ACTS

OF THE

GENERAL ASSEMBLY

OF

PRINCE EDWARD ISLAND,

PASSED IN THE FIRST AND SECOND SESSIONS OF THE YEAR

1835.

CHARLOTTE-TOWN:

PRINTED BY JAMES D. HASZARD, PRINTER TO THE KING'S MOST EXCELLENT MAJESTY.

1835.

Rec. May 21, 1903.

TITLES OF THE ACTS.

FIRST SESSION.

SECOND SESSION.

ANNO QUINTO

GUILIELMI IV. REGIS.

At the General Assembly of His Majesty's Island of *Prince Edward*, begun and holden at *Charlotte Town*, the Twenty-sixth Day of *January*, *Anno Domini* 1835, in the Fifth Year of the Reign of our Sovereign Lord WILLIAM the Fourth, by the Grace of God, of the United Kingdom of *Great Britain* and *Ireland*, King, Defender of the Faith:

1835.

A. W. Young,
Lt. Governor.

E. J. Jarvis,
President.

G. Dalrymple
Speaker.

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

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CAP. I.

An Act for vacating the seats of Members of the Asemsbly, in certain cases therein mentioned.

Repealed by 7 Wm 4 c. 15

[10th *April*, 1835.]

Any Member of Assembly accepting office of emolument under the Crown, incapable of holding his seat, unless re-elected.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, any Member of the House of Assembly who shall accept any office of emolument under the Crown, 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.

Not to extend to vacate the seat of a Member compelled under a fine to accept any office.

II. Provided always, and be it further 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 any office, to the refusal of which any fine or penalty is now or may hereafter be attached.

Mode in which such vacancies are to be declared and filled up.

III. And be it further enacted, That the Speaker of the House of Assembly for the time being, shall forthwith, upon information being given him in writing, under the hands of any two Members of the Assembly, that a vacancy has taken place, by reason of any Member having accepted office as aforesaid, inform His Excellency the Lieutenant Governor, or other Administrator of the Government for the time being, of such vacancy having occurred; who is hereby empowered and required, within seven days afterwards, 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: and in case any such vacancy shall occur during any prorogation of the House, or when the House shall be without a Speaker, or when the Speaker shall be absent from the Island, then and in every such case, a certificate as aforesaid of any two Members of the House, presented by them to the Administrator of the Government for the time being, shall have the like force and effect as if the same had been so presented by the Speaker.

Seat of any Member contracting to perform public work, or becoming security for any Contractor, to be vacated.

IV. And be it further 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 security 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.

CAP. II.

An Act for the more effectual punishment of Offenders, by enabling the Supreme Court to add Hard Labour to the sentence of Imprisonment.

Continued for 5 Years from 29th Sept. 1841.

[10th *April*, 1835.]

WHEREAS there is no provision made in any Statute now in force in this Island, by which the Supreme Court may, in addition to the term of imprisonment, direct that Offenders be kept to hard labour: and whereas it will conduce greatly to the suppression of crime if such power were given to the said Supreme Court—Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That 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.

Supreme Court may order persons convicted of Felony, &c. to be kept to hard Labour.

II. And be it further enacted, That such one of the rooms on the basement story of each of the County Jails, shall be appropriated for the purpose of being used as a Work-house, as the Commissioners herein-after to be appointed shall deem most expedient.

One room on the basement story of each of the County Jails to be used as a Work-House.

III. And be it further 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 His Majesty's Council, to appoint Five fit and proper persons resident in each of the Counties in this Island, to be Commissioners for carrying this Act into effect; who shall have power to make such rules, regula-

Lieut. Governor in Council to appoint 5 Commissioners.

Power of Commissioners.

tions and orders, and to prescribe the place, time and mode of performing such labour, whether within or without the said Jail, as may to the majority of them seem best adapted to the more effectual punishment of Offenders so convicted and imprisoned as aforesaid.

Power of Commissioners.

IV. 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 made by Commissioners to be approved of by Governor in Council.

Appropriation of proceeds of labour.

V. 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 His Majesty's Government.

Continuance of Act.

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

CAP. III.

An Act to explain and amend the Act relating to Trespasses. [10th *April*, 1835.]

WHEREAS it is deemed necessary to define the powers and authority of Justices of the Peace, under the Third Section of the Act of the Third Year of the Reign of His present Majesty,

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*—Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, no Judgment of Non-suit, or Judgment for the Defendant, shall be given by any Justice or Justices of the Peace, under the said Third Section of the said 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 inquire 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 powers of Justices of the Peace in prosecutions for Trespass under Act of 3 W. 4, c. 27.

II. And whereas, by the said recited Act, no Appeal is allowed to any except the convicted party or defendant; and also in cases of Appeal doubts have arisen whether the Supreme Court can exercise any discretion in awarding Costs—For remedy whereof, be it enacted, that in all Prosecutions before Justices of the Peace under the said recited Act, for such Trespasses as aforesaid, either the Plaintiff or Defendant may appeal; and the Justices of the Supreme Court may, and they are hereby expressly authorized and empowered to allow Costs to the Appellant or Respondent in appeals, as to such last mentioned 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.

Gives a right of appeal from judgment of Justice of the Peace under said Act; and authorizes costs to be allowed by Supreme Court to either Appellant or Respondent, in its discretion.

No Judgment of any Justice of the Peace, or decision of Supreme Court, in any appeal, to be pleaded in bar in any Court to defeat Title to Land.

III. And be it further enacted, That no Judgment of any Justice or Justices of the Peace given under this Act, or the said recited 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, or the said recited 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.

CAP. IV.

An Act authorizing Commissions to be issued for taking the Depositions of Witnesses out of this Island, in cases where Judgment hath been marked by Default. [10th *April*, 1835.]

WHEREAS an Act made and passed in the Tenth year of the reign of His late Majesty King *George* the Fourth, intituled *An Act to amend an Act intituled 'An Act to render perpetual an Act intituled An Act to enable the Justices of the Supreme Court of Judicature to issue Commissions for examining Witnesses out of this Island,'* will expire at the end of the present Session of the General Assembly: and whereas it is necessary to authorize the issue of Commissions to take the depositions of Witnesses residing out of this Island, in cases wherein Judgment hath been marked by default—Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That in all Civil Causes which may hereafter be depending in the Supreme Court of Judicature, and in which Judgment shall have been marked by default, it shall and may be lawful for the said Court, or for any one of the Justices of the said Court in vacation, upon

In civil causes in Supreme Court wherein judgment shall have been marked by default, the Court or one of the Justices in vacation, may authorize a Commission to issue for the examination of Witnesses out of the Island.

application, and upon sufficient cause being shown, by affidavit made by or on behalf of the party desiring the same, to authorize the issuing of a Commission under the Seal of the said Court, for the examination of any Witness or Witnesses residing out of this Island; and the Depositions of such Witness or Witnesses to be taken under such Commission, shall have the same force and effect, and the proceedings under such Commission shall be regulated in like manner, as if Issue had been joined in any of such Causes.

Depositions of such Witnesses to have same force and effect as if issue had been joined in such cause.

CAP. V.

An Act concerning the Property of the Methodist Society at *Charlotte Town.*

[10th *April*, 1835.]

WHEREAS a certain extensive Society or Congregation of the people called Methodists, professing the doctrines taught by the late Mr. *John Wesley*, has long been established in *Charlotte Town*, under the spiritual care of Ministers appointed at the yearly Conference of the people called Methodists, as established by a Deed Poll of the said *John Wesley*, under his hand and seal, bearing date the Twenty-eighth day of *February*, in the year One thousand seven hundred and eighty-four, and enrolled in His Majesty's High Court of Chancery at *London*; for the use and benefit of which said Society or Congregation, divers Lands have heretofore been purchased in *Charlotte Town*, and conveyed to Trustees to and for the use and benefit of the said Society, of all which said Lands and Tenements a description, together with the dates of, and the parties to, the respective Deeds whereby the same are conveyed, is contained in the Schedule [A.] to this Act annexed, as by reference thereto will at large appear: And whereas the said several Lands and Premises in the annexed Sche-

dule [A.] described, are now under the care and management of persons as Trustees of and for the said Society—that is to say, *Isaac Smith, Robert Longworth, John Bovyer, Christopher Cross, Henry Smith, John Trenaman, William Tanton, Thomas Dawson* and *Charles Welsh,* all of *Charlotte Town,* who either are the survivors of the Trustees named in the said Deeds, or have been from time to time nominated to be Trustees for the said Society; but by reason that no conveyances of the said Lands, or of their Interest therein, have been made by the Trustees, or Heirs of the Trustees who are deceased or have left the Society, to the new Trustees, and from other causes, the Title to the said Lands has become uncertain, and the present Trustees cannot sell, mortgage, or dispose of the said Lands, or occupy the same, for the purposes of the said Society, in so beneficial a manner as is desired:—wherefore the said Trustees have applied for such powers, authorities and remedies as in and by this Act are provided, in respect to the premises—Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, that from and after the passing of this Act, the said *Isaac Smith, Robert Longworth, John Bovyer, Christopher Cross, Henry Smith, John Trenaman, William Tanton, Thomas Dawson* and *Charles Welsh,* and each and every one of them, so long as they respectively continue Members of the said Society or Congregation of people called Methodists as aforesaid, at *Charlotte Town,* and all and every 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 or personal, of the said Society, or for the use and benefit thereof, now obtained, or possessed by or belonging to the said Society, or any in Trust therefor, under the descriptions and by the Deeds in the said Schedule [A.]

