which penalties are recoverable.

Courts or Justices may remit one-half of penalties.

sued for and recovered, with Costs, by due course of Law, in Her Majesty's Supreme Court of Judicature of this Island, and in every case all such Fines as aforesaid, shall be recovered by any person suing for the same: Provided, that if any suit or action be brought against any person or persons for any Penalty by this Act imposed, such suit or action shall be commenced within Six Calendar Months next after the offence shall have been committed, and not afterwards: Provided also, that the Courts or Justices before whom Judgment shall be given in any such case, shall have power to remit any portion of such Fines in all cases in their discretion where any circumstances may be made to appear in mitigation of any such offences, in such manner, however, that any such Penalty shall not be reduced below one half the original amount.

Appropriation of all penalties not herein before appropriated.

XVI. And be it enacted, That one half part of all such Fines and Forfeitures as shall be incurred by any breach of this Act, and which are not hereinbefore appropriated, shall be paid to such person as shall sue or prosecute for the same, and the remainder of such Fines or Forfeitures shall be paid into the Treasury of this Island, to and for the use of Her Majesty's Government: Provided, that in all cases where such Penalties shall be recovered solely upon the Oath of the party suing for the same, such Penalties shall be paid into the Treasury of this Island, to and for the use of Her Majesty's Government.

C A P. X I X.

An Act to regulate the Survey of Timber and Lumber.

[Passed 2d May, 1849.]

BE it enacted, by the Lieutenant Governor, Council and Assembly, That from and

after the passing of this Act all hewed Timber, commonly called Ton Timber, which shall be exported from this Island, shall be straight-lined and well squared, and square-butted at both ends, and shall be free from all rots, splits, or worm-holes which may be detrimental to the same, and shall also be squared, and free from all marks of scoring, without wane on the edges, except Birch, and other Hardwood Ton Timber, which shall be squared with not more than one perpendicular inch of wane upon any part of such Timber.

Ton Timber for exportation to be straight lined, well squared, &c.

II. And be it enacted, That no Spruce, Pine, or Hemlock Ton Timber shall be less than Sixteen feet in length, nor any Birch or other Hardwood Ton Timber less than Twelve feet in length; nor shall any Spruce, Pine, or Hemlock Ton Timber be considered merchantable, unless the same shall square at least Twelve inches, nor any Birch or other Hardwood Ton Timber, unless the same shall square at least Thirteen inches; and in all cases where any Ton Timber shall not exceed Sixteen feet in length, it shall be of equal dimensions at both ends; and all Ton Timber shall be measured by the girth, one quarter part thereof to be taken as the side of the square.

What shall be deemed merchantable Timber.

III. And be it enacted, That it shall and may be lawful for the Lieutenant Governor, or other Administrator of the Government, for the time being, in Council, from time to time, to appoint as many fit and proper persons to be Surveyors of Timber and Lumber as he may deem expedient to carry the purposes of this Act into full effect, and also, from time to time, to dismiss any Surveyor so appointed, against whom any complaint for fraudulent or improper conduct in his Office of Surveyor as aforesaid shall be established, to the satisfaction of the Lieutenant Governor, or

Lt. Governor in Council may appoint Surveyors of Lumber, &c.

Surveyors may be dismissed for fraudulent conduct, &c.

other Administrator of the Government for time being, in Council.

Surveyor before acting, to be sworn.

IV. And be it enacted, That every Surveyor of Lumber shall, before attempting to act as such, take and subscribe the following Oath before any one of Her Majesty's Justices of the Peace in this Island, who is hereby authorized and required to administer the same without Fee, that is to say :

Form of Oath to be taken by Surveyor.

I *A. B.* do solemnly swear, that I will faithfully, impartially, truly, and to the best of my skill, knowledge, and ability, execute, do, and perform the Office and duty of a Surveyor of Lumber, according to the true intent and meaning of an Act of the General Assembly of this Island, intituled *An Act to regulate the Survey of Timber and Lumber*, and that I will give a true and faithful account of the number, dimensions, and measurement of all such Timber or Lumber as may be submitted to my inspection and judgment, according to the best of my knowledge.

So help me God.

Duty of Surveyors.

V. And be it enacted, That it shall be the duty of all Surveyors of Lumber appointed, or to be hereafter appointed, personally and diligently to examine, inspect, and survey the Four sides of all Ton Timber and Lumber of every kind and description, when called upon so to do, and to see that the same is, and shall be, in all respects, conformable to the several provisions and directions of this Act ; and every Surveyor shall reject any Timber or Lumber which shall, in any respect, be contrary to or objectionable under this Act, (of which every Surveyor is hereby required to provide himself with, and retain a copy, which he shall be entitled to receive from the Colonial Secretary of this Island on producing a Certificate of his having taken the Oath by this Act prescribed, signed by the Justice of the Peace who shall have administered the same,)

Surveyor required to provide himself with a copy of this Act. How to be obtained.

and shall refuse to pass the same; and after rejecting and refusing such objectionable Timber or Lumber, the said Surveyor shall furnish the buyer and seller, each, with a true and faithful account, in writing, in detail, of the number, dimensions, and measurement of the several articles which may remain over and above those he has rejected, which, according to his survey, are found merchantable: Provided nevertheless, that no Surveyor shall hereby be required to render a detailed account of Inch Boards by him surveyed, unless the same shall be specially demanded and required by the seller or purchaser.

Further duty of Surveyor.

VI. And be it enacted, That all Merchantable Deals shall be at least Twelve feet in length and not less than Nine inches in breadth, nor less than Two inches in thickness, to be cut in lengths of a certain number of feet, with an allowance of not more than one inch over on the length, nor more than three-eighths of an inch on the breadth, and not more than one quarter of an inch on the thickness, to be square butted with a saw at both ends; contents to be marked in superficial feet; Battens to be not less than Twelve feet in length, and not more than Twelve feet one inch trimmed at both ends, as required for Deals, to be Seven inches in breadth, and Two and one-half inches in thickness, and to be of the like description in quality as Deals.

What shall be deemed merchantable Deals.

VII. And be it enacted, That Deals, commonly called "Dimension" Deals, shall be such Merchantable Deals as may be cut to the lengths of Twelve, Fourteen, Sixteen, Eighteen, and Twenty-one feet respectively, of the breadth of Nine inches and Eleven inches, and of the thickness of Two inches and Three inches.

Dimension Deals.

VIII. And be it enacted, That all Deals, Battens or Plank, save and except such as may be what are commonly called Hardwood, shall be

Deals, Battens, or Plank, how to be manufactured and measured.

sawed smooth and fair of equal width and thickness throughout, and be square butted at both ends with a saw, and the stubshot be sawn off and be free from rots, sap-stains, large knots, rents, shakes, worm holes and wane, and every Deal which shall measure in thickness more than two and one-half inches, but less in any part than three inches, shall be deemed and taken to be two and one-half inches in thickness, and every Deal which shall measure in thickness more than two inches but less than two and one half inches shall in like manner, be deemed and taken to be two inches in thickness, and the contents thereof estimated accordingly.

What shall be deemed merchantable Boards.

IX. And be it enacted, That all merchantable Boards shall be square edged and be of equal thickness throughout, and shall be free from rots, sapstains, knots, rents, shakes and worm-holes.

Scantling, how to be manufactured.

X. And be it enacted, That all Scantling shall be properly squared, parallel and square butted, and be free from rot, shakes, and worm-holes; and that all Lathwood shall be square butted, straight, rift free from bark, hearts and large knots.

What shall be deemed merchantable Shingles.

XI. And be it enacted, That all Shingles which shall hereafter be exposed for sale in this Island as Merchantable Shingles shall be of Pine or Cedar wood, and shall be Eighteen inches in length, and not less than Four inches in width, and Three-eighths of an inch thick at the butt, free from sap and worm-holes, to be put up in bundles not less than Twenty-five tiers or courses to twenty inches wide, four of which Bundles shall be reckoned a Thousand, and all unmerchantable Shingles found in such bundles shall be burnt by and under the direction of the Surveyor, and the residue thereof be sold at Public Auction, and the money arising from such

Unmerchantable Shingles to be burnt by Surveyor, Residue and pro-

sale shall be paid to the owner, after deducting therefrom the charge of culling, surveying, telling and selling.

reads, how to be disposal of.

XII. And be it enacted, That all Wood designed for Fuel commonly called Cordwood, which shall hereafter be exposed for sale in this Island, shall be at least Four feet long, each stick reckoning half the scarf, and shall be of good sound Hardwood.

Cord wood for sale, length, &c.

XIII. And be it enacted, That from and after the passing of this Act any person or persons who shall sell or dispose of, as being merchantable, any Cordwood for Fuel, which on being surveyed by a sworn Surveyor, shall be found to be deficient in the length prescribed by this Act for merchantable Cordwood, shall, for each and every such offence forfeit and pay a fine not exceeding Forty Shillings nor less than Five Shillings, and shall also forfeit the Wood which he shall so sell as aforesaid.

Penalty on person selling, &c., Cordwood deficient in length.

Wood also to be forfeited.

XIV. And be it enacted, That all Lathwood and Cordwood for Fuel shall be measured by the Cord of four feet high and eight feet long, and piled as close as it can be laid.

Lathwood and Cordwood, how to be measured.

XV. And be it enacted, That all merchantable Hogshead Staves shall be Forty-two inches long, three-fourths of an inch thick on the thinnest edge, and not exceeding one inch on the back, and shall also be from three and one-half inches to five and one-half inches wide, and all Barrel Staves shall be thirty-two inches long, one-half inch thick on the thinnest edge and not exceeding three-fourths of an inch on the back, the whole to be of good rift, free from twists, fairly split and free from knot-holes, rotten knots, worm-holes and shakes, and the account shall be taken by the tale of twelve hundred to the thousand.

What shall be deemed merchantable Hogshead Staves.

Penalty on Surveyor passing, as merchantable, any Timber, Deals, &c., contrary to provisions of this Act.

XVI. And be it enacted, That from and after the passing of this Act, any Surveyor who shall pass, or certify as merchantable, any Timber, Deals, Battens, Boards, Planks, Scantling, Staves, Shingles, Lathwood or Cordwood for fuel, contrary to the provisions of this Act, shall forfeit and pay for every forty cubic feet of Timber which he shall so pass or certify as merchantable, the sum of Fifteen Shillings; for every one thousand superficial feet of one inch measure of Deals, Battens, Boards or Plank, the sum of Forty Shillings; for every one hundred lineal feet of Scantling the sum of Five Shillings; for every one thousand Hogshead Staves Forty Shillings; for every thousand Barrel Staves the sum of Twenty Shillings, and for every thousand Shingles the sum of Five Shillings, and for every cord of Lathwood the sum of Fifteen Shillings, and for every cord of Cordwood, for fuel, the sum of Five Shillings, and a like proportionable sum or sums for any quantity or quantities of Timber, Deals, Battens, Boards, Plank, Scantling, Staves, Shingles, Lathwood or Cordwood, being less than forty cubic feet, one thousand superficial feet, one hundred lineal feet, one thousand or one cord respectively.

Penalty on persons shipping Ton Timber, Lumber, &c., not surveyed & passed as merchantable.

XVII. And be it enacted, That if any person or persons shall, after the passing of this Act ship or export, out of this Island, as merchantable, any Ton Timber, or any article or description of Lumber herein mentioned and directed to be surveyed which shall not have been regularly surveyed by a sworn Surveyor, and by him certified as merchantable and fit for exportation, he, she, or they shall forfeit, for each and every offence, a sum not exceeding Fifty Pounds nor less than Five Pounds.

Not to prohibit exportation of unmerchantable Timber, &c., if

XVIII. And be it enacted, That nothing in this Act contained shall extend, or be construed to extend, to the exportation of Timber or Lumber

of other qualities than merchantable, provided always that such Lumber be actually shipped and marked as of its proper denomination.

Shipped and marked as such.

XIX. And be it enacted, That when any contract or bargain shall be made for any quantity of Timber or Lumber of any description herein before mentioned for exportation the same shall be understood to be for Timber or Lumber according to the directions and provisions of this Act, and no person shall be obliged to take or receive any other kind of Timber or Lumber unless such person shall have previously made a special agreement for the same, specifying the nature, dimensions and description of Timber or Lumber agreed to be received.

Construction of Contracts for any Timber, Lumber, &c.

XX. And be it enacted, That every Surveyor of Lumber who shall be required to survey any Timber or Lumber, shall, at the time of making the survey, mark with a Race-knife or Scoring Iron, on each and every stick of Ton Timber by him surveyed, the number of cubic feet such stick shall contain, and on all Boards, Deals, Battens and Plank every Surveyor shall, on each Board, Deal, Batten and Plank, mark, with red chalk, in large and legible figures, the superficial contents thereof respectively.

Surveyor to mark Lumber or Timber Surveyed by him.

And also Boards, &c.

XXI. And be it enacted, That the persons so appointed Surveyors under this Act shall be entitled to ask, demand and receive for their skill and labour, in surveying and marking, at and after the rates following:

Allowance to Surveyors under this Act.

For every ton of round, flatted or square Timber, or Sawlogs, Twopence.

For every One thousand superficial feet of Deals, Battens or Plank, being of the thickness of Two inches and upwards, One hundred and forty-four solid inches being calculated to one foot in such measurement, One Shilling.

For every One thousand feet of Boards or Plank, being less than two inches in thickness, One Shilling and Six-pence.

For Lathwood, per cord, Sixpence.

For Cordwood for Fuel, per cord, Three-pence.

For Shingles, per thousand, Five-pence.

For Staves, per thousand, Two Shillings.

For Scantling, per hundred lineal feet, Four-pence.

And, in addition to the above Fees, every Surveyor shall be entitled to receive Threepence per mile for every mile he shall necessarily travel in going to and returning from the place of performing such duty, one-half of all the said Fees to be paid by the Seller, and the other half by the Purchaser.

Surveyors to mark all Timber, &c., not corresponding with provisions of this Act as refuse.

Allowance to Surveyors for such.

XXII. And be it enacted, That every Surveyor shall mark all Timber and articles of Lumber which do not correspond with the provisions and requirements of this Act, as Refuse, and for such survey and marking shall be entitled to the like Fees as are by this Act allowed for surveying Merchantable Timber and Lumber, and on all such Timber and articles of Lumber shall legibly mark or scribe the Letter R, in addition to the contents and other marks by this Act required to be placed upon all merchantable Timber and Lumber, on the same being surveyed.

What shall be deemed merchantable Round Timber or Logs.

Round Timber, &c., how to be measured.

XXIII. And be it enacted, That in all cases round Timber or Logs, and Logs or Timber flatted and hewed on two sides, in order to their being considered or surveyed as merchantable, shall be sound, free from large knots, rots, shakes and worm-holes, detrimental to the same, and shall be measured at and after the rates following:—All round Timber or Logs to be measured exclusive of Bark, and the contents estimated at the rate of Fifty cubic feet to one

ton, and all Timber or Logs flatted or hewed on two sides, to be measured in like manner, and the contents thereof estimated at the rate of Forty-five cubic feet to one ton.

XXIV. And be it enacted, That in measuring round Logs, or Logs flatted or hewed on two sides, every Surveyor, in order to ascertain the contents of such Logs or Timber, shall girth or measure the same at the middle of the Log, and in case any Logs or Timber shall be covered with Bark, a just and fair deduction shall be made therefor.

Mode of computing measurement of round or flatted or hewed Logs.

XXV. And be it enacted, That all Fines and Forfeitures incurred and imposed by this Act, shall be recovered, with Costs, if Eight Pounds, or under, before one or more of Her Majesty's Justices of the Peace, or Commissioner of Small Debts; and if above Eight Pounds, by Bill, Plaint or Information in any Court of Record in this Island, the one-half for the use of Her Majesty's Government, and the other half to be paid to the person or persons who shall sue for the same; provided that all offences committed against the provisions of this Act shall be prosecuted within Six Months after the time the said offence or offences shall have been committed.

Mode of recovery of Penalties incurred under this Act.

Appropriation of Penalties.

XXVI. And be it enacted, That nothing in this Act contained shall, in any manner affect any Agreement or Contract for the delivery or manufacture of any Timber or other Lumber which shall have been made and entered into prior to the passing of this Act, nor to any Timber or any kind of Lumber hereinbefore enumerated, and which shall have been duly surveyed prior to the passing of this Act.

Nothing in this Act contained to affect agreements made before passing.

XXVII. And be it enacted, That this Act shall be and continue in force for the space of

Continuance of Act.

Ten years from the passing thereof, and from thence to the end of the then next Session of the General Assembly of this Island, and no longer.

C A P. X X .

An Act to prevent Pedlars travelling and selling within this Island without License.

[Passed 2d May, 1849.]

Hawkers and Pedlars required to take out Licenses,

from Lt. Governor, &c.

Rates payable for Licenses.

Requisites of such Licenses.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, every Hawker, Pedlar, petty Chapman, or any other trading person or persons going from Town to Town, or to other persons' houses, and travelling either on foot or with a Beast of burthen, or otherwise, within this Island, carrying to sell, or exposing to sale, barter or exchange, any Goods, Wares or Merchandize, shall before he, she or they sell, expose for sale, barter or exchange, any such Goods, Wares or Merchandize, obtain from the Lieutenant Governor or other Administrator of the Government of this Island for the time being, under his hand and seal, a License for that purpose, for which License there shall be paid as follows, that is to say: for every person so travelling on foot, the sum of Two Pounds Ten Shillings per annum; for every person so travelling with a Beast of burthen, bearing or drawing a burthen, the further sum of Five Pounds; the said License to be and remain in force for the space of one year following the date upon which the said License shall have been granted, and no longer; and that such License shall particularly specify whether such person so receiving the same is to travel on foot or with a Beast of burthen, or with a Wagon, Cart, Sled or other Carriage, according to the form contained in the Schedule to this Act.

II. And be it enacted, That if any Hawker, Pedlar, or petty Chapman, or itinerant Pedlar, as aforesaid, shall, after the passing of this Act, be found trading as aforesaid, without having first obtained a License, as hereinbefore directed, or contrary to such License, such person shall, for each and every offence, forfeit and pay, if on foot, the sum of Four Pounds; and if with one or more Beasts of burthen, the sum of Seven Pounds Ten Shillings.

Penalty on Hawkers and Pedlars travelling without License.

III. And be it enacted, That every person so trading as aforesaid, who, upon demand made by any Justice of the Peace, Sheriff or Constable, or by any person with whom he shall be so trading, as aforesaid, shall refuse to produce and shew his License for so trading, shall forfeit and pay, for every such offence, the sum of Ten Shillings,

Penalty on Hawker and Pedlar refusing to produce License when demanded by any Justice, &c.

IV. And be it enacted, That every Hawker, Pedlar, petty Chapman, or other person so trading as aforesaid, who shall, from and after the passing of this Act, be convicted of knowingly dealing, vending or selling any kind of smuggled, contraband or prohibited Goods, Wares or Merchandize, shall, from and after such conviction, forfeit his License, and for ever thereafter be incapable of obtaining or holding any new License, or dealing, trafficking or trading under the same, over and above all such forfeitures and incapacities, Fines and Penalties to which he, she or they, is, are, or shall be, by Law subject and liable to, for such illicit and illegal trafficking and dealing.

Hawker, Pedlar, &c., convicted of selling smuggled Goods, &c., to forfeit License, and never again eligible to hold License.

V. And be it enacted, That if any person or persons whosoever shall forge or counterfeit any License or Licenses by this Act directed to be granted, or travel with, or produce, or shew any forged or counterfeited License or Licenses, for any of the purposes aforesaid, every such person

Persons forging License or travelling with forged License, how punishable.

shall, upon conviction thereof, be subject to the like Pains and Penalties as persons guilty of forging or uttering any forged instrument within this Island are now by Law liable.

Penalty on Hawker and Pedlar selling, &c., Wine, Rum, &c.

VI. And be it enacted, That no Hawker, Pedlar, petty Chapman, or trading person, as aforesaid shall, under such License, so obtained as aforesaid, sell, expose or offer for sale, barter or exchange any Wine, Rum, Brandy, Gin or other distilled Spirituous Liquors, nor any Ale, Beer or Porter, or Cider, on pain of forfeiting, for every offence, the sum of Five Pounds.

Licenses to be numbered in margin and number to be painted on Pack, Wagon, &c.

VII. And be it enacted, That all Licenses so obtained as aforesaid, shall be numbered in the margin thereof, which number, together with the name of the party obtaining such License, shall be painted or marked in legible figures and characters, of at least two inches in length, on some conspicuous part of the Pack, Wagon, Cart, Sled, or other Carriage of the person to whom the said License shall have been granted or obtained, on pain of forfeiting, for every neglect, the sum of Ten Shillings. Provided always, and be it enacted, that nothing in this Act contained, shall extend, or be construed to extend, to prohibit any person or persons from selling any Fruit, Fish, Victuals or Country Produce, or to hinder any person or persons who are the real makers or workers of any Goods or Wares, from carrying about for sale or selling the Goods or Wares of his, her or their own manufacture.

Penalty for offending herein. Articles for sale of which License not required by this Act.

VIII. And be it enacted, That all Fines, Penalties and Forfeitures imposed by this Act, shall be recovered, with Costs, before any one of Her Majesty's Justices of the Peace in this Island, upon the Oath of one or more credible Witness or Witnesses, of the violation of this Act, or upon view of any one of Her Majesty's said Justices, or upon the confession of the party

Manner of recovery of Penalties imposed by this Act.

offending, and levied by Warrant of Distress and Sale of the Offender's Goods and Chattels under the Hand and Seal of such Justice, or of his Clerk, and for want thereof the said Justice is hereby empowered to commit such Offender or Offenders to Jail for such period as he shall see fit. Provided always, that when the amount of such Fines, Forfeitures and Penalties, shall be less than Five Pounds, then the Offender or Offenders shall not be liable to imprisonment for a longer term than Two Months; and when the said Fines, Penalties and Forfeitures exceed in the whole Five Pounds, then such Offender or Offenders shall be imprisoned, at the discretion of such Justice, for a period of not less than Two, nor exceeding Six Months; and all Fines or Penalties, when recovered, shall be paid and applied as follows, that is to say—one moiety to the person who shall inform and sue for the same, and the other moiety to be paid into the Treasury of this Island for the use of Her Majesty's Government.

Appropriation of Penalties.

IX. And be it enacted, That all Justices of the Peace, Constables, and Peace Officers, on view or information of any offence committed against the provisions of this Act, are hereby authorized to detain forthwith, the persons guilty of such offence, together with their Goods, and if such detention be made by order of any Justice, he shall immediately adjudicate on the case, and if by a Constable or other Peace Officer, he shall forthwith carry the person offending, with his Goods, before a Justice of the Peace, that the case may be adjudicated thereon forthwith.

Justices of the Peace, &c., may on view detain offenders and their Goods, &c.

X. And be it enacted, That there shall be kept in the office of the Colonial Secretary of this Island, a Record of all persons licensed under this Act, which Record the said Secretary shall cause to be monthly published in the *Royal*

Colonial Secretary to keep a record of Licenses.

Record to be published monthly.

Account to be kept of License Money.

Gazette Newspaper, and that there shall also be kept a distinct account of Moneys received for License under this Act.

Deputy Prothonotaries in King's & Prince Counties authorized to issue Licenses.

Duties of such Officers.

Fee to such Officers.

XI. And be it enacted, That the Deputy Prothonotaries in King's and Prince Counties be empowered to issue Licenses under this Act and shall furnish, monthly, to the Colonial Secretary a list of the Names of the persons who have received Licenses from them, and shall also account for and pay over, at the end of each month, to the Treasurer of this Island, all Moneys received by them respectively for such Licenses, and such Deputy Prothonotary shall be entitled further to receive the Fee of Two Shillings and Sixpence to himself for issuing such Licenses.

Continuance of Act.

XII. And be it enacted, That this Act shall be and continue in force for and during Ten years from the passing thereof, and from thence to the end of the then next Session of the General Assembly of this Island.

Schedule.

SCHEDULE to which this Act refers.

No.

*Colonial Secretary's Office,
Prince Edward Island.*

Form of Hawker and Pedlar's License.

THIS is to certify, that *A. B.*, a native of
of the age of or thereabouts,
having this day paid the sum of License
and permission are therefore hereby given and
granted to the said *A. B.* to use the occupation of
a Hawker, Pedlar, or itinerant Trader through-
out this Island, (*Here state particularly whether
the person is privileged to travel on foot or with
a Horse, Gelding, Mare, or other Beast of bur-
then, Cart, Wagon, or Sled, as the case may
be,*) pursuant to the Act of the General Assembly

by which the persons signing the same, did thereby bind themselves to pay into the hands of the Treasurer of the Agricultural Society then proposed to be formed in Charlottetown, or to the Treasurer of the *Royal Agricultural Society of Prince Edward Island*, provided it should become Incorporated, and accept a Constitution on the principles and under the regulations contained in the said Resolutions, the several sums set against their respective names, annually, for the term of Three years, on condition that the Legislature, during that time, should make an annual Appropriation to the Society of a sum equal to the aggregate of the amount so subscribed and paid; and whereas the Members of the said *Royal Agricultural Society* have agreed that the said Society shall become incorporated, and accept a Constitution on the principles, and under the regulations set forth in the said Resolutions: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, that *William Douse, James Heron Conroy, George Coles, Charles Haszard, Thomas Heath Haviland, John Beer, Jeremiah Simpson, Thomas Owen, Bentick Harry Cumberland Henry Longworth, James Peake, Charles Hensley, Daniel Hodgson*, and such other persons as are now subscribers to the said Society, or who shall at any time hereafter become Subscribers thereto, according to such Regulations and Bye Laws as shall hereafter be framed or enacted by the said Society, shall be, and they are hereby constituted and declared a Body Politic and Corporate for the purpose of promoting the improvement of the Agricultural Population in Practical and Scientific Farming, the procuring of information, by the collection of new and important facts, having a particular reference to the capabilities of the Soil, and the peculiarities of the Climate, the general management, and storing of Agricultural Produce, the improvement of the Implements of Husbandry, the introduction of good Seed of all kinds, the preparation,

Incorporates certain persons and others by the name of "The Royal Agricultural Society of Prince Edward Island."

Purposes of such Society.

management, and application of Manures, the feeding of Stock, and the importation of improved Cattle of all kinds, the management of Grass Lands, and of the Dairy, the formation of Libraries, and the distribution and sale of cheap Tracts, and works on Husbandry, and generally for the encouragement of rural and domestic economy within this Island, by the name of *The Royal Agricultural Society of Prince Edward Island*, by which name they shall be a perpetual Corporation, and shall have succession forever, and a Common Seal, with full power and authority to alter, vary, break, and renew the same at pleasure, and by the same name shall sue, and be sued, implead, and be impleaded, answer, and be answered, in all Courts, both of Law and Equity, and be forever able and capable, in the Law, to purchase, receive, possess and enjoy, to them and their Successors, any Goods and Chattels whatsoever, and to act in all the concerns of the said Body, Politic and Corporate, for the businesses and purposes for which it is hereby constituted as aforesaid, and also that the said Corporation shall, in manner hereafter mentioned, from time to time, and at all times, have full power and authority, to constitute, make, ordain, and establish, such Bye Laws, Regulations and Ordinances, as may be deemed necessary for the good rule and government of the said Society, provided that no such Bye Laws, Rules, Regulations, or Ordinances, be contradictory, or repugnant to the Laws of this Island, or the provisions of this Act.

Powers of Society.

May sue and be sued by corporate name.

Society may purchase and receive Goods & Chattels.

And make & ordain Bye Laws, &c.

II. And be it enacted, That the number of Subscribers of the said Body Politic and Corporate, shall be indefinite, but classed, according to their rate of payment, into Governors and Members, and that an Annual Subscription of not less than One Pound, shall constitute the person subscribing the same, a Governor, and

Classification of Subscribers.

Qualifications of Governors.

Qualifications of Members.

that an Annual Subscription of not less than Three Shillings, shall constitute the person subscribing the same, a Member, with such individual privileges as shall appertain respectively to each, there being added to the Society such Honorary Corresponding Members as may, from time to time, be found desirable for the promotion of its several objects.

Honorary Members.

First General Meeting of Society.

Powers and duties of such Meeting.

Persons to compose Committee of Society.

President, Vice President and Governors to be elected from Class of Governors, 7 other Members of Committee from all classes of Subscribers. Continuance in Office.

Term for holding annual General Meeting of Society after 1st Wednesday in March, 1850.

Powers of annual General Meeting.

III. And be it enacted, That a General Meeting of the Governors and Members of the said Body, Politic and Corporate, shall be held on the Second Tuesday in May next, at Charlottetown, at which Meeting there shall be chosen, by a Majority thereof, a President and Committee, such Committee to consist of the President and Two Vice Presidents, Seven Governors and Seven Members, together with Six Members of the House of Assembly for the time being, Two from each County, to be appointed annually by the Lieutenant Governor in Council, such President, Vice President and Governors, to be elected from the class of Governors only; and such Seven Members to be elected indiscriminately from the Governors and Members of the said Society, paying an Annual Subscription of not less than Five Shillings each, who shall continue from that day in their respective offices and appointments, until the First Wednesday in March, which will be in the year One thousand eight hundred and fifty, or until others are chosen in their room, and that from and after the said First Wednesday in March, One thousand eight hundred and fifty, there shall be a General Meeting of the Governors and Members of the said Society, held annually on the First Wednesday in March in each and every year, at Charlottetown, and that at such General Meeting, a majority of the Governors and Members then present, shall have full power to elect a President and Committee, such President and Committee to be chosen from among the Governors

and Members of the said Society, in the manner aforesaid, who shall continue in office for One year, or until others are chosen in their room; and that the President shall be an Annual Officer of the Society, and not be eligible for the Office of President for Three years, and that One Vice President, Three Governors, and Three Members of the Committee shall go out each year, but may be re-elected.

President to be annual Officer, &c.

Vice President, Governors and 3 Members of Committee to go out each year, unless re-elected.

IV. And be it enacted, That such President, Vice Presidents and Committee, shall be regulated in their proceedings by such Bye Laws as may and shall from time to time, be enacted by them, conformably to the provisions of this Act, no established Bye Law, however, being in any case altered, or new one proposed, without at least One months' notice of such intention being given to each Member of the Committee.

Committee to regulate proceedings in accordance with Bye Laws.

No Bye Law to be altered without one months' notice, &c.

V. And be it enacted, That it shall and may be lawful for the said President and Committee, annually, to nominate Three fit and proper persons whose names shall be sent to the Lieutenant Governor and Council, and out of such three persons the Lieutenant Governor in Council shall name and appoint one to serve the office of General Secretary and Treasurer to the said Society, who shall be responsible to the said President and Committee for the execution and discharge of the various duties required of him, as defined, from time to time, by their Bye Laws and special Resolutions, and who shall be subject to removal for inefficiency or otherwise, on their application to His Excellency the Lieutenant Governor in Council, and who shall, before entering upon the duties of such office, give security for the proper and faithful discharge of the same, to an amount not less than Six hundred Pounds; such Security to be the Bond of the person so named and appointed Secretary and Treasurer, together with Two or more good and sufficient persons as Sure-

Committee to nominate annually three persons and submit their names to Lieut. Governor, &c., in Council.

Lieut. Governor in Council to appoint one of them as general Secretary and Treasurer.

Secretary and Treasurer to be responsible to Committee.

And may be displaced by Lieut. Governor in Council.

Secretary and Treasurer to give security, &c. Amount of security and nature thereof.

Bond, how to be taken.

Duty of Secretary and Treasurer.

ties, to be approved of by the Lieutenant Governor in Council, such Bond to be taken in the name of *The Royal Agricultural Society of Prince Edward Island*, and it shall be the duty of the said Secretary and Treasurer, annually, or oftener, if required by the President and Committee so to do, to prepare and file, in the Office of the Secretary of this Island, a full and correct statement of the accounts and affairs of the said Society, which shall be subject to the same audit as the Public Accounts.

Special duty of Society as to the establishment of Branch Societies.

Constitution of Branch Societies.

Royal Society may appoint Visitors to Branch Societies and their powers, &c.

Branch Societies to be conducted by a Committee. Of whom such Committee is to consist.

VI. And be it enacted, That it shall be the special duty of the Society, upon its becoming organized, by the election of a President and Committee, and the appointment of its Officers as aforesaid, and they shall proceed, and from time to time, continue to establish such and so many Branch Societies as they may deem necessary and expedient for extending the objects of the said Society, and the furthering of Agricultural Improvement throughout the Island, such Branch Societies to be constituted, conducted and governed by, under, and in accordance with the provisions hereinafter contained respecting the same, and such Bye Laws, Rules and Regulations as may, in manner aforesaid, be made by the said Royal Society relating thereto, and that such Royal Society shall have full power, at all times, to appoint Visitors to visit and enquire into the affairs of the said Branch Societies, to inspect their Books and proceedings, and to prevent any misapplication of their Funds.

VII. And be it enacted, That each Branch Society, so established, shall be conducted by a Committee consisting of a President, Vice President and Seven Members, together with the President and Vice President of the Royal Society, who, together with the Two Members of the House of Assembly for the time being; representing the County in which such Branch

Societies may be organized, who shall be appointed by the Lieutenant Governor in Council, as Members of the said Committee, as hereinbefore directed, shall be *ex-officio* Members of the Committees of such Branch Societies, such President, Vice President and Committee, to be elected from Subscribers of not less than Five Shillings, and that an annual Subscription of not less than Three Shillings, shall constitute the person subscribing the same a Member of such Branch Society.

Class of Subscribers from whom President, &c., of Branch Societies are to be elected.

VIII. And be it enacted, That each Branch Society shall be entitled to appoint one of its Members residing within the District of such Branch Society, to act as an *ex-officio* Member of the Committee of the Royal Society, in addition to those elected by the Royal Society, and that any Member of any Branch Society, on producing a Certificate of the Secretary of the Society of which he may be a Member, that his Subscription thereto has been duly paid, shall be entitled to purchase Seeds, Implements and Books at the Royal Society's Warehouse, in Charlottetown, at the same prices they may be sold to Subscribers to the Royal Society.

Each Branch Society may appoint 1 Member to be an *ex-officio* Member of Royal Society.

What entitles a Member of Branch Society to privilege of purchasing Seeds, &c., from Royal Society at Subscribers' prices.

IX. And whereas, for improving the breed of Cattle, Sheep and Swine, generally, throughout the Island, it is necessary, that all improved breeds of Stock imported by the Society, should be so kept or disposed of as that the Animals imported shall be distributed throughout the different districts of the Island: and whereas the sale of all such Stock in or near Charlottetown, would lead to a very large proportion thereof being purchased and kept in and about the vicinity of the said Town, whereby the more distant parts of the Country would be deprived of the benefits to be derived from the importation of such Stock: Be it therefore enacted, that it shall be the duty of the said Royal Society to take especial

Special duty of Royal Society in the distribution of Stock.

care that all Stock which may, from time to time, be imported by it, shall be fairly and equally divided, so that each County shall receive a fair and equal proportion thereof, and shall be sold, let, or disposed of, within the different Counties, in such places, and under and subject to such rules, regulations, and conditions, as the said Society may find expedient and necessary to impose and make for the preservation of the Animals, and the keeping them within the limits of the Districts to which they may be respectively assigned, and also, that every Branch Society, so formed under the sanction and control of the Royal Society, as aforesaid, shall be supplied from the Warehouse of the Royal Society, with such Seeds, Implements, and Books, and Treatises on Agriculture, as shall be deemed necessary for supplying the wants of the Subscribers of the District, assigned for the operations of such Branch Societies respectively; all such Seeds and Implements to be furnished to such Branch Societies at costs and charges.

Branch Societies to be supplied with Seeds, &c. by Royal Society.

X. And be it enacted, That the Secretary and Treasurer of the respective Branch Societies, shall, from time to time, be nominated by the President and Committee of such Societies, respectively, and appointed by the Lieutenant Governor in Council, in the same manner as is herein-before provided, with respect to the appointment and removal of the Secretary and Treasurer of the Royal Society, and shall also give security to an amount not less than One hundred and Fifty Pounds, which securities shall be of the like nature, and taken in the same manner as is hereinbefore provided with respect to the Secretary and Treasurer of the Royal Society, which Secretaries and Treasurers, respectively, shall discharge the various duties required of them, as defined from time to time by the Bye Laws of the Royal Society, and the Rules and Regulations of the Branch Society, to which

Secretary and Treasurer of Branch Societies to be nominated by Committee;

And appointed by Lt. Governor in Council, in same way as same Officer of Royal Society;

And also give Security.

Amount of Security, and how to be taken.

Duties of Secretaries and Treasurers of Branch Societies.

they may be respectively appointed as Secretary and Treasurer, not being contrary to the Laws of the Royal Society; and further, that such Secretaries and Treasurers shall, annually, on the last day of December in each year, or oftener, if required, make up and transmit to the Secretary of the Royal Society, a full account of the Finances of the respective Branch Societies, and a Report of their proceedings during the past year, and also, that all Debts due to any Branch Society, may be sued for in the name of the Secretary of such Society, who is hereby declared a competent Witness in any such suit.

How debts due to Branch Societies may be sued for.

XI. And whereas, in carrying out the operations of the Society, some of the Branch Societies which may be so established as aforesaid, may, from time to time, become indebted in considerable sums to the Royal Society, and in order to prevent the Funds of the Royal Society from becoming wasted, and the usefulness of the Society curtailed, it is necessary that the Royal Society should possess ample powers in an effectual and summary manner, to enforce payment of their Debts from such Branch Societies: Be it therefore enacted, That in case any Branch Society, so to be established as aforesaid, shall become indebted to the said Royal Society, and shall, after Three months' Notice from the Secretary of the Royal Society, requesting payment of the amount due, neglect to pay the same, the Royal Society shall have full power and authority to send some one or more of its Visitors, or such other person or persons as it may see fit to appoint for that purpose, to take possession of the Books, Debts, and Effects of such Branch Society, and, in the name of the Secretary and Treasurer of the Royal Society, to ask, demand, sue for, and recover all Debts which may be due and owing to such Branch Society so in default as aforesaid, returning the overplus, if any, to such Branch Society.

Powers of Royal Society, when Branch Societies fall in arrear to Royal Society, &c.

Time when Sub-
scriptions be-
come payable.

XII. And be it enacted, That the persons who have heretofore signed and become, or may hereafter sign and become Subscribers to the said Subscription List opened at the said Public Meeting, held at Charlottetown on the Eighteenth day of January, One thousand Eight hundred and Forty-nine, or to any copy or duplicate thereof, shall pay the several sums by them respectively subscribed, unto the Secretary and Treasurer of the said *Royal Agricultural Society*, on the First Monday in July in each year, for the said term of Three years from thence next ensuing, during which they have, by signing or authorizing their names to be signed to such Subscription List or copy or duplicate thereof, agreed and become liable to pay the same, the first payment thereof to become due and payable on the First Monday in July next after the passing of this Act.

Royal Society to
be dissolved
when Stock, &c.
shall not exceed
£200.

Appropriation of
proceeds in such
case.

XIII. And be it enacted, That if it should so happen, that from any cause the aggregate amount of Stock, Moneys, and Effects, belonging to the said *Royal Agricultural Society*, shall be reduced to a sum not exceeding Two hundred Pounds, the said Society shall then, and in that case, be dissolved, and the whole amount, or value of such Stock, Moneys, and Effects, shall be paid into the Public Treasury of this Island, to and for the use of Her Majesty's Government, and the powers and authorities granted and conferred by this Act shall, thereupon, cease and determine, any thing in this Act contained to the contrary notwithstanding.

Principle of
Royal Society
and Branch So-
cieties.

XIV. And be it enacted, That a principle of the Constitution of the said *Royal Agricultural Society*, and of all Branch Societies to be formed and organised by it or in any way connected with it, shall be the total exclusion of all questions at its Meetings or in its proceedings, or at the Meetings or in the proceedings of such Branch

Societies, of a political tendency, or having reference to measures pending, or to be brought forward in the Legislature of this Island, which no Resolution, Bye Law, or other enactment of the said Body Politic or Corporate shall, on any account or pretence whatsoever, be at any time allowed to infringe.

XV. And be it enacted, That there shall be granted to His Excellency the Lieutenant Governor, or other Administrator of the Government for the time being, annually, for and during the next Three years, a sum not exceeding Five hundred Pounds, in aid of the Funds, and for promoting the objects of the said Society, such sum of Five hundred Pounds, or so much thereof as may be necessary to make up a sum equal to the amount subscribed and paid by the Governors and Members of the said *Royal Agricultural Society*, to be paid annually by Warrant on the Treasurer of this Island, under the Hand and Seal of His Excellency the Lieutenant Governor in Council, to the said *Royal Agricultural Society*.

Grants £500 annually to Lt. Governor for purposes of Society, or sum equal in amount to subscriptions.

CAP. XXII.

An Act relating to Light Houses, and Buoys and Beacons.

[Passed 2d May, 1849.]

BE it enacted, by the Lieutenant Governor, Council and Assembly, That if any person or persons shall hereafter erect, build, set up, or place any Light, Light House, Buoy or Beacon, or any distinguishing mark, of any kind or description whatsoever, or shall continue to exhibit, place, or show any Light in any Light House, or other such Building, heretofore erected, on the

Collector of Excise nearest to any Light, Light House, Beacon, &c. erected without License from the Crown, &c. to pull down and destroy the same.

shores of any of the Bays, Harbours, Creeks, Inlets, Arms of the Sea, or Rivers of this Island, or within any of the said Bays, Harbours, Creeks, Inlets, Arms of the Sea, or Rivers, or upon any of the Shoals, Rocks, Reefs, Sand-hills, Banks, or Sands, within the said Bays, Harbours, Creeks, Inlets, Arms of the Sea, or Rivers, or adjacent or near to any part of the Shores of the said Bays, Harbours, Creeks, Inlets, Arms of the Sea, or Rivers, or upon any part of the Shores or Coasts of this Island, or upon any of the Rocks, Shoals, Reefs, Sand-hills, Banks, or Sands adjacent or near to any part of the Shores or Coasts of the said Island, for the alleged guidance of Mariners, without the license or permission of Her Majesty, or Her Heirs and Successors, or without the license or permission of the Administrator of the Government of the Island, for the time being, in writing first had and obtained, that then, and in such case, it shall be the duty of the Collector of Excise nearest to the place where such Light, Light House, Buoy, or Beacon, or other distinguishing mark, of any kind or description, is erected, built, set up, or placed, and he is hereby required to cause such Light, Light House, Buoy, Beacon, or other distinguishing mark, to be pulled down, destroyed, defaced and removed, or otherwise rendered unfit for the purposes of a Light, Light House, Buoy, Beacon, or other distinguishing mark, as aforesaid; and any such person or persons who shall hereafter erect, build, set up, or place any such Light, Light House, Buoy, or Beacon, or any distinguishing mark as aforesaid, without such license or permission aforesaid, shall forfeit and pay, for every such offence, a sum of Fifty Pounds, to be sued and prosecuted for by such Collector of Excise as aforesaid, and to be recovered before any Two Justices of the Peace for the County wherein such Offender or Offenders may be resident, on the Oath of one or more credible Witness or Witnesses, to be levied, by Warrant of Distress,

Penalty on person erecting such Light, Light House, Beacon, &c. without such License.

Mode of recovery of penalty.

on the Goods and Chattels of the Offender or Offenders, the one half of such penalty, after deducting therefrom the costs of the prosecution, when recovered, to be paid to the said Collector of Excise, and the other half part thereof to be paid into the Treasury of this Island, to and for the use of Her Majesty, Her Heirs and Successors; and in the event of the said Offender or Offenders not having Goods and Chattels whereon to levy the said penalty, then the said Two Justices are hereby authorized to commit the Offender or Offenders to the common Jail of the County, there to remain for a period not exceeding Six months, unless such penalty be sooner paid.

Appropriation of penalty.

II. And be it further enacted, That if any person or persons shall pull down, destroy, deface, damage, injure, remove, or take away, any Light, Light House, Buoy, Beacon, or other distinguishing mark of any kind or description whatsoever, set up, erected, built, or placed within any of the Bays, Harbours, Creeks, Inlets, Arms of the Sea, or Rivers of this Island, or upon any of the Shores of the said Bays, Harbours, Creeks, Inlets, Arms of the Sea, or Rivers, or upon any of the Shoals, Reefs, Rocks, Sand-hills, Banks, or Sands within the same, or upon any of the Shores or Coasts of the said Island, or upon any of the Shoals, Reefs, Rocks, Sand-hills, Banks, or Sands adjacent or near to any of the Shores or Coasts of this Island, by authority of Her Majesty, or Her Heirs or Successors, or by authority of the Administrator of the Government of this Island for the time being, such Offender or Offenders shall, on prosecution of such Collector of Excise as aforesaid, and on conviction by the Oath of one or more credible Witness or Witnesses, before any Two of Her Majesty's Justices of the Peace for the County wherein such Offender or Offenders shall be resident, forfeit and pay a sum not exceeding Twenty

Penalty on person pulling down, defacing, &c. any Light, Light House, Buoy, Beacon, &c. erected by authority of Crown, &c.

Mode of recovery of penalty.

Pounds, to be recovered and applied as aforesaid; and on failure of payment, or want of Goods and Chattels whereon to levy, such Offender or Offenders shall be committed, by such Justices, to the common Jail of the County, for a period not exceeding Three months, unless such Fine be sooner paid.

Collector of Excise to be competent witness for recovery of penalties.

III. And be it further enacted, That for the purpose of recovering the penalties aforesaid, such Collector of Excise as aforesaid, shall be deemed and taken as a competent Witness, any law, usage, or custom to the contrary notwithstanding.

Regulates the mode in which actions are to be brought against Collector of Excise for any thing done by him by virtue of this Act.

IV. And be it further enacted, That no Writ shall be sued out against, nor any Copy of any Process served upon any Collector of Excise, as aforesaid, for any thing done by him, or against any other person or persons whomsoever acting under the direction or authority of any Collector of Excise, under the provisions of this Act, until One Calendar Month after notice in writing shall have been delivered to him, or left at his usual place of abode by the Attorney or Agent of the party who intends to sue out such Writ or Process, in which notice shall be clearly and explicitly contained, the cause of action, and the name and place of abode of the person who is to bring such action, and the name and place of abode of the Attorney or Agent, and no evidence of the cause of action shall be produced, except of such as shall be contained in such notice, and no verdict shall be given for the Plaintiff, unless he shall prove, on the trial, that such notice was given, and in default of such proof, the Defendant shall receive, in such Action, a verdict and costs.

Limits the time within which any such action shall be brought.

V. And be it further enacted, That every such Action shall be brought within Three Calendar Months after the cause thereof, and shall be laid

and tried in the County where the acts were committed, and the Defendant may plead the General Issue, and give the special matter in evidence, and if the Plaintiff shall become non-suited, or shall discontinue the Action, or if, upon a Verdict or Demurrer, Judgment shall be given against the Plaintiff, the Defendant shall receive treble Costs, and have such a remedy for the same as any Defendant can have in other cases where Costs are given by Law.

Special matter may be given in evidence under general issue.

Costs to Defendant on non-suit, &c.

VI. And be it further enacted, That nothing in this Act contained shall have any force or effect, until Her Majesty's pleasure therein shall be known.

Suspending clause.

*** This Act received the Royal Assent; and notification thereof was published in the *Royal Gazette* Newspaper of this Island, on the 30th day of October, 1849.

CAP. XXIII.

An Act to enlarge the provisions of the Act to provide for re-printing the Laws of this Island. 11 Vic. c. 32.

[Passed 2d May, 1849.]

WHEREAS it would tend much to the saving of expense if the Commissioners appointed under the Act to provide for re-printing the Laws of this Island, were authorized to leave out of the new Edition of the Laws all Acts whatsoever which have expired, or have been executed or repealed, provision being made for the safe keeping of all Acts now in print, under which the title to Lands may in any manner have been derived: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That it shall be the duty of the Commissioners now or hereafter to be appointed under the Act of the General Assembly of this Island, made and passed in the Eleventh year of the Reign of Her present Majesty, intituled *An Act to provide for re-printing the Laws of this Island*, to leave out

Enlarges and regulates the powers of the Commissioners appointed under Act of 11 Vic. c. 32, for re-printing Laws.

of the several volumes of the Laws to be printed under the provisions of the said Act, all Acts whatsoever which have been repealed, or have expired, as well as all Acts the provisions of which have been executed, whether the title to Lands, Tenements or Hereditaments may have been derived under the provisions of any such Acts or not, anything in the Fourth Section of the above recited Act to the contrary notwithstanding: Provided always, and it shall be the duty of the said Commissioners, besides inserting the Titles of all such Acts in their proper order, in all cases where it shall appear to the said Commissioners that the provisions of any such Acts may affect Titles to Lands, Tenements, or Hereditaments, to signify the same by way of marginal note thereto.

Certain Acts not published in full in new Edition of Laws to be nevertheless legal evidence.

II. And be it enacted, That all and every Act and Acts of the General Assembly of the said Island heretofore published by the authority of the Government of this Island, that is to say, all the Acts contained in the volume of the Laws printed at Charlottetown by the Government Printer, in the year One thousand eight hundred and thirty-four and all Acts passed since the year One thousand eight hundred and Thirty-four down to the session of One thousand eight hundred and Forty eight, inclusive, and printed annually by the Queen's Printer, at Charlottetown, which shall not be printed in full in the new edition of the Laws, and by which the Title to Lands, Tenements or Hereditaments, may be affected, shall, and they are hereby declared to be legal evidence in all Courts of Law or Equity, or Courts of Record in this Island, in all cases where the Titles to Lands, Tenements or Hereditaments, derived, or supposed to be derived, under any of their provisions, shall be in question or dispute, or where the same, by reason of any such Act or Acts, may, in any manner be affected.

III. And be it enacted, That for the purpose of insuring the preservation of the said Laws heretofore published, it shall be a further duty of the said Commissioners, and they are hereby required, within Six months after the passing of this Act, to deposit in the Office of the Registrar of Deeds, and the several Offices of the Prothonotary of the Supreme Court, and of his Deputies, in the several Counties of this Island, a full Copy of the Laws of this Island heretofore published as aforesaid, being the volume printed in the year One thousand Eight hundred and Thirty-four, and the several Acts passed since that year to the Session of One thousand Eight hundred and Forty-eight, inclusive, and published annually by the Queen's Printer, as hereinbefore mentioned, which Acts shall be kept in the said Offices as Records, and for the purposes of reference in all time to come, so far as relates to such of the said Acts as shall not be published in full in the said New Edition of the Laws, and by which the Title to Lands, Tenements, or Hereditaments may be effected, which said several Copies shall contain a Memorandum to the following effect, subscribed with the names of the said Commissioners for the time being, in their proper handwriting, that is to say:—

Duty of Commissioners in depositing certain Laws in Public Offices.

Public Offices in which such Laws are to be deposited.

PRINCE EDWARD ISLAND.

Filed in the Office of in County
this day of 18 by virtue of an Act
passed in the Twelfth year of the Reign of Her
present Majesty, intituled [*Here insert the Title
of this Act.*]

Memorandum to be subscribed thereon by Commissioners.

And it shall be the duty of the said Registrar and Prothonotary and their respective Deputies and Clerks, within office hours, at all times, to exhibit the said Acts to any person or persons who shall or may require access to the same.

CAP. XXIV.

An Act to regulate the Specie Currency of
Prince Edward Island.

[Passed 2d May, 1849.]

WHEREAS it is deemed expedient, that certain Coins now in circulation in this Island should have their respective values or rates at which they shall pass current and be a legal tender, defined by Law: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That on, and from and after the publication in the *Royal Gazette* of this Island of Her Majesty's Assent to this Bill, the British Gold Coin called a Sovereign, being of full weight, and the Foreign Gold Coin called a Doubloon, being of not less weight than Four hundred and Fifteen grains, and the Gold Coin of the United States of America called an Eagle, being of not less weight than Two hundred and Fifty-eight grains, shall and may, respectively, be received, paid, and legally tendered to the Treasurer of this Island, or other Public Officers, or by or to any Body Politic or Corporate, person or persons whomsoever, in payment, satisfaction, or discharge of any debts, sums of money, duties, obligations, liabilities, or demands whatsoever, already contracted, or hereafter to be contracted, at and after the rates respectively following, save and except as is hereinafter excepted, that is to say:—The Sovereign at the rate of Thirty Shillings, or One Pound and Ten Shillings; the Doubloon at the rate of Ninety-six Shillings, or Four Pounds and Sixteen Shillings; and the Eagle at the rate of Sixty Shillings, or Three Pounds; and the several sub-divisions or aliquot parts of these Coins, at and after the same rates and in the same proportions as such respective sub-divisions bear to the Sovereign, Doubloon, or Eagle, respectively, of which they are such equal parts.

Regulates the rate at which certain Gold Coins are to be current.

II. And be it enacted, That all British Silver Coins shall and may, in like manner, be respectively received, paid, and legally tendered in payment, satisfaction, and discharge of any debts, sums of money, duties, obligations, liabilities, or demands whatsoever, except as is hereinafter excepted, at and after the following rates, that is to say:—The British Silver Crown Piece, at and after the rate of Ninety Pence, or Seven Shillings and Sixpence; the British Silver Half Crown Piece, at and after the rate of Forty-five Pence, or Three Shillings and Nine-pence; the British Silver Shilling, at and after the rate of Eighteen Pence, or One Shilling and Six-pence; and the British Silver Six-pence, at and after the rate of Nine-pence; and any other or smaller sub-divisions of the British Silver Shilling, at and after the same rate, and in the same proportion as such respective sub-divisions bear to the British Shilling of which they are such parts.

Regulates the rate at which certain Silver Coins are to be current.

III. And be it enacted, That the United States, Peruvian, Mexican, Chilian, and Spanish Milled Silver Dollar, and the Dollar of Central America, being of not less weight than Four hundred and Twelve grains, shall and may, in like manner, be respectively received, paid, and legally tendered in payment, at and after the rate of Six Shillings and Three-pence; each and all the sub-divisions or aliquot parts of the said respective Dollars, shall and may, in like manner, be respectively received, paid, and legally tendered in payment, at and after the respective rates following, that is to say:—The Half Dollar at Three Shillings, the Quarter Dollar at One Shilling and Six-pence, and the Eighth part of a Dollar at Nine-pence: Provided always, that if any Nation or State should have issued or may hereafter issue a Coinage of Dollars, which an Assay of Her Majesty's Mint, or

Further regulation of rate at which other Silver Coins are to be current.

of the Mint of the United States of North America shall have authenticated, or may authenticate to contain less pure Silver than Three hundred and Seventy grains to Four hundred and Twelve grains of alloyed metal in each Dollar, neither any Dollars nor their fractional parts issued by such Nation or State, shall be a legal tender under this Act.

Further regulation of rate at which other Silver Coins are to be current.

IV. And be it enacted, That the French Silver Coin called a Five Franc Piece, shall and may, in like manner, be respectively received, paid, and legally tendered at and after the rate of Five Shillings and Six-pence each, and the sub-divisions or aliquot parts at the same rate and proportion which such aliquot parts bear to such Five Franc Piece, of which they are parts.

What Copper Money is to be current.

V. And be it enacted, That the Pence and Half-pence legally current in the United Kingdom and in the adjacent Provinces of Canada, Nova Scotia, and New Brunswick shall be current, paid and received as Penny and Half-penny Pieces, Currency: Provided always, that no person shall be obliged to receive, at one time, payment of more than Eighteen Pence or One Shilling and Six-pence, Currency, in Copper Money; and provided also, that in payment no account shall be taken of or payment be required for any fractional part remaining due less than one Half-penny.

Limits the amount in Copper Money as a legal tender.

Fractional part of Half-penny.

Fractional parts of Gold or Silver Coins.

VI. And be it enacted, That in all payments made with the smaller pieces of Gold or Silver Coins, being sub-divisions or aliquot parts of the respective Coins mentioned in the preceding Clauses of this Act, no smaller Fraction than One Half-penny shall be calculated in the proportional value thereof, unless several of these shall be paid together so as to amount to the value of a Crown or Half Crown Piece, when

the same shall be received for the full intrinsic value which they bear in proportion with the same larges pieces.

VII. And Whereas by this Act One Pound of British Sterling Money is hereafter to be represented by One Pound and Ten Shillings Currency, according to the respective rates or value of the several Coins hereinbefore mentioned, and at which they are by this Act fixed and determined, and to be hereafter a legal tender; and whereas there exists Leases, Bonds, and other monetary obligations, voluntarily entered into by the parties thereto previous to the passing of this Act, reserving rents payable in and setting forth that the payments therein expressed to be made shall be payable in Sterling Money of Great Britain, and it therefore becomes necessary to declare that the provisions of this Act are not intended, in any way or manner, to affect such Leases, Bonds, or other monetary obligations: Be it therefore enacted and declared, that nothing in this Act contained shall extend, or be construed to extend, to affect any Lease, Bond, or other monetary obligation made and entered into before the passing of this Act, wherein the Rent reserved or Money payable thereunder, as is expressed to be payable in Sterling Money of Great Britain, or in other words, which by Law bear the construction that such payment was intended by the parties to be made in Sterling Money of Great Britain, but the same shall be and remain subject to the same legal interpretation and construction in every respect as the same would by Law have been subject to, provided this Act had never been made, anything herein contained to the contrary notwithstanding.

This Act not to affect Lease, Bond, &c., in which Rent or Money is expressed to be payable in Sterling Money.

VIII. And be it enacted, That all Accounts, Debts, and Money obligations whatsoever that may hereafter be contracted or payable in the Currency of this Island shall be liquidated at the

Debts, &c., hereafter contracted payable in Currency, how to be liquidated.

Debts, &c., payable in the Currency of any other British Colony, &c., how to be liquidated.

value of Coins specified in this Act, and any Debts that shall or may be contracted and payable in the Currency of any other British Colony or in that of any Foreign Nation, shall be converted into the Currency of this Island, and be recoverable in such proportion that the weight or intrinsic value of Gold and Silver or the equivalent of Gold and Silver, in Treasury Notes, shall be equal, in the Currency of this Island, to the aforesaid Colonial or Foreign Currency, in which said money obligation or debt shall be or may have been contracted or payable.

Fees of public Officers, &c.

IX. And be it enacted, That as in certain cases the Fees in Public Offices have been defined by Statute to be payable in Sterling Money, and as it has been customary, heretofore, in the payment of the said Fees, to convert the Sterling into Currency by the addition of one-ninth part, such Fees shall continue to be paid and received at the usual rates, anything in this Act to the contrary notwithstanding.

Suspending Clause.

X. And be it enacted, That nothing in this Act contained shall have any force or effect, until Her Majesty's pleasure therein shall be known.

* * * This Act received the Royal Allowance on the 6th day of October, 1849, and the notification thereof was published in the *Royal Gazette* Newspaper of this Island, on the 30th October of the same year.

C A P . X X V .

Executed.
7 Vic. c. 7.

An Act to provide for the payment of the Civil List, and to alter the appropriation of a certain sum of Money raised by the present Land Assessment Act.

[Passed 2d May, 1849.]

* * * This Act provided for the payment of the Civil List for one year, ending on the 1st April 1850, and altered the appropriation of the sum of £500 raised under the Act 7 Vic. c. 7, towards the purposes of this Act, during the same period.

CAP. XXVI.

An Act to repeal Three certain Acts therein mentioned.

[Passed 2d May, 1849.]

WHEREAS it is expedient to repeal the Acts hereinafter mentioned, there being other Laws in force on the same subject: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the Seventh year of the Reign of His late Majesty King William the Fourth, intituled *An Act to prevent the running at large of Horses within the Streets and Squares of Charlottetown in the Winter Season*, also an Act made and passed in the First year of the Reign of Her present Majesty, intituled "*An Act to provide for the management of the Charlottetown Ferry by the use of a Team Boat*," and also an Act made and passed in the Third year of the Reign of Her present Majesty, intituled '*An Act to make further provision for the management of the Charlottetown Ferry*,' be, and the same are hereby respectively repealed.

Repeals Act of 7th Will. 4, cap. 16.

Also Act of 1st Vic., cap. 2.

And also Act of 3d Vic., cap. 7.

CAP. XXVII.

An Act to repeal and alter certain parts of the Emigrant Act. Expired.

[Passed 2d May, 1849.]

* * * This Act repealed and altered certain parts of Act 11 Vic. c. 3, which has since expired.

CAP. XXVIII.

See 2. Will. 4
c. 15.

An Act relating to Costs in Cases of Penalties recoverable before Justices of the Peace, and to repeal a certain Act therein mentioned.

[Passed 2d May, 1849.]

In cases of convictions before Justice of the Peace under Acts silent as to costs, Justice may impose costs according to scale in Small Debt Act.

WHEREAS there are several Acts of this Island which inflict Penalties for certain Offences, without ordering Costs, whereby such Acts are, in a great measure, rendered nugatory and useless, for remedy whereof, be it enacted, by the Lieutenant Governor, Council and Assembly, That in all Cases of Prosecutions, Trials or Convictions, which hereafter may be had before any Justice or Justices of the Peace, against any person or persons whomsoever, under and by virtue of any Act or Acts of the General Assembly of this Island, now passed, or hereafter to be passed, which do or shall inflict Penalties, or order damages, without adding Costs thereto, it shall and may be lawful for such Justice or Justices, in their discretion, to tax and award Costs to the Plaintiff in case of Conviction, or to the Defendant, in case the Plaintiff shall make default, or be non-suited, agreeably to the Scale established by the Act of this Island for the recovery of Small Debts, which shall or may be in force at the time of such Prosecution, Trial or Conviction had, and to issue a Warrant of Distress, or Execution, for the same, together with the amount of any Penalty or Damages that may be assessed.

Justice may issue Warrant of Distress, &c.

Repeals Act of 4th Will. 4th, cap. 6.

II. And be it enacted, That an Act made and passed in the Fourth year of the Reign of His late Majesty King William the Fourth, intituled *An Act relating to Costs in Cases of Penalties recoverable before Justices of the Peace*, be, and the same is hereby repealed.

CAP. XXIX.

An Act to repeal the Act relating to the
Bank of British North America.

[Passed 2d May, 1849.]