Trust established.

Names of Trustees.

contained or referred to, or hereafter to be obtained by or conveyed to the said Trustees or their successors, for the benefit and purposes of the said Society; and the said persons, and their successors in office, shall constitute and form one continuing Trust or Board of Nine Members, to be called "The Trustees of the Methodist Society at *Charlotte Town*." Official name of Trustees.

II. And be it further enacted, That the Superintendent Preacher of *Charlotte Town* Circuit for the time being shall, by virtue of such office, be entitled to preside at all Meetings of the said Board of Trustees, and sign the Minutes of their proceedings, and shall have, with the several Trustees for the time being, a vote upon all questions, and in all resolutions and decisions of the said Board. President of Trustees. Power of President.

III. And be it further enacted, That the said Board of Trustees may at any time hereafter be reduced to any number not below Five Trustees, therein not including the Superintendent Preacher for the time being. Board of Trustees.

IV. And be it further enacted, That as vacancies in the said Trust shall arise, by death, resignation of office, or by any of the Trustees ceasing to be a Member or Members of such Society, every such vacancy shall be supplied by the choice of a new Trustee, to be made by the continuing and surviving Trustees, or the major part of them, and to be entered in the Minutes of the proceedings of the said Trust, to be kept in proper Books, to be provided for that purpose; and when and so often as a choice of a new Trustee shall be made, the said continuing or surviving Trustees, or the majority of them, shall make, sign and seal an Instrument declaring such choice, and the party chosen shall also execute the same, in proof of his acceptance of the office of Trustee; and such Instrument shall be in the form set forth in the Schedule [B.] to this Act annexed, and shall be registered on the oath of the subscribing Vacancies in Trust, how filled.

witness thereof, in the Books of Registry in this Island; and upon such Registry being made, the new Trustee shall become a Member of the Trust, as fully and effectually as if he were named in this Act to that office.

Vests property in Trustees named in this Act.

V. And be it further enacted, That from and immediately after the passing of this Act, all and singular the Lands, Hereditaments and Premises described in the said Schedule [A.] to this Act annexed, and their respective Appurtenances, and the Rents, Issues, Profits and Benefits thereof, and all the Estate Right, Title, Interest, Use, Trust, Inheritance, Property, Claim and Demand whatsoever, both in Law and Equity, of the said several Persons or Trustees named in the said several Indentures in the said Schedule [A.] mentioned, and of the survivors of any of the said Persons or Trustees, and of the several or respective Heirs or Assigns of the said Persons or Trustees respectively, who are since deceased, whomsoever and wheresoever, and all monies, goods, chattels and personal estate whatsoever, held by the Trustees in the said several Indentures named, or the survivors of them, or by the present Trustees of the said Society; and further, all securities for money or other obligatory instruments, evidences or muniments, and all rights or claims arising from or out of the said property, shall be and become the property of the said Trustees in and by this Act appointed, and shall be and become vested in them, as and for the same Estate and Interest as the Trustees named in the said Indentures, or the survivors of them, or the Heirs or Assigns of the Trustees who have died or ceased to be Trustees, or the present Trustees of the said Society, had, or have, or were, or now are entitled to have therein, and without any Assignments, Deeds or Conveyances whatsoever, to be made thereof; and after the death of any of the Trustees by this Act appointed, or any other vacancy occurring in the said Board of Trustees hereby established,

shall vest in the succeeding Trustees for the time being, respectively chosen to fill such vacancies, in conjunction with the continuing Trustees, without any Deed, Conveyance or Assignment made, or required to be made, by the Heirs of any Trustee so dying, or by any Trustee so resigning, or by the continuing Trustees, or any of them, on any or either of the occasions aforesaid.

Conveyance of property to Trustees named in this Act.

VI. And be it further enacted, That the surviving Trustees named in the before recited Indentures, shall, and they are hereby authorized, at the request of the Board of Trustees, to release and convey all and singular the Lands in the said Indentures described, unto the Trustees hereby appointed, with their appurtenances, in fee simple.

Trustees may sue and be sued, &c.

VII. And be it further 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, or of the said Society at *Charlotte Town*; and the same estate and property shall, when necessary, in every such proceeding, be stated to be the property of the said Trustees, by their name of office herein given and established; and the said Trustees, by their said name of office, shall and may in all cases concerning the respective Lands in the Schedule [A.] described, or other real or personal Estate to be vested in them, debts, claims, rights and property of the said Board of Trustees, or of the said Society whatsoever, sue and be sued, implead and be impleaded, as Trustees, by their said official designation; and no such suit, action or prosecution shall be discontinued or abate, by the death of any such Trustee on his ceasing to be such Trustee; but shall and may be

proceeded in by the Board of 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 monies, costs and expences, 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 Society.

Trustees may purchase or otherwise acquire property.

VIII. And be it further enacted, That it shall and may be lawful for the Trustees for the time being, 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 Society of Methodists in *Charlotte Town*," to contract for and purchase, or in any lawful mode 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 Society, any Messuages, Lands, Tenements, Buildings or Hereditaments whatsoever in this Island, and to take and receive the necessary and legal conveyances, leases, deeds, assignments or other transfers thereof respectively, to hold for, upon, under and subject to the uses and purposes in this Act mentioned.

Trustees may sell, exchange, mortgage or lease property.

IX. And be it further enacted, That it shall and may be lawful for the said Trustees for the time being, or the major part of them, and they are hereby authorized and empowered, to grant, sell, exchange, mortgage, lease, convey or dispose of, to such person or persons as they may 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 described in the several Indentures, or any of them, in the Schedule [A.] mentioned, as also all or any part of any other Lands and Hereditaments hereafter to be conveyed to, or held by the said Trustees for the time being, and all or any of the personal Estate and property of the said Trustees, or

Society 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, and signed by them respectively, or by the major part of them, 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 of lease for years, or otherwise, as the case may be, all such estate, title and interest therein, as the said Trustees or the said Society now have or are entitled to, or hereafter may have, 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, on behalf of the Society, may lawfully require by such deed, mortgage, lease or conveyance respectively, to vest in the Grantee, Mortgagee, or Lessee named therein.

Object of Trust created by this Act.

X. And be it further enacted, That all and singular the Lands, Hereditaments and Premises which are in the annexed Schedule [A.] described, and in the Deeds therein referred to contained, or which shall or may hereafter be purchased and conveyed to the said Trustees, for the use of the said Society, and every part and parcel thereof, with the several and respective appurtenances thereto belonging, and all personal estate, monies and effects aforesaid, shall at all times hereafter be taken, held, possessed and enjoyed by the Trustees for the time being under this Act, upon special trust and confidence, and to the intent that they, and the survivors of them, and the Trustees for the time being, do and shall take, hold, possess, apply and dispose of the same, and every part thereof, for

the use, benefit and advantage of the said Society of Methodists at *Charlotte Town*, in *Prince Edward Island*, and for the sites of the Chapels or Meeting houses, dwellings of the Ministers for the time being of the said Society, Burial places, School houses, or other purposes whatsoever, to which it may, for the advantage, support and well being of the said Society, and the Ministers, Members or Poor thereof, be at any time or times, by the Trustees for the time being, found expedient or desirable to appropriate, apply or dispose of the same; but subject nevertheless to such powers of mortgaging, leasing, selling, conveying and disposing of the said real and personal Estate, as are hereinbefore vested in the said Trustees, and subject also to all such sales, exchanges, deeds, mortgages, leases, or other dispositions as may be thereof made as aforesaid; and upon this further special trust and confidence, and to the intent that the said Trustees for the time being, do and shall, from time to time, and at all times for ever, permit such persons as shall be appointed at the yearly Conference of the people called Methodists, as established by a Deed Poll of the before mentioned *John Wesley*, under his hand and seal, bearing date the Twenty-eighth day of *February*, in the year of our Lord One thousand seven hundred and eighty-four, and enrolled in His Majesty's High Court of Chancery in *London*, and no others (except with the consent of the Superintendent Preacher for the time being, of the *Charlotte Town* Circuit), to have and enjoy the free use and benefit of the present Meeting house and Chapel, or of any future Meeting house or Chapel which may be erected in lieu thereof, to the end that such persons may therein preach and expound God's holy word, and for the performance of all other acts of religious worship therein, without suit or interruption whatsoever; and upon this further trust and confidence, that the said real and personal Estate, and every part thereof, shall (subject as aforesaid) at all times hereafter be held in

trust for the benefit of the several persons belonging to the Society or Congregation in *Prince Edward Island*, connected with and under the direction of the Preachers or Ministers appointed by the said Conference, for ever.