WHEREAS the Act of the Seventh year of the Reign of His late Majesty King William the Fourth, intituled *An Act to enable the Proprietors or Shareholders of a Company called "The Bank of British North America, to sue and be sued in the name of any one of the Local Directors, or of the Manager or Agent for the time being, of the said Company, in this Island,* was passed in contemplation of the establishment of a Branch or Agency of the said Company in this Island, and is made dependant in its operation upon the existence of such Branch or Agency; and whereas the Proprietors or Shareholders of the said Company have declined to establish a Branch or Agency in this Island, in consequence whereof the said Act has never been called into operation, and being now rendered unnecessary, it is expedient to repeal the same: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the Act of the General Assembly of this Island, made and passed in the Seventh year of the Reign of His late Majesty King William the Fourth, intituled *An Act to enable the Proprietors or Shareholders of a Company called "The Bank of British North America," to sue and be sued in the name of any one of the Local Directors, or of the Managers or Agent, for the time being, of the said Company, in this Island,* and every matter, clause and thing therein contained, be, and the same is hereby repealed.

Repeals Act of 7
W. 4, c. 27.

CAP. XXX.

11 Vic., c. 12. An Act to explain and amend the Act relating to Boards of Health.

[Passed 2d May, 1849.]

. The Act which this Act explains and amends has expired.

CAP. XXXI.

Expired. An Act to continue an Act relating to Treasury Warrants.

[Passed 2d May, 1849.]

. This Act continued 10 Vic., c. 15, for one year, and from thence to the end of the then next Session.

CAP. XXXII.

11 Vic., c. 9. An Act to amend the Act incorporating a Mutual Fire Insurance Company.

[Passed 2d May, 1849.]

Rules, By-Laws, &c., made by Mutual Fire Insurance Company under Act of 11 Vic., c. 9, not binding unless approved of by Lt. Governor in Council.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That the Rules, Orders and By-Laws, already made, or hereafter to be made, under the provisions of the Act made and passed in the Eleventh year of the Reign of Her present Majesty, intituled *An Act to incorporate a Mutual Fire Insurance Company*; shall be submitted to the Administrator of the Government for the time being, in Council, for his approval, and such Rules, Orders and By-Laws only as shall be so submitted and approved of by the Administrator of the Government, in Council, for the time being, shall have any force or effect, or be binding upon the Members of the said Company, anything in the said recited Act to the contrary thereof notwithstanding.

II. And be it further enacted, That all Bonds, or Warrants of Attorney, already given, or hereafter to be given to the said Company, under and by virtue of the Third Section of the said recited Act, shall and may be legally enforced against the person or persons executing the same, notwithstanding such person or persons is or are one of the Members of the said Company, any thing in the said before recited Act to the contrary thereof notwithstanding.

Bonds given under 3d Section of same Act, how to be enforced.

CAP. XXXIII.

An Act to further continue an Act, intituled *An Act to consolidate, amend and reduce into one Act the several Acts and parts of Acts relating to the qualifications and mode of summoning Grand and Petit Jurors.*

[Passed 2d May, 1849.]

BE it enacted, by the Lieutenant Governor, Council and Assembly, That an Act passed in the Fifth year of Her present Majesty's Reign, intituled *An Act to consolidate, amend, and reduce into one Act the several Acts and parts of Acts relating to the qualifications and mode of summoning Grand and Petit Jurors*, be, and the same is hereby continued for Five Years from the passing hereof, and from thence to the end of the then next Session of the General Assembly, and no longer.

Continues Act of 5 Vic., c. 6, for 5 years.

CAP. XXXIV.

An Act for the appointment of Clerks to Justices of the Peace, and to regulate Proceedings had before them.

[Passed 2d May, 1849.]

Authorizes Justices of the Peace to appoint Clerks:

For whose acts they are to be responsible. Duties of Clerks.

Clerks to be sworn.

Clerks may issue Summonses.

Further powers and duties of Clerks.

Clerks, how to be remunerated.

Fees to be taken by Clerks.

Justices of the Peace may apportion Costs of Witnesses be-

BE it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, it shall and may be lawful for any Justice or Justices of the Peace, in any District of this Island, if he or they shall deem it necessary, to appoint a Clerk, for whose act or acts he or they nevertheless shall be responsible, and who shall assist in the discharge of his or their duties, which Clerk shall be sworn to execute his duties faithfully, and being so sworn, shall be authorized to issue, in his own name and style of office, Summonses being for civil injuries only, and in all cases, Subpœnas; also to enter and complete all Recognizances taken before such Justices, and to execute all papers of Appeal, and administer the Oath on such Affidavits as the Law requires, for the obtaining an Appeal; to draw up and sign Convictions, and to prepare any other necessary instrument previous to its execution by such Justices according to Law, and the said Clerk shall be remunerated by such Justice or Justices in such manner and on such terms as shall be agreed upon between such Clerk and the Justice or Justices who shall have so employed him: Provided always, that no Fees, in any matter, Suit or Process, shall be taken, in addition to, or other than such as are regulated and established by any Act of the General Assembly of this Island.

II. And be it enacted, That it shall be lawful for any Justice or Justices of the Peace, in all cases in which they shall adjudicate, to order and

direct that the Costs and Charges of Witnesses shall be paid by either party, or apportioned, as in their discretion they shall deem just and equitable; any law, usage or custom to the contrary thereof notwithstanding.

tween suitors,
&c.

III. And be it enacted, That any Clerk to be appointed under this Act, or any Justice of the Peace, now or hereafter to be appointed, issuing any Summons or Warrant without the Fee thereon being first paid, shall not be entitled to recover the same by any process at Law.

No Fee recoverable by any Justice or Clerk, for any Summons, &c., issued before fee paid.

IV. And be it enacted, That any such Clerk so appointed, shall, at the recurrence of every Assize, to be holden for the County wherein such Clerk may hold his office, make a due Return to Her Majesty's Judge of Assize, to be delivered to the Prothonotary of such Court on the first day of its Session, of all matters which have come under his office, which Return shall contain a Record of all Convictions before any Justice or Justices from whom he may hold his appointment, and set forth the amount of any Fines which have been legally ordered, and a statement of how they have been paid and levied, and distributed, according to the Schedule to this Act annexed; and such Clerk shall likewise, at such Term, make a Return of all Recognizances entered into, for the appearance of all parties bound to appear at such Court, and likewise copies of all Notices of Appeal, and such other papers as may be ordered by Her Majesty's Judge of Assize, and in addition to the several proclamations now made upon the opening of any Court of Assize for any County in this Island, it shall be the duty of every such Judge to order a Proclamation to be made, calling upon all Justices of the Peace for any such County, and their Clerks, to make due Returns into the said Court of Assize, agreeably to the provisions of this Act, and it shall also be the duty of any such Judge,

Clerks of Justices to make return to Courts of Assize, of all matters and convictions, &c.

To whom return is to be delivered, and when.

Requisites of such return.

Form of return.

Court of Assize, by Proclamation in open Court, to call for such returns.

Court of Assize to cause returns to be published, &c.

to cause the Returns of all Convictions so made to be published in the *Royal Gazette* Newspaper of this Island.

Where no Clerk shall be appointed, Justice or Justices to make return, &c.

V. And be it enacted, That in all cases where no appointment of a Clerk, in manner aforesaid, has been made, Her Majesty's Justices of the Peace, conjointly or respectively acting in the execution of their legal duties, shall themselves return such Papers, Records and Instruments herein described or required, to the said Court of Assize, and transmit the same to the Prothonotary thereof, on or before the first day of its sitting.

Justice or Justices may revoke appointment of Clerk.

Duty of Clerk on revocation of appointment.

Penalty on Clerk for non-performance of such duty.

Mode of recovery of Penalty.

VI. And be it enacted, That if any Justice or Justices of the Peace shall see fit to revoke such appointment of a Clerk, he or they shall be hereby authorized so to do; and all Books, Papers, Records or other Instruments in the hands of such Clerk shall, in such case, be handed over by him to such Justice or Justices, at his or their demand, and if such Clerk shall neglect or refuse to deliver over such Papers and Records when so demanded, he shall forfeit and pay, for such offence, a sum not exceeding Twenty Pounds, to be recovered, with Costs, in the Supreme Court of Judicature of this Island, and applied to and for the use of Her Majesty's Government.

Continuance of Act.

VII. And be it enacted, That this Act shall continue and be in force for the space of Ten Years from the date hereof, and no longer.

SCHEDULE.

Schedule.

NAME OF OFFENDER.	OFFENCE	FINE.	IF PAID.	HOW DISTRIBUTED.

CAP. XXXV.

An Act for appropriating certain Monēys there- Executed.
 in mentioned for the service of the year of our
 Lord One thousand eight hundred and Forty-
 nine.

[Passed 2d May, 1849.]

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that proper record-keeping is essential for transparency and accountability, particularly in the context of public administration and government operations. The text highlights how detailed records can help identify inefficiencies, prevent fraud, and ensure that resources are used effectively.

2. The second part of the document focuses on the role of technology in modern record-keeping. It discusses how digital systems and software solutions can streamline the process of data collection, storage, and retrieval. The text notes that while technology offers significant advantages, it also requires careful implementation and ongoing maintenance to ensure data integrity and security. The importance of training staff to use these systems effectively is also mentioned.

3. The third part of the document addresses the challenges of data management and privacy. It discusses the need to balance the benefits of data collection with the protection of individual privacy rights. The text mentions various regulations and standards that govern how data should be handled, stored, and shared. It also touches upon the importance of having clear policies and procedures in place to address potential data breaches and security concerns.

4. The fourth part of the document discusses the importance of regular audits and reviews of record-keeping systems. It explains that periodic audits can help identify areas for improvement, ensure compliance with relevant laws and regulations, and provide a level of oversight that is necessary for maintaining public trust. The text suggests that audits should be conducted by independent parties to ensure objectivity and fairness.

5. The fifth and final part of the document provides a summary of the key points discussed and offers some concluding thoughts. It reiterates the importance of a robust record-keeping system for the success of any organization, particularly in the public sector. The text encourages a proactive approach to record management, one that anticipates future challenges and adapts to changing requirements.

ANNO DECIMO TERTIO
VICTORIÆ REGINÆ.

At the General Assembly of Her Majesty's Island of Prince Edward, begun and holden at Charlottetown, the Fifth day of March, *Anno Domini* 1850, in the Thirteenth 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:

1850.

Sir DONALD CAMPBELL,
Baronet, Lieut. Governor.

R. HODGSON,
President of the Council.

ALEXANDER RÆE, Speaker.

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

CAP. I.

An Act to continue several Acts therein mentioned.

[Passed 26th *March*, 1850.]

WHEREAS the hereinafter mentioned Acts are about to expire, and it is deemed expedient that the same should be continued in force: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the following Acts, *videlicet*:—

An Act made and passed in the Fifth year of the Reign of His late Majesty King George the Fourth, intituled *An Act to regulate the Fisheries of this Island*;

Continues Act of
5 Geo. 4, c. 12.

Also Act of the
59 Geo. 3, c. 7;

An Act passed in the Fifty-ninth year of the Reign of His late Majesty King George the Third, intituled *An Act to regulate the Sale of the Interest of Leaseholders when taken in Execution;*

Also Act of the
8 Geo. 4, c. 7;

An Act passed in the Eighth year of the Reign of His late Majesty King George the Fourth, intituled *An Act to continue and amend an Act passed in the Fifty-ninth year of His late Majesty's Reign, intituled "An Act to regulate the Sale of the Interest of Leaseholders when taken in Execution;"*

Also Act of the
3 Will. 4, c. 23;

An Act passed in the Third year of the Reign of His late Majesty King William the Fourth, intituled *An Act to empower the Administrator of the Government to shut up such Roads, or parts of Roads as are no longer required;*

Also Act of the
3 Vic. c. 12;

An Act passed in the Third year of the Reign of Her present Majesty, intituled *An Act to regulate the floating of Logs, Scantling, Deals, and other kinds of Wood down the Rivers and lesser Streams in this Island;*

Also Act of 6
Vic. c. 9;

An Act passed in the Sixth year of the Reign of Her present Majesty, intituled *An Act to amend the Act regulating the floating of Logs, Scantling, Deals, and other kinds of Wood, down the Rivers and lesser Streams in this Island, and for other purposes therein mentioned;*

Also Act of the
5 Vic. c. 14;

An Act passed in the Fifth year of the Reign of Her present Majesty, intituled *An Act to regulate the letting of Stalls in Charlottetown Market House, and for other purposes therein mentioned;*

Also Act of the
10 Vic. c. 16;

An Act passed in the Tenth year of the Reign of Her present Majesty, intituled *An Act to revive, continue, and add to the Act relating to the Charlottetown Market House;*

Also Act of the 9
Vic. c. 3;

The following Acts passed in the Ninth year of the Reign of Her present Majesty, intituled as follows, *videlicet:—An Act to consolidate and amend the several Acts relating to Dogs, and*

*the Taxation thereon;—An Act relating to Stray Cattle;**—*An Act to oblige Husbands and other natural Relatives of Indigent and Impotent persons, unable to maintain themselves, to contribute to their support;†*—*An Act to facilitate the intercourse between this Island and the Provinces of Nova Scotia and New Brunswick;—An Act to make provision for the regulation of Seamen shipped on board of any Ship or Vessel owned in or belonging to Prince Edward Island, while such Ship or Vessel shall be within the precincts of the said Island;—An Act relative to Accidents by Fire, and for the improvement of Property in Georgetown, and for the removal of Nuisances from the Streets and Square thereof;‡*

Also Act of 9
Vic. c. 5;
Also Act of the 9
Vic. c. 9;

Also Act of 9
Vic. c. 22;

Also Act of the 9
Vic. c. 27;

Also Act of 9
Vic. c. 28;

Also Act of 10
Vic. c. 2;

And also Act of
10 Vic. c. 14, for
one year, and to
end of then next
Session of the
General Assem-
bly.

An Act passed in the Tenth year of the Reign of Her present Majesty, intituled *An Act to provide for the Summary Trial of common Assaults and Batteries;§*

An Act also passed in the Tenth year of the Reign of Her present Majesty, intituled *An Act to alter and amend an Act made and passed in the Sixth year of the Reign of Her present Majesty, intituled “An Act to alter and amend an Act for the establishment of an Academy in Charlottetown;”* and every matter, clause, and thing in the said hereinbefore recited Acts respectively contained, shall be, and the same are hereby continued, and shall remain in force for One year from the passing hereof, and from thence to the end of the then next Session of the General Assembly, and no longer.

* Re-enacted by 14 Vic. c. 14.

† Repealed by 14 Vic. c. 7.

‡ Repealed by 14 Vic. c. 28.

§ Re-enacted by 14 Vic. c. 21.

CAP. II.

An Act to provide for the payment of the Civil List on certain conditions therein mentioned.

[Passed 26th *March*, 1850.]

* * This Act was disallowed by Her Majesty, as appears from a Despatch from Earl Grey, Her Majesty's principal Secretary of State for the Colonies, dated the 31st January, 1851, and published in the *Royal Gazette* Newspaper of this Island, on the 1st day of April, 1851.

ANNO DECIMO TERTIO
VICTORIÆ REGINÆ.

SECOND SESSION—1850.

At the General Assembly of Her Majesty's Island of Prince Edward, begun and holden at Charlottetown, the Fifth day of March, *Anno Domini* 1850, in the Thirteenth 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:

1850.

Sir DONALD CAMPBELL,
Baronet, Lieut. Governor.

R. HODGSON,
President of the Council.

ALEXANDER RAE, Speaker.

And from thence continued, by Prorogation, to the 'Twenty-fifth day of April, 1850, and in the Thirteenth year of Her said Majesty's Reign; being the Second Session of the Eighteenth General Assembly convened in the said Island.

CAP. I.

An Act for raising a Revenue and appropriating part of the same.

Expired and Executed.

[Passed 1st May, 1850.]

CAP. II.

An Act to continue several Acts which are near expiring.

Expired.

[Passed 1st May, 1850.]



ANNO DECIMO QUARTO
VICTORIÆ REGINÆ.

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

1851.

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

R. HODGSON,
President of
Council.

ALEXANDER
RAE, Speaker.

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

C A P. I.

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

[Passed 23d April, 1851.]

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

Repeals 10 Geo.
4, c. 10;

Also 3 Will. 4,
c. 9;

Also 4 Will. 4,
c. 16;

Also 5 Will. 4,
c. 8;

Also 1 Vic. c.
16;

Governor, Council and Assembly, That from and after the passing of this Act, the several Acts hereinafter mentioned shall be, and the same are hereby respectively repealed, that is to say:—An Act made and passed in the Tenth year of the Reign of King George the Fourth, intituled *An Act to regulate the laying out and altering of Highways, and to provide a mode of obtaining compensation for those who may thereby be injured, and to cause those who are benefited thereby to contribute towards their formation*; an Act made and passed in the Third year of the Reign of His late Majesty King William the Fourth, intituled *An Act to explain and amend an Act passed in the Tenth year of the Reign of His late Majesty King George the Fourth, intituled “An Act to regulate the laying out and altering of Highways, and to provide a mode of obtaining compensation for those who may thereby be injured, and to cause those who are benefited thereby to contribute towards their formation;”* an Act made and passed in the Fourth year of the Reign of King William the Fourth, intituled *An Act in further amendment of an Act passed in the Tenth year of His late Majesty’s Reign, intituled “An Act to regulate the laying out and altering of Highways, and to provide a mode of obtaining compensation for those who may thereby be injured, and to cause those who are benefited thereby to contribute towards their formation;”* an Act made and passed in the Fifth year of the Reign of King William the Fourth, intituled *An Act for further explaining and amending the Act for regulating the laying out and altering of Highways, and for providing a mode of obtaining compensation for those who may thereby be injured, and to cause those who are benefited thereby to contribute towards their formation*; an Act made and passed in the First year of the Reign of Her Majesty Queen Victoria, intituled *An Act to further amend an Act of the*

Tenth year of the Reign of His late Majesty King George the Fourth, intituled "An Act to regulate the laying out and altering of Highways, and to provide a mode of obtaining Compensation for those who may thereby be injured, and to cause those who are benefited thereby to contribute towards their formation;" an Act

Also 5 Vic., c. 22.

made and passed in the Fifth year of the Reign of Her Majesty Queen Victoria, intituled *An Act to alter and in addition to an Act made and passed in the Tenth year of the Reign of His late Majesty King George the Fourth, relating to the laying out and altering of Highways, and for other purposes therein mentioned;* an Act

Also 6 Vic., c. 22.

made and passed in the Sixth year of the Reign of Her Majesty Queen Victoria, intituled *An Act in further amendment of an Act passed in the Tenth year of the Reign of King George the Fourth, intituled "An Act to regulate the laying out and altering of Highways, and to provide a mode of obtaining compensation for those who may thereby be injured, and to cause those who are benefited thereby to contribute towards their formation;"* an Act made and passed in the

Also 8 Vic., c. 5.

Eighth year of the Reign of Her Majesty Queen Victoria, intituled *An Act to continue an Act intituled, "An Act to alter and in addition to an Act made and passed in the Tenth year of the Reign of His late Majesty King George the Fourth, relating to the laying out and altering of Highways, and for other purposes therein mentioned;"* an Act made and passed in the

Also 11 Vic., c. 33.

Eleventh year of the Reign of Her Majesty Queen Victoria, intituled *An Act further to amend an Act made and passed in the Tenth year of the Reign of His late Majesty George the Fourth, intituled "An Act to regulate the laying out and altering of Highways, and to provide a mode of obtaining compensation for those who may thereby be injured, and to cause those who are benefited thereby to contribute towards their formation."*

Preamble.

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

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

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

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

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

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

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

Right of Appeal to Supreme Court.

Court may dismiss the same with Costs.

Mode of recovery
of Costs.

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

Proceedings on a
second verdict
being taken.

Lieutenant Governor, shall be paid to the Appellee in the manner prescribed in the Seventh Section of this Act, as to payment of a Verdict; and if by the Proprietor or Tenant, then the same shall be paid by him to the Government, and in case of neglect or refusal, the same shall be recovered, by and on behalf of the Government, in the same manner in which Costs are recovered in the said Supreme Court, on Appeals being dismissed in cases of Small Debts, and if after hearing such Appeal, it shall appear to the said Court, that justice hath not been done, it shall and may be lawful for the said Court to order and direct that an alias Writ be issued, and a new Jury summoned, the Verdict found by which said Second Jury shall be final and conclusive, and when returned as aforesaid, shall be entered of record in the said Court. And if on the coming in of such Second Verdict, it shall appear that the same is in confirmation of the Verdict appealed from, if such Verdict shall find the Road to be an advantage to the Proprietor of the Land, then the said Court shall order the same to be entered of Record, together with the Costs incurred on hearing such Appeal, issuing such second Writ, and taking such Verdict, which said Costs, having been duly taxed, shall make part of the said second Judgment, and be paid and recovered in the manner pointed out by this Act for the recovery of the Verdict alone; and if the said second Verdict shall find the Owner of the Land, to be entitled to any sum beyond what was found in the first Verdict, the Appellant shall have his reasonable Costs of Appeal and subsequent proceedings, taxed and paid in manner pointed out in the Seventh Section of this Act, for the recovery of the Verdict alone, when given in his favor, but if such second Verdict shall find a lesser sum due to the Owner for compensation than the first Verdict, such Owner shall pay Costs, to be taxed, in manner in this Section before mentioned.

V. And be it enacted, That when and so often, as it shall be necessary, to compel the attendance of any Witnesses, to give evidence before any Jury, to be summoned under the provisions of this Act, the party requiring the testimony, may cause a Subpœna to be issued for the purpose, from the Prothonotary's Office in the same manner, as is now practised in cases of inquiries before the Sheriff, and if any Witness, who shall have been duly served with a Subpœna, and shall also have been at the same time tendered Eight-pence currency per mile, for every mile he may have to travel, from his place of abode, to the place where such evidence is to be taken, shall wilfully neglect or refuse to attend, pursuant to the Subpœna, or to give evidence after attending, he shall be liable to such damages and punishment, by process of contempt, and otherwise as Witnesses now are who disobey the command of any Subpœna, requiring them to attend and give evidence before Her Majesty's Supreme Court of Judicature, of this Island, and the Sheriff or his Deputy, or the Coroner, (as the case may be,) is hereby authorised, and required to administer an Oath, to each of the twelve jurors, who shall be chosen to act on any such Inquiry, in the following form, swearing three at a time (that is to say)

Compels the attendance of Witnesses.

Sheriff to administer Oath to each Juror.

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

Form of Oath.

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

So help you God.

Sheriff to administer Oath to each Witness.

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

Form of Oath.

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

So help you God.

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

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

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

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

Mode of payment.

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

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

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

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

ROAD COMPENSATION ACT—PUBLIC NOTICE.

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

Form of Notice.

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

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

Given under my hand this day of
18

A. B.,

(*Sheriff, or Coroner, as the case may be.*)

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

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

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

Sum assessed by Jury to be applied in making Road.

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

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

Subject to Appeal.

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

Proprietor not to be called on to pay money or surrender land until Road and Bridges shall be completed.

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

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

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

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

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

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

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

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

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

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

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

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

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

Sheriff to execute a conveyance to purchasers.

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

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

Costs, how to be paid.

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

I.t. Governor in Council may order Highways of not more than 5 miles in length, to be opened.

And appoint 3 Commissioners to examine proposed line.

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

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

30 days' notice to be given by Commissioners.

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

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

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

Form of Oath.

Oath to be made before Justice of the Peace.

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

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

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

Land to be valued by Commissioners.

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

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

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

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

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

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

Owner dissatisfied with compensation, may appeal to Supreme Court.

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

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

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

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

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

Such expense, how to be recovered.

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

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

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

Fees of Commissioners.

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

No Writ for Roads of less than 5 miles, to be issued, until provisions of Act shall be complied with.

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

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

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

Road Commissioner to certify

to Lt. Governor
in Council, com-
pletion of con-
tract.

or Districts, through which any such Road here-
after to be run may pass, shall be bound, on the
completion of the contracts for opening such
Road or Roads, to transmit to the Lieutenant
Governor in Council, a Certificate or Certifi-
cates, each for such part of said Road as shall
pass through his District, of the completion of
the Contract for such Road, and that thereupon
the Lieutenant Governor and Council shall direct,
and they are hereby required forthwith to direct,
the necessary proceedings for recovering the sum
or sums assessed against the Proprietor or Pro-
prieters of the Lands through which such Road
or Roads may pass.

Lt. Governor,
&c. to direct re-
covery of sum as-
sessed.

Should proceed-
ings be quashed,
a Writ *de novo*
may issue.

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

This Act not to
interfere with
any proceedings
prior to the pas-
sing thereof.

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

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

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

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

Continuance of Act.

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

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

Table of Fees.

TABLE OF FEES.

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

PROTHONOTARY, *videlicet*:

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

SHERIFF, *videlicet*:

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

JURORS, *videlicet* :

To the Foreman,	£0 10 0	Jurors' Fees.
To each of the other Eleven Jurors,	0 5 0	
Mileage to each Juror, for every mile necessarily travelled,	0 0 6	
Commissioners of Highways, when required to attend as Witnesses under this Act, from the time of leaving home until their return, (no unnecessary time to be allowed,) each, <i>per diem</i> ,	0 10 0	Commissioners' Fees.
Mileage, for each mile travelled,	0 0 6	
All other necessary Witnesses, per mile,	0 0 4	
For attendance under examination, <i>per diem</i> ,	0 2 0	

SCHEDULES to which this Act refers.

SCHEDULE (A.)

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

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

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

(Signed) *A. B.*
 " *C. D.*
 " *E. F.*

Sworn before me, }
 this day of }

SCHEDULE (B.)

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

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

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

Sworn before me,

CAP. II.

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

[Passed 23d April, 1851.]

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

Repeals 26 Geo. 3, c. 2.

6 Will. 4, c. 9.

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

7 Vic, c. 3.

and 11 Vic., c. 27.

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

Mode of appointment of Commissioners under Act.

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

When office shall be vacant,

And how other appointments are to be made.

Powers of Commissioners.

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

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

May apply to two Judges in Supreme Court, or to Court in Term time, or to any two Commissioners appointed under this Act, for a weekly support;

And such Judges, Court or Commissioners, after notice to creditor, shall examine such prisoner, and if found unable to support himself,

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

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

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

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

In default of payment, debtor to be discharged.

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

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

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

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

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

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

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

Application for relief must be by petition on oath.

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

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

Sheriff not liable for escape on obeying such order.

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

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

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

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

entitled to support from creditors.

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

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

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

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

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

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

How served.

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

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

Duty of witnesses.

Penalty for not obeying Subpœna.

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

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

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

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

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

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

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

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

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

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

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

Or bring an action on such judgment, &c.

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

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

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

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

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

Mode of attestation of such handwriting.

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

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

if the same shall not exceed £15 in value.

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

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

Mode of ascertaining value.

XVI. And whereas it is expedient, in certain cases, to authorise and empower the Supreme Court of Judicature of this Island to grant relief to, or discharge confined Debtors who, by the strict provisions of the foregoing Sections of this Act, may not be entitled to the benefit thereof: Be it therefore enacted, That when any person shall have been confined in any Jail or Limits thereof in this Island for the space of Three months, at the suit of any person, for either Debt, Costs, or Damages, such confined person may apply to the said Supreme Court, in Term, on Affidavit of the circumstances, for relief or discharge; which said Court, on notice having been given of such application to the adverse party or his Attorney, may enquire into the matter, on Affidavit, or otherwise; and if it shall thereupon appear to said Court that the person so confined has no Property whatever, Real or Personal, within his possession, power, or control, where-with he can satisfy such demand, or any part thereof, or support himself in custody, such Court may, in its discretion, make an Order either for the maintenance or discharge of such person so confined, in the same manner as any Judges of such Court, or any of the Commissioners aforesaid, may now do by virtue of this Act, and which Order or Discharge shall, in all respects, have the like force and effect as any Order or Discharge made by any Judges or Commissioners pursuant to the foregoing directions of this Act.

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

to Supreme Court in Term, for relief or discharge,

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

may order him a maintenance, or discharge him.

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

False oath, under this Act, to be

perjury, and punishable accordingly.

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

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

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

Commissioners' fees.

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

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

For every Order made, Two Shillings.

This Act is not to interfere with any proceedings had or pending under the authority of any of the Acts hereby repealed.

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

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

CAP. III.

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

[Passed 23d April, 1851.]

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

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

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

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

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

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

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

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

£600 per annum to any future Chief Justice.

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

£500 per annum to present Master of the Rolls and Assistant Judge, during his incumbency.

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

£400 per annum to any future Master of the Rolls and Assistant Judge.

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

£150 per annum to the present or any future Attorney General.

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

£400 per annum to the present or any future Colonial Secretary and Road Correspondent, in lieu of all fees, emoluments, &c.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Condition and restriction upon which said Retiring Allowances are granted.

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

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

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

payable quarterly.

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

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

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

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

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

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

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

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

How appropriated.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

How Revenues, &c. are to be collected.

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

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

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

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

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

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

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

CAP. IV.

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

[Passed 23d April, 1851.]

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

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

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

Acts to be divided into sections.

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

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

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

hereafter to be passed.

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

Proviso.

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

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

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

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

Repealed portions of Acts to remain in force until substituted

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

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

portions come into operation.

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

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

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

Suspending clause.

. This Act received the Royal Assent on the 23d day of October, 1851, and notification thereof was published in the *Royal Gazette* Newspaper of this Island, on the 5th January, 1852.

C A P. V.

An Act for constituting Boards of Health.

[Passed 23d April 1851.]

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

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

Numbers of such Boards, &c.

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

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

Members of Boards may be displaced.

Chairman of Board to be nominated in Commission constituting Board.

Members to be sworn, &c.

Duty of Board.

Majority of votes to decide all questions, &c.

Five Members to be a quorum.

Boards to nominate Clerks.

Orders, how to be signed, &c.

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

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

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

Boards to enforce Quarantine Laws.

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

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

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

Penalties may be imposed for breach of Rules.

Amount of such penalties.

Rules, &c., may be revoked.

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

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

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

Boards, &c.,
authorised to en-
ter houses, &c.;

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

And remove every
thing noxious,
&c.

Fumigate
Houses.

Fence up Ave-
nues, Streets,
&c.

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

Boards may pro-
hibit or regulate
internal inter-
course.

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

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

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

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

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

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

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

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

No Vessel shall be brought back without a Permit.

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

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

How furnished.

Medical attendance, &c. ;

Conveyances for diseased persons.

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

How orders of Board are to be executed.

Committees may sue or be sued.

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

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

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

Expenses of Board, how defrayed.

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

Limitation of Grants.

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

Who may be removed to Public Hospitals, &c.

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

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

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

Penalty in such cases.

Mode of recovery of Penalties.

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

Appropriation of Penalties.

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

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

Persons incurring Penalties, &c. may be arrested,

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

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

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

Their powers.

Their duties.

Further powers,
 &c. of Health
 Officers.

No Vessel to
 proceed into har-
 bour until licen-
 sed to do so by
 Board of Health.

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

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

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

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

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

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

Vessels of Three hundred Tons and upwards, Twenty Shillings.

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

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

Mode of recovery of Fees.

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

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

Powers given to Health Officer in such cases.

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

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

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

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

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

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

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

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

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

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

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

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

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

Continuance of Act.

CAP. VI.

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

[Passed 23d April, 1851.]

20 G. 3, c. 1.

3 W. 4, c. 30.

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

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

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

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

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

CAP. VII.

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

[Passed 23d April, 1851.]

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

Repeals 9 V. c. 9, and part of 13 V. c. 1.

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

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

Rate of maintenance to be fixed by two Justices.

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

Justices may order maintenance on complaint of third parties.

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

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

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

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

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

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

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

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

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

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

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

Proceedings commenced under 9 Vic. c. 9,

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

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

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

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

Continuance of Act.

CAP. VIII.

An Act for the better prevention of Smuggling.

For Acts for prevention of illicit trade, &c. see 3 Vic. c. 15, and 6 Vic. c. 14.

[Passed 23d April, 1851.]

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

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

Their powers.

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

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

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

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

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

III. And be it enacted, That when any Landwaiter or Preventive Officer shall have made a Seizure of any Goods, prohibited or unlawfully imported, or attempted to be imported or landed within this Island, it shall be the duty of such Officer, and he is hereby required to furnish to the nearest Collector of Impost, a List or Account of the Goods so seized, before proceeding to the Sale thereof, and which Sale, if the Seizure is made

* For other duties of Collectors of Impost, see 26 Geo. 3, c. 4, section 16, and note thereto.

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

Sale, how to be published.

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

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

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

Residue, how disposed of.

V. And be it enacted, That it shall and may be lawful for the Collector of Impost at Charlottetown, and the respective Collectors of Impost throughout the Colony, to place an Officer, appointed as aforesaid, during the day, and also where necessary, another Officer during the night, on board of any Vessel he may deem necessary so to do, whilst discharging her Cargo,

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

How remunerated.

Officer's duty.

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

Period allowed for discharging cargo.

Computation of such period.

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

Mode of recovery of compensation to Officer.

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

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

VII. And be it enacted, That before any such Landwaiter or Preventive Officer shall enter upon the duties of his office, he shall take the Oath as prescribed in the Form of the Schedule, to this Act annexed, marked (B.) which the Collector of Impost for the District wherein the Landwaiter may reside, is hereby empowered to administer.

Landwaiters,
&c. to be sworn.

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

Powers and
duties of Collec-
tor of Impost,
&c.

Not liable to
action in certain
cases.

Penalty for refus-
ing to stop
vehicle, &c.

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

Persons procur-
ing others to
land prohibited
goods, &c., how
punished.

Persons destroy-
ing goods to pre-
vent seizure,
&c., how pun-
ished.

Mode of recovery
of penalties.

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

Protection ex-
tended to officers
under this Act.

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

Continuance of
Act.

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

SCHEDULES to which this Act refers.

SCHEDULE (A.)

Schedule (A.)

Form of Notice of Sale of Goods.

NOTICE.

A Sale of Goods (*as mentioned below,*) seized by me, will take place at _____ on _____ the _____ day of _____ next.
A. B., Landwaiter or Preventive Officer.
(Here insert the List of Goods.)

Notice of Sale of Goods.

SCHEDULE (B.)

Schedule (B.)

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

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

Oath to be taken by Landwaiter, &c.

So help me God.

CAP. IX.

An Act for raising a Revenue.*

[Passed 1st May, 1851.]

* This Act substitutes a new scale of duties for that contained in the Act 12 Vic. c. 10, and also repeals the 3d, 35th, and 50th sections of the same, but as it will expire on the 2d May, 1852, it is deemed inexpedient to reprint it.

CAP. X.

An Act to continue *An Act for the encouragement of Education.*

[Passed 1st May, 1851.]

10 Vic. c. 9, continued for 1 year.

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

CAP. XI.

An Act relating to Emigrants.

[Passed 5th May, 1851.]

Imposes a tax of 12s. per head on Emigrants landed between the first April and the first October, and 6s. ad-

WHEREAS the Laws now in force relating to Emigrants, will shortly expire, and it is deemed expedient to make other provisions in lieu thereof: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, there shall be levied, paid, collected and raised, in the manner hereinafter prescribed, from the Master, Owner, or person in charge or command of any Vessel, hereafter arriving in any of the ports of this Island, with Passengers or Emigrants, a pecuniary Rate or Head Duty, of Twelve Shillings Currency, for every Emigrant Passenger landed between the First Day of April and the First Day of October in every year, and

of Eighteen Shillings Currency, (being the additional sum of Six Shillings) for every Emigrant Passenger landed in any year subsequent to the First Day of October, such Duty to be paid by the said Master or Owner, to the Collector of Impost of the Port at which such Vessel shall have first entered, at the time of making her first Report and Entry, when it shall also be the duty of the said Master, or Owner or Commander, to furnish to the said Collector a true and correct list and description of every Emigrant and Passenger on board such Vessel, in the manner and form as is hereinafter directed by this Act, together with the Manifest or List of Emigrants made out at the time of clearing such Vessel from the Port from which such Vessel sailed; and at the time of delivering such List, produce to, and deposit, the Register of such Ship or Vessel with the Collector of Impost, who shall, and he is hereby authorized to retain the same in his possession, until such Master, Owner or Commander, shall produce a Certificate from the Chairman of the District Board of Health, stating that the Provisions of this Act have been complied with by such Master, Owner, or Commander, and directing such Collector to deliver up the Register to him, and no such Report or Entry shall be deemed to be valid, or shall have any legal effect whatsoever, unless such Rates or Duties be thereupon paid as aforesaid. Provided always, that if upon the arrival of any such Emigrant Vessel, it shall be deemed necessary by any Board of Health, or other competent jurisdiction, by virtue of the Laws of this Island made for preventing the spreading of Infectious Distempers, or relating to Quarantine, that such Vessel be kept at Quarantine for a period not less than Five Days, then, and in such case, the Rates of Head Duty hereinbefore imposed, shall be severally increased, and there shall be levied, paid, and collected in the manner

ditional per head, if landed subsequent to 1st October, &c.

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

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

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

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

and form above directed, the additional sum of Five Shillings Currency, for every such Passenger or Emigrant, as aforesaid; and further, that if it be deemed requisite by the said Board of Health, or other competent jurisdiction, as aforesaid, that such Vessel be kept at Quarantine for a period not less than Ten Days, then, and in such case, in addition to the said original Rates or Head Duties, hereinbefore imposed, there shall be levied, paid, and collected in the manner and form hereinafter directed, the further sum of Ten Shillings Currency, for every such Passenger or Emigrant.

If for 10 days,
10s. additional.

II. And be it enacted, That upon the refusal or neglect of the Master or Person having charge of any Ship or Vessel arriving with Passengers and Emigrants, as aforesaid, to pay the sum or sums, for each and every Passenger and Emigrant, as aforesaid, it shall and may be lawful to and for the Collector of Impost to sue for, and prosecute the same before any Two of the Justices of the Peace of the County where the Vessel may be, and on Conviction, the said Justices shall and may levy the same by Warrant of Distress, under their Hands and Seals, directed to the Sheriff or Constable at or near the place where the said Vessel may be, and by sale under the said Warrant, of the Guns, Boats, Tackle, Apparel and Furniture, of such Ship or Vessel; and the overplus, (if any,) of such Distress and sale, after deducting the Cost, shall be paid to the Master or Person having charge of such Ship or Vessel.

Tax may be sued
for before two
Justices.

Mode of re-
covery.

Overplus, how
disposed of.

III. Provided always, nevertheless, and be it enacted, That it shall be lawful for the Master, Owner, or Commander of any Vessel arriving in any of the Ports of this Island, with Passengers and Emigrants as aforesaid, subsequent to the First Day of October in any year, instead of

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

paying the said additional Rate or Head Duty of Six Shillings, by this Act in such case imposed, over and above the original Rate or Head Duty of Twelve Shillings, to give and execute to the Collector of Impost at such Port (before permitting any such Passengers or Emigrants to land) with one good and sufficient Surety, to be approved of by such Collector, a Bond, in substance and effect, according to that in the Schedule to this Act annexed, marked (A.) in which said Bond there shall be set out, a list of the names of all the Passengers, and their respective ages, as aforesaid, which list shall mention the heads of families and the Children of each, Males and Females, and the Penalty of the Bond shall be in the sum double the aggregate amount of Rates or Duties, by this Act imposed on the Passengers named therein, such Bond being conditioned as in the said Schedule marked (A.) is mentioned, and the sum of Ten Shillings, and no more, shall be paid by the said Master, Owner or Commander, to the said Collector of Impost, for taking such Bond, and the entering into such Bond shall obviate the necessity of paying the said additional Rate or Head Duty of Six Shillings, and shall be taken in lieu thereof, at the option of the Master, Commander or Owner.

Form of Bond.

Requisites of Bond.

Penalty.

Fee to be paid for Bond.

IV. And be it enacted, That before the Master, Owner, or Commander of any such Ship or Vessel shall permit any Passenger to leave such Vessel, on her arrival at any Port or Place in this Island, or on the Coast or Islands thereof, he shall deliver to the said Collector of Impost a correct List and Return of all the Emigrants or Passengers on board such Vessel at the time of her arrival, which shall contain the name of each Passenger, and shall mention therein the Heads of Families and the Children of each, Males and Females, which said List shall be in

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

Form of List.

form according to that in the Schedule to this Act annexed, marked (B.), and which form shall be furnished to the said Master, Owner or Commander, by the said Collector, free of charge, and the said Master, Owner, or Commander, having exhibited his said Manifest and furnished such correct Return of his said Passengers, and having deposited his Register in the hands of the said Collector, as hereinbefore directed, he shall attest to the same on Oath, before the said Collector, which said Oath such Collector is hereby empowered to administer, and having paid or secured all the Rates and Duties by this Act imposed, and having received his Receipts and Vouchers therefor, and also a permit or authority from the said Collector to land his said Passengers, it shall and may be lawful for him, to allow the said Passengers or Emigrants to leave the Vessel; and should the said Master, Owner, or Commander, land or permit, or attempt to land, any of his said Passengers without having strictly fulfilled all the conditions required by this Act, he shall forfeit and pay a Penalty of Five Pounds, for every Passenger leaving his Vessel, contrary to the provisions of this Act.

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

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

Cabin passengers liable to head duty.

Master may sue for the same be-

V. And be it enacted, That the Master, Owner or Commander of any Packet, Ship, or Vessel, arriving from any part of the World, after payment of the several Rates and Head Duties imposed by this Act, or any of them, shall be entitled to demand and receive from each and every of the Cabin Passengers on board of such Ship or Vessel, the sum or amount of Rate or Head Duty paid for him, or her, under the Provisions of this Act, or which he, or she, may be liable to pay, in manner as hereinafter mentioned; and if any such Cabin Passenger shall, after demand, refuse or neglect to pay the same, it shall and may be lawful for the said Master, Owner or Commander, thereupon to sue for and recover

the same before any two of the Justices of the Peace of the County, where the Vessel may be, and on Conviction, the said Justices shall and may levy the same, by Warrant of Distress or Execution, under their Hands and Seals, directed to any Sheriff or Constable, against the Goods and Chattels of the Party convicted, and in the event of no Goods and Chattels being found, whereon to levy, then to imprison the Party against whom the Warrant of Distress or Execution shall be issued, for the Term of Ten days, unless the amount of such Execution and Costs be sooner paid. And for the purposes of this section, the following shall be the Rules of the liability of such Passengers, to pay the amounts of the several Rates and Head Duties, paid by the Master, Owner or Commander of any Vessel; (that is to say) each Person above the age of Twenty-one years, shall be liable to pay for himself or herself—the Husband shall be liable to pay for himself and his Wife, and the Parent of a Family, shall be liable to pay for himself, or herself, and also for all his or her Children, under the age of Twenty-one years.

fore Two Justices.

Rules of liability of such Passengers.

VI. And be it enacted, That notwithstanding anything in this Act contained to the contrary, whenever any such Vessel shall arrive at any Port in this Island, having Passengers or Emigrants on board, and who are not intended to be landed in this Island, then no Rate or Duty whatsoever, shall be exacted or paid for any such Passenger, provided the Master or Owner of any such Vessel, do, and shall, upon reporting and entering his Ship with the Collector of Impost, for the Port or District, at which he shall have arrived, and after first having delivered into the hands of such Collector, the Register of such Ship or Vessel, in manner aforesaid, give and execute to such Collector a Bond, according to the Form in the Schedule to this Act annexed,

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

Bond to be given in such cases.

Form of Bond.

Penalty.

Condition.

Fee to be paid
for Bond.Bond, how to be
cancelled.Immigrants per-
mitted to land at
any Port not
within this Is-
land.Duty of Master
&c., in such case.

marked (C.) with one or more good and sufficient surety or sureties, to be approved of by the said Collector, in a penalty of double the amount of the Rate or Duty, which by this Act would be imposed in case such Passengers were landed with a condition, that if none of the said Passengers shall either directly, or indirectly, be landed or escape on shore on this Island, before all and every the Rates, Taxes and Duties imposed by this Act, shall be fully paid and satisfied, in the manner and form aforesaid, then that the same shall be void, and the sum of Ten Shillings, and no more shall be paid by the said Master for such Bond— which said Bond shall afterwards be delivered up to be cancelled, on the said Obligors or any person on their behalf, filing with such Collector, a Certificate properly authenticated by any Collector of Customs or Imposts, for any place out of this Island, that such Passengers have been landed, and left there by the said Master or Owner, or his Consignee. And provided also, that nothing in this Act contained, shall prevent the Master, Owner, or Person having the command of any Vessel, so having on board Passengers or Emigrants as aforesaid, from permitting any Passenger to leave the Vessel at the request of such Passenger, before the arrival of the Vessel at this Island, or the Coasts thereof, but in every such case the Names of the Passengers who may have so left, shall be entered in the Manifest or List of Emigrants' Names, made out at the time of clearing the Vessel from the Port from which she has so sailed, and the same shall be certified, under the signature of the Passenger or Passengers, so having left the Vessel; and if the number of Passengers remaining on board, on the arrival of the Vessel at this Island, do not correspond with that mentioned in such Manifest, after deducting those who shall have so left the Vessel, and also any that may have died on the Voyage, the Master or person having the command, shall

forfeit and pay a Penalty of Five Pounds for each and every Passenger short of the Number not found on board, unless he can account for the same, to the satisfaction of the said Board of Health; but Infants born on the Voyage shall not be included in the account for this purpose to be taken.

Penalty on Master, &c. offending herein.

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

Infants, under 18 months, exempt from Taxes.

VIII. And be it enacted, That every Passenger on board any Ship or Vessel arriving in any Harbour of this Island, to which the Master or person commanding such Vessel shall have engaged to convey him, shall be entitled to remain and keep his Baggage on board, during Forty-eight hours after the Master shall have duly made and completed his Entry, and complied with the provisions of this Act, relating thereto, and every such Master, who shall compel any Passenger to leave his Vessel, before the expiration of the said term of Forty-eight hours, shall incur a Penalty not exceeding Two Pounds Currency, for every Passenger he shall so compel to leave his Vessel, nor shall any Master or person commanding such Vessel remove or cause to be removed, before the expiration of the said Forty-eight hours, any Berthing or Accommodation used by his Passengers, under a like Penalty.

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

Penalty on Master compelling Immigrants to leave Vessel.

IX. And be it enacted, That any Pilot who shall have had charge of any Vessel, having Passengers on board, and who shall know that any Passenger has been permitted to leave the Vessel, contrary to the Provisions of this Act, and shall not within Twenty-four hours after the ar-

Duty of Pilot in charge of Immigrant Vessel.

rival of such Vessel in any Harbour of this Island, to which he may have engaged to pilot her, inform the Collector of Impost at such Port or place, that a Passenger or Passengers has, or have, so left the Vessel, shall incur a Penalty not exceeding Five Pounds, Currency, for every Passenger with respect to whom he shall have wilfully neglected to give such Information.

Penalty on Pilot offending herein.

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

Moneys collected under this Act, how applied.

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

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

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

Money advanced by Government, how to be appropriated.

Rent, Fuel, and other unavoidable Expenses, may be paid out of the said Moneys so received, by the said Boards of Health, as aforesaid, together with a reasonable allowance to the Secretaries to the said Boards of Health, respectively, to be determined by the Lieutenant Governor in Council.

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

Boards of Health to render an Account of their Expenditure to the Legislature within 15 days after time of meeting.

XIV. And be it enacted, That the persons composing the Board of Health, to whom shall be entrusted the expenditure of any portion of the Moneys hereby appropriated, shall make up detailed accounts of such Expenditure, shewing the sum advanced to the Board of Health, the sum actually expended, the Balance, if any, remaining in their Hands, and every such Account shall be supported by Vouchers therein distinctly referred to by Numbers corresponding to the numbering of the items in such Account.

How Accounts are to be made up.

XV. And be it enacted, That all the Penalties and Forfeitures in this Act mentioned or imposed, may be prosecuted, sued for, and recovered in the Supreme Court of this Island, or in case of any Penalty, being for Twenty Pounds, or under,

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

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

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

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

Judgment of Justices of the Peace may be appealed from.

before any Three Justices of the Peace for the Counties respectively in this Island, by Action of Debt, Bill, Plaint or Information, by the Chairman of any Board of Health in this Island; who shall prosecute for the same within Forty-five days after the offence, and when recovered, shall be paid, after deducting the Costs and Charges of the Prosecution, into the Treasury of this Island, for the use and support of the Government thereof; and if no person shall so sue and prosecute, within the said Forty-five days, then the said Penalties and Forfeitures may be sued for and recovered by Information of Her Majesty's Attorney General, and when recovered, to be paid, after deducting the Costs and Charges of Prosecution, into the Treasury of this Island, for the use aforesaid; and all and every person and persons who may become liable to pay any such Penalty or Penalties, Forfeiture or Forfeitures, shall and may be arrested and held to Bail, according to the practice of the said Court, for such Penalty or Penalties, Forfeiture or Forfeitures, at the Suit of the persons herein before mentioned, and entitled to sue for the same, by virtue of an order for that purpose, to be obtained under the Hand of any Judge of the said Court, on proper Affidavits being laid before him, satisfactorily establishing the liability to pay the Penalty or Penalties, Forfeiture or Forfeitures aforesaid—which Order, any one of the Judges of the said Court is hereby authorised to grant; and in default of giving such Bail, such person or persons so as aforesaid ordered to be held to Bail, shall be committed to Prison as in other cases is accustomed. Provided always, that any Judgment given by the said Justices of the Peace, may be appealed against to the Supreme Court, in like manner, and subject to the like Rules and Regulations as are prescribed by the Laws relating to the Recovery of Small Debts; and where the Judgment of the said Justices appealed from shall exceed the sum of Ten

Pounds, no person shall be admissible as Sureties, on any such Appeal, until they shall have duly justified each in double the amount and Costs, upon Oath, before some one or more of the Justices before whom such Judgment shall be given, in like manner as Special Bail in the Supreme Court now justify.

Security required
in such cases.

XVI. And be it enacted, That for the better effectuating the purposes of this Act, the several Taxes, Duties and Penalties imposed by this Act, shall be, and the same are hereby declared a specific Lien on the said Ship or Vessel, notwithstanding the Master or Owner's general liability therefor. And the said Supreme Court, in Term time, or any Two Justices thereof, in Vacation, also any Three Justices of the Peace, as hereinbefore mentioned, are hereby empowered, on the application of the said Board of Health, for that purpose, and on Affidavit of the Chairman thereof, for the time being, or on the application and Affidavit of any Collector of Impost for the Port at which such Vessel shall arrive, that the said Master or Owner has, in the opinion of the said Board or Collector of Impost, become liable for any of the said Taxes, Duties or Penalties, to issue a Process to arrest the person of the said Master or Owner or Owners, and require Bail for his or their appearance, to answer the said Suit, or to attach the Ship or Vessel, by any Process of Attachment, in their discretion, until Security be given to the satisfaction of the said Court or Justices, for the forthcoming of the said Vessel, to answer the said Suit, or to proceed as above directed, against both Master or Owner or Owners and Ship, at the same time, at the discretion of the said Board, or Collector of Impost, with power to the said Courts, to hear and determine said Suits, and to enforce their Judgments therein, by all lawful and customary means; and no Plea or

Taxes, &c., de-
clared a specific
Lien on Vessels.

Master, &c. may
be held to bail.

or Vessel attach-
ed, to answer the
same.

No exception taken to the jurisdiction of Courts deemed valid.

Exception taken to the Jurisdiction of the said Courts, or either of them, in proceeding as hereinbefore directed, shall be held valid or tenable.

Exempts certain parties from payment of Tax.

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

Who shall be deemed an Inhabitant of any other Colony.

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

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

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

Penalty on Pilot for neglect of duty.

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

Continuance of Act.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

Schedule (A.)

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

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

Whereas the above bounden *A. B.*, the Captain (or Owner, as the case may be,) of the Ship or Vessel called the has received permission from the said Collector, to land, from the said Ship or Vessel, the following Passengers, (who arrived therein, at the said Port of in the present year, subsequent to the First day of October, and for whom the said *A. B.* is liable to pay an increased Rate or Head Duty, or to enter into the above-written Bond or Obligation, with condition as hereunder stated, by virtue of the provisions of the Act 14 Vic., cap. 11, intituled *An Act relating to Emigrants.*)

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

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

A. B. (L. S.)

C. D. (L. S.)

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

SCHEDULE (B.)

Schedule (B.)

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

List of Passengers.

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

SCHEDULE (C.)

Schedule (C.)

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

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

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

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

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

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

CAP. XII.

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

[Passed 15th May, 1851.]

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

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

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

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

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

Limitation of Penalties.

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

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

Order in Council to be laid before the Legislature.

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

Rates of Postage on Letters and Packets.

Increased charge, how regulated.

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

Rates on Letters by British Mails.

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

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

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

Pre-payment of Colonial Postage optional to sender.

Colonial Postages, how disposed of.

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

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

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

Disallows Franking Privilege.

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

Newspapers exempt from Postage.

Rates of Postage on Printed Books, &c.

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

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

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

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

Packet Postage to be carried to a separate Account; paid Quarterly into the Treasury of this Island; and remitted to Postmaster General in England, annually.

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

Other moneys, how disposed of.

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

Express Mails, how paid for.

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

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

Rate of Inland Postage, &c.

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

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

Governor in Council may alter and modify foregoing conditions, in certain cases.

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

Parliamentary & other Papers to be transmitted free of Postage.

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

Conditions to be observed, to secure free transmission of Newspapers, &c.

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

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

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

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

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

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

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

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

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

Such Newspapers, &c., having been opened, to be charged with Letter Postage.

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

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

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

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

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

Form of Declaration.

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

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

Vessel liable to Quarantine. Letters how disposed of.

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

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

Postmaster General to establish new way offices, &c.

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

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

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

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

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

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

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

XXVI. And be it enacted, That no Postmaster General, nor any Officer of the Post Office throughout this Island, shall be compelled Postmaster General, &c. exempt from serving on juries, &c.

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

Persons employ-
ed to deliver
Letter Bags, &c.
subject to a pen-
alty of £10, for
neglect of duty,
&c.

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

Ferryman to con-
vey over persons
travelling with a
Mail free of ex-
pense under a
penalty of £5 for
every offence.

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

Persons aiding or
abetting the com-
mission of any
offence under this

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

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

Act, liable to same punishment as principal offender.

Postmaster General to have the exclusive privilege of conveying Letters.

Penalty on other persons receiving or conveying Letters.

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

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

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

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

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

Postage recoverable, &c. as Money paid.

Sender liable for Postage of refused Letters.

Postage, how recovered.

Powers of Postmaster General, under certain restrictions:—

May open and close Mail Routes, &c. ;

Suspend Postmaster, &c. and appoint substitutes ;

Enter into and enforce Contracts ;

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

Sue for all sums due for Postage, &c.

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

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

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

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

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

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

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

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

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

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

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

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

What shall be deemed Felony, and how punished.

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

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

What shall be deemed a Misdemeanor, and how punished.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

How punished.

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

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

Burden of proof.

Salary of Postmaster General, &c.

Allowance to Deputy Postmasters, &c.

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

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

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

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

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

* * This Act came into force and operation on the 8th day of July, 1851. Proclamation agreeably to the power given to His Excellency the Lieutenant Governor, under the 43d Section hereof, having been duly published in the *Royal Gazette* Newspaper of this Island, on that day.

CAP. XIII.

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

[Passed 15th May, 1851.]

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

6 Vic. c. 19.

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

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

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

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

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

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

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

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

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

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

After such imprisonment, party to be discharged.

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

Justices to summon Witnesses, administer oath, &c.

Penalty on persons refusing to obey summons.

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

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

V. And be it enacted, That it shall be lawful for such Justices, if they shall find that the complaint of the party or parties aggrieved is not well founded, to order and adjudge Costs not exceeding Forty Shillings—to be paid to the party or parties complained against, which order shall be carried into effect and levied and paid in such manner, and with like power of commitment, as is hereinbefore directed, as to the order and judgment founded on such original complaint: Provided always, that no person or persons, who shall be aggrieved by any distress for Rent, or by any proceedings had in the course thereof, or by any Costs and Charges levied on them in respect of the same, shall be barred from any legal or other suit or remedy, which he, she, or they might have had before the passing of this Act, excepting in so far as any complaint to be preferred by virtue of this Act, shall have been determined by the Order and Judgment of the Justices before whom it shall have been heard and determined, and which Order and Judgment shall and may be given in Evidence under the plea of the General Issue, in all cases where the matter of such complaint shall be made the subject of any Action.

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

Persons aggrieved may appeal to Supreme Court.

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

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

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

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

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

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

Penalty for non-compliance,

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

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

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

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

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

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

Persons aiding and abetting, liable to Fine and Imprisonment.

Costs allowed for one Bailiff only.

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

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

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

5 W. 4, c. 6.

8 Vic., c. 6.

Time for giving
Warrants of At-
torney extended.

In whose name
Warrants may be
given.

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

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

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

Penalty in such
cases.

Distress may be
impounded on
Premises charge-
able with the
Rent.

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

Distress may be
appraised, &c.
on such Premises.

Remedy in case
of Poundbreach.

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

SCHEDULES referred to in this Act.

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

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

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

(Signed) *E. F.*
 “ *G. H.*

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

Form of Order, &c., where complaint is dismissed.

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

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

(Signed) *E. F.*
 “ *G. H.*

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

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

CAP. XIV.

An Act relating to Stray Cattle.

[Passed 15th May, 1851.]

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

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

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

Proceeds, how disposed of.

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

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

Mode of proceeding when means requisite to be used fail.

Affidavit to be made in such cases.

Form of Affidavit.

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

Form of order.

Custody of beast
until sale.

be duly claimed and redeemed by the Owner, the said Applicant shall be entitled to the possession thereof, and shall also be bound to find and provide for such Beast all necessary Food, Sustenance and Shelter.

Persons obtain-
ing order to ad-
vertise same, &c.

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

Particulars of
advertisement.

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

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

Mode of ascer-
taining amount
payable by
owner.

that purpose, to be appointed by the said Justice or Commissioner; and in case the party entitled to receive such amount shall be dissatisfied with such sum as shall be ascertained and determined by such Justice or Commissioner, then upon tender and refusal thereof, the said Justice or Commissioner shall and may make an order, directed to any Constable or Constables of the County, commanding him or them to take possession of said Beast, and deliver the same to the said Owner, and also to levy by Distress and Sale of the Goods and Chattels of the person so detaining the said Beast, the cost of the said last mentioned order, and of the execution thereof: Provided always, that the said party entitled to receive the said amount, shall have a right of Action or Suit therefor, to be prosecuted by due course of Law, either in the Supreme Court of Judicature or Court of Commissioners for the recovery of Small Debts, according to the amount at which the same shall be laid, any law, usage, or custom, heretofore, to the contrary thereof, notwithstanding, and upon every such Action or Suit it shall be lawful for the Owner of such Beast to give in evidence under a plea of the general issue the tender so made by him as aforesaid.

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

Remedy to person to whom such amount is payable.

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

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

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

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

Penalty, how recovered.

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

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

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

If not so claimed, how disposed of.

Definition of terms used in this Act.

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

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

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

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

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

Fees to be taken under this Act.

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

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

Continuance of Act.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

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

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

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

SCHEDULE (B.)

Order for Sale.

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

Dated the day of

C. D., J. P.

CAP. XV.

An Act to incorporate certain persons Trustees of Princetown Royalty Church.

[Passed 15th *May*, 1851.]

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

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

Constitutes certain parties a Body Corporate and Politic.

Name

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

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

Quorum.

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

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

How Corporation shall pay or receive Moneys.

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

Vests a certain piece of Land in Corporation,

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

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

How to be applied or disposed of.

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

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

Limits the amount of such Real Estate.

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

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

Also, all personal Estate and Property.

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

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

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

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

Vacancies occurring in Corporation, how to be supplied.

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

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

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

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

Election to fill vacancy, how declared.

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

Registration to be made on payment of the usual Fees.

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

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

Corporation may make By-Laws, &c.

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

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

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

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

Registration to be made on payment of the usual Fees.

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

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

Congregation of Church to meet annually.

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

Six Members of Congregation to

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

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

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

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

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

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

How Special General Meetings are to be called.

Such Meetings to have same powers as General Annual Meetings.

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

Duty of Assessors.

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

Duty of Assessors in case of refusal to pay Assessment.

Further duty of Assessors.

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

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

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

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

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

Duty of the Head Assessors.

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

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

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

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

Assessors to keep a Register.

Proceedings, &c. to be recorded.

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

Election of Assessors, how to be verified.

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

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

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

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

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

Deed or Instrument to this Act annexed to remain in full force and effect.

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

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

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

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

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

Continuance of Act.

SCHEDULE.

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

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

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

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

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

Signed, sealed and delivered }
in the presence of }

Robert Woodside,
James Mountain.

(Signed)

William Donalds
James Brandon
Edward M'Kay
John Thomson
John Sinclair ^{his} x
_{mark.}
Benj. Thomson
William Donald
Executors for Jas.
Woodside, deceased
Andrew Woodside
Dugald Stewart, sen.
Alex. Mathews
William Riely
Joseph Murchland
James Allen
James Sinclair
Hugh Mathews

(Signed)

Daniel Watt
^{his}
John x Power, sen.
^{mark.}
^{his}
Daniel x Taylor
^{mark.} ^{his}
James M'Neill x
^{mark.} ^{his}
George Ramsay x
^{mark.}
John Ramsay
Robert Stewart
Charles M'Nutt
John M'Gougan, jun.
^{his}
George Ellison x
^{mark.}
William Beairsto
George Beairsto

(Signed)

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

(Signed)

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

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

(Signed) P. S. Macnutt.

Witness to the Signature of Alexander Ander-
 son,

(Signed) John Keir.

Witnesses to the following Signatures, viz :

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

(Signed) P. S. Macnutt.

CAP. XVI.

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

[Passed 15th May, 1851.]

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

Repeals 3 W. 4, c. 2;

1 Vic., c. 1.

3 Vic., c. 1;

6 Vic., c. 1;

6 Vic., c. 15; &

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

11 Vic. c. 4.

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

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

No Commissioner to remain in Office longer than 3 years.

Duty of Commissioners.