Receipts of Trustees to be good.

XI. And be it further enacted, That the receipts of the said Trustees shall be good and sufficient discharge for all monies paid to them, for or on account of any of the Trust Funds or Property aforesaid; and the party paying shall in no case be obliged to see to the application thereof; nor shall the Trustees be answerable for each other, but each of them shall be answerable for his own acts and receipts; nor shall any Trustee be in any wise answerable or liable for any loss or deficiency of the Trust Funds or Property, or profits to arise therefrom, unless the same arise from his own wilful misconduct or neglect; and each and every of the Trustees shall retain, be paid and allowed all costs, charges and expences incurred in and about the Trust aforesaid.

SCHEDULES to which this Act refers.

SCHEDULE (A.)—Containing a description of the Lands in *Charlotte Town*, conveyed in Trust for the Methodist Society, and the dates of the respective Deeds, and the Parties thereto.

Description of property belonging to the Methodist Society.

First—All that piece or parcel of ground situate, lying and being in *Charlotte Town* aforesaid, being the Eastern moiety or full equal half part of Lot Number Fifty-three (53,) in the Second hundred of Town Lots in the said Town, as the same is numbered and laid down in the Map or Plan of the said Town kept in the Surveyor General's Office; which Land and Premises, by Deed, dated the Fifth day of *October*, One thousand eight hundred and ten, was conveyed by *Benjamin Evans*, Merchant, to *Joseph Robinson*, *Thomas Desbrisay*, the younger, *Joseph Avard*, *Thomas Murphy* and *Paul Mabey*, and to their Heirs and Assigns, in trust, for a Preaching house and conveniency, as shall be judged necessary, for the benefit and accommodation of the Society of the people called Methodists, at *Charlotte Town*, as by the said Deed, duly registered at *Charlotte Town*, on the Eleventh day of *July*, One thousand eight hundred and fourteen, will appear.

Secondly—A certain piece of ground, being the Northern moiety, or equal half part of Lot Number Twenty-one (21,) in the Second hundred of Lots within *Charlotte Town* aforesaid, having a front of Eighty feet on Prince's Street, and Eighty feet on the division line between Lot Twenty-two (22) and the said Lot Twenty-one, (21) and which said Land was, by Deed, dated the Sixteenth day of *November*, in the year One thousand eight hundred and thirty-three, conveyed by *John Summers* and

Ruth his wife, to *Isaac Smith*, *Charles Welsh*, *Robert Longworth*, *John Bovyer*, *Christopher Cross*, *Henry Smith*, *John Trenaman*, *William Tanton* and *Thomas Dawson*, and to their Heirs and Assigns, in trust, for the purposes mentioned and set forth in the said Deed, and which said Deed was duly registered in the proper office in this Island for the recording of Deeds, on the Third day of *December*, in the year One thousand eight hundred and thirty-three.

SCHEDULE (B.) to which this Act refers.

KNOW all men by these presents, that we (*names of continuing Trustees,*) all of *Charlotte Town*, the present Members of the Board of Trustees of the Methodist Society at *Charlotte Town*, constituted by the Act of the General Assembly of this Island, passed in the Fifth year of the Reign of His Majesty King *William* the Fourth, and intituled *An Act concerning the Property of the Methodist Society at Charlotte Town*, having this day met together in *Charlotte Town*, for the choice of a new Trustee, in the room of (name of Trustee, whose seat is vacant), whose death, resignation or other cause, has occasioned a vacancy in the said Trust, did, pursuant to the powers and direction by the said Act given, duly, by a majority of votes of us the present Trustees, choose and elect (name of party chosen, his residence and designation,) being a Member of the Society of Methodists at *Charlotte Town*, to be one of the Board of Trustees, in and by the said Act established, and the said (name of new Trustee) having accepted the office, and consented to act as one of the said Board, as by his hand and seal to these presents subscribed and set, is signified, we the said continuing Trustees do hereby elect, nominate, constitute and appoint him the said (name), so long as he shall continue a

Certificate of appointment of new Trustees.

Member of the said Society at *Charlotte Town*, to be a Member of the Trust aforesaid, and one of the Statute Trustees of the Methodist Society at *Charlotte Town*, with full power and authority to have, use and exercise, in conjunction with the other Trustees for the time being, all the Trusts, Powers, Rights, Privileges and authorities, and to fulfil and discharge all the duties which in and by the said Act are or may be discharged, used or exercised by the said Board of Trustees, pursuant to the said Statute. In witness whereof, we and the said newly elected Trustee, have hereunto our hands and seals subscribed and set, at *Charlotte Town*, this day of in the year of our Lord One thousand eight hundred and

Signed and sealed in the presence of us

CAP. VI.

An Act relating to Distress for Rent, and to regulate the practice of the Supreme Court in cases of Replevin.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That in all cases of Distress that may be hereafter made for any Rent in arrear, no Goods or Chattels so distrained shall be sold towards satisfaction of the Rent in arrear within a less period or time than Twenty days from the day of distraining, including the day of Distress and the day of Sale—any law, usage or custom to the contrary thereof notwithstanding: Provided always, that the owner or owners of any Goods or Chattels so distrained, or some person on his or their behalf, do and shall, within two days after any such Distress shall be made, enter into a Warrant of Attorney, with two responsible Sureties, payable to the Lessor or Landlord who shall cause such Distress to be made, and in double the value of the Goods and Chattels so distrained, (such

Goods or Chattels distrained for rent, not to be sold within a less period than 20 days.

Proviso.

Owner may have Goods returned on executing a Warrant of Attorney.

Requisites of Warrant of Attorney.

value to be ascertained in like manner as is hereinafter prescribed for taking Replevin Bonds); and which Warrant of Attorney shall be with a Defeasance for the due return and forthcoming of the Goods and Chattels distrained, or the appraised value thereof, on the day of sale; and the Goods and Chattels so distrained shall be forthwith returned to the owner or owners thereof.

Defeazance of Warrant of Attorney.

II. And be it further enacted, That if the Goods and Chattels so distrained and delivered back to the owner or owners as aforesaid, or the appraised value thereof, or of such part thereof as may have been sold by the Tenant, with the Chattels unsold, shall not be forthcoming and paid on the day appointed for the sale thereof; or that such Tenant shall not have replevied the Distress at the day appointed for the sale thereof; in any such case it shall and may be lawful for the Lessor or Landlord afterwards to enter up Judgment on such Warrant of Attorney, and sue out Execution thereon to the amount of the appraised value of the Distress (if not exceeding the rent or balance of rent due), with costs; and the Goods and Chattels distrained shall be first sold under the said Execution, or such part thereof as may be forthcoming to be levied on, before any Execution shall be executed on the persons or property of the Sureties, or either of them; and the person who makes the Distress may take such Warrant of Attorney, and shall be entitled to a fee of Five Shillings for the same, and no more.

If Goods, &c., or appraised value thereof, shall not be forthcoming or paid at the day of sale, or if the same be not replevied, Lessor or Landlord may enter up judgment on Warrant of Attorney, &c.

Amount to be levied.

Mode of proceeding under execution issued on such judgment.

Fee for taking Warrant of Attorney.

III. And be it further enacted, That in case any Tenant or Tenants, Lessee or Lessees, for life or lives, term of years, at will, sufferance or otherwise, of any Messuage, Lands, Tenements or Hereditaments, upon the demise or holding whereof any rent is or shall be reserved, due or made payable, shall fraudulently or clandestinely convey away or carry off from such premises, his,

Tenant or Lessee fraudulently or clandestinely conveying away Goods, &c.

her or their Goods or Chattels, to prevent the Landlord or Lessor, Landlords or Lessors, from distraining the same for arrears of Rent so reserved, due or made payable, it shall and may be lawful to and for every such Landlord or Lessor, Landlords or Lessors, or any person or persons by him, her or them for that purpose lawfully empowered, within the space of Thirty days next ensuing such conveying away or carrying off such Goods or Chattels as aforesaid, to take and seize such Goods and Chattels wherever the same shall be found, as a Distress for the said arrears of Rent, and the same to sell or otherwise dispose of in such manner as if the said Goods and Chattels had actually been distrained by such Lessor or Landlord, Lessors or Landlords, in and upon such premises for such arrears of Rent: and the Tenant or Tenants, Lessee or Lessees, conveying away or carrying off, or who shall cause to be conveyed away or carried off, any Goods or Chattels, in the manner and for the purposes aforesaid, shall be chargeable for and forfeit one full year's rent of his, her or their premises, over and above and to be added to and deemed as part of the Rent distrained for or due, and to be recovered along with the same, and in the like manner—any law, custom or usage to the contrary in any wise notwithstanding. Provided always, that no Landlord or Lessor, or other person, entitled to such arrears of Rent, shall take any such Goods or Chattels as a Distress for the same, which shall be sold *bona fide*, and for valuable consideration, before such seizure made, to any person or persons not privy to such fraud as aforesaid.

Landlord or Lessor may, within 30 days thereafter, distrain the same wherever found, & Tenant or Lessee to forfeit 1 year's rent over and above the amount distrained for, and to be recovered in the same way.

Proviso.

Goods, &c. sold *bona fide*, not liable to distraint.

IV. And be it further enacted, That when any Goods or Chattels fraudulently or clandestinely conveyed or carried away by any Tenant or Tenants, Lessee or Lessees, his, her or their servant or servants, agent or agents, or other person or persons aiding or assisting therein, shall be put,

If Goods, &c. fraudulently conveyed away by Tenant or Lessee are secured in any house, &c.

placed or kept in any house, barn, stable, out-house, yard, close or place locked up, fastened, or otherwise secured, so as to prevent such Goods and Chattels from being taken and seized as a Distress for arrears of Rent, it shall and may be lawful for the Landlord or Landlords, Lessor or Lessors, his, her or their bailiff, receiver, or other person or persons empowered to take and seize as a Distress for Rent such Goods and Chattels, (first calling to his, her or their assistance a Constable, or other peace officer of the parish, district or place where the same shall be suspected to be concealed, who are hereby required to aid and assist therein); and in case of a Dwelling House, (oath being also first made before some Justice of the Peace, of a reasonable ground to suspect that such Goods and Chattels are therein), in the day time to break open and enter into such house, barn, stable, out-house, yard, close and place, and to take and seize such Goods and Chattels for the said arrears of Rent, as he, she or they might have done by virtue of this Act, if such Goods and Chattels had been put in any open field or place.

Bailiff, &c., with a Constable or Peace Office, (if in a dwelling house, oath having first been made before a Justice of the Peace of the fact) may break open such house, &c. in the day time and distrain the same.

V. And be it further enacted, That every Sheriff hereafter to be appointed, shall, within Twenty-one days after he has received his patent of office, and from time to time afterwards, as occasion may require, depute, appoint and proclaim the number of Deputies following (that is to say)—one Deputy residing at Saint Peter's, one other residing at Saint Margaret's, on Lot Forty-four, one other residing at Murray Harbour, and one other residing at Georgetown, in and for King's County; and also one Deputy residing at Cascumpec, one other residing at Saint Eleanor's, and one other residing at Tryon, in and for Prince County; and also one Deputy residing at Campbeltown, on Lot Twenty-one, and one other residing at Pinette, in and for Queen's County, or as near to such places respectively, within the said several Counties, as

Sheriff within 21 days after appointment, to depute 9 Deputies: one at St. Peter's; one at St. Margaret's, Lot 44; one at Murray Harbour, one at Georgetown, one at Cascumpec, one at St. Eleanor's, one at Tryon, one at Campbeltown, Lot 21, and one at Pinette.

qualified persons can conveniently be found—and which said Deputies, so appointed and proclaimed, shall have authority, in the name of the Sheriff so appointing him, to make Replevins and deliverance of Distresses, in such manner and form as the said Sheriff, or his Under Sheriff, may and ought to do, upon pain that every Sheriff, for every Month that he shall lack all or any of such Deputies, shall forfeit, for every such offence, Five Pounds.

Power of Deputies.

Penalty on Sheriff for not making such appointment.

VI. And be it further enacted, That each and every Sheriff, or his and their Deputies respectively, shall, before he, they or any of them shall make such Replevin and deliverance, cause the person demanding or requiring such Replevin to enter into a Bond with two responsible Sureties, payable to the Sheriff to whom or to whose Deputy application shall be made, which Bond shall be in double the value of the Goods distrained, (such value to be ascertained by the Oath of one or more credible Witness or Witnesses, not interested in the said Goods or Distress, which Oath the person granting such Replevin is hereby authorized and required to administer), and with a condition thereunder, that the party so replevying shall and will appear at the sitting of the Supreme Court of Judicature then next to be holden for the County in which such Distress shall be made, and then and there prosecute his suit with effect and without delay, or answer the Defendant or Defendants in Replevin to the amount of the appraised value of the Distress, with single costs only, if it shall be so adjudged; and the said Sheriff, or any of his Deputies as aforesaid, shall thereupon, on such security being entered into, issue a Warrant or Precept in the name of the said Sheriff, to such person or persons as he or they shall appoint, commanding them that without delay they replevy the said Cattle, Goods or Chattels, and immediately summon the party distraining or detaining the same to appear at the sitting of the said Supreme Court of Judicature then next to be

Persons demanding Replevin, to execute Replevin Bond in double the value of Goods distrained.

Mode of ascertaining such value.

Condition of Bond.

Sheriff to issue Precept to replevy, and to summon party distraining to appear at next sitting of Supreme Court.

holden in the County wherein such Distress was made, to answer the party so replevying upon his plaint, and to certify the same to the Sheriff of the said County, under the peril attending the neglect thereof: and the person to whom such Precept shall be issued shall, on receipt thereof, make Replevin, and summon the said person so distraining or detaining the said Cattle, Goods or Chattels, and certify the same according to the tenor and command of the said Warrant or Precept; and shall also, with all due diligence, deliver to the said Sheriff, or his Under Sheriff, the said Replevin Bond, who shall forthwith lodge the said Bond in the Clerk's Office of the said Court, together with a plaint in writing, according to the following form:—

Sheriff to lodge Replevin Bond in Clerk of the Court's Office, together with a Plaint in writing.

Form of Plaint.

County }
To wit. } *A. B.* Yeoman, complains of *C. D.* of of a plea of taking and unjustly detaining his Cattle, Goods and Chattels, to wit, &c. and also found pledges as well to prosecute his suit with effect, as to answer the said *C. D.* to the amount of the appraised value of the said Goods and Chattels, with costs, if it shall be so adjudged by law, to wit, *G. H.* of and *J. K.* of
L. M. Sheriff.

And every or any Sheriff, or any of his Deputies to be appointed as aforesaid, who shall make default in performing the duties respectively by this clause enacted, shall, for each and every offence, forfeit and pay the sum of Five Pounds.

Penalty on Sheriff making default in the premises.

VII. And be it further enacted, That immediately upon the entry of any plaint and lodging of the Replevin Bond, in manner herein-before directed, the said Court shall and may duly entertain and proceed upon the said Plaint, and cause the said Bond afterwards, if the same shall be forfeited, to be assigned by the Sheriff to the avow-

On entry of plaint, &c. Court may proceed, and if bond be forfeited, it may be assigned by Sheriff to avowant on request, who may sue for the same.

ant or person making cognizance in such Replevin on his request, who may sue for the same in like manner as Bail Bonds are now sued for; and all Writs which may afterwards be issued in such Replevin suit, shall issue out of and under the seal of the said Court, which shall direct and regulate the proceedings in such suit or suits respectively, according to such rules and practice as the said Court shall or may appoint, and give final judgment in such suit or suits respectively, if necessary.

Forfeitures under this Act, how to be recovered and applied.

VIII. And be it further enacted, That all fines and forfeitures which may hereafter be incurred under this Act, shall and may be recovered, with costs, in the said Supreme Court of Judicature, by Bill, Plaint or Information—one half whereof shall be paid to the Treasurer of this Island, to and for the use of His Majesty's Government thereof, and the other half to such person as may sue for the same.

Mode of proceeding in Supreme Court in Replevin by Plaintiff.

IX. And be it further enacted, That it shall and may be lawful for the Plaintiff to declare in Replevin, within One Month previous to the sitting of the said Court next after the date of the said Plaint herein-before mentioned, and to proceed to issue and to trial according to the usual and accustomed practice of the said Supreme Court in other cases; and that in the like manner, it shall and may be lawful for the Defendant, within a like period previous to the then next sitting of the said Court, after the date of the said Plaint, to file his avowry, and to demand of the Plaintiff that he should plead thereto, within the time and in the manner usually practised in the said Supreme Court; and that the said avowant shall be held and deemed in that case as if he were a Plaintiff in the cause, and his avowry a declaration, and subject to such rules as the Court hath already made as to the mode and time of pleading in other causes, or may hereafter make under the authority of this Act in cases of Replevin.

Mode of proceeding by Defendant.

CAP. VII.

An Act to make more effectual provision for preventing the spreading of Infectious Distempers within this Island. [10th *April*, 1835.]