III. And be it enacted, That every Male person, between the ages of Sixteen and Sixty years, shall, when appointed or required thereto, either by himself or some sufficient substitute, and provided with such necessary Implement or Implements, as may be directed by the Overseer of the Precinct, work for the space of Four days, or Thirty-two hours, in every year, on the said

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

Persons claiming exemption, to make Affidavit.

Affidavit to be lodged in Commissioner's Office.

Rates of Labour for Males possessing Horses, &c.

Number of days' work in each year.

Eight hours to be a day's work.

Certain persons exempted from Statute Labour.

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

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

IV. And be it enacted, That every such Male person, as aforesaid, possessing a Horse and Cart, or possessing a Cart and Two Horses, or possessing Two working Oxen and a Cart, or possessing One Horse, or Two Horses, or Two working Oxen without a Cart, shall, each of them, respectively, if so directed by the Overseer of the Precinct within which he resides, bring out or send such Horse or Horses, or such Oxen or Carts, accompanied by One able-bodied Man, for Three days in every year, to work on the Highways, Streets, or Bridges of the Precinct wherein such Male person, as aforesaid, shall reside, Eight hours being allowed to complete each day's work: Provided always, that nothing herein contained shall extend, or be construed to extend, to render liable to Statute Labour any person whomsoever, who shall not have been, at the time of appointing the Overseers, a Resident of this Island for at least Six Calendar Months: And provided also, that when, in the opinion of the Overseers, the Labour of Men will be more useful than that of Cattle, all persons liable to send Two Horses, or Two working Oxen, with or without a Cart, as aforesaid, shall, instead thereof, send Two Men for Three days, or One Man for Six days, or Forty-eight hours, to labour on the Roads, which said Labour shall

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

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

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

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

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

Fine for neglecting to perform Statute Labour.

Mode of recovery.

hereby empowered and required, on complaint made to him by the said Overseer of the Highways, or any one of them, to summon the person or persons so neglecting, to appear before him, to hear and determine the case, and which summons, so to be issued, shall be under the hand and seal of the said Justice or Commissioner of Small Debts, in the form in the Schedule to this Act annexed, marked (B.); and upon proof being made of such person's non-appearance, refusal, or neglect, the said Justice or Justices, Commissioner or Commissioners of Small Debts, shall cause the said forfeiture to be levied, together with the expenses of levying, by Warrant of Distress and Sale of the Offender's Goods and Chattels; and if no Goods or Chattels can be found whereon to levy, then the Offender shall suffer Imprisonment for a period not exceeding Forty nor less than Eight days, and the Money so levied shall immediately be put into the hands of such Overseer as shall have prosecuted for the same, to be by him applied for and towards the repairs of the Highways within his Precinct, in such manner as the Commissioner thereof shall and may direct.

Appropriation of
Fine.

VII. And be it enacted, That each Commissioner so appointed as aforesaid, shall, on or before the First day of May, in each year, nominate and appoint such number of Overseers within his District as to such Commissioner shall appear to be for the public good, and shall prescribe to such Overseer, the Limits and Boundaries of his Precinct, within which such Overseer shall have authority; and the Roads and parts of the Roads, or the Bridges, where the Statute Labour shall be wrought, and where the Money received in commutation thereof shall be laid out and expended, and each Overseer shall, immediately after notification and acceptance of his appointment, give Notice to the Inhabitants

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

Overseers to give
notice of their
appointment.

of his Precinct of his appointment, by causing a Notice to be posted up in the most public place of such Precinct, to the end that such Inhabitants may know to whom to commute the payment of their Statute Labour, in terms of this Act.

VIII. And be it enacted, That it shall and may be lawful for the Commissioner of each District, whenever he may think it expedient and necessary, to appoint some person or persons contiguous to the Bays or Rivers, for the purpose of placing Bushes in the Ice, on the best Track generally used by Travellers, as early in the Winter as the Ice may become passable; and the Commissioner is hereby required to notify the Overseers of the different Precincts of the person so appointed; and on such person, so appointed, performing the requisite duty, they are hereby declared to be liable to no other Statute Labour during that year, any Law to the contrary notwithstanding; and any person who shall wilfully cut, break down, or remove any Bushes placed as aforesaid, shall be liable to a Fine not exceeding Five Pounds, and not less than Ten Shillings.

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

Such persons exempt from any other Statute Labour.

Penalty for cutting down Bushes, &c.

IX. And be it enacted, That the said Overseers of the Highways shall, and they are hereby required and empowered, in pursuance of the Orders they shall or may receive, from time to time, from the Commissioner of the District, to summon the Inhabitants residing within their respective Precincts, giving them at least Ten days' Notice of the time and place where and when they intend to employ them; and they shall direct and order the persons so summoned to labour in making and repairing the Highways, Streets, or Bridges, in the most effectual and advantageous manner for and during the number of days appointed by this Act for such Service or Labour, they, the said Overseers, being hereby exempted and excused from any other Labour

Overseers to summon Inhabitants.

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

Overseers exempt from other labour.

General duties of Overseers.

and Service on or relative to the Highways, than the issuing of Summons, ordering and overseeing the performance of the Statute Labour within their respective Precincts, and making out and returning, within the limited time, by the Orders they receive from the Commissioner of the District as aforesaid, exact and true Reports of their doings on the Highways, such Reports always containing Lists of Absentees, and Accounts of the Fines levied in consequence of such absence, and of the Money received in Commutation of Labour, and how expended, but without being entitled to Wages, or any other gratuity for their services; and if any person liable to Statute Labour as aforesaid, shall refuse to accept of the Office of Overseer then he shall be liable to a Fine of Two Pounds; and on any Overseer failing or neglecting to perform all or any of the duties herein pointed out to be done by him, he shall forfeit and pay a sum not exceeding Five Pounds.

Penalty on refusing to accept office of Overseer.

Penalty on Overseer for neglect of duty.

No person compelled to work more than Five miles from residence.

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

Overseer to account with Commissioner.

XI. And be it enacted, That each Overseer of Highways is hereby required and directed, at the expiration of Two months from the time of performing Statute Labour within his Precinct, to account with the Commissioner of the District within which such Overseer shall reside, for his conduct, in the execution of his trust as Overseer, and to report to him, in writing, the Work and Labour really done and performed, and the application, accompanied with the proper Vouchers and discharge, of the fines and forfeitures incurred, whether levied or in arrear, why the same have not been levied, how applied in promoting the intentions of this Act; and also to account

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

Commutation Moneys to be expended under direction of Commissioner.

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

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

How notice is to be given.

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

Commissioner may direct inhabitants to repair Bridge, &c. when deemed necessary.

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

Statute Labour
may be commu-
tated for money.

Time of commu-
tation, and Rates
thereof.

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

Commutation
Money, how
expended.

Commissioner to
account on oath,
within 5 months
after performance
of Statute La-
bour.

Form of attesta-
tion.

XV. And be it enacted, That each Commissioner shall expend the Money paid to him under the preceding Section of this Act on the Highways within his District, in such way and manner as shall appear to him most conducive to the public interest; and shall, within Five Months after the period for the performance of the Statute Labour, deliver in to the Lieutenant Governor and Council, an exact Account of all Moneys received by him as Commissioner as aforesaid, and of the application thereof, and he shall certify and attest to the same before one of Her Majesty's Justices of the Peace, previous to transmitting the same, in the form set forth in the Schedule to this Act annexed, marked (C.); and in case any such Commissioner shall neglect or refuse to certify and attest the Account, as herein directed, he shall forfeit and pay a sum not ex-

ceeding Five Pounds, and shall, at the same time, make a full and distinct Report of all his actings and doings as such Commissioner, with an account of the state and condition of the Highways within his District, prior to the performance of Statute Labour, and subsequent thereto; and until such Account and Report shall be given in, such Commissioner shall not be entitled to receive any salary or recompence whatever for such services.

Penalty for refusal.

Further duty of Commissioner.

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

XVI. And be it enacted, That when any Commissioner who may be appointed under the provisions of this Act shall be directed by the Lieutenant Governor to lay out and expend the Public Moneys appropriated for the making and repairing of Roads and Bridges, such Commissioner or other person or persons shall and they are hereby required and directed, (except in cases of casual repairs,) to cause Advertisements to be inserted in the public Newspapers of the Colony, and shall also cause similar Advertisements to be posted up in the vicinity of the place or places where such work is to be performed, giving Fourteen days' notice thereof, that on the day and hour named in such Advertisement, will be sold or let to the lowest Bidder, on the spot, where such work is to be performed, the Roads or Bridges named in such Advertisement, and the said Commissioner, or other person or persons so appointed as aforesaid, are hereby directed to let all such Roads and Bridges on the best and lowest terms, taking good and sufficient security or securities for the faithful performance of every contract or contracts so entered into or made; and any person or persons who shall take down, deface or destroy any Advertisement posted as aforesaid, shall be liable to a Fine not exceeding Twenty Shillings, for every such offence.

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

Contractors to be paid on Certificate of Commissioner.

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

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

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

Fine for causing nuisance, &c.

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

Thistles, &c., to be cut down.

Allowance to Commissioners.

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

XX. And be it enacted, That no person shall be compelled to serve the office of Overseer more than once in every Three years; but if any person shall accept the office more than once within such period, then he shall be liable to all the Rules, Regulations, and duties of that Office, as prescribed in this Act.

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

XXI. And be it enacted, That the Overseers of Highways shall have power and authority, and they are hereby required, during the Winter season, to summon as many of the Inhabitants in their respective Precincts as they in their discretion shall think fit, to work at the times and places appointed, on the Highways or Public Winter Roads, by breaking Roads in the Snow, with their Horses, Oxen, or Teams, if possessed thereof, or with such Implements as the Overseer may deem requisite, whenever the depth of Snow shall render the same necessary, in each Winter, and at no greater distance than Five miles from their own houses; and such Inhabitants shall perform the same work over and above that which such inhabitants are liable to perform upon the Highways, Roads and Bridges, in and by this Act, and each and every person neglecting or refusing to turn out with his Team or Teams, or with such Implements as may be directed by the Overseer of any Precinct, shall be liable to a Fine not exceeding Ten Shillings for every such neglect or refusal, and the Overseers of Precincts are authorized to appoint a person or persons to notify the persons in their Precincts, when they are required to turn out for the purpose of breaking the Winter Roads, as aforesaid, which person or persons so notifying the Inhabitants of the Precinct, shall be exempted for one day from such Labour in breaking the Roads, for each time they shall be engaged in so notifying as aforesaid.

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

No person required to work at a greater distance than five miles from his own house, &c.

Penalty on persons refusing to perform such work.

Person to be appointed to notify inhabitants, who shall be exempt from one day's work therefor.

Commissioner to let to the lowest bidder the cutting down and levelling of Pitches or Cradle-hills.

How such contracts are to be paid.

Duty of Commissioner with reference thereto.

XXII. And be it enacted, That it shall be the duty of the Commissioner for each District to let at public competition, to the lowest Bidder, and on the most advantageous terms to the Government, for one season, the cutting down, levelling and repairing the Pitches or Cradle-hills on the Main Post Roads within his respective District, for such length or distance as to him shall seem expedient; and the amount of such contracts shall be paid by the Colonial Secretary, on the Certificate of the said Commissioner that the work has been performed to his satisfaction; and it shall be the duty of every such Commissioner to furnish to the Colonial Secretary of this Island, on or before the First day of February, in each year, for the information of the Government, a statement, in writing, of the amount of all such Contracts as he may have so entered into, in order that the Money for defraying the same may be appropriated by the Legislature at its next sitting.

Penalty on persons obstructing Bridges, fastening vessels thereto, or in any way injuring the same.

XXIII. And be it enacted, That if any person or persons shall hereafter place any Timber, Wood, Stone, or other weighty article or articles upon any Bridge within this Island, or shall fasten any Vessel or Vessels thereto, or shall in any other way injure any such Bridge, he or they shall pay a Fine not exceeding Five Pounds, for every such offence, to be recovered as hereinafter directed, over and above any damage done to any such Bridge, when the same shall not exceed Five Pounds.

Persons to be appointed to superintend Bridges, &c.

XXIV. Provided always, and be it enacted, That any Commissioner of Highways is authorized to appoint such person or persons as he may think fit, within his District, whose duty it shall be to allow Vessels to moor or make fast to any Bridge within his District, and also in cases where it shall be necessary to open or raise a part of any Bridge to allow a new Vessel or

Vessels built above the same, to pass through, to cause the same, at the instance of the Owner or Master of any such Vessel, to be so opened or raised for such purpose, and to superintend the passage of such Vessel through the same, and after such passage to cause the portion of such Bridge so opened or raised, to be replaced, and the Bridge restored to its original state, with the least possible delay, and such person so appointed is hereby authorized to take and receive from the Owner or Master of any such Vessel so moored or made fast to such Bridge, the sum of Two Shillings per day (Sunday excepted) during the time she may be moored or made fast to any such Bridge, and for his attendance and trouble in superintending the passage of any new Vessel as aforesaid, and refitting the Bridge after such passage, the sum of One Shilling for the first hour, and Six-pence each for every additional hour he shall actually be at work, from the time of the opening of the said Bridge until it shall be refitted, besides the expenses incurred in opening such Bridge, and refitting the same; and a sufficient sum to cover all damage or injury that may be done to the said Bridge, and in case of refusal of the Master or Owner to pay such sum as he may be liable to as aforesaid, then it shall be lawful for the person so superintending such Bridge, to sue for and recover the same, with Costs, (and in all cases the same is to be accounted for, on Oath, to the Commissioner of the District,) before any one of Her Majesty's Justices of the Peace or Commissioner of Small Debts, by Capias, or otherwise; and the amount of such Judgment, with Costs, shall be realized by Warrant of Distress and Sale of the Materials of the Vessel—one half of such Rate to be paid to the Superintendent, as aforesaid, and the other half to the Commissioner of Highways, in whose District the Bridge may be, to be expended for the repairs of the said Bridge.

Rates payable by
Owners of Ves-
sels.

Mode of recovery
thereof.

Highways to be
60 feet in width.

XXV. And be it enacted, That from and after the passing of this Act, every Highway in this Island, unless where legally established at a less width, shall be the width of Sixty feet; and that no Occupier of ground adjoining the Highways, or any other person shall encroach thereon, by fencing or otherwise, under a penalty not exceeding Twenty Shillings for each and every day such encroachment shall be allowed to remain after due notice to remove the same.

Penalty on persons
encroaching
thereon.

Summer Labour
may be commuted
for Winter
Labour.

XXVI. And be it enacted, That it shall and may be lawful for the Commissioner of any District to commute as much of the Statute Labour as he may deem expedient, for an equal quantity or value of labour to be performed in the Winter Season in procuring and hauling Timber for the building or repairing of Bridges, and for levelling and repairing any public Roads, not being Main Post Roads, within his District.

In case of sick-
ness, &c. of
Overseer, Com-
missioner to ap-
point another in
his place.

XXVII. And, be it enacted, That in case of the sickness or death of any Overseer, or absence from his Precinct, after his appointment under this Act, it shall and may be lawful for the Commissioner within such District to appoint some other person or persons to perform the duties of such deceased or absent Overseer or Overseers, at any time before the time limited for the performance of such Statute Labour, as before directed.

Penalty on Com-
missioner, &c.
for neglect of
duty.

XXVIII. And be it enacted, That if any Commissioner or other person appointed to expend Money under or by virtue of this Act, shall, after signifying his acceptance of said Office, neglect or refuse to carry the provisions of the same into effect, so far as they are imposed on him by virtue of his said Office, he shall, for every such neglect or refusal, on due conviction thereof, forfeit and pay the sum of Five Pounds, to be recovered before any one of Her Majesty's

Mode of reco-
very.

Justices of the Peace or Commissioner of Small Debts, on the Oath of one or more credible Witness or Witnesses.

XXIX. And be it enacted, That every Overseer of Statute Labour shall, and he is hereby required, previous to transmitting the Returns now prescribed by Law, to certify and attest to the same before one of Her Majesty's Justices of the Peace, in the form set forth in the Schedule to this Act annexed, marked (D), but which attestation shall only extend to an exact Account of all Moneys received by him as Overseer aforesaid, and of the application thereof; and in case any such Overseer shall neglect or refuse to certify and attest the Account, as herein directed, he shall forfeit and pay a sum not exceeding Five Pounds.

Overseer to attest to Returns.

Mode of attestation, &c.

Penalty on Overseer for neglect.

XXX. And be it enacted, That all Teachers of Schools who are entitled to receive Legislative aid as such, shall be exempt from the performance of the Statute Labour under the provisions of this Act.

Teachers of Schools exempt from Statute Labour.

XXXI. And be it enacted, That in the event of any Commissioner or Overseer who may prosecute for any Penalty or Offence under the provisions of this Act, becoming non-suit, and it shall be certified by the Justice of the Peace or Commissioner of Small Debts before whom such case shall be heard and determined, or other Court who shall finally decide the same, that such Commissioner or Overseer had just and reasonable grounds of Action, then and in such case said Justice of the Peace, Commissioner of Small Debts, or other Court, as aforesaid, shall make out a certified Statement of the Costs of such Action, which certified Statement shall be delivered to the Clerk of Her Majesty's Council, and the amount so certified, after being approved of by the Administrator of the Government for

Mode of proceeding when Commissioner or Overseer may be non-suited, &c.

Costs of non-suit to be paid by Treasurer.

the time being, in Council, shall be paid to the Commissioner or Overseer claiming the same, by the Treasurer of this Island.

Mode of recovery
of Fines and For-
feitures.

XXXII. And be it enacted, That all Fines and Forfeitures arising under and by virtue of this Act, shall be sued for and recovered, with Costs, before any one of Her Majesty's Justices of the Peace, or any Commissioner of Small Debts for the County wherein such Fine or Forfeitures shall or may be incurred, on the Oath of one or more credible Witness or Witnesses, and (where not otherwise appropriated by this Act) shall be expended by the Commissioner of the District, and in the Precinct where such Forfeiture or Forfeitures may have been incurred; and in the event of no Goods and Chattels being found whereon to levy, then the said Justice or Commissioner shall and may commit the party or parties delinquent for the respective periods hereinafter mentioned, that is to say, where the Penalty shall not exceed the sum of Five Shillings, for a space not exceeding Ten days; and where the Penalty shall be above Five Shillings, and shall not exceed the sum of Twenty Shillings, for a period not exceeding Fourteen days; and where the Penalty shall be above Twenty Shillings, and shall not exceed the sum of Forty Shillings, for a period not exceeding Twenty-one days; and where the Penalty shall be above Forty Shillings, and shall not exceed Five Pounds, for a period not exceeding Sixty days.

Commissioner
deeming it neces-
sary to open
drains, &c., and
owner of adjoining
land refusing
assent to the
same passing
through his lands
mode of proceed-
ing, to authorize
such drains, &c.
to be made.

XXXIII. And be it enacted, That when and as often as it may, in the opinion of any Commissioner of any District within this Island, become necessary for the draining of any Highway, to cut or open any Ditch or Drain from the side of any Highway through any Land adjacent thereto, and the Owner or Occupier thereof shall refuse his consent for so doing, then any of Her Majesty's Justices of the Peace shall, upon ap-

plication of such Commissioner, issue a Summons, directed to such Owner or Occupier, to appear before him at a time and place therein mentioned, of which at least 'Three clear days' notice shall be given to such Owner or Occupier, to show cause why the said Drain should not be opened, and in default of appearance, or after hearing the said Owner or Occupier, and evidence relating thereto, such Justice shall and may make an Order for the opening of such Drain, to run in such course, and of such width, depth and extent, as to such Justice shall seem needful and necessary; and the Costs of such suit shall be paid as by such Justice shall or may be adjudged, and be enforced by Execution, in manner as the same shall or may be issued for the Recovery of Small Debts; and the Order of such Justice so to be made shall be full authority and justification for the said Commissioner, and all persons employed therein, in opening such Drain, or in clearing or keeping open the same, and may be proved as often as may become necessary, under a plea of the General Issue: Provided always, that if, at any future time, it should be made to appear to such or any other Justice, that such Drain has become unnecessary, or is no longer useful, then he shall make Order for the closing of the same: And provided also, that every such Owner or Occupier who may feel aggrieved by any such Order, shall and may Appeal therefrom to the Supreme Court of Judicature, in manner prescribed by Law for Appeals in matters of Small Debts, and the Supreme Court, on hearing such Appeal, may reverse, annul, vary, or limit such Order, and award Costs thereupon, as to such Court shall seem just and necessary.

Drains may be closed in certain cases.

Overseer, &c. may appeal to Supreme Court.

Power of Supreme Court.

XXXIV. And be it enacted, That the Rate or Duty of all Male persons between the ages of Sixteen and Twenty-one years, shall be paid by the parents of such persons respectively, in all

Rates due from minors, Apprentices, &c., how paid.

cases where such parents shall retain the ordinary control and derive the ordinary services of persons within such ages; and the Rate or Duty of all Apprentices shall be paid by their Masters; but every such Master shall, nevertheless, be entitled to retain such amount out of any Wages by him payable to such Apprentices, over and above any sum allowed for Board, Lodging and Clothing, only.

Rates due from minors, &c., how recovered.

XXXV. And be it enacted, That the said Rate or Duty shall and may be sued for in manner prescribed in the Fifth Section of this Act, and the like process for the recovery of the same used and taken as therein is mentioned.

Overseers appointed under 6 Vic. c. 1, to continue in office until 1st May, 1852.

XXXVI. And be it enacted, That the Overseers of Highways appointed by the Commissioners of Highways, under and by virtue of the provisions of the Act passed in the Sixth year of the Reign of Her present Majesty, intituled *An Act to consolidate and amend the Laws relating to Statute Labour and the expenditure of Public Moneys on the Highways*, shall, until the First day of May, One thousand Eight hundred and Fifty-two, continue in such Offices and in the discharge of their duties as such Overseers for the Precincts for which they may have been respectively appointed, and shall, and they are hereby authorized to carry out therein the purposes of this Act within their several Precincts, and every such Overseer shall render his Account to the Commissioner to be appointed under this Act, for the District in which such Overseer shall reside: Provided always, nevertheless, that if any of the said last mentioned Overseers shall happen to die before the said First day of May One thousand Eight hundred and Fifty-two, then the vacancy caused by his death shall be filled up under the provisions of this Act.

Such Overseers to carry out purposes of this Act, &c.

How vacancies are to be filled up.

SCHEDULES referred to in this Act.

SCHEDULE (A.)

DISTRICTS.

NOS. PRINCE COUNTY.

- | | |
|----|---|
| 1, | To comprise Townships Nos. 1, 2, and 3. |
| 2, | “ “ Nos. 4, 5, 6, and 11. |
| 3, | “ “ Nos. 7, 8, 9 and 10. |
| 4, | “ “ Nos. 12, 13, and 14. |
| 5, | “ “ Nos. 15 and 16. |
| 6, | “ “ Nos. 17 and 19, and
the Line Road between 19 and 25. |
| 7, | “ “ No. 18 and Princetown Royalty. |
| 8, | “ “ Nos. 25 and 26. |
| 9, | “ “ Nos. 27 and 28. |

QUEEN'S COUNTY.

- | | |
|-----|--|
| 1, | To comprise Townships Nos. 20 and 21. |
| 2, | “ “ Nos. 22 and 67. |
| 3, | “ “ Nos. 23 and 24. |
| 4, | “ “ Nos. 33 and 34. |
| 5, | “ “ Nos. 29, 30 and 65. |
| 6, | “ “ Nos. 31 and 32. |
| 7, | “ “ Those portions of 35, 36 and 37, on the North side of the Hillsborough. |
| 8, | “ “ No. 48, and those portions of 35, 36 and 37 on the South side of the Hillsborough. |
| 9, | “ “ Nos. 49 and 50. |
| 10, | “ “ Nos. 57 and 58. |
| 11, | “ “ Nos. 60 and 62. |

NOS.

KING'S COUNTY.

- 1, To comprise Townships Nos. 38, 39 and 40,
West of Morell River.
- 2, " " Nos. 41, 40 and 39, East
of Morell River, & St.
Peter's Harbour-mouth,
and Morell Bridge.
- 3, " " Nos. 42 and 43, including
the Division Line Road
between 43 and 44.
- 4, " " Nos. 44 and 45.
- 5, " " Nos. 46 and 47.
- 6, " " Nos. 56, 55, North of
Grand River, and Grand
River Bridge.
- 7, " " No. 55, South of Grand
River, 53, North of Cardigan
River, and 54.
- 8, " " No. 53, South of Cardigan
River, 52, 51, 66, and
Georgetown & Royalty,
and Common, and Land
adjoining the Royalty,
known as Reserved Land.
- 9, " " Nos. 59 and 61, and Mon-
tagne Bridge.
- 10, " " Nos. 63 and 64.

SCHEDULE (B.)

Form of Summons.

County.

By _____ Esquire, one of Her Majesty's
Justices of the Peace for the said County, (or
Commissioner of Small Debts, *as the case maybe*)

You are hereby required to be and appear
personally before me, at _____ on the
day of _____ next, at the hour of _____ o'clock,
then and there to answer *A. B.*, wherefore (*here*

insert the cause of Action arising under said recited Act,) according to the Terms of the Act of the General Assembly in such case made and provided.

Given under my Hand and Seal, the day
of 18

SCHEDULE (C.)

*Form of Oath to be made by the Commissioner,
and attached to his Return.*

I, *A. B.*, do swear that the Return now made by me is just and true, and contains a correct Account of the Receipt and Expenditure of Moneys received by me as Commutation of Statute Labour within the District for which I am Commissioner, during the current year.

So help me God.

A. B., Commissioner.

Sworn before me, *C. D.*,
J. P.

SCHEDULE (D.)

*Form of Oath to be made by Overseers of Statute
Labour, and attached to their Returns.*

I, *A. B.*, do swear that the Return now made by me, contains a correct Account of all persons liable to perform Statute Labour, and also a correct Account of the Receipt and Expenditure of all Moneys received by me as Commutation of Statute Labour, within the Precinct for which I have been appointed, during the current year.

So help me God.

A. B., Overseer.

Sworn before me, *E. F.*,
J. P.

CAP. XVII.

An Act to extend the provisions of an Act for ascertaining the Standard of Weights and Measures in this Island, to Mills therein, and to make other alterations therein.

[Passed 15th May, 1851.]

Powers vested in Assayers of Weights & Measures by 3 W. 4, c. 19, extended to Grist & Carding Mills.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That the powers and authority vested in the Assayer of Weights and Measures, in and by the Fifth and Seventh Sections of the Act passed in the Third year of the Reign of King William the Fourth, intituled *An Act to repeal an Act made and passed in the Thirty-fifth year of the Reign of His late Majesty King George the Third, intituled "An Act for ascertaining the Standard of Weights and Measures in this Island, and to make other provisions in lieu thereof,"* shall be extended to all Grist and Carding Mills in this Island, and that each of the Penalties imposed in and by the said Sections respectively, shall be enforced and recovered in the same manner as in and by the said Sections is prescribed.

No person to use any Scales, &c., but such as shall be stamped, &c.

II. And be it enacted, That from and after the publication hereof, no person or persons shall use any Scales and Weights in the Sale, Barter, or Exchange of any Wheat, Rye, Barley, Oats, Buck Wheat, or Indian Corn, or for Weighing any Grist, in any Mill or Mills in this Island, or for weighing any Wool in any Carding Mill or Mills therein, without having the same assayed and stamped in the same way as pointed out in the Third Section of the said Act, under a penalty of Ten Shillings, to be recovered in the same manner as pointed out in the Fourth Section of the said Act.

Penalty in such cases.

III. And be it enacted, That in all cases of Seizure under the Fifth Section of the said recited Act, of Weights and Measures, not marked or branded in manner as in the said Act mentioned, the person or persons in whose possession they shall be found, in case of their being over the proper Standard, shall be liable to the same Penalty as is imposed by the said Section, when the Weights and Measures prove short of the Standard.

Persons found in possession of Weights, &c., over the proper Standard, liable to same Penalty as for Weights, &c., short of the Standard.

IV. And whereas, under and by virtue of the provisions of the Fifth Section of the above recited Act, in prosecution for penalties imposed thereby on persons in whose House, Shop, or Office any unstamped Weights or Measures may have been found, proof of the same having been actually used by such Persons is required before Conviction, which it is sometimes difficult to procure: Be it therefore enacted, That if any Weights or Measures, not conformable with the Standard, shall be found in the possession of any person or persons in the practice of buying and selling, then it shall be deemed that such Weights and Measures have actually been used, and the person or persons in whose possession they shall have been found, shall be, and they are hereby declared to be subject to the penalties imposed by the said Fifth Section, and by other parts of the said recited Act, on persons who have been proved to have made use of Weights and Measures contrary to the provisions of the Act.

Unstamped Weights, &c., found in possession of persons in the practice of buying & selling, deemed to have been used.

Parties in possession liable to same penalties as parties proved to have made use of illegal Weights, &c.

V. And be it enacted, That from and after Six Months, after the passing hereof, it shall be necessary for each Grist Mill within this Island, to have a complete set of Weights therein, duly stamped as aforesaid, consisting of at least Two Fifty-six Pounds Weights, Two Twenty-eight Pounds Weights, Two Fourteen Pounds Weights, One Seven Pounds Weight, One Two Pounds Weight, and One One-Pound Weight, under a penalty of Ten Shillings for each Weight

Every Grist Mill to be furnished with a complete set of Weights.

Penalty for neglect.

that shall not be found in the said Mill, to be recovered in the same manner as is pointed out in the Fourth Section of the said Act.

Not to interfere with any Action, &c., brought or pending under Act of which this Act is an amendment.

VI. And be it enacted, That this Act shall not affect nor interfere with any Action, Suit, or proceedings at Law whatsoever, that may have been brought or may now be pending in Her Majesty's Supreme Court of Judicature, of and for this Island, or in any Court therein, touching or concerning the Act, of which this is an extension.

CAP. XVIII.

An Act for the encouragement of the Cod and Mackerel Fisheries.

[Passed 15th May, 1851.]

WHEREAS it is expedient to make provision to encourage the Cod and Mackerel Fisheries in this Island: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That a Bounty of Twelve Shillings and Sixpence, per Register Ton, Old Measurement, shall be allowed on the Vessels hereinafter mentioned, being properly manned and equipped, and embarked in the Cod or Mackerel Fisheries during either of the years, One thousand Eight hundred and Fifty-one, One thousand Eight hundred and Fifty-two, and One thousand Eight hundred and Fifty-three, the said Bounty to be payable to the person or persons, being an Inhabitant or inhabitants of this Island, who shall own and fit out the said Vessels from this Island, provided that such Vessels shall respectively be equipped, and fully furnished, with all needful Supplies, Stores and Materials.

12s. 6d. per ton, Bounty, allowed on Vessels engaged in the Cod & Mackerel Fisheries, during 1851, 1852, and 1853.

Bounty to be paid to persons fitting out such Vessels.

II. And be it enacted, That the said Tonnage Bounty shall extend to all such Vessels as shall be equipped, manned, and actually and *bona fide* sent to sea in manner as herein set forth; and no person shall be entitled to any Tonnage Bounty on any Vessel, unless such Vessel shall have been expressly fitted out for the purpose of the Cod or Mackerel Fisheries, and shall have been at sea in the actual prosecution of the Fishing Voyage for a period of not less than Three and a half Calendar Months, between the Fifteenth day of June and the First day of October, in either of the said years, (unless and excepting such time as may be required to return to land Fish caught or taken by the Crew thereof,) and shall not, during such period, have carried any Freight, but shall have been solely and exclusively employed, in the said Fisheries.

Bounty to extend to all Vessels equipped, &c., as in this Act set forth.

No Vessel entitled to Bounty, unless expressly fitted out for Fisheries, &c.

III. And be it enacted, That the Lieutenant Governor, by and with the advice of Her Majesty's Council, shall appoint for each Harbour in this Island where he may deem it necessary, Two or more Commissioners for settling Claims for Bounties under this Act, who shall be sworn faithfully to discharge their duties under this Act, and shall have power to administer all Oaths required or necessary thereunder, and before whom all such claims shall be preferred; and the duties of such Commissioners shall be, to examine into the merits of all claims made for such Bounties, and to settle and adjust the same; and in the case of Tonnage Bounty claims hereinbefore granted, to ascertain by Oath of the Master and Two of the Crew, and by such other ways and means as they shall think proper, whether the terms prescribed by this Act in such cases have been fully complied with; and if it shall appear to any such Commissioners, after such investigation, that the validity of any claim for Tonnage Bounty has been properly estab-

Lt. Governor, &c., to appoint Commissioners, where necessary, to settle Claims for Bounties, who shall be sworn, &c.

Duties of Commissioners.

Who shall be entitled to claim Tonnage Bounty.

lished, then they shall grant to the Owner or Master of the Vessel for which the Bounty shall be claimed, making application, a Certificate thereof, and setting forth the particulars of the claim; but no Master or Owner shall be entitled to claim a Tonnage Bounty under this Act, unless he shall produce a Certificate from the Controller of Navigation Laws at the Port where such Vessel shall have cleared out, that, at the time of clearing out such Vessel, he had deposited with such Collector a List verified on Oath, of the nature and quantity of all Stores and Provisions then put on board such Vessel, and that he then had on board, for the prosecution of the Fishing Voyage, at least One Month's Stores and Provisions, and that his Crew did consist of at least One Man for every Five Tons, up to Twenty Tons, and One Man for every Six Tons, above Twenty Tons, and up to Forty-two Tons, and One for every Eight Tons over Forty-two Tons.

In each of the years 1851, 1852 and 1853, there shall be granted, £100 as Bounties to Vessels fitted out and manned for the Fisheries.

IV. And be it enacted, That for the further encouragement of the Mackerel Fishery of this Island, there shall be granted and paid out of the Public Moneys which shall be in the Treasury of this Island, over and above any Tonnage Bounty granted by this Act in each of the said years, One thousand Eight hundred and Fifty-one, One thousand Eight hundred and Fifty-two, and One thousand Eight hundred and Fifty-three, the sum of One hundred Pounds, of lawful current Money of this Island, which shall, in each of the said years, be paid and applied as Bounties to the Owners of such Four Vessels or Boats, as shall in such year be fitted out, equipped, manned and supplied in this Island, and shall be owned by Inhabitants thereof, and shall catch and bring into Port in this Island, the greatest number of Barrels of Mackerel, being actually and *bona fide* caught and secured by the Crew, or other persons on board of such Vessels or

Boats, during the Fishing Season in any one of the above years, and to be paid in the following proportions: (*that is to say,*) to the Owner of the Vessel or Boat having the largest quantity of Barrels of Mackerel, the sum of Forty Pounds; to the Owner of the Vessel or Boat having the next largest quantity, the sum of Thirty Pounds; to the Owner of the Vessel or Boat having the next largest quantity, Twenty Pounds; and to the Owner of the next or Fourth Vessel or Boat having the next largest quantity, the sum of Ten Pounds: Provided always, that no Bounty under this Section or Provision shall be given or paid to the Owner of any such Vessel or Boat not having caught and brought into Port in this Island, as aforesaid, at least One hundred Barrels of such Mackerel, during the Fishing Season, in the years in which such Bounty shall be claimed.

£40 for the largest quantity of Mackerel;

£30 for next largest quantity;

£20 for next largest quantity;

and £10 for the next.

V. And be it enacted, That all claims for the Bounties granted in and by the last preceding Section of this Act, on the quantity of Barrels of Mackerel caught by any Vessel or Boat, shall be preferred before the said Commissioners for settling Bounties, to be appointed for each Harbour in this Island as hereinbefore mentioned, whose duty it shall be to examine into the merits of each Claim for such last-mentioned Bounty, and to inform themselves thereof by inspection, or any other ways or means in their power, and to settle and adjust the same, and who shall, previously to granting a Certificate, require the Master or Owner, with one or more of the Crew of any such Vessel or Boat, to make oath to an Affidavit before them in form, or to the effect following: (*that is to say,*)

Claims for Bounties to be preferred before Commissioners.

Duty of Commissioners.

PRINCE EDWARD ISLAND.

to wit.

Oath to be taken
by Master, &c.
in order to obtain
Certificate.

A. B., Master (or Owner) and *C. D.* one of the crew of the Vessel (or Boat) called the _____ make Oath and say, that the said Vessel (or Boat) is now and hath been during the last _____ months, owned by _____ who is an inhabitant of Prince Edward Island, and that the said Vessel (or Boat) has been employed during the Fishing Season in this present year, in the prosecution of the Mackerel Fisheries on the coasts of British North America, and that she was for that purpose fitted out, manned, and equipped in the said Island. And Deponents further say, that _____ Barrels of Mackerel have been caught and secured, and brought into Port in this Island on board the said Vessel (or Boat) during the Fishing Season, just past, of this present year, 185 _____; and Deponents lastly say, that the said _____ Barrels of Mackerel were not purchased or fraudulently obtained from any other persons, or Vessel or Boat, but that they were actually and *bona fide* taken and caught by the Crew of the said Vessel (or Boat) called the _____ or by persons employed on board of her, and were landed and brought into Port in the said Island, from, or on board of the said Vessel (or Boat) called the _____

So help us God.

(Signed) *A. B.*,*C. D.*

Sworn to this _____ day of _____ A. D. 185 _____
at _____ by both the Deponents *A. B.* and *C. D.*,
before us,

L. M., }
N. O. } Commissioners.

Penalty for false
Oath.

And if any person shall knowingly swear falsely in making such Affidavit, he shall be liable to the pains and penalties of such as commit wilful and corrupt perjury. And the said Commissioners, after making such investigation, and administering such oath as aforesaid, shall, if it

Further duties of
Commissioners.

shall appear to them that the particulars of the claim have been fully established, grant to the Owner or Master of the Vessel or Boat, on account of which the claim is made, a Certificate in which shall be stated and set forth, the quantity of Fish proved to their satisfaction to have been caught and secured in manner as aforesaid, on board of such Vessel or Boat.

Requisites of Certificate.

VI. And be it enacted, That all Certificates, whether on claims made for Tonnage Bounty, or for the Bounty on the quantity of Mackerel, granted by the said Commissioners under the provisions of this Act in any one of the above years, must be produced to the Office of the Colonial Secretary of this Island, on or before the Twenty-first day of December in such year, and all Tonnage Bounties shall be paid within Two months after producing the Certificate of the said Commissioners, stating that the terms prescribed in case of Claims for Tonnage Bounty by this Act, have been complied with, together with a Return of the number of Barrels of Mackerel, and of the quantity of Cod Fish caught during the then last preceding Fishing Season, by the Crew or other persons employed on board of any such Vessel or Boat, and the Bounties payable for the Four largest quantities of Barrels of Mackerel, under the Fourth Section of this Act, shall be paid within Two months after the said Twenty-first day of December in each year; and any holder or holders of a Certificate granted by the said Commissioners, on any claim for Bounties under this Act, preferred before them as aforesaid, who shall not duly produce such Certificate, in manner as aforesaid, at the Office of the said Colonial Secretary, on or before the Twenty-first day of December, in the year for which the same was granted, shall forfeit all right and claim to any Bounties claimed by him

All Certificates must be produced to Colonial Secretary's Office, on or before 21st December in each year.

Tonnage Bounties to be paid within 2 months after production of Certificate.

Bounties to be paid within 2 months after 21st December in each year.

Claim to Bounties may be forfeited.

or them, or to which he or they would be otherwise entitled under the provisions of this Act.

How payments
on account of
Bounties are to
be made.

VII. And be it enacted, That all payments of Bounties to be made under or by virtue of this Act, shall be made by a Warrant on the Treasurer of this Island, drawn in the usual manner, under the hand and seal of the Lieutenant Governor or Administrator of the Government of this Island, for the time being, by and with the advice of Her Majesty's Executive Council thereof, on the said Certificate of the proper Commissioners, and on otherwise complying with the terms of this Act.

Commissioners'
Fees.

VIII. And be it enacted, That the said Commissioners, so to be appointed as aforesaid, shall be entitled to demand and receive, from the person or persons preferring before them any Claim for Bounties under this Act, the sum of Ten Shillings each, for their trouble and loss of time in investigating such Claim.

CAP. XIX.

An Act to prohibit the Playing of certain Games and the use of Fireworks in the Squares and Thoroughfares of Charlottetown.

[Passed 15th May, 1851.]

WHEREAS the practice of Playing such Games as Cricket and Foot-ball, in and upon the Squares and Thoroughfares of Charlottetown, and also of flying Kites, and exploding Fireworks therein, is exceedingly dangerous to the persons of Her Majesty's Subjects frequenting the same: For remedy whereof, be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing

Prohibits the
playing of Crick-
et, Foot-ball, &c.
and the flying of

hereof, it shall not be lawful for any person or persons to play, or take part in the Games of Cricket, Foot-ball, Quoits, or any other such Game, in and upon any of the Streets and Thoroughfares of the said Town, or to fly any Kite, or explode or burn any Fireworks, or to kindle or increase any Fire, upon any of the Streets or Squares of Charlottetown, or in the immediate vicinity thereof.

Kites, explosion of Fireworks, &c. in the Streets or Squares of Charlottetown.

II. And be it enacted, That each and every person offending against this Act, shall forfeit and pay, for each and every Offence, a sum not less than Five Shillings, nor more than Two Pounds—the same to be recovered before any One of Her Majesty's Justices of the Peace, residing in the said Town, and to be levied, together with Costs of Suit, by Warrant of Distress, upon the Offender's Goods and Chattels; and in the event of no Goods or Chattels of such Offender being found within the said Town, that then it shall be lawful for such Justice of the Peace, and he is hereby required, to commit such Offender to the Jail of Charlottetown, there to be imprisoned for any period not exceeding One month, nor being less than Three days.

Penalty on persons offending against this Act.

How recovered.

In the absence of Goods and Chattels, Offender may be committed to Jail.

III. And be it enacted, That every person offending against this Act, shall and may be convicted, upon view of the fact, by any such Justice of the Peace, as aforesaid, or upon the Oath of any credible Witness, or upon the confession of the party offending; and all Fines recovered under this Act shall be paid into the hands of the Treasurer, for the time being, of the Fund raised for keeping in repair the Pumps and Wells of the said Town, and applied for like purposes.

Persons offending against this Act, may be convicted upon view of the fact by any Justice of the Peace, &c.

Penalties, how applied.

IV. And be it enacted, That in case any convicted party shall suffer Imprisonment for any Offence under this Act, and the Costs of Conviction shall thereby remain unsatisfied, the same

How Costs of Conviction are to be defrayed, where party may have suffered Imprisonment.

shall and may be paid by the Treasurer of the said Fund, upon production to him of a Certificate of the Justice, before whom the Offender shall be tried; and the rate of Fees to be allowed upon any such Conviction, shall be in accordance with the Scale prescribed by Law for the recovery of Small Debts.

Rate of Fees,
same as those
prescribed by
Small Debt Act.

Continuance of
Act.

V. And be it enacted, That this Act shall continue and be in force for the period of Five years from the passing thereof, and from thence to the end of the then next Session of the General Assembly.

CAP. XX.

An Act to authorize a Loan for the use of this Island, and also to make provisions respecting the Payment of Treasury Bonds and Warrants, and the Interest thereon.

[Passed 15th May, 1851.]

WHEREAS it is deemed advisable to borrow a sum of Money for the use of this Island, at the Interest of Five Pounds *per centum*, per annum, in order to decrease the annual charge for Interest on Treasury Warrants: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Lieutenant Governor, by and with the advice of Her Majesty's Executive Council, to order a Loan Account to be opened in the Treasury of this Island, and to borrow and receive from any person or persons, Corporations or Companies, and in such sums and amounts as may be practicable and convenient, a Loan of Money, not exceeding in the aggregate Ten thousand Pounds of lawful Current Money of this Island, at the Interest of Five Pounds *per centum*, per annum.

Lieut. Governor,
&c. to order
Loan Account to
be opened, &c.

Loan not to ex-
ceed £10,000, at
5 per cent. Inter-
est.

II. And be it enacted, That all sums of money which from time to time shall be raised and borrowed under the provisions of this Act, shall be received by the Treasurer of this Island, and the Person or Persons lending the same shall in exchange for the amounts lent, receive a Debenture or Debentures in the Form set out in the Schedule of this Act annexed, marked (A.) under the hand and seal of the Lieutenant Governor or Administrator of the Government for the time being, countersigned by the Colonial Secretary or acting Colonial Secretary of this Island, and also by the Treasurer thereof, as set forth in the said Schedule.

Treasurer to receive sums borrowed, and give Debenture in exchange.

Form of Debenture, &c.

III. And be it enacted, That the Treasurer of this Island shall apply all sums of money which may from time to time be borrowed under this Act, immediately after the receipt thereof, respectively towards the payment of any Warrants which may have been drawn on the Treasury of this Island, in their proper order and succession, according to priority of date; and it shall be lawful for the said Treasurer, and he is hereby authorized and required, out of the moneys which may from time to time be in the said Treasury, Half-yearly, to pay the Interest accruing due on any Moneys secured by any such Debenture or Debentures issued under this Act, until Twenty Days after the same shall have been called in, as hereinafter mentioned, when Interest shall cease thereon, and a minute of each payment of annual Interest shall, at the time of making the same, be endorsed by the Treasurer on the back of the Debenture or Debentures which shall for that purpose be produced to him by the holder or holders thereof.

Sums borrowed to be applied towards payment of Warrants, &c.

Interest on Debentures to be paid half-yearly, &c.

IV. And be it enacted, That the Treasurer of this Island shall, on the First day of June, One thousand Eight hundred and Fifty-six, commence paying the Moneys to be borrowed

When Treasurer is to commence paying Moneys borrowed under this Act, &c.

under this Act, with Interest, and for that purpose shall, from time to time, as sufficient Moneys come into his hands, call in and pay off the said Debentures or Securities, in the order of succession in which they were issued, with Interest due thereon; and the said Treasurer shall, from time to time, as sufficient Moneys come into his hands, as aforesaid, cause a notice to be inserted in the *Royal Gazette*, Newspaper, of this Island, calling in the said Debentures; and the said Debentures shall bear Interest until the expiration of Twenty Days after they shall have been so respectively called in and Notice thereof given, (unless sooner paid), at the expiration of which time Interest shall cease to be allowed on the Debentures so called in; and from and after the said First Day of June, One thousand Eight hundred and Fifty-six, the said Treasurer shall not pay off the then outstanding Treasury Warrants, until such time as the Moneys to be borrowed under this Act shall have been fully paid.

Notice to be inserted in *Gazette* calling in Debentures, &c.

V. And be it enacted, That no greater sum than One hundred Pounds shall be granted by any One Debenture issued under this Act, nor shall any such Debenture be issued for any smaller sum than Fifty Pounds.

No Debenture to be issued for more than £100, nor less than £50.

VI. And be it enacted, That for the repayment of all Moneys to be borrowed, and of all Debentures therefor, to be issued under this Act, and for the final payment and discharge thereof, with Interest as aforesaid, the Public Funds, Moneys and Securities of this Island shall be, and they are hereby pledged and rendered liable.

Public Funds, &c., rendered liable for repayment of Debentures.

VII. And be it enacted, That an Account of all sums borrowed or repaid, and of Debentures therefor, issued under this Act, with the respective Dates of the Loans, Re-payments, and Debentures, respectively, shall be kept by the Treasurer of this Island, and shall by him be

Treasurer to keep an Account of all sums borrowed, &c.

once in each Month laid before the Lieutenant Governor, in Council, and shall also be by him Annually laid before the Legislature of this Island, during the First Week of each Session, with all Vouchers, Securities and Papers relating to the same.

Such Account to be laid before Lt. Governor, &c., monthly, and also before the Legislature during first week of each Session.

VIII. And be it enacted, That after the passing of this Act, when the payment of any Warrant on the Treasury may be demanded by or on behalf of the Person in whose favor the same is payable, and the same cannot be paid by the Treasurer of this Island, then the said Treasurer shall endorse on such Warrant a Memorandum of such Demand, agreeably to the form in the Schedule to this Act annexed, marked (B.), which said Warrant, so endorsed, shall then bear Interest, at Five Pounds, *per centum*, per annum, until Ten Days after Notice published in the *Royal Gazette*, Newspaper, (unless sooner paid), that the amount of such Warrants will be paid by the Treasurer on demand, with all Interest due thereon, and which Notice, the Treasurer of this Island is hereby required to give, whenever a sufficient amount of money for that purpose (subject always to the enactments herein before contained), shall have come to his hands; and the said Treasurer is hereby empowered and directed, from time to time, to pay in Gold or Silver, or in Treasury Notes of this Island, at their specified Value, out of the Treasury, at the option of the said Treasurer, annually, on all Treasury Warrants which shall have been or may be issued by the Government of this Island, the Interest due on such Warrants respectively, (the Warrants now outstanding bearing Interest at Six *per centum*, per annum, and Warrants hereafter to be issued Five Pounds *per centum*, per annum, as herein before mentioned), on the same being demanded by the holder or holders thereof, until Ten Days after such Notice has been given, by the said Treasurer, that unless sooner

Warrant not being paid on demand, Treasurer to endorse thereon memorandum of such demand.

Warrants to bear 5 per cent. per annum Interest.

Interest on Warrants to be paid annually, &c.

paid, he is prepared to pay any such Warrant, with all Interest due thereon—at the expiration of which time, Interest shall cease to be allowed on such Warrant; and every such payment or payments of Interest shall be endorsed on every such Warrant, by the Treasurer, at the time of making the same.

Warrants not presented for payment within 20 days after notice, further notice to be given, &c.

IX. And be it enacted, That when and so often as the said Treasurer shall publish the Notice in the last preceding Clause mentioned, that the money for the payment of any Warrants will be paid on demand, and it shall happen that any of the Warrants so advertised for shall not be presented for payment within the period of Twenty Days after such Notice given, then it shall be lawful for the said Treasurer, and he is hereby authorized and required, to publish a Notice to the holders of such Warrants, that unless their Warrants be brought in for payment within the period of Seven Days from the date of the last-mentioned Notice, the payment of their Claims will be postponed until after the expiration of Three Months from the day upon which such last-mentioned Notice may be published; and after the said Seven Days shall have expired, the said Treasurer shall proceed to make a fresh call of Warrants, and to apply the Moneys remaining in his hands, to the payment thereof, and may refuse the payment of any of the Warrants so first called in, as stated in this Clause; but the said Warrants so first called in shall be included in the first call of Warrants which the said Treasurer shall make after the end of the said period of Three Months, and then to be paid, but without any Interest thereon being allowed subsequent to the Ten Days in the last preceding Section of this Act mentioned.

If not brought in within 7 days, payment of such Warrants postponed for three months—Treasurer to proceed to make a fresh call, &c.

Bonds, &c. three months over due, how dealt with.

X. And be it enacted, That all Bonds, Recognizances and other Securities which shall hereafter be entered into or taken and deposited

with the Treasurer of this Island, and which shall be over due for the period of Three Months, shall be handed by the said Treasurer to the Attorney General or other Crown Officer, and shall immediately thereafter be put in Suit or otherwise enforced, with Interest due thereon, at Six Pounds *per centum*, per annum; and the Treasurer, as often as he shall neglect this duty, shall forfeit and pay for every Bond, Recognizance or other Security retained in his hands after the expiration of the said Three Months, the sum of Fifty Pounds—the same to be recovered with Costs of Suit, in the Supreme Court of Judicature, by Action of Debt, in the name of Her Majesty, for the use of the Government of this Island.

Penalty on Treasurer for neglect of duty.

XI. And be it enacted, That no Warrant hereafter to be issued by the Lieutenant Governor and Council, shall exceed in amount the sum of One hundred Pounds, even where the Contract or payment to be made shall be beyond the sum of One hundred Pounds.

No Warrant to exceed £100.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

TREASURER'S OFFICE,
Prince Edward Island.

No. Debenture.

Debenture.

This Debenture is issued by virtue of an Act of the General Assembly of the said Island, intitled *An Act to authorize a Loan for the use of this Island, and also to make provisions respecting the Payment of Treasury Warrants and the Interest thereon*, and is chargeable on the Public Funds, Moneys and Credits of the said Island, by virtue of the said Act, for the payment to *A. B.*, or order, the sum of £ of lawful

of the Peace within this Island shall be taken before Two or more Justices of the County wherein such offence is alleged to have been committed, who shall, if they see fit, proceed to adjudicate thereon forthwith.

II. And be it enacted, That it shall be lawful for such Justices, on proof being made before them by the complainant, or one or more credible Witness or Witnesses of such alleged Assault, to sentence the person or persons so convicted, each and severally, to pay such Fine as shall appear to them meet, not exceeding the sum of Eight Pounds, together with Costs—which Fine shall be paid into Her Majesty's Treasury, to and for the use of Her Majesty's Government; and if such Fine as shall be awarded by the said Justices, together with the Costs, if ordered, shall not be paid either at the time of Conviction, or within such period as the said Justices shall at the time of Conviction appoint, it shall be lawful for them to commit the Offender or Offenders to the Jail of the County where such Offence has been committed, there to be imprisoned for any term not exceeding Three months, unless such Fine and Costs be sooner paid; but if the Justices, upon hearing any such case of Assault and Battery, shall deem the Offence not to be proved, or shall find the Assault and Battery to have been justified, or so trifling as not to merit any punishment, they shall accordingly dismiss the Complaint, and shall forthwith make out a Certificate under their hands, stating the fact of such dismissal, and shall deliver such Certificate to the party against whom the Complaint was preferred.

Persons convicted, to pay a Fine not exceeding Eight Pounds, with Costs;

or be committed to Jail for a term not exceeding Three months.

Duty of Justices, in certain cases.

III. And be it enacted, That any person, to whom a Certificate shall have been given in manner aforesaid, or who, having been convicted as aforesaid, shall have paid the Fine and Costs adjudged against him as aforesaid, or undergone in default thereof the Imprisonment ordered in

Persons released from all further proceedings, on obtaining Certificate, &c.

lieu thereof, shall be released from all further or other criminal proceedings for the same cause.

Costs.

IV. And be it enacted, That such Justices shall and may give Costs to either Complainant or Defendant, or order each to pay his own, as they shall see fit.

Persons entitled to Costs, to make Affidavit, in certain cases.

V. And be it enacted, That any person entitled to Costs by the Judgment of any such Justices, shall be obliged in all cases where the same may be deemed necessary, by the Justices who shall have given such Judgment, to make Affidavit of the necessity for the testimony of any Witness or Witnesses who shall have attended on behalf of such person, before he shall be allowed the Costs of their attendance.

When Defendant makes default in payment of Fine, &c. Justices to certify expenses of Witnesses, &c.

VI. And be it enacted, That from and after the passing of this Act, in all cases of Conviction, where the Defendant shall make default in payment of such Fine and Costs as shall be adjudged, and in consequence thereof undergo Imprisonment, all Justices acting under the authority of this Act, shall, on request, make out a certified Statement of the expenses of such Witness or Witnesses as have been Subpœnaed, and deemed by the Justices to have been necessary and material, and the cost of such Constable or Constables as shall be employed in serving Processes, Warrants, or Executions on the part of the Prosecutor, or the reasonable expenses of any other person or persons lawfully employed in the caption of any person charged with having committed an Assault, which certified Statement shall be delivered to the Clerk of Her Majesty's Council, and the amount so certified, after being approved of by the Administrator of the Government, for the time being, in Council, shall be paid to the parties claiming the same, by the Treasurer of this Island.

Certified statement to be delivered to Clerk of H. M. Council, and amount paid by the Treasurer.

VII. And be it enacted, That no prosecution under the provisions of this Act shall be adjudicated on, unless it shall have commenced within One Calendar Month after the alleged commission of the offence.

No prosecution to be adjudicated on, unless commenced within One Calendar month.

VIII. And be it enacted, That if it shall be adjudged by the Justices before whom such Offence shall be tried, that the Complainant shall pay Costs, then in case of non-payment thereof, within such time as the said Justices may appoint, it shall be lawful for the said Justices to issue Warrants of Distress or Execution for the recovery of such Costs; and in the event of no Goods or Chattels, other than Wearing Apparel, Beds and Bedding, being found whereon to levy, to imprison the party against whom such Warrant of Distress or Execution shall be issued, if they shall deem fit, for any term not exceeding Three months, unless such Costs be sooner paid.

How Costs are to be recovered, when Complainant is ordered to pay the same.

IX. And be it enacted, That the Justices of any County, wherein any such Assault shall have been alleged to have been committed, shall have the power, either before or after conviction, to issue Warrants of Apprehension, Commitment, or Distress into any other County.

By whom Warrants of apprehension, &c. may be issued.

X. And be it enacted, That in case it shall appear to the Justices, before whom persons charged with an Assault or Battery shall be tried, that the Offence with which they are charged is deserving of a higher degree of punishment than such Justices are by this Act authorized to inflict, then, and in every such case, they are hereby required to bind over the Prosecutor, Defendant and necessary Witnesses, by Recognizance, to appear at the next sitting of Her Majesty's Supreme Court of Judicature, to be held in the County wherein the Offence charged is alleged to have been committed.

Justices deeming offence deserving a higher punishment, to bind offenders to appear at Supreme Court, &c.

Justices not to
adjudicate in
cases of Felony.

XI. And be it enacted, That in case any Justice of the Peace to whom complaint shall be made of any Assault or Battery, or any Justices before whom such complaint shall be brought for adjudication, shall find the Assault or Battery complained of to have been accompanied with any attempt to commit a Felony, he or they respectively, shall cease to adjudicate thereon, but shall proceed therewith in manner prescribed by Law in such cases.

Form of Conviction.

Conviction to be
returned into
Supreme Court.

Justices neglecting to make return, to forfeit £5.

XII. And be it enacted, That the Justices before whom any person shall be summarily convicted of any Offence by virtue of this Act, shall cause the Conviction to be drawn up, in substance, according to the form in the Schedule to this Act annexed, which said Conviction, and all other proceedings in the cause, the said Justices are hereby required and enjoined to return into Her Majesty's Supreme Court of Judicature, on or before the First day of the Term next ensuing the taking thereof, to be held in the County wherein the Offence shall be alleged to have been committed; and the said Justices neglecting to make such Returns, shall forfeit and pay for every such neglect, the sum of Five Pounds, to be recovered by Bill, Plaint, or Suit in Her Majesty's said Supreme Court.

Warrant of Commitment not void by reason of defect therein.

XIII. And be it enacted, That no Warrant of Commitment shall be held void, by reason of any defect therein, provided it be therein alleged, that the party has been convicted, and there be a good and valid Conviction to sustain the same.

XIV. And whereas at the time of the passing of this Act, Prosecutions and other Proceedings may be pending, with respect to Assaults and Batteries, under and by virtue of an Act made and passed in the Tenth year of the Reign of Her present Majesty, intituled *An Act to provide for the Summary Trial of Common Assaults and*

Batteries, which will shortly expire: Be it therefore enacted, That for the purpose of completing such Prosecutions and Proceedings, and for giving force thereto, and to all proceedings necessary to give effect to any Judgments or Convictions thereon, the said recited Act shall be, and it is hereby continued in force for the space of Three months from the passing hereof and no longer.

Prosecutions commenced under 10 Vic., c.2, to be completed under said Act.

XV. And be it enacted, That the following Fees shall be allowed for the Services enjoined by this Act:—

Fees allowed under this Act.

JUSTICES' FEES:

Drawing and engrossing Affidavit, One Shilling and Six-pence.

Justices' Fees.

Subpœna, One Shilling.

Every Oath, One Shilling.

Each Warrant, One Shilling.

For every Recognizance, One Shilling and Six-pence.

For every mile travelled in coming to Court or place of Trial, Four-pence.

CONSTABLES' FEES:

For executing each Warrant, or for serving other Process, One Shilling.

Constables' Fees.

For every mile travelled, Three-pence.

WITNESSES' FEES:

For each day's attendance, Two Shillings.

Witnesses' Fees.

For every mile travelled in coming to Court, Three-pence.

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

Continuance of Act.

SCHEDULE to which this Act refers.

Form of Conviction.

BE it remembered, that on the _____ day of _____ in the year of our Lord 18 _____ at _____ in the County of _____ *A. B.* is convicted before _____ of Her Majesty's Justices of the Peace, acting under and by virtue of an Act intituled (*here insert the Title of this Act,*) for that he the said *A. B.* did (*specify the Offence, and the time and place when and where the same was committed, as the case may be,*) and _____ the said Justices, do adjudge the said *A. B.*, for the said offence, to forfeit and pay the sum of _____ and also the sum of _____ for Costs, and _____ order that the said sums shall be paid by the said *A. B.*, on or before the _____ day of _____ and in default thereof, to be committed to Jail, there to remain for the space of _____ unless the said sums shall be sooner paid.

Given under _____ Hand and Seal _____ the day _____ and year first above mentioned.

CAP. XXII.

An Act to enable *Abraham Gesner* to obtain Letters Patent for the Invention of a new and improved mode of manufacturing Illuminating Gas.

[Passed 15th May, 1851.]

Abraham Gesner, of Halifax, N.S., may, on complying with provisions of 7 W. 4, c. 21, obtain Letters Patent for his Invention of a new mode of manufacturing Kerosene Gas.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That it shall be lawful for *Abraham Gesner* of *Halifax*, in the Province of *Nova Scotia*, upon his having complied with the provisions of the Act passed in the Seventh year of the Reign of His late Majesty King William the Fourth, intituled *An Act for granting Patents for useful Inventions*, to obtain Letters Patent for his Invention of a new

and improved mode of manufacturing Illuminating Gas from all Animal, Vegetable, and Mineral Oils, Naphtha, Petroleum, Pitch, Tar, Turpentine, Coal Tar, Resins, and all the Tars and Oils derived from the distillation of all Oils and Resins and Fats of all kinds, and called Kerosene Gas, notwithstanding his residing out of this Island, the same in every respect, as if he had been an Inhabitant thereof, and had resided therein for One year previous to such Application being made, and after such Letters Patent are obtained, he shall be entitled to all the Rights and Privileges by the said recited Act conferred: Provided always, nevertheless, that nothing herein contained shall extend or be construed to extend to grant to the said *Abraham Gesner*, the exclusive right and liberty of making, using and vending the said Gas for any longer time than the period of Ten years, from the passing of this Act.