Continued and amended by 7 Wm. 4, C. 5. Further continued by 4 Vict. C. 5

WHEREAS an Act passed in the Third year of the Reign of His present Majesty, intituled *An Act to make more effectual provision for preventing the spreading of Infectious Distempers within this Island, by establishing Boards of Health*, will expire at the end of the present Session, and it is deemed necessary to enact further Quarantine regulations, and also to establish Boards of Health:—Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That 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 and consent of His Majesty's Council, to nominate and appoint Twelve or more fit and proper persons, residing in *Charlotte Town*, who shall form and be termed the Central Board of Health; and as many fit and proper persons as can be conveniently appointed, in different parts of this Island, who shall form District Boards of Health, and shall report to and correspond with the Central Board.

Lt. Governor, &c. with advice of Council, to nominate 12 or more persons resident in Charlotte Town, as a Central Board of Health.

And as many as convenient in different parts of the Island, as District Boards.

II. And be it further enacted, That it shall be the duty of the said several Boards, to meet as often as need may be, and to divide their respective Districts into Wards, appointing one or more members of the Board to each Ward, who shall have power at all seasonable times to enter into and inspect the dwelling houses, out houses and premises of the Inhabitants of the District and Ward, notifying the inmates of such their office and purpose; and if they shall find any part of the premises encumbered with filth, or other matter liable to engender or propagate infection, they shall give the

Duty of said several Boards.

Penalty on persons neglecting or refusing to remove filth when ordered by Board.

Mode of recovery of penalty.

Appropriation of penalty.

If no goods, &c. can be found whereon to levy the fine, offender to be committed to Jail for a period not exceeding 3 months.

Proviso.

Duty of Health Wardens, where nuisance arises from causes not under controul of Tenant or occupant of premises.

inmates, tenants or occupants of such houses or places notice to remove the same forthwith: and if such person or persons so notified shall neglect or refuse so to do, they shall forfeit for every neglect or refusal a sum not exceeding Five Pounds—to be recovered, with costs, by any such Warden, before any one of His Majesty's Justices of the Peace for this Island, and levied by Warrant of Distress and sale of the Goods and Chattels of the offender or offenders; and the sum so levied and recovered shall be applied, first, towards the removal of such nuisances, and if any surplus shall remain, it shall be paid into the public Treasury; and in case there shall not be sufficient Goods and Chattels found whereon to levy the fine, then the offender shall be committed to Jail for a term not exceeding Three Months: and whenever it shall so happen that sufficient Goods and Chattels cannot be found to defray the expence of removing the nuisance, and that the offender shall be committed to prison for non-payment of the fine, then the Justice and Constable shall perform their respective duties gratis: Provided always, that if the Wardens of such Board of Health shall be of opinion that the nuisance arises from causes not under the controul of such Tenant or Occupant, then in such case they or one of them shall report the same to the Board forthwith: and if the removal of the same shall not be within the power of the Board, then it shall report the same to the Administrator of the Government, who shall take such measures for the abatement or removal thereof as may be deemed necessary.

Duty of District Boards.

III. And be it further enacted, That each District Board shall send to the Central Board a report of the state of the public health within their District, at least once in every Month, which said reports, together with the report of the said Central Board, shall be delivered to the Lieutenant Governor, or other Administrator of the Government for the time being.

IV. And be it further enacted, That when any Vessel shall arrive at any harbour or port within this Island, where any District Board of Health shall be established at or near thereto, with Emigrant Passengers, or having on board the Small Pox, Yellow Fever, or other pestilential or contagious Distemper; or coming from any place infected with such Distempers, or at which any such Distempers at the time of her departure were known or supposed to prevail; or on board of which said vessel any person during the voyage had died, or been sick of any such Distemper, it shall be the duty of the first two Members of such District Board to whom application shall be made, to inquire into the state of health of the persons on board, and to procure the assistance of a Medical person, or give such directions in the premises as to them shall appear most proper to prevent contagion from any infectious disease; and no person shall land from any such vessel after having received notice of this Act, nor shall any part of the cargoes be landed after such notice given, without written permission from such two Members of the District Board of Health, under a penalty not exceeding One hundred Pounds—to be recovered by information in His Majesty's Supreme Court of Judicature, with costs.

In case any vessel arrives at a harbour where any District Board of Health is established, having on board any pestilential Distemper, &c., or coming from any infected place, &c.

first two Members of such District Board to inquire therein, &c.

Persons landing from on board any such vessel, or landing any part of cargo, without written permission of such two Members of District Board, to forfeit £100.

Mode of recovery of fine.

V. And be it further enacted, That the said Central Board of Health shall make such rules, orders and regulations, in addition to the laws which may then be in force, for preventing the spread of any Infectious Distemper within this Island, as to the said Central Board of Health may appear imperative—subject to the approbation of the Administrator of the Government for the time being, and His Majesty's Council; and such rules, orders and regulations shall, during the prevalence of any such epidemic disease, have the force and effect of law, and be obeyed as such—any thing to the contrary notwithstanding: and such regulations may, with approbation as aforesaid, be varied from time

Authorises Central Board of Health to make Rules, &c. to prevent the spread of Infectious Distempers, subject to the approval of Governor and Council.

Such Rules, &c., during the prevalence of epidemic disease, to have the force of law, and may be varied from time to time.

Mode of distribution of Medicines purchased at the public expence.

to time, during the continuance of this Act, as often as it may be deemed proper: and in case any Medicines have been, or hereafter shall be provided at the public expence, the same shall be distributed without delay between the said Central and District Boards of Health, in such proportions, and be disposed of under such directions, as to the said Central Board shall seem proper, but with such approbation as aforesaid.

Mode of examination of vessels liable to quarantine.

VI. And be it further enacted, That on the arrival of any Ship or Vessel, liable to Quarantine, in any port or place within this Island, the respective officers authorized by law for that purpose, shall go alongside every such ship or vessel, in a boat or other vessel, (keeping to windward), and shall see the officers, crew, and all other persons belonging to or being on board such ship or vessel, mustered on the gangway; and such officers, authorized as aforesaid, shall then and there, in the presence of the crew, put the following questions to the Commander, Master, or other person having charge of the ship or vessel:

Questions to be put to the Masters of such Vessels.

First.—What is the name of the Vessel, and the name of her Commander or Master?

Second.—Are you the Commander or Master?

Third.—To what Port or place does she belong?

Fourth.—When did you sail from the Port or place whence you took on board your outward cargo; and at what place did you touch before you arrived at the Port or place where you took in your present cargo?

Fifth.—Did you carry any Bill or Bills of Health with you to the Port or place where you took in the cargo you have now on board? From what places? Were the said Bills of Health clean, unclean, or suspected?

Sixth.—From what Port or place does she now come? When did you sail from such Port or place, and at what place or places have you touched in the course of the voyage?

Seventh.—Have you any Bill or Bills of Health on board? From what place or places? Are the same clean, unclean, or suspected? Produce them.

Eighth.—Of what does your cargo consist?

Ninth.—Did any and what infectious disease or distemper prevail in any degree at the places when you sailed, or at any of the places at which your cargo was taken on board, or at which you touched? If at any, say at which and when?

Tenth.—What number of officers, mariners, passengers, or other persons, have you on board? Describe the number of each.

Eleventh.—In the course of your voyage has any person on board suffered from sickness of any kind? What was the nature of such sickness? When did it prevail? How many persons were affected by it? Are there any convalescents on board, or are all persons on board at present in good health?

Twelfth.—Do you know whether or not your cargo, or any part thereof, had been long in Warehouse before its being taken on board? If you do, say how long? Have you any knowledge of its being packed or handled on shore, or conveyed from shore, or stowed on board by persons affected with the plague, or any other infectious disease or distemper?

Thirteenth.—Have you had any, and what, communication with any, and what, Vessels during the voyage, and when?

Mails, Letters, &c. to be fumigated before landing.

And in case any Mails, Letters or Parcels shall be brought from such Vessel by any persons authorized to ask the foregoing questions, the same shall be duly fumigated, as soon as received into the boat or other vessel alongside, if it shall appear in any degree doubtful whether such newly arrived Vessel is clean and free from contagion.

Limitation of Act.

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

CAP. VIII.

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.

[10th *April*, 1835.]

Cap. 9

WHEREAS much loss and inconvenience have been sustained by the Public, in consequence of a defect in the Fifth clause of an Act passed in the Tenth year of the Reign of His late Majesty, 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:* For remedy whereof—Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, the Sheriff, Coroner or other Officer, to whom any Writ issued under the said recited Act may 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 *Charlotte Town*, for at least Four successive weeks immediately next before the time of executing the said Writ;

Sheriff, &c. under Writ issued by virtue of Road Compensation Act, to give notice to parties interested, within 10 days after the receipt of writ, by posting notices at 3 or more public places in or nearest to the District where the contemplated Road is to pass, and cause the same to be inserted 4 times in the *Royal Gazette*, Newspaper.

and which Notices shall be respectively in the form annexed hereto, 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:

ROAD COMPENSATION ACT, PUBLIC NOTICE.

Form of Notice.

'WHEREAS a Writ has been issued, directed to 'me, under and by virtue of an Act passed in the 'Tenth year of the Reign of the late 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*, and of the Acts in 'amendment thereof, whereby I am commanded to 'summon a Jury, to inquire what damage or ad- 'vantage will accrue to those persons who are inter- 'ested in the Lands 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 attend- 'ing with the Jury at on day of 'at the hour of in the 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 accor- 'ding to Law.

'Given under my hand, this
'day of 18
'*A. B.* Sheriff, [*or* Coroner,
'*as the case may be.*]'

CAP. IX.

An Act relating to Marriages.

[10th *April*, 1835.]

WHEREAS an Act was passed in the year One thousand eight hundred and thirty-two, intituled as follows—*An Act to confirm and render valid certain Marriages heretofore solemnized within this Island, and also to declare by whom and in what manner Marriages shall be celebrated in future, and to provide for the Public Registry of the same,* which was reserved for the signification of His Majesty's Royal pleasure thereupon; and no notice having been communicated that any attention has been paid to the said Act; and the necessity of a measure of such vital importance to the future welfare and tranquillity of the Inhabitants of this Colony being no longer delayed, becoming daily more urgent; it is therefore deemed expedient to pass a Law containing similar and more extended provisions: And whereas it is deemed expedient to remove all doubts as to the validity of certain Marriages heretofore contracted in this Island—Be it enacted, by the Lieutenant Governor, Council and Assembly, That all Marriages which have been heretofore solemnized within this Island, by any Clergyman or Minister of the Gospel, officiating as such, or by any Justice of the Peace, or other lay person, either by virtue of Licence from any Governor, Lieutenant Governor or other Commander in Chief of this Island, or by publication of Banns, or otherwise, where the parties so married have cohabited, shall be, and the same are hereby declared lawful and valid, and the issue of all such Marriages are hereby made legitimate, to all intents and purposes whatsoever: Provided always, that nothing herein contained shall extend, or be construed to extend, to the rendering valid any Marriage where either of the parties has

Confirms all marriages heretofore solemnized within this Island, where the parties have cohabited, and the issue of such marriages declared legitimate.

Proviso. Not to extend to render valid marriages in certain cases therein mentioned.

married a second time, the former husband or wife being then alive; nor where the persons married are within the degrees of kindred prohibited in an Act made and passed in the Thirty-second year of King *Henry* the Eighth, intituled *An Act concerning Pre-contracts, and touching degrees of consanguinity.*

Lieut. Governor, &c. to issue Licences to any Minister or Religious Teacher, having spiritual charge of a Congregation, authorizing such Minister, &c. to solemnize matrimony.

II. And be it further enacted, That upon the application of any person desiring to enter into the Marriage state, or of any person or persons authorized to act in their behalf, 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, to direct Licences to any Minister or religious Teacher, of whatever denomination, engaged in no secular calling, and having the spiritual charge of a congregation, authorizing such Minister or religious Teacher to solemnize Marriage between such persons without publication of Banns, according to the forms of the Church or religious persuasion to which such Minister or religious Teacher shall belong, in the same manner as Licences are now granted to Clergymen of the established Church.

Any such Minister, &c. solemnizing marriage without such licence or publication of banns, or between parties not of the age of 21 years, having parents or guardians, without their consent, to forfeit £50.

III. And be it further enacted, That if any such Minister or religious Teacher shall, after the passing of this Act, solemnize any Marriage without such Licence, or publication of Banns, or shall knowingly solemnize any Marriage between parties (neither being a Widower or Widow) of whom one or both are under the age of Twenty-one years, having parents or guardians living and residing within this Island, without the consent of such parents or guardians, he shall forfeit and pay, for such offence, the sum of Fifty Pounds.

IV. And whereas it may so happen that some person or persons within age, whose parent or parents are either deceased or absent, may be desirous

to contract Matrimony, but by reason of his or her having no parent or guardian living, or present to consent thereto, no Licence can be obtained: Be it therefore enacted, That in each and every such case, and in all other cases not hereby especially provided for, it shall and may be lawful for any person authorized to solemnize Marriage, when required, to inquire into the propriety of any such Marriage being contracted, by examining the said parties, or such other persons as he may deem necessary; and if he shall be satisfied of the propriety thereof, he shall certify his consent thereto, whereupon a Licence may be issued in like manner as upon the consent of parents or guardians, or the Marriage may be celebrated after publication of Banns.

In certain cases, minors not having parents or guardians, may contract matrimony.

Mode of proceeding to render marriage of minors valid.

V. And be it further enacted, That any person presuming to officiate in solemnizing any Marriage, before notice of the parties' intention to marry shall have been three times publicly given, on at least three several Sundays or Holydays, in time of divine service, in some congregation within the Town or Parish where each or one of the parties do reside, or for which a Marriage Licence shall not have been obtained as aforesaid, he shall, for every such offence, forfeit and pay, for the use of His Majesty's Government, the sum of Three hundred Pounds, to be recovered, with Costs, by Bill, Plaint, or Information, in any Court of Record within this Island.

Persons solemnizing any marriage before publication of Banns 3 times on 3 several Sundays or Holidays, or without a licence obtained, as required by this Act, to forfeit £300.

Mode of recovery of fine.

VI. And be it further enacted, That an Act made and passed in the Second year of the Reign of His present Majesty King *William* the Fourth, intituled *An Act to confirm and render valid certain Marriages heretofore solemnized within this Island, and also to declare by whom and in what manner Marriages shall be celebrated in future, and to provide for the Public Registry of the same*, be, and the same is hereby repealed.

Repeals an Act of the 2d year of His present Majesty, to confirm marriages, &c.

VII. And whereas, according to the spiritual rites of the Roman Catholic Church, Marriage is held to be a Sacrament—Be it therefore enacted, That nothing in this Act or any other Act contained, shall be construed to prevent any Clergyman of the Roman Catholic Church from solemnizing Marriage between persons professing the Roman Catholic Religion, according to the rites and usages of that Church, which are at present recognized and enjoyed within this Colony, or in *Great Britain.*

This Act not to prevent Clergymen of the Roman Catholic Church from solemnizing marriage between parties professing that faith, according to the rites of that Church recognized in this Colony or in Great Britain.

Provided always, That nothing in this Act contained shall have any force or effect until His Majesty's pleasure therein shall be known.

Suspending Clause.

CAP. X.

An Act for establishing a Court of Divorce in this Island, and for repealing a certain Act therein mentioned. [10th *April*, 1835.]

WHEREAS it is necessary, in order to the keeping up of a decent and regular Society, that the matrimonial union be protected, and that a Court be constituted for cases of Divorce and Alimony: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the publication hereof, all causes, suits, controversies, matters and questions touching and concerning Marriage and Contracts of Marriage, and Divorce, as well from the bond of Matrimony as divorce and separation from bed and board, and Alimony, shall and may be heard and determined by and before the Lieutenant Governor, or other Administrator of the Government, and His Majesty's Council; and that the Lieutenant Governor or other Administrator of the Government, and Council aforesaid, or any five or more of the said Council, together with the Lieutenant Governor, or other Administrator of the Govern-

All Suits concerning Marriage and Divorce to be determined by Lt. Governor & Council, who are constituted a Court for that purpose.

ment, as President, be, and they are hereby constituted, appointed and established a Court of Judicature in the matters and premises aforesaid, with full authority, power and jurisdiction in the same: Provided, and it is hereby declared, that nothing herein contained shall deprive, diminish, controul, obstruct or abridge, or be construed, deemed, or extended to deprive, diminish, controul, obstruct or abridge, in any manner, the rights, powers, authority, judicature or jurisdiction of the Court of Chancery, or of the Supreme Court of Judicature, or of any inferior Court of this Island, in and touching the matters and premises aforesaid, or of any of them; and that no sentence, decree, judgment or proceeding of the said Court of Lieutenant Governor or other Administrator of the Government and Council, in any information, prosecution, suit or process, touching and concerning any Marriage or Contract of Marriage, or Divorce, or Alimony, shall take away, annul, bar, suspend, or in anywise alter or affect the right of action of any person or persons for any injury or damage sustained for or by reason of any breach of any covenant or contract of Marriage.

Proviso. Nothing in this Act to controul the rights of any other Court, and *no sentence of* Court of Lieut. Governor and Council to affect the right of action *of any person.*

Times of holding Court of Lieut. Governor and Council.