Exclusive right not to extend beyond 10 years.

CAP. XXIII.

An Act to provide for removing the Post Office of Charlottetown into the Old Court House therein, and for other purposes therein mentioned.

[Passed 15th May, 1851.]

BE it enacted, by the Lieutenant Governor, Council and Assembly, That when and so soon as an Act passed during the present Session of the General Assembly of this Island, intituled *An Act to provide for the Transfer of the management of the Inland Posts within Prince Edward Island*, shall go into operation, it shall and may be lawful for the Lieutenant Governor in Council to cause that part of the Old Court

On the 14th Vic., cap. 23, coming into operation, Lt. Governor, &c., may cause part of Old Court to be fitted up for the use of the General Post Office.

House in Charlottetown, formerly used and occupied as a Chamber for the Legislative Council of this Island, to be properly fitted up and put in order and repair, for the use of the General Post Office in Charlottetown, instead of the Office at present occupied for such purpose, and to cause the said General Post Office in Charlottetown after the completion of such Repairs, to be removed into and opened, and the Business thereof carried on in such part of the Old Court House.

General Post Office to be removed into such Building.

II. And be it enacted, That from and after the passing of this Act, the Room in the said Court House formerly occupied by the House of Assembly, shall be made use of for a Market for Flour, Meal and other Agricultural Produce, under the superintendance of the Keeper of the said Building, and Clerk of the said Flour Market, to be appointed as hereinafter mentioned, and who shall open the same to the Public on Wednesday and Saturday in each Week, and who shall have full power and authority to make such arrangements with regard to the placing, arranging and ordering of the said Market, and the Flour, Meal or other Agricultural Produce to be deposited therein, as he shall judge fit and for the public convenience; and every Person unlawfully obstructing him in the discharge of his duties and authorities, or in making such arrangements and orders as aforesaid, shall forfeit and pay for every Offence the Sum of Twenty Shillings, the same to be recovered with Costs, on the Oath of the said Keeper and Clerk of the said Market, or other credible Witness, before any Magistrate or Commissioner of Small Debts, in like manner as Small Debts now are, or hereafter may from time to time, be recoverable to and for the use of Her Majesty's Government of this Island.

Room in Old Court House to be used as a Flour Market, under superintendance of the Keeper thereof.

Flour Market to be open on Wednesday & Saturday in each week. Keeper to make such arrangements therein as he may judge fit.

Persons obstructing Keeper, to forfeit 20s. for every offence.

Mode of recovery of fine, and application thereof.

III. And be it enacted, That any part of the said Old Court House (except that part thereof herein before set apart for the Post Office), may be used by the Commissioners for the Recovery of Small Debts, to hold their Sittings therein at their option; and the Keeper of the said Building shall be allowed, and is hereby required, on application being made to him for that purpose, to open that part of the said Court House formerly used by the House of Assembly, or any other part, except the Post Office, for Public or Private Meetings, Purposes or Lectures, for which he shall be entitled to demand and receive, for his own use, from the parties using or requiring the same, the sum of Five Shillings, for each occasion, whereon it shall be used or required.

Part of Old Court House may be used by Commissioners of Small Debts;

And also for public or private meetings, &c.

Fee, in such cases.

IV. And be it enacted, That it shall and may be lawful for the Lieutenant Governor, by and with the advice of Her Majesty's Executive Council of this Island, to appoint a fit and proper person to be Keeper of the said Old Court House and Clerk to the said Market, for Flour, Meal, and other Agricultural Produce, whose duty it shall be to reside therein for the protection of the whole of the said Building, and generally to have the care of and look after the said Building (except the Post Office part thereof) and to keep the same properly cleansed, and to open the said Market for Flour, Meal and other Agricultural Produce, on Wednesday and Saturday in each Week, and to superintend such Market, to open said Building on the days appointed for the holding of Courts by the Commissioners for the Recovery of Small Debts, and also to open the same when required, for the purpose of Public or Private Meetings or Lectures as aforesaid, and once in each Month to make a correct Return to the Lieutenant Governor in Council, of the amount of Flour, Meal and other Agricultural Produce from time to time

Lt. Governor, &c. to appoint a Keeper of the Old Court House, &c.

His duty.

exposed for Sale in his Market, and the Prices thereof, respectively.

V. And be it enacted, That there shall be paid to any person who shall hereafter be appointed Keeper of the Old Court House in Charlottetown, and Clerk to the said Market therein, for Flour, Meal, and other Agricultural Produce, the sum of Twenty Pounds per annum, for the due performance of the duties of such Office, as hereinbefore set forth, to be drawn for by Warrant of the Lieutenant Governor, or the Administrator of the Government for the time being, on the Treasurer of this Island.

Keeper's salary.

Repeals 4th Section of 5 Vic., c. 14.

VI. And whereas the duties of the Clerk of the Charlottetown Market House will be much lessened by the Transfer of the Market for Flour, Meal, and other Agricultural Produce into the said Old Court House, and it is therefore reasonable that his Salary should be reduced: Be it therefore enacted, That the Fourth Section of an Act passed in the Fifth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to regulate the Letting of Stalls in Charlottetown Market House, and for other purposes therein mentioned*, be and the same is hereby repealed.

Salary of the Clerk of Charlottetown Market House.

VII. And be it enacted, That there shall be paid to the person now holding, or to any person who shall hereafter be appointed Clerk of the Charlottetown Market House, the sum of Twenty Pounds, *per annum*, for the due performance of the duties of such Office, as set forth in the above recited Act and the Act passed in the Tenth year of Her present Majesty's Reign, relating thereto, the said amount to be drawn for by Warrant of the Lieutenant Governor, or Administrator of the Government of this Island, on the Treasurer thereof.

VIII. And be it enacted, That the duties imposed in and by the Fifth Section of an Act of the General Assembly of this Island, made and passed in the Third year of the Reign of His late Majesty King William the Fourth, intituled *An Act to regulate the Weight and Quality of Bread within the Town and Royalty of Charlottetown*, upon the Clerk of the Market therein mentioned, shall hereafter be performed by the person, who, from time to time, shall hold the said Office of Keeper of the Old Court House in Charlottetown, and Clerk to the said Market therein, for Flour, Meal, and other Agricultural Produce, and all the powers and duties vested in the said Clerk of the Market, in reference to said Fifth Section, shall hereafter be vested in the Keeper of the Old Court House aforesaid, and Clerk to the said Flour Market.

Duties imposed by 5th Section of 3^d W. 4, c. 21, to be performed, in future, by the Keeper of the Old Court House.

Keeper's powers.

IX. And be it enacted, That it shall be lawful for the Firewardens of Charlottetown, to build an additional Room to the Back Wing on the Northern side of the said Old Court House, for the purpose of containing the Fire Engines belonging to the said Town, (and which are now placed in that part of the said Building which is hereinbefore set apart for the Post Office,) and to place the said Fire Engines in such Room, and to continue in the occupation thereof, for the purpose aforesaid: Provided, that the said additional Room be built in such manner, that its outside appearance may agree, and be uniform with the rest of the Building.

Firewardens may build additional Room to Back Wing of Old Court House.

Such addition to be uniform with the rest of the Building.

CAP. XXIV.

An Act authorizing the Colonial Secretary of this Island to appoint a Deputy.

[Passed 15th May, 1851.]

Colonial Secretary may appoint a Deputy.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That the Colonial Secretary of this Island now appointed, or hereafter to be appointed, shall and may, and he is hereby authorized, from time to time, to nominate and appoint a fit and proper person to act as his Clerk or Deputy, who shall be, and he is hereby authorized, in the absence of the Colonial Secretary, to perform the duties of the said Colonial Secretary, as prescribed in and by the several Acts of this Island, now or hereafter to be in force, or which otherwise by Law he is required or authorized to do, as such Colonial Secretary as aforesaid.

Deputy to be appointed by Commission,

and to be sworn, before entering upon duties of Office.

Colonial Secretary responsible for neglect of duty, &c. of such Deputy.

II. And be it enacted, That such Deputy, so to be nominated and appointed as aforesaid, shall be appointed by Commission, under the hand and seal of the Colonial Secretary for the time being, which shall be duly Registered in the Office of Registrar of Decds of this Island ; and the said Deputy shall be sworn faithfully to perform the duties of his said Office, before he shall act therein, and the Oath shall be recorded with his Commission ; and every such Colonial Secretary shall, and he is hereby declared to be responsible and liable for all and every neglect of duty, defalcation and improper conduct on the part of any such Clerk or Deputy, appointed by him in discharge of his duty as aforesaid.

CAP. XXV.

An Act authorizing the Treasurer of this Island to appoint a Deputy.

[Passed 15th May, 1851.]

BE it enacted, by the Lieutenant Governor, Council and Assembly, That the Treasurer of this Island, now appointed, or hereafter to be appointed, shall and may, and he is hereby authorized, from time to time, to nominate and appoint any fit and proper person to act as his Clerk or Deputy, who shall be, and he is hereby authorized, in the absence of the Treasurer, to perform the duties of the said Treasurer, as prescribed in and by the several Acts of this Island, now or hereafter to be in force, or which otherwise by Law he is required or authorized to do, as such Treasurer as aforesaid.

Treasurer may appoint a Deputy.

II. And he it enacted, That such Deputy, so to be nominated and appointed as aforesaid, shall be appointed by Commission, under the hand and seal of the Treasurer for the time being, which shall be duly Registered in the Office of the Registrar of Deeds of this Island, and the said Deputy shall be sworn faithfully to perform the duties of his said Office, before he shall act therein, and the Oath shall be recorded with his Commission; and every such Treasurer and his Sureties shall be, and he and they are hereby declared to be responsible and liable for all and every neglect of duty, defalcation, or improper conduct, on the part of any such Clerk or Deputy, appointed by him in discharge of his duty as aforesaid.

Deputy to be appointed by Commission, and to be sworn before entering upon duties of Office.

Treasurer responsible for neglect of duty, &c. of such Deputy.

CAP. XXVI.

An Act to reduce the Salary of the Collector of Impost and Excise, for the District of Charlottetown.

[Passed 15th May, 1851.]

WHEREAS it is deemed expedient to reduce the amount of the Salary paid to the Collector of Impost and Excise for the District of Charlottetown: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the Act passed in the Second year of the Reign of His late Majesty King William the Fourth, intituled *An Act to regulate the Salary of the Collector of Impost and Excise for the District of Charlottetown*, be, and the same is hereby repealed.

Repeals 2 W. 4,
c. 23.

£200 per annum
to be allowed
Collector of Im-
post for District
of Charlottetown,
in lieu of all Fees
or Emoluments.

II. And be it enacted, That there shall be allowed and paid to the person now in occupation of, or in future to be appointed to the Office of Collector of Impost and Excise, for the District of Charlottetown, the sum of Two hundred Pounds, Currency, *per annum*, as and for the Salary of that Officer, and for discharging the duties thereof, the same to be in lieu of all Fees, Percentages, Emoluments and Allowances whatsoever, and to commence and be computed from and after the passing of this Act.

CAP. XXVII.

An Act to restrain Bulls from running at large in the Common and Royalty of Charlottetown.

[Passed 15th May, 1851.]

WHEREAS the improving the Breed of Cattle is of great importance to the

Inhabitants of this Island: And whereas the practice of allowing Bulls of inferior Breeds to be and run at large tends to deteriorate the Stock: Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing hereof, it shall not be lawful for any Bull or Bulls, exceeding Six months old, to roam at large in the Common and Royalty of Charlottetown, under a Penalty of Ten Shillings for each Offence, to be recovered in the way and manner prescribed as hereinafter directed.

Bulls exceeding 6 months old prohibited from running at large in the Common, &c. of Charlottetown, under Penalty of 10s.

II. And be it enacted, That it shall and may be lawful for any one or more of the Hog Reeves, annually appointed to serve the Office of Hog Reeve, or any other person or persons, within the Common and Royalty of Charlottetown, to take up and seize any Bull or Bulls going at large beyond the Enclosures of the Owner thereof, and such Hog Reeve or Hog Reeves, or other person or persons, is or are hereby authorized to call on such of the Inhabitants as he or they may deem necessary, to assist in effecting the same; and each and every person refusing or neglecting to assist in seizing and taking any Bull or Bulls so found at large, when requested by the said Hog Reeve or Hog Reeves, or other person or persons, shall, for each and every such refusal or neglect, forfeit the sum of Ten Shillings, to be recovered as is hereinafter prescribed; and if no Owner can be found to claim such Bull or Bulls, so found at large as aforesaid, within Three days after the seizure thereof, it shall and may be lawful for the said Hog Reeve or Hog Reeves, or such other person or persons seizing such Bull, to sell, or cause the same to be sold at Public Auction, at least Ten days' Notice having been previously given, by putting Written Notices on Three or more of the most public places in the Common or Royalty, and also by inserting a Notice thereof at least once in the *Royal Gazette*

Hog Reeves, &c. may seize any Bulls going at large within the Common of Charlottetown.

Persons refusing to assist Hog Reeve, &c. to forfeit 10s. for every refusal.

If no owner can be found within 3 days, Bull may be sold—10 days' Notice having previously been given, &c.

One half of the proceeds of such Sale to be paid to the Hog Reeve, &c. and the other half to the Secretary of the Royal Agricultural Society, &c.

Newspaper of this Island ; and one half of the proceeds of such Sale, when recovered, shall be paid to the Hog Reeve or Hog Reeves, or other person or persons seizing and selling such Bull, for his or their trouble, and the other half shall be paid to the Secretary of the Royal Agricultural Society, to be paid by him (when demanded) to the Owner or Owners of the Bull.

Bull found at large, but not seized, Hog Reeve, &c. may lay information against owner thereof, &c.

III. And be it enacted, That if any Bull of the age aforesaid, be found going at large, but not seized or taken as aforesaid, it shall be lawful for any Hog Reeve or other person to lay an information against the Owner thereof, before any one of Her Majesty's Justices of the Peace for Queen's County in this Island, who on due proof, on the Oath of one credible Witness, shall order the said Owner to forfeit and pay the sum of Ten Shillings, to be recovered as is hereinafter mentioned.

Penalty in such cases.

Penalty on persons obstructing Hog Reeves, &c. in execution of duty imposed by this Act.

IV. And be it enacted, That if any person or persons shall obstruct any of the Hog Reeves, or any other person or persons, in the lawful execution of his duty imposed by this Act, each person so offending shall forfeit and pay, for every such offence, a sum not exceeding Five Pounds, nor less than Forty Shillings, to be recovered in manner hereinafter mentioned.

Fines and Forfeitures, how appropriated.

V. And be it enacted, That all Fines and Forfeitures, not herein directed to be paid in any certain manner, shall be paid, one half thereof into Her Majesty's Treasury, and the other half to the Hog Reeve or other person prosecuting for the same.

Fines, &c. to be sued for within 30 days after commission of offence, &c.

VI. And be it enacted, That all Fines and Forfeitures arising under and by virtue of this Act, shall be sued for within Thirty days after the commission of the Offence, for which the same shall have been incurred, and be recovered

before any one of Her Majesty's Justices of the Peace of and for Queen's County, in this Island, and the same shall be levied by Warrant of Distress on the Goods and Chattels of the Offender or Offenders; and if no Goods or Chattels can be found whereon to levy, the said Justice is hereby authorized and empowered to commit the Offender or Offenders to Prison for a period not exceeding Thirty days.

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

Continuance of Act.

CAP. XXVIII.

An Act relative to Accidents by Fire, and for the Improvement of Property in Georgetown, and for the removal of Nuisances from the Streets and Square thereof.

[Passed 15th May, 1851.]

WHEREAS it is deemed necessary, preparatory to the re-printing of the Statute Book, to repeal the Acts now in force, on the above subject, and to make other provisions in lieu thereof: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the Ninth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act relative to Accidents by Fire, and for the Improvement of Property in Georgetown, and for the removal of Nuisances from the Streets and Square thereof*, and also so much of an Act passed in the Thirteenth year of the Reign of Her present Majesty, intituled *An Act to continue several Acts therein mentioned*, as relates to and continues the above recited Act,

Repeals 9 Vic. c. 28, and also so much of 13 Vic. c. 1, as relates to and continues above recited Act.

shall be, and the same are hereby respectively repealed, save and except and in so far as the same is declared to be in force for the purposes hereinafter mentioned.

Senior Justice of the Peace to convene, annually, a meeting of the Inhabitants.

II. And be it enacted, That it shall be the duty of the senior of Her Majesty's Justices of the Peace resident for the time being in Georgetown, aforesaid, and such Justice is hereby required, yearly and every year, during the continuance of this Act, to convene a Public Meeting of the Inhabitants of the said Town for the purposes of this Act; the first Meeting to be holden at the Court House on the first Wednesday in May next after the passing thereof, at the hour of Twelve o'clock, noon, and so on, every First Wednesday in May in every year, during the continuance of this Act,—such Meetings to be convened by such Justice, giving, or causing to be given, at least Eight Days' notice thereof in writing, the same to be published by being posted in Three or more public places in the said Town.

Requisites of notice, and mode of publication thereof.

Defines qualifications of Inhabitants for the purposes of this Act.

III. And be it enacted, That every person who shall be the owner of any Real Estate situate in the said Town, being not less than One-half part of either Town or Water Lot, and every person who shall have resided in the said Town for a period not less than Six Calendar Months, and shall have occupied, during such time, a House or Tenement and Premises, or two or more Houses or Tenements and Premises in succession, or shall, during such time, have been a keeper of any Store, each being of the yearly Rent of Seven Pounds, shall be deemed to be an Inhabitant of the said Town for the purposes in this Act mentioned.

Inhabitants to elect 7 persons,

IV. And be it enacted, That it shall and may be lawful for such Inhabitants to assemble at all such Meetings, at the time and place aforesaid,

and then and there, by a majority of such Inhabitants, annually to elect for the then ensuing year, Seven fit and proper persons, Five of whom shall be a quorum, to act as Assessors of Lots, and also Five fit and proper persons, three of whom shall be a quorum, to act as Fire Wardens for the said Town.

5 to be a quorum, to act as Assessors.

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

V. And be it enacted, That in case of the death or removal from said Town of any Assessor or Fire Warden so to be elected, or of their becoming incapable of acting, that then, and so often as it shall so happen, it shall be lawful for such senior Magistrate as aforesaid, upon a Requisition in writing, to be signed by any Member, being not less than five of the Inhabitants, to convene a Public Meeting at the place and in manner hereinbefore prescribed, to meet at such particular hour and time of the year as may be deemed convenient, for the election of a fit and proper person to fill such vacancy.

Vacancies, how to be filled.

VI. And be it enacted, That such Assessors and Fire Wardens shall be persons residing in Georgetown, and who shall have been resident therein for at least Twelve Calendar Months previous to the time of their election; and in the event of there being no election, either of such Assessors or Fire Wardens at any such Meeting or time of Meeting, after notice of the same shall have been duly given, or in case such senior Magistrate shall neglect or make default in publishing, or causing to be published, such notice, and also, in the event of such Assessors neglecting to conform to and fulfil any of the provisions of this Act, whereby they may become disqualified to perform the duties as directed by this Act, that then and in every such case, it shall and may be lawful for the Lieutenant Governor in Council, to appoint fit and proper persons, being residents as aforesaid, Assessors and Fire Wardens, who shall continue in Office until others

Qualifications of Assessors and Fire Wardens.

Lt. Governor, &c., in certain cases, may appoint Assessors and Fire Wardens, and renew

such appointments when necessary.

are elected at any such Annual Meeting aforesaid, and to renew any such Appointment as often as the same shall become vacant from any such cause as aforesaid, and as often as no person shall have been duly elected to fill such vacancy.

Assessors, at Annual Meetings, to assess Lots and parts of Lots.

VII. And be it enacted, That the said Assessors, at their first and subsequent Annual Meetings, respectively—the same to be held within Ten Days after their appointment—shall be and they are hereby empowered, to assess the Lots and parts of Lots, in the said Town, so that the sums so assessed shall not, in any One Year, exceed the sum of Six Shillings and Eight Pence on such unimproved Town Lot, and Three Shillings and Four Pence on each improved Town Lot, and rateably in proportion for parts less than a whole Lot, which Assessment shall be paid within Forty Days, after due notice thereof published in the *Royal Gazette* Newspaper, and continued therein for Five successive weeks.

Amount of Assessment.

Assessment, when payable.

Assessors to appoint Treasurer and Collector.

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

Duty of Collector.

What Lots shall be deemed improved.

IX. And be it enacted, That no Town Lot shall be deemed to be improved unless the same shall be cleared and fenced or otherwise sufficiently enclosed, with or without Buildings thereon, or unless such Lot shall have a Dwelling House, Store or Workshop, actually used as such, erected thereon.

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

Collector to account to Treasurer.

Assessors to audit such account.

Lots in arrear, how dealt with:

Precept to be issued;

Goods and Chattels to be sold.

Mode of Sale.

When no Goods or Chattels can be found, Lots to be sold.

Proceeds of sale, how disposed of.

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

Collector to execute a Deed to purchaser.

Surplus Moneys, how disposed of.

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

Proceeds of Lots held under License of Occupation, how disposed of.

XII. Provided always, and be it enacted, That in case any Lot or Lots shall be sold under the operation of this Act, an Equity of Redemption shall nevertheless be open to the former Owner or Proprietor, his Heirs and Assigns, for the space of Two Years next after the sale of such Lot or Lots, he or they paying the Purchase Money and lawful Interest, together with the value of the Improvements made thereon—the same to be ascertained by the judgment of the Assessors for the time being, or the major part of them, not being parties interested.

Equity of Redemption.

XIII. And be it enacted, That the Treasurer and Collector of the Fund contemplated to be raised in pursuance of this Act, shall give good and sufficient security to the Assessors of the said Town in a sum not less than Fifty Pounds, for the due performance of their respective duties, which said Security or Bonds shall be lodged in the Colonial Secretary's Office by the Chairman of the Assessors, within Ten Days after the Treasurer's and Collector's appointments, respectively, under a penalty of Five Pounds—to be recovered by the senior Justice of the Peace for the Town, and the said Assessors may allow the said Treasurer and Collector such Poundage as they shall see fit—provided the same shall not exceed the sum of Twelve *per centum*, apportioned between the two said Officers; and the Assessors shall, at their discretion, displace either or both such Officers, and appoint others in their place,

Treasurer and Collector to give security to Assessors.

Security where to be lodged, and within what time.

Penalty.

Allowance to Treasurer and Collector.

Assessors may displace such Officers and appoint others.

XIV. And be it enacted, That if the Collector so appointed shall neglect to perform the duties enjoined by this Act, or shall not account and hand over the said Moneys so received by him, within the time hereinbefore directed, he shall forfeit and pay a sum not exceeding Five Pounds; and such Collector shall also pay over all such sum or sums of Money he may have received from time to time for Fines and Forfeitures under and by virtue of this Act, within Five Days after the receipt of the same, respectively, under a Penalty of Two Pounds—the said Fines to be sued for and recovered by the Chairman of the Assessors, and such suit to be commenced within Ten Days after the Collector making default as aforesaid.

Penalty on Collector for neglect of duty.

All Fines and Forfeitures to be paid over within 5 days, under penalty of £2.

Penalty, how recoverable.

XV. And be it enacted, That if any of the said Assessors or Fire Wardens shall refuse to serve in their respective Offices, as enjoined by

Penalty on Assessors or Fire Wardens refusing to serve.

How recovered.

Account of Receipts, &c., to be transmitted, annually, to Colonial Secretary's Office.

this Act, each and every such person so refusing shall forfeit and pay a Fine not exceeding Two Pounds, to be sued for and recovered by the senior Justice of the Peace for the Town; and such Collector, Treasurer and Assessor shall, and they are hereby required, within Thirty Days after such their Annual Meeting, to transmit to the Colonial Secretary's Office, a just and true Account of the Receipts and Disbursements of all Moneys received and paid under and by virtue of this Act.

Duty of Treasurer and Collector at annual election of Assessors.

XVI. And be it enacted, That at every Annual Election as aforesaid of Assessors or Fire Wardens for the said Town, it shall be the duty of the Treasurer and Collector for the past year, and they are hereby required severally to exhibit at such Meeting, and there deliver up to their Successors in Office their several Books of Accounts, to be by them kept in respect of their said Offices, and at the same time to pay over respectively to their said Successors in Office, the Balance of Moneys in their hands or with which they shall be respectively chargeable; and in case either or both of said Officers shall refuse to exhibit and deliver up at any Meeting, or shall refuse to pay over such Balances as aforesaid, he or they shall be respectively liable to a Fine of Twenty Pounds, to be recovered, with Costs, in manner by this Act prescribed, by the senior Justice of the Peace for the Town for the time being.

Penalty.

Duty of Treasurer and Collector appointed under 9 Vic. c. 28.

XVII. And be it enacted, That the said Assessors, or the major part of them, are hereby empowered and required to cause the Treasurer and Collector appointed under and by virtue of an Act passed in the Ninth year of Her present Majesty's Reign, intituled *An Act relative to Accidents by Fire, and for the Improvement of Property in Georgetown, and for the Removal of Nuisances from the Streets and Square thereof,*

to render a Copy of their last Annual Accounts respectively, to the Colonial Secretary's Office, within Fourteen Days after demand, and shall also furnish a like Copy to the Assessors appointed under this Act, and pay over to them any Balance that may remain in their or either of their hands; and in case either or both of said persons shall refuse to render copies of such Accounts as aforesaid and pay over any Balances in their hands, he or they shall be respectively liable to a Fine not exceeding Twenty Pounds, Penalty. besides Costs.

XVIII. And be it enacted, That all sums raised under and by virtue of this Act, after deducting necessary charges, shall be applied by the said Assessors for the purposes of Clearing and Draining the Site of the said Town, erecting Pumps, and procuring such Engines or Implements as may be deemed necessary to prevent Accidents by Fire, and in necessary Repairs on the Streets, and in all Contracts made for the purpose of sinking Wells under the authority of persons authorized by this Act to make such Contracts, the work shall not be commenced before the First Day of August, nor continue after the First Day of November, in each year. Moneys raised under this Act, how applied.

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

XX. And be it enacted, That the Tenant or Occupant of every House in the said Town, of the yearly value of Seven Pounds and upwards, shall provide and keep one leather Bucket, capable of containing not less than two gallons, on Leather Bucket to be kept by Householders.

Owner's Name
to be painted
thereon.

Penalty.

Occupant to pro-
vide Ladders.

Penalty.

which the Owner's Name shall be painted, which Bucket shall be kept hung up in the Passage or Hall of such House, under the Penalty of Five Shillings for each and every time the said Bucket shall not be so found hung up in its proper place as aforesaid, by the Fire Wardens when they shall visit the said House; and the said Tenant or Occupant, within Three Months after the passing of this Act shall provide a Ladder or Ladders corresponding to the height of the House or Houses he or they may occupy, sufficient to enable Water to be carried to any part of the same, in the event of Fire, which Ladder or Ladders shall be paid for by the Proprietor, and kept in repair and fit for use at his expense, under a Penalty of Five Shillings.

Duties of Fire
Wardens.

Penalty on Fire
Warden.

Fire Wardens
may visit Houses
once a month.

Penalty on
Housekeeper
refusing to pro-
duce Ladder or
Bucket.

XXI. And be it enacted, That Three at least of the said Fire Wardens, being the First, Second and Third in the order of their appointment, shall, once in every Six Months, visit each House within the said Town, and inspect the Buckets and Ladders required by this Act under a Penalty of Five Shillings upon each and every such Fire Warden, for each and every House he and they, respectively, shall neglect to visit; and it shall and may be further lawful for the said Fire Wardens appointed by virtue of this Act, or either or any of them, who shall think fit to visit any House or Houses in the said Town, once a month, to inspect the Water Buckets and Ladders required by this Act, which several aforesaid visits shall be made between the hours of Eleven o'clock in the forenoon and Four in the afternoon; and any Housekeeper refusing to produce such Ladder or Bucket, shall, for every such refusal, incur a Penalty of Five Shillings.

Chimneys, when
to be swept:

XXII. And be it enacted, That every Chimney which shall or may be used in the Town of Georgetown shall be regularly swept once between the First day of May and the Thirty-first

day of October, and twice between the Thirty-first day of October and the Thirtieth day of April in each and every year, under a Penalty of Two Pounds, to be incurred by the party delinquent, for each and every Offence.

Penalty.

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

Housekeeper suffering Hay, Straw, &c. to be kept in his house, how dealt with.

XXIV. And be it enacted, That no Stove-pipe, within Georgetown aforesaid, shall be passed through any Partition of Wood, or of Wood and Lime, or through any Wooden Floor or Roof, unless there shall have been left Five inches clear between the Pipe and Partition, or Floor or Roof, and which Pipe shall be surrounded with Stone or Brick, or a sheet of Iron, Tin, or Copper, which shall be nailed to every such Partition, Roof, or Floor; and close Stoves shall be fixed and set up in such manner as that in all cases there shall be at least Eighteen inches in every direction (except the bottom) from any Wainscot, Laths, or wooden Partition through or alongside of which the same may be placed, or if at a less distance, then the Wall or Partition shall be well and securely protected by Sheet Iron, to the satisfaction of the Fire Wardens, and any person offending in the Premises shall incur a Penalty of Twenty Shillings, and the several persons to be elected Fire Wardens in pursuance of this Act are hereby required to pay due attention to this clause, at the time of the

Mode of placing Stovepipes;

and also close Stoves.

Penalty.

Duty of Fire Wardens herein.

several Inspections or Visitations hereinbefore mentioned.

Duty of Inhabitants and Fire Wardens on the breaking out of Fire.

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

Penalty.

Penalties, how appropriated.

XXVI. And be it enacted, That all Fines, recoverable under and by virtue of any of the foregoing Sections of this Act, (except such Fine as is imposed upon the Treasurer,) shall be paid to the Treasurer of the Assessment, for the purposes hereinbefore mentioned and contemplated by this Act, and shall be recoverable with Costs, by any person who may prosecute and sue for the same, except as is hereinbefore directed in the Thirteenth, Fourteenth, Fifteenth and Sixteenth clauses of this Act, to the extent of Eight Pounds, before any one of Her Majesty's Justices of the Peace, residing in Georgetown, and, if above that sum, in Her Majesty's Supreme Court of Judicature, in any of its Sittings in Georgetown.

By whom recoverable.

Orders on the Treasurer, to be signed by 5 Assessors.

When payable.

XXVII. And be it enacted, That Orders for any Work, or for any Engines or Implements which the Assessors may deem necessary to draw on the Treasurer, shall be signed by at least Five of the Assessors, and payable by the said Treasurer, if in funds, on demand, under a

Penalty of Five Pounds, to be recovered as Penalty.
aforesaid.

XXVIII. Whereas the Streets and Square of Georgetown are frequently encumbered with Nuisances of various descriptions, for remedy whereof: Be it enacted, That the Commissioner of Highways, for the time being, for the District comprising Georgetown, shall have power, and he is hereby authorized and directed, to nominate and appoint, within Fourteen days after the passing of this Act, and from thence annually, on or before the First day of May in each and every succeeding year, during the continuance of this Act, any number of persons in his discretion necessary, not being less than Two nor more than Four, whose duty it shall be to oversee the state of the Streets and Square within the particular Wards or Districts to which they shall be respectively assigned by the said Commissioner, and to cause the Streets and Square therein to be kept free and clear of all Nuisances and Obstructions whatsoever.