II. And be it further enacted, That the said Court of the Lieutenant Governor, or other Administrator of the Government, and Council, for the purposes and causes herein mentioned, shall commence and be held on the second *Monday* in *May*, in each and every year, with power to adjourn from time to time.

Lt. Governor may appoint Chief Justice to preside in his stead.

III. And whereas the arduous affairs of Government may render it impossible for the Lieutenant Governor, or other Administrator of the Government, at all times to preside in person in the said Court: Be it therefore enacted, That it shall and may be lawful for the Lieutenant Governor, or other Administrator of the Government, by Warrant or Commission, under his Hand and the Seal of

this Island, to depute, constitute and appoint the Chief Justice of the Supreme Court of Judicature to preside in his place and stead in the said Court of the Lieutenant Governor, or other Administrator of the Government, and Council, and to have, hold and exercise all the powers, privileges, authority and jurisdiction as are hereby given and granted to the Lieutenant Governor, or other Administrator of the Government, in the same Court, in all causes, matters and things therein cognizable by this Act.

Causes of Divorce.

IV. And be it further enacted, That the causes of Divorce from the bond of Matrimony, and of dissolving and annulling Marriage, are and shall be Frigidity or Impotency, Adultery, and Consanguinity within the degrees prohibited in and by an Act of Parliament made in the Thirty-second year of the Reign of King *Henry* the Eighth, intituled *An Act for Marriages to stand, notwithstanding Pre-contracts,* and no other causes whatsoever.

Proviso. In case of Divorce, the issue not to be bastardized, nor the wife barred of dower, nor husband deprived of tenancy, unless by sentence.

V. Provided always, and be it further enacted, That in case of a Sentence of Divorce from the Bond of Matrimony as aforesaid, the issue of such Marriage shall not in any case be bastardized, or in any way prejudiced or affected with any disability thereby: Provided also, that the Wife in such case shall not be thereby barred of her Dower, or the Husband be deprived of any Tenancy by the curtesy of England, unless it shall be so expressly adjudged and determined in and by such Sentence of Divorce.

Repeals 3 W. 4, for establishing Court of Divorce.

VI. And be it further enacted, That an Act of the General Assembly of this Island, made and passed in the Third year of the Reign of His present Majesty, intituled *An Act for establishing a Court of Divorce, and for preventing and punishing Incest, Adultery and Fornication,* and

every matter, clause and thing therein contained shall be and the same is hereby repealed.

Suspending Clause.

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

CAP. XI.

An Act to amend and render perpetual certain Laws now in force relating to Treasury Notes.

[10th *April*, 1835.]

WHEREAS an act was 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 another Act was passed in the Sixth year of the Reign of His said late Majesty King *George* the Fourth, 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 which Acts, by an Act passed in the Ninth year of His said late Majesty's Reign, were continued for three years, and by another Act passed in the Eleventh year of His said late Majesty's Reign were further continued, and are in force until the Twenty-eighth day of April, One thousand eight hundred and thirty-five; and whereas an Act was also passed in the Eleventh year of His said late Majesty's Reign, intituled *An Act to authorize a further issue of Treasury Notes, and to*

continue an Act intituled 'An Act to revive and 'continue two certain Acts therein mentioned;' and another Act was passed in the First year of the Reign of His present Majesty, intituled *An Act to authorize a further issue of Treasury Notes*—and which two last mentioned Acts are also in force to the Twenty-eighth day of April, One thousand eight hundred and thirty-five: And whereas it is deemed expedient that the said recited Acts should be rendered perpetual—Be it enacted, by the Lieutenant Governor, Council and Assembly, That the said Act 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 the said Act 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 Com-'mander 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 said Act intituled *An Act to authorize a further issue of Treasury Notes, and to continue an Act intituled 'An Act to revive and continue 'two certain Acts therein mentioned;'* and the said Act intituled *An Act to authorize a further issue of Treasury Notes,* be, and the same are hereby respectively made and rendered perpetual.

Treasury Note Act of 5 G. 4,

And Treasury Note Act of 6 G. 4,

And Treasury Note Act of 11 G. 4,

And also Treasury Note Act of 1 W. 4,

Rendered perpetual.

II. And be it further enacted, That when and so often as any Treasury Notes already received by the Public Treasurer of this Island, or which may hereafter be paid in and received by him, shall appear to be so much worn out or defaced as to be unfit for further circulation, it shall and may be lawful for the said Treasurer, and the Commissioners, to cancel and destroy such Notes, and to replace the same by new Notes of the same description and value as those destroyed.

Torn and defaced Notes received at the Treasury may be cancelled, and replaced with others of the same description.

CAP. XII.

An Act to prevent Hawkers and Pedlars travelling and selling within this Colony without Licence.

[10th *April*, 1835.]

Hawkers and Pedlars required to take out Licences.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the Twenty-sixth day of *April* in each year, every Hawker, Pedlar or petty Chapman travelling in this Island with Goods, Wares or Merchandize, for barter, sale or exchange, either on foot or with a beast of burthen, or otherwise, shall, before he or she expose for sale, barter or exchange, any such Goods, Wares or Merchandize, obtain from the Lieutenant Governor, or other Administrator of the Government for the time being, under his Hand and Seal, a Licence to travel and sell, barter or exchange such Goods, Wares or Merchandize; for which Licence there shall be paid as follows:—For every Licence to travel on foot, without any beast of burthen, the sum of Two Pounds Ten Shillings; and for every Licence to travel with one or more beast or beasts of burthen, the sum of Five Pounds; the said Licence to be and remain in force until the Twenty-sixth day of *April* following the date upon which the said Licence shall have been granted, and no longer; and the number of beasts of burthen shall be expressly specified in such Licence: and if any Hawker, Pedlar or petty Chapman, travelling on foot as aforesaid, shall sell, barter or exchange, or offer to do so, in any place within this Island, any Goods, Wares or Merchandize, without having first obtained a Licence as is herein-before directed, or contrary to such Licence, such Hawker, Pedlar or petty Chapman shall forfeit and pay for each and every such offence, if on foot, the sum of Four Pounds, and if with one or more beast or beasts of burthen, the sum of Seven Pounds Ten Shillings.

Rates payable for Licences.

Hawker or Pedlar travelling on foot selling without Licence, to forfeit 4*l.* for each offence; and if travelling with one or more horses, &c. and selling without Licence, to forfeit 7*l.* 10*s.*

II. And be it further enacted, That every Hawker, Pedlar or petty Chapman travelling as aforesaid, shall, under a penalty of Ten Shillings, produce and shew the Licence obtained by him or her for so trading, if demanded, to any Sheriff, Justice of the Peace, Constable, or person or persons purchasing Goods from any such Hawker, Pedlar or petty Chapman.

Hawker or Pedlar refusing to produce his Licence, when demanded, to forfeit 10s. for each offence.

III. And be it further enacted, That all such Licences so obtained shall be numbered in the margin thereof; which number shall be painted or marked in legible figures of at least two inches in length, on some conspicuous part of the Pack, Waggon, Cart, Sled or other Carriage of the person in whose name the said Licence shall have been granted or obtained, on pain of forfeiting for every neglect the sum of Ten Shillings—to be recovered as is herein-after directed.

Licence to be numbered in the margin, and such number to be painted on Pack, Waggon, &c. on pain of forfeiting 10s.

IV. And be it further enacted, That upon information on oath being given before any of His Majesty's Justices of the Peace, by any credible witness, of the violation of this Act, or upon view of any such Justice, it shall be lawful, and he is hereby required, to issue his warrant to apprehend and bring him or her forthwith before such Justice; and in case of conviction, the fine shall be recovered, with costs, by Warrant of Distress and sale of the offender's goods and chattels; and for want thereof, the said Justice is hereby empowered to commit such offender or offenders to Jail, for a period not exceeding Five months, nor less than Three months, if the fine shall exceed Five Pounds.

Mode of recovery of fines.

V. And be it further enacted, That no Hawker, Pedlar or petty Chapman shall, under such Licence so obtained as aforesaid, sell any Wine, Rum, or other distilled Spirituous Liquors, on pain of forfeiting, for every offence, the sum of Five Pounds.

Hawker or Pedlar selling Wine, Rum, &c. to forfeit 5l. for every offence.

Articles exempted from operation of this Act.

VI. Provided always, and be it further enacted, That nothing herein 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 or her own manufacture.

Application of fines.

VII. And be it further enacted, That all Fines for breaches of this Act shall, when recovered, 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 shall be paid into the Treasury of this Island, to and for the use of His Majesty's Government.

Names of persons licensed to be published in the *Royal Gazette*.

VIII. And be it further enacted, That there shall be a Record kept of all persons licensed under and by virtue of this Act, which Record shall be published from time to time in the *Royal Gazette* Newspaper.

Continuance of Act.

Continued by 3 Rich. C. 13. to 1.4.40

IX. And be it further enacted, That this Act shall be and continue in force for and during the space of Five Years, from the passing hereof, and no longer.

CAP. XIII.

An Act to authorize the sale of Lands in this Island, reserved as Sites for Churches and for Glebe and School Lands. [10th *April*, 1835.]

WHEREAS in each of the Sixty-seven Townships into which this Island was originally divided and granted, a tract of One hundred Acres of Land was reserved to His Majesty, His Heirs and Successors, for the site of a Church, and as a Glebe for a Minister of the Gospel, and Thirty Acres of Land

for a Schoolmaster: And whereas, by a Despatch from the Right Honourable *Thomas Spring Rice*, His Majesty's Principal Secretary of State for the Colonial Department, to the Lieutenant Governor of this Island, His Majesty has been pleased to direct the Sale of such Reserves: And whereas such sale will tend much to the benefit and improvement of this Colony, and it is deemed necessary to make Legislative provision as to the mode of conducting such Sales, and giving Titles to the Lands: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That within One Calendar Month after notice shall be received in this Island of the Royal assent having been given to this Act, the Lieutenant Governor of this Island, or other Administrator of the Government thereof, shall and he is hereby authorized and required to appoint Three Commissioners, one residing in each County within this Island, whose duty it shall be to sell and dispose of the said Glebe and School Lands, and give Titles thereto in manner herein-after mentioned (that is to say): the said Commissioners shall, and they are hereby required, within One Calendar Month after having accepted of their appointments, to cause an Advertisement to be inserted in any Newspaper or Newspapers that may at the time be printed in this Island, setting forth the times and places when and where the said reserved Lands will be sold, and shall also post Handbills to the same effect in as many public places within this Island as to the said Commissioners shall appear proper; and the said Lands shall be sold at Public Auction to the highest bidder, in such quantities in each Lot, not exceeding one plot of One hundred and thirty Acres, as to the said Commissioners shall appear most advantageous, and likely to bring the highest and best price; and such Sales shall take place at the Court House in the County wherein the Lands lie or are situate; and shall be so advertised as aforesaid a time not exceeding Six Calendar Months, nor less than Three Calendar Months, at the discretion of the said Commissioners.

Within one month after His Majesty's assent to this Act shall be received, Lt. Governor, &c. to appoint 3 Commissioners in each County, to sell Glebe and School Lands.

Duty of Commissioners.

Places of Sale of Lands.

Notice to be given of such Sale.

Reserves the rights of persons legally in possession of Glebe and School Lands.

II. And be it further enacted, That where any such reserved Lands shall be in the possession or occupation of any person or persons under or by virtue of any written Agreement or Indenture of Lease or other Title lawfully obtained from a Conservator of Glebe Lands within this Island, duly appointed, such Tenant or Occupier shall not be disturbed in his possession, but shall attorn to the purchaser or purchasers of such Lands, from the time when such purchaser's title shall accrue, on pain of being treated as a Trespasser by such purchaser after he shall have refused so to do, and shall have received notice in writing of such purchaser's Title being registered in the office for Registry of Deeds in this Island.

Commissioners to execute Deeds to purchasers.

III. And be it further enacted, That the said Commissioners shall, upon receiving the price of the Land sold to any purchaser or purchasers, execute to him or them a Deed of Conveyance of the same, in the form set forth in the Schedule annexed to this Act, which Deed shall be good and valid, to vest in such purchaser a Title in fee simple to the Land thereby conveyed; and the Commissioners shall charge Ten Shillings, and no more, for such Deed; and if any purchaser shall have bought several Lots or Parcels of such reserved Lands, he shall have the same conveyed to him in one Deed, if he shall so desire, and the sum of Two Shillings, and no more, shall be added to the charge for the Deed for each Lot inserted therein after the first; and such Commissioners shall be jointly entitled to receive out of the proceeds of such Sales Three *per centum* on all Monies received and paid over by them under and by virtue of this Act; and before they enter upon the duties of their office, each Commissioner shall give security to His Majesty, His Heirs and Successors, in the sum of Five hundred Pounds, for the faithful discharge of the duties of his office; and such Commissioners shall also be entitled to receive Four-pence *per* mile for every mile they

Fee for Deeds.

Remuneration to Commissioners.

Commissioners to give security in 500*l.* for faithful discharge of their duty.

shall necessarily have to travel in the performance of their duties under this Act.

IV. And be it further enacted, That within Fourteen days after such Commissioners shall have received any Monies arising from such Sales, they shall pay the same over to the public Treasurer of this Island, who shall give a receipt for the same, if required; and all such Monies as may arise by or from such Sales shall be appropriated for the purpose of promoting general Education within this Island, in such manner and under such regulations as His Majesty, His Heirs or Successors, may hereafter be pleased to prescribe or command.

Commissioners, within 14 days after receiving Monies, to hand the same to Treasurer.

Appropriation of such Monies.

V. And be it further enacted, That in all places in this Act where the Commissioners are mentioned, the major part or the whole may act; and the Administrator of the Government for the time being is hereby authorized to appoint one or more Commissioners as often as vacancies may occur, so as to keep the number of three Commissioners in being, until the objects to be accomplished by this Act are executed.

Major part of Commissioners may act.

Vacancies, how filled up.

VI. And be it further enacted, That nothing in this Act contained shall have any force or effect until His Majesty's pleasure thereon shall be known.

Suspending Clause.

SCHEDULE to which this Act refers.

Form of Conveyance from Commissioners.

To all to whom these presents shall come, greeting: KNOW ye, that we *A. B.*, *C. D.* and *E. F.* of Esquires, Commissioners named in and appointed by an Act of the General Assembly of *Prince Edward Island*, passed in the Fifth year of the Reign of His 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*, by virtue of the power and authority given unto us by the said Act, and in consideration of the sum of of lawful Money of the currency of the said Island, in hand paid to us before the execution of these presents, by *G. H.* of the receipt whereof is hereby acknowledged, have granted, bargained, sold and confirmed, and by these presents do grant, bargain, sell and confirm unto the said *G. H.* all, &c. [*here describe the Premises*] together with all hereditaments and appurtenances thereunto belonging or appertaining—which said Land hath been sold by us at Public Auction to the said *G. H.*, pursuant to the said Act of Assembly—to have and to hold the said Land, hereditaments and premises hereby intended to be conveyed unto the said *G. H.*, his Heirs and Assigns for ever [*if the Land, or any part of it, is let, as mentioned in the Act, here insert that it is sold subject to such lease*]. In witness whereof we have hereunto set our Hands and Seals, this day of in the year of our Lord 183

A. B. (L. S.)
C. D. (L. S.)
E. F. (L. S.)

Sealed and delivered in the presence of
J. K.
L. M.

CAP. XIV.

An Act to provide for the payment of Interest on Warrants which are not paid at the Treasury on demand. [10th *April*, 1835.]

WHEREAS it is expedient, for the due maintenance of public credit, that Interest should be allowed on Warrants payable at the Office of the Treasurer of this Island: Be it enacted, by the Lieutenant Governor, Council and Assembly, That when the payment of any Warrant on the Treasury may be demanded by or on behalf of the person in whose favour the same is payable, and the same cannot then be paid by the Treasurer, for the want of funds in the Treasury, the said Treasurer shall endorse on such Warrant a Memorandum of such demand, agreeably to the form in the subjoined Schedule; which said Warrant, so endorsed, shall then bear lawful Interest, until Ten days after Notice published in the *Royal Gazette*, unless sooner paid, that the money for the payment of such Warrant will be paid by the Treasurer on demand, with all Interest due thereon.

Persons holding Warrants on the Treasury, to be allowed Interest thereon, if the same cannot be paid when presented.

Duty of Treasurer, on presentation of Warrants for payment.

Vide 2 Vict. C. 2

II. And be it further enacted, That this Act shall be in force for Two Years, and no longer.

Continuance of Act.

Continued by 1 Vict. C. 3, for 5 yrs.

SCHEDULE to which this Act refers.

Form of Endorsement on Warrants.

Treasurer's Office,
183

£

Demanded day of 183
bearing Interest.

A. B. Treasurer.

ANNO QUINTO

GUILIELMI IV. REGIS.

At the General Assembly of His Majesty's Island of *Prince Edward*, begun and holden at *Charlotte Town*, the Twenty-sixth Day of *January, Anno Domini* 1835, in the Fifth Year of the Reign of our Sovereign Lord WILLIAM the Fourth, by the Grace of God, of the United Kingdom of *Great Britain* and *Ireland*, King, Defender of the Faith:

1835.

Sir A. W. Young, Knight, Lt. Governor.

E. J. Jarvis, President.

G. Dalrymple Speaker.

And from thence continued, by Prorogation, to the Twenty-ninth day of *April*, 1835, and in the said Fifth year of His Majesty's Reign, being the Second Session