Duty of Commissioner of Highways.

Nuisances and Obstructions, how removed.

XXIX. And be it enacted, That any person, an Inhabitant of Georgetown, or a Proprietor therein, shall be obliged to keep the Gutters and Street before the Houses, Buildings, or Land inhabited, occupied, or possessed by him, her, or them, clear and free from Nuisances of every kind, and every person being the Occupier of the House or Premises nearest to which any such Nuisance or Obstruction shall be thrown or deposited, and who shall suffer the same to continue for the space of Six hours between Sunrise and Sunset, shall forfeit and pay for every day he, she, or they shall suffer such Nuisance so to continue, a sum not less than Five Shillings nor more than Ten Shillings; and every person who shall put or place any Nuisance on any Street or the Square of the said Town, shall be subject to a Penalty of not less than Five Shillings nor

Inhabitants, &c. to keep Gutters and Streets, in front of their Houses, &c. free from Nuisances.

Penalty for neglect.

Penalty on persons causing Nuisances.

Not to prevent persons from placing Building Materials on the Streets, under certain conditions.

more than Twenty Shillings, together with the expense of the Overseer in removing or causing the same to be removed: Provided always, that nothing herein contained shall extend, or be construed to extend, to prevent any person or persons, who may be erecting or repairing any Building whatever, from placing, or causing to be placed on the Street or Streets next to the Site of such Building, any such necessary materials as are to be used either in the construction or in the repairing of such Building, so that the same do not extend further than Thirty feet from the line of the Street or Streets, and shall be enclosed within a Fence of not less than Four feet in height, and that such materials shall in no manner obstruct the free course of the water in the Gutters of the said Street or Streets.

Owner of Carriage left in Street or Square, subject to a Penalty for each offence.

XXX. And be it enacted, That any Carriage, of whatsoever description, which may be left or placed in any Street or the Square in the day-time, without any beast of burthen being attached thereunto, and which shall have been suffered to remain in that situation for the space of Two hours, or shall be left in any Street or the Square after Sunset, the Owner or Owners of any such Carriage shall, for each Offence, forfeit and pay a sum not exceeding Five Shillings.

Persons breaking up portion of Street, required to enclose the same, under a Penalty of £2.

XXXI. And be it enacted, That all persons breaking up any portion of the Streets of the said Town, either under a Public Contract with the Road Commissioners of the District, or by directions of the Assessors of the Town, or at their own private cost, for the purpose of opening, laying down, or making Sewers or Drains below the surface of the Street, shall be obliged to enclose such Sewer or Drain and the Materials thrown up or deposited for the said work within a Fence not less than Four feet in height, under a Penalty not exceeding Two Pounds and the

Costs of Recovery, besides being liable to an Action by any person who may sustain any injury or damage from a neglect to comply with the provisions of this Clause; and any person or persons removing the Earth from the Square or any of the Streets of the Town, (unless directed so to do by the Road Commissioner of the District, or Assessors of the Town, for the purpose of improving or clearing the said Square or Streets,) shall be liable to the like amount of Penalty, with Costs, as before imposed by this Clause.

Penalty for removing Earth without authority.

XXXII. And be it enacted, That the Overseers aforesaid shall, during their continuance in office, be exempt from performing or contributing to their yearly Labour on the Streets and Highways, required by the Statutes of this Island; and that in case any of the said Overseers shall refuse to accept his appointment, or shall wilfully neglect or delay to prosecute for any of the foregoing Penalties, or in any other respect to perform his duty under this Act, each and every Overseer so offending shall forfeit and pay a Fine of Twenty Shillings for every such neglect—to be recovered on the oath of any one credible Witness, in manner hereinafter directed, and paid to the Treasurer of the Assessors of the Town, to be applied towards keeping in repair the Streets of the said Town.

Overseers exempt from Statute Labour.

Penalty on refusal to accept appointment, &c.

Mode of recovery.

How applied.

XXXIII. And be it enacted, That all Penalties and Forfeitures imposed by the Twenty-ninth and Thirtieth Clauses of this Act shall be sued for, and by the Overseer for the District or Ward in which the Penalty shall be incurred, and before any one of Her Majesty's Justices of the Peace residing in Georgetown; and shall be recovered, together with Costs, by Distress and Sale of the Goods and Chattels of the Offender; and in default thereof, the Offender shall be imprisoned for a period not exceeding One Calendar Month—which Fines, when recovered, shall

Penalties imposed under Sections 29 and 30, how recovered.

Application of
Penalties.

be applied, One-half to the Overseer who shall sue for the same, and the remainder to the Assessors of the Town, towards keeping in repair the Streets or Square, and the Fire Engine which may belong to the said Town.

Parties aggrieved
may appeal.

XXXIV. And be it enacted, That should any party or parties conceive himself or themselves to be aggrieved by any Judgment given by any Justice of the Peace, under the provisions of this Act, an Appeal from such Judgment, if required by such party or parties, shall be allowed and granted in manner and form prescribed under and by virtue of the Act intituled *An Act relating to the Recovery of Small Debts, and to repeal certain Acts therein mentioned*; or the Act which, for the time being, shall be in force, relating to the Recovery of Small Debts, on payment of the Fees prescribed by said Act.

Mode of Appeal.

Continuance of
Act.

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

Prosecutions,
&c., commenced
under 9 V. c. 23,
and part of 13 V.
c. 1, may be com-
pleted under said
Acts.

XXXVI. And whereas at the time of passing of this Act, Prosecutions, Assessments, Suits and Proceedings may be pending, or have been commenced under or by virtue of the said Acts and parts of an Act hereby repealed: Be it therefore enacted, That for the purpose of completing all such Prosecutions, Assessments, Suits, and other proceedings, and for upholding and giving force and effect thereto, and to all proceedings necessary to give effect thereto, and to all proceedings necessary to give effect to any Judgments or Convictions or Orders thereunder, and for such purposes only, the said recited Act and parts of an Act hereby repealed, shall be, and the same are hereby declared to be, and remain in full force and effect—anything in this Act to the contrary thereof notwithstanding.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

Schedule (A.)

Form of Precept to Collector to Sell Goods and Chattels, or Real Estate.

PRINCE EDWARD ISLAND, to wit.

To *A. B.* the Collector appointed under the Act intituled [*Here insert the Title of this Act.*]

Precept to sell Goods and Chattels, or Real Estate.

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

Given under our hands and seals, this
day of One thousand Eight hundred
and and in the year of the Reign
of Her Majesty Queen Victoria.

SCHEDULE (B.)

Table of Fees to be taken by the Magistrates, Collector and Assessors, by this Act.

Schedule (B.)

Precept, Five Shillings.

Levying the Goods and Chattels, Two Shillings and Sixpence.

Magistrates' Collectors', and Assessors' Fees.

Levying the Real Estate, Two Shillings and Sixpence.

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

For every additional Lot, the sum of Sixpence, together with an equal proportion of the said Twenty Shillings, and in like manner for every proportional part of a Lot.

Selling Real Estate, the sum of Five Pounds *per centum* on the purchase Money received.

For Advertising Goods and Chattels, Five Shillings.

For Notices of Public Meetings and Posting, Five Shillings.

CAP. XXIX.

An Act to relieve Members of the Legislature from the liability to pay a Penalty in case of refusing to accept the Office of High Sheriff.

[Passed 15th May, 1851.]

48 Geo. 3, c. 2.

WHEREAS by an Act of the Forty-eighth year of the Reign of His late Majesty King George the Third, intituled *An Act to amend an Act made and passed in the Twenty-sixth year of His present Majesty's Reign, intituled "An Act to empower the Governor, Lieutenant Governor, or Commander in Chief for the time being, to appoint a Sheriff or Sheriffs for this Island; also to regulate the Office of Sheriffs, and the manner in which they shall return and pass their Accounts of all Fines and Forfeitures levied by them for the use of the Crown,"* and to indemnify persons claiming under Deeds executed by the Deputy or Under Sheriff of this Island, it is enacted, that any person who shall have been appointed to execute the Office of High Sheriff, and shall refuse to

accept the same, shall be subject to and pay a Fine of Twenty Pounds, of lawful Money of this Island: And whereas Members of the Legislature are liable to be selected for the performance of this Office: Be it enacted, by the Lieutenant Governor, Council, and Assembly, That from and after the passing of this Act, whenever any Member of the Legislature shall be selected by competent legal authority to serve the Office of High Sheriff in either of the Counties of this Island, it shall be lawful for such Member to decline such Office, without being liable, in case of his refusal, to pay any Fine heretofore enacted to be paid by him in case of such refusal: Provided always, that such person shall, within Eight Days after receiving notice of his appointment, signify to the Lieutenant Governor, in writing, his refusal to serve in the said Office.

Any Member of the Legislature may refuse to serve the office of High Sheriff, without being liable to fine therefor.

Refusal to be communicated to Lieut. Governor within 8 days after notice of appointment.

II. And be it enacted, That upon every such refusal, the Lieutenant Governor, or other Administrator of the Government for the time being, and the Chief Justice, or in his absence the eldest Justice, shall respectively proceed in the same manner as is prescribed by the Third Section of the Act of the General Assembly of this Island, made and passed in the Twenty-sixth year of the Reign of His late Majesty King George the Third, intituled *An Act to empower the Governor, Lieutenant Governor, or Commander in Chief for the time being, to appoint a Sheriff or Sheriffs for this Island; also to regulate the Office of Sheriffs, and the manner in which they shall return and pass their Accounts of all Fines and Forfeitures levied by them for the use of the Crown.*

Lieut. Governor, &c. in such cases to proceed in manner prescribed by 3d sec. 26 G. 3, c. 15.

CAP. XXX.

11 Vic. c. 7.

An Act to alter the Appropriation of a certain sum of Money raised by the present Land Assessment Act.

[Passed 15th May, 1851.]

WHEREAS the Annual Salary of Five hundred Pounds payable to His Excellency the Lieutenant Governor of this Island, under and by virtue of an Act made and passed in the Eleventh year of the Reign of Her present Majesty, intituled *An Act for levying further an Assessment on all Lands in this Colony, and for the encouragement of Education*, has not been required to be paid since the Thirty-first day of March, in the year One thousand Eight hundred and Forty-nine, in consequence of Her Majesty's Imperial Government having granted and paid to the Lieutenant Governor a Salary in lieu thereof, and it is therefore necessary that the appropriation thereof should be altered: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, and during the continuance of the Act above recited, the said annual sum of Five hundred Pounds of the Moneys thereby raised and appropriated to the payment of the said Salary, shall, instead thereof, be paid into the Treasury of this Island, and be appropriated and applied to the general uses and purposes of Her Majesty's Government thereof, in such manner as the Legislature of this Island shall hereafter direct.

Alters the appropriation of the annual sum of £500 levied under 11 Vic. c. 7.

CAP. XXXI.

An Act relating to the Office of Registrar of Deeds and Keeper of Plans.

[Passed 15th May, 1851.]

WHEREAS the Office of Registrar of Deeds, by an Act of the General Assembly of this Island, passed in the present Session thereof, intituled *An Act to commute the Crown Revenues of Prince Edward Island, and to provide for the Civil List thereof, as well as for certain Compensations therein mentioned*, has again been separated from the Office of Colonial Secretary and Clerk of the Executive Council: And whereas it is also expedient, as it is deemed to be no longer necessary for the Surveyor General to attend daily at the Colonial Building, that the Plans now kept by the Surveyor General and deposited in his Office, should hereafter be placed in the charge of and kept in the Office of the Registrar of Deeds, so that they may be daily accessible to persons desiring to inspect the same; and that it should be enacted that all references made in Statutes or Documents to Plans kept or to be lodged in the Surveyor General's Office, should be held after the passing of this Act, to refer to the Plans to be hereafter lodged or kept in the Office of the Registrar of Deeds: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That immediately after the passing of this Act, it shall be the duty of the Surveyor General of this Island, to hand over to, and place in the Office of the Registrar of Deeds, in the Colonial Building, in Charlottetown, all the Public Plans, Surveys and Documents relating thereto, which now are, or hereafter may be, lodged or kept in the Surveyor General's Office; and it shall be the

14 Vic. c. 3.

Surveyor General to hand over to the Registrar of Deeds, all Public Plans, &c.

Registrar to take charge of the same.

duty of the said Registrar to take charge of the same, and keep them in safe custody.

Books of Registry, &c., to be open to the public.

II. And be it enacted, That the Books of Registry, and the Indices thereto, and also all Plans, Surveys and other Documents hereinbefore mentioned to be deposited in the Office of the Registrar of Deeds, shall be open to the Public to make searches therein or therefor, within Office hours, on payment of the Fees hereinafter enacted to be paid for each search, and all searches shall be made under the superintendance of the Registrar; and no person making a search shall be allowed to make use of a Pen or Ink in making Notes or Extracts of such search, but shall use a Pencil for that purpose, and one search shall be considered to be a search for and the inspection of all Deeds or Documents connected with the Title of one particular piece of Land, or as to incumbrances existing against one particular person; and if a copy of any Deed or Document be required, the same shall be made by the Registrar or his Deputy, and given by him to the party ordering it, on payment of the lawful Fees therefor.

Searches, how made.

Copies of Deeds, &c., to be made by Registrar or his Deputy.

III. And be it enacted, That if a copy of any Plan so to be deposited in the Office of the Registrar of Deeds shall be required by any person, such person must employ either the Surveyor General, or in his absence or refusal, the Deputy Surveyor General, to extract the same; who, together with the Registrar or his Deputy, may, when the same is correctly extracted, grant a Certificate of its being a true Copy of such Plan.

Copies of Plans to be made by Surveyor General, &c.

How certified.

References to Plans, &c. kept in Surveyor General's Office, held to refer to the same, as deposited in Registrar's Office.

IV. And be it enacted, That all references made in any Statutes of this Island, or in any State Documents or Papers, or Public or Private Documents, or Deeds, Papers or Writings, of any kind or description, to Plans, Surveys or Descriptions, kept or deposited in the Office of

Her Majesty's Surveyor General of this Island, shall be held, after the passing of this Act, to refer to the same as deposited or kept in the Office of the Registrar of Deeds, under the provisions of this Act; and wherever any Statute, or Public or Private Document, under which any proceedings may now be pending or unfinished, or may hereafter be commenced, and which may require Plans and particulars of any Surveys or Tracts of Land to be lodged in the Office of Her Majesty's Surveyor General of this Island; then, provided the same shall be lodged in the Office of the Registrar of Deeds and Keeper of the Plans under this Act regulated, the purposes of or declared in the said Statutes, or Public or Private Documents, shall be held and deemed to have been fully answered and completed.

Statute, &c. requiring Plans, &c. to be lodged in Surveyor General's Office, fully answered by depositing same in Registrar's Office.

V. And be it enacted, That the Eleventh Section of an Act passed in the Third year of the Reign of His late Majesty King William the Fourth, intituled *An Act to regulate the Registry of Deeds and Instruments relating to the Title to Land, and to repeal the Laws heretofore passed for that purpose, be, and the same is hereby repealed.*

Repeals 11th sec. 3 W. 4, c. 10.

VI. And be it enacted, That the Registrar of Deeds shall take and receive—

Registrar's Fees.

For the Registering of every Deed or Instrument, One Shilling, Currency, for every One Hundred Words.

For every Oath to be administered, One Shilling.

For every Certificate, whether to a Deed or Plan, One Shilling, Currency.

For every Plan deposited in his Office (except Public Plans and Documents by the Surveyor General,) or which are required to be registered, One Shilling, Currency.

For every search or inspection of Plans, the sum of One Shilling, Currency.

Registrar's Office, where to be kept.

And the Office of the Registrar and Keeper of the Plans shall be kept in the Colonial Building, and be open for the public business from Ten in the morning to Three *post meridiem*, (holidays excepted): Provided always, that nothing in this or the said recited Act contained shall require the Registrar of Deeds or Keeper of the Plans to record any Deeds or Writings, or take deposit, or record of any Plan as aforesaid, or allow Copies of Plans to be taken, unless the amount of Fees required by this Act shall first have been tendered or paid, at the time of depositing or applying for Copies of Plans, or immediately upon proof of the due execution of such Deeds or Writings having been made in terms of the said recited Act.

Fees to be paid when Deeds are deposited, or Copies of Plans applied for.

Registrar to keep an Account of all Fees, &c.—open at all times to the inspection of Government—and account to Treasurer quarterly.

VII. And be it enacted, That the said Registrar of Deeds and Keeper of the Plans shall keep an exact and correct Account in a Book of all Fees, Payments and Emoluments whatsoever, paid or payable to him, or into his Office, which shall at all times be open to the inspection of the Government of this Island, and shall account for and pay the amount thereof to the Treasurer of this Island, quarterly, on the First days of July, October, January and April, or within Ten days from such period, respectively, in every year, the first payment to be made on the First day of July now next ensuing, and to be applied to and for the use of Her Majesty's Government of this Island, in such manner as shall be appropriated by any Act or Acts of the Legislature thereof.

First payment, when to be made.

How applied.

Penalty on Registrar, for refusing to account to Treasurer, &c.

VIII. And be it enacted, That in case the person holding the said Office of Registrar of Deeds and Keeper of Plans as aforesaid, shall refuse or wilfully neglect to account to the Treasurer, or to keep the said Account Book, or to allow the inspection thereof, in manner as in the last preceding Section enacted, he shall forfeit and pay to Her Majesty for every such refusal

or neglect, the sum of Fifty Pounds over and above the amount of any deficiency in the said moneys so by him payable, the same to be recovered, by Bill, Plaint, or Information, in the Supreme Court of Judicature of this Island, to and for the use of Her Majesty's Government.

Mode of recovery, and application thereof.

IX. And be it enacted, That it shall be the duty of the Registrar of Deeds, and he is hereby required, after any Deed shall have been recorded by him, upon the request of the party requiring the same to be registered, and in his presence, to compare such Deed with the Copy thereof, as entered in the Books of Record, so that the correctness of the Record may be fully insured.

Registrar's duty.

CAP. XXXII.

An Act to provide Salaries for the Controllers of Customs and Navigation Laws, appointed or to be appointed at the various Outports in this Island, and to repeal a certain Act therein mentioned.

[Passed 15th May, 1851.]

WHEREAS the Office of Sub-Collectors of Customs in this Island now no longer exists, and it is desirable to provide Salaries for Controllers of Customs and Navigation Laws, appointed or to be appointed at the various Outports in this Island, in order that the privileges of a Free Port may be extended to all Ports in this Island, to which such Officers are or hereafter may be appointed: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, there shall be allowed and paid to any person now appointed, or who shall hereafter be appointed, to act as Controller of Customs and Navigation Laws, at any Outport in this Island,

Allowance to Controllers of Customs and Navigation Laws.

(except Charlottetown,) and who shall be duly authorized to perform the duties of such Office, the sum of Fifteen Pounds, *per annum*, of lawful current Money of this Island, as and for the Salary of such Office, and so long as he shall hold the said Office—which said Salary shall be paid quarterly, by Warrant drawn by the Lieutenant Governor in Council, on the Treasurer thereof: Provided always, that no more than One Controller of Customs and Navigation Laws shall be appointed to any Outport in this Island, nor be entitled to receive a Salary under this Act.

To be paid quarterly.

Not more than one Controller of Customs to be appointed to any Outport in this Island.

Repeals 7 Vic. c. 21.

II. And be it enacted, That an Act passed in the Seventh year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to provide Salaries for Sub-Collectors of Customs at the several Outports therein mentioned*, be, and the same is hereby repealed.

CAP. XXXIII.

An Act for establishing the Rates in Currency at which Rents reserved in Sterling shall henceforth be paid in this Island.

[Passed 15th May, 1851.]

WHEREAS it has been customary in this Island, for Leases of Land, to provide that the Annual Rent should be paid in Sterling Money, which Sterling Money, ever since the Settlement of the Colony, has, with few exceptions, been paid and received in the liquidation of Rents, by the addition of One-ninth part to the Sterling, in order to reduce it to the Currency of this Island, without having regard to the fluctuating Commercial Premium or Discount of Exchange: And whereas it is equitable and expedient that the Obligations between Landlord and Tenant should be definitely settled at the

aforesaid usual Rate : Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, it shall not be lawful to sue for and recover Rents of Land in any other than the aforesaid proportion, which is in the ratio of Five Pounds Eleven Shillings One Penny and One-third of a Penny, Currency, to every Five Pounds, Sterling, upon every Lease or Agreement for Lease, or other Document for the leasing of Lands, which provides that the Rent shall be payable in Sterling Money : Provided always nevertheless, that in all cases where Rents, reserved in all such Leases or Agreements for Leases, have been heretofore paid and received in Currency, by the addition of One-half to the Sterling, in order to reduce it to the Currency of this Island, the said Rents shall continue so to be paid and received, by the addition of One-half to the Sterling, any thing herein contained to the contrary thereof notwithstanding.

Defines the rates in Currency at which Rents reserved in Sterling may, in future, be sued for & recovered.

Rents hitherto paid & received by the addition of one-half to the Sterling, not affected by the foregoing provision.

II. And be it enacted, That nothing in this Act contained shall have any force or effect until Her Majesty's pleasure therein shall be known.

Suspending clause.

C A P . X X X I V .

An Act for appropriating certain Moneys therein mentioned, for the service of the year of our Lord One thousand Eight hundred and Fifty-one.

Executed.

[Passed 15th May, 1851.]

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that proper record-keeping is essential for transparency and accountability, particularly in the context of public administration and government operations. The text notes that such records serve as a foundation for decision-making and are critical for identifying trends and addressing issues.

2. The second part of the document outlines the various methods and tools used to collect and analyze data. It highlights the need for standardized procedures to ensure consistency and reliability in the information gathered. The text also discusses the challenges associated with data collection, such as incomplete information and potential biases, and offers strategies to mitigate these risks.

3. The third part of the document focuses on the analysis and interpretation of the collected data. It explains how statistical techniques and other analytical tools can be used to extract meaningful insights from the raw data. The text stresses the importance of context in interpreting the results and provides examples of how data analysis can be applied to solve real-world problems.

4. The fourth part of the document discusses the dissemination and use of the information. It emphasizes that the data should be shared in a clear and accessible manner to ensure that all relevant stakeholders have access to the information. The text also discusses the potential for data to inform policy-making and improve service delivery, and provides examples of successful applications.

5. The fifth part of the document concludes by summarizing the key findings and recommendations. It reiterates the importance of a systematic and transparent approach to data collection and analysis, and encourages ongoing evaluation and improvement of the process. The text also provides a final thought on the value of data in driving positive change and progress.

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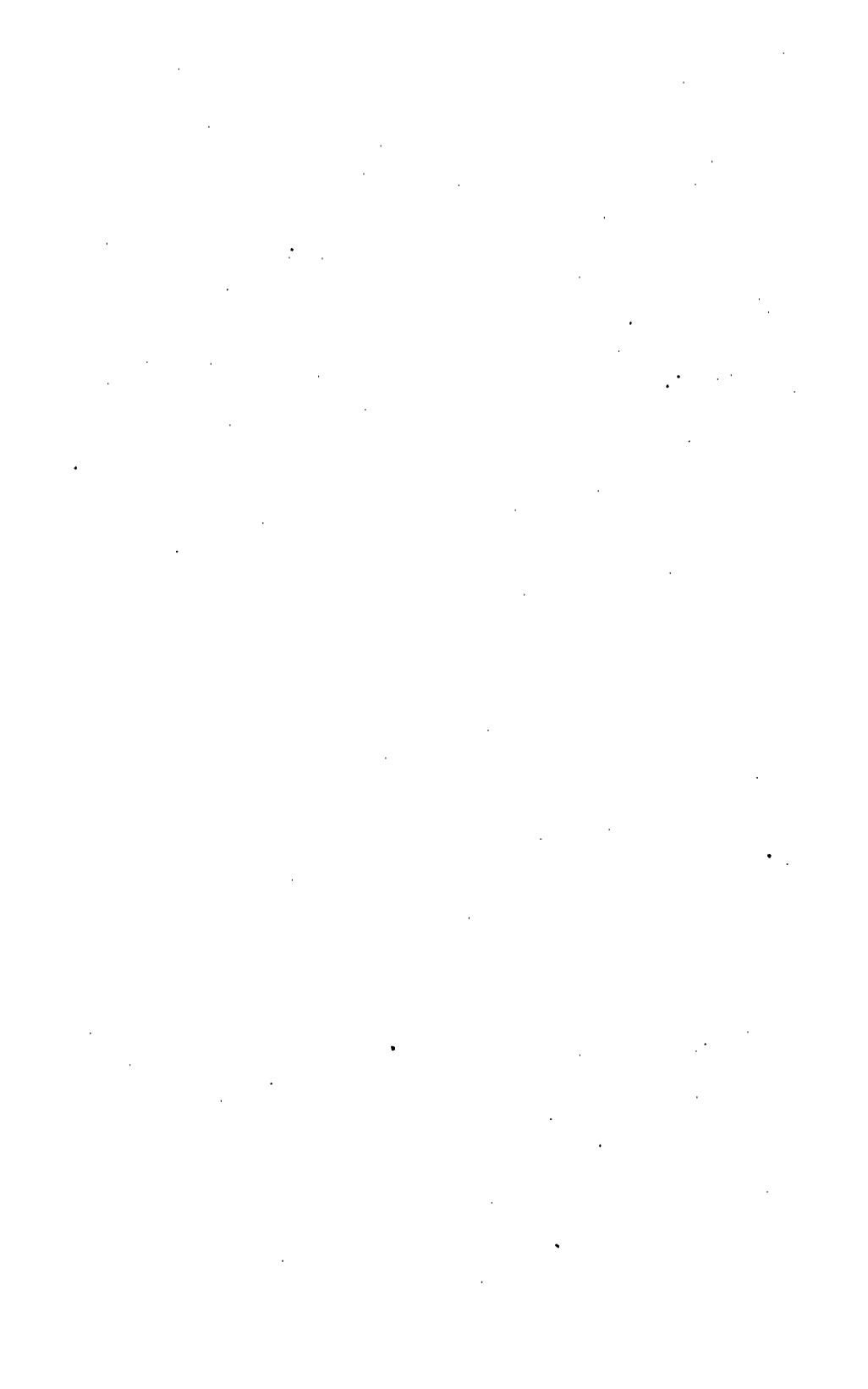
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APPENDIX.

**A TABLE OF ACTS, AND PARTS OF ACTS,
CONTAINED IN THIS EDITION,
WHICH HAVE EXPIRED, OR HAVE BEEN REPEALED
OR AMENDED BY ACTS PASSED SINCE THE
COMMENCEMENT OF THE PUBLICATION
OF THE VOLUMES.**

1776.	16 Geo. 3, c. 1.	Regulating Fees.	Partly repealed by 15 Vic., c. 20.
1780.	20 Geo. 3, c. 1.	Militia.	Altered and amended by 14 Vic., c. 6.
1785.	25 Geo. 3, c. 4.	Revenue.	Sections 32 and 36 repealed by 14 Vic., c. 3
1791.	31 Geo. 3, c. 7.	Division Fences.	Repealed by 15 Vic., c. 10.
1795.	35 Geo. 3, c. 10.	Revenue.	Section 2 repealed by 14 Vic., c. 3.
1808.	48 Geo. 3, c. 2.	Sheriffs.	Amended by 14 Vic., c. 29.
1818.	59 Geo. 3, c. 7.	Sale of Interests of Leaseholders un- der Execution.	Repealed by 15 Vic., c. 5.
1827.	8 Geo. 4, c. 7.	Do. do.	Do. do.
1829.	10 Geo. 4, c. 5.	Division Fences.	Repealed by 15 Vic., c. 10.
1832.	2 W. 4, c. 13.	Infectious Diseases.	Section 4 and part of section 9 repealed by 14 Vic., c. 5.
Do.	2 W. 4, c. 17.	Incorporation of St. James's Church, Charlottetown.	Altered and amended by 15 Vic., c. 16.
Do.	2 W. 4, c. 23.	Salary of Collector of Impost, Char- lottetown.	Repealed by 14 Vic., c. 26.
1833.	3 W. 4, c. 10.	Registry of Deeds.	Section 11 repealed by 14 Vic., c. 31.
Do.	3 W. 4, c. 19.	Weights and Mea- sures.	Altered and extended by 14 Vic., c. 17.
1833.	3 W. 4, c. 21.	Bread, (Charlotte- town.)	Section 5 altered by 14 Vic., c. 23.
Do.	3 W. 4, c. 30.	Militia.	Altered and amended by 14 Vic., c. 6.
1835.	5 W. 4, c. 6.	Distress and Reple- vin.	Amended by 14 Vic., c. 13.
1840.	3 Vic., c. 27.	Colonial Secretary and Registrar.	Partly repealed by 14 Vic., c. 3.
1842.	5 Vic., c. 14.	Charlottetown Mar- ket House.	Expired.
1843.	6 Vic., c. 1.	Statute Labour.	Repealed by 14 Vic., c. 16.
Do.	6 Vic., c. 15.	Do. do.	Do. do.

1843.	6 Vic., c. 19.	Distress and Replevin.	Section 2 repealed by 14 Vic., c. 13.
1844.	7 Vic., c. 2.	Recovery of Small Debts.	Repealed by 15 Vic., c. 8.
Do.	7 Vic., c. 21.	Sub-Collectors of Customs.	Repealed by 14 Vic., c. 32.
Do.	7 Vic., c. 24.	Publishing Notices relating to Public Service.	Expired.
1845.	8 Vic., c. 3.	Light Houses, &c.	Partly repealed by 15 Vic., c. 27.
1846.	9 Vic., c. 7.	Amending Small Debt Act.	Repealed by 15 Vic., c. 8.
Do.	9 Vic., c. 22.	Intercourse with Nova Scotia and New Brunswick.	Expired.
1847.	10 Vic., c. 10.	Charlottetown Market House.	Expired.
1848.	11 Vic., c. 6.	Master of Rolls and Assistant Judge.	Partly repealed by 14 Vic., c. 3.
Do.	11 Vic., c. 7.	Land Assessment.	Section 27 altered by 14 Vic., c. 30.
Do.	11 Vic., c. 11.	Light Houses, &c.	Repealed by 15 Vic., c. 27.
Do.	11 Vic., c. 13.	Charlottetown Ferry.	Repealed by 15 Vic., c. 34.
Do.	11 Vic., c. 16.	Coal Meters.	So much of Act as relates to Charlottetown, repealed by 15 Vic., c. 30.
Do.	11 Vic., c. 30.	Appointment of Bailiffs to Small Debt Courts.	Repealed by 15 Vic., c. 8.
Do.	11 Vic., c. 31.	Admission of Barristers, Attorneys, &c.	Amended and altered by 15 Vic., c. 22.
1849.	12 Vic., c. 8.	Accidents by Fire, (Charlottetown.)	Repealed by 15 Vic., c. 37.
Do.	12 Vic., c. 10.	Revenue.	Continued and amended by 15 Vic., c. 26.
Do.	12 Vic., c. 11.	Statute Labour, (Charlottetown) &c.	Altered and amended by 15 Vic., c. 40.

Charlottetown, 1st May, 1852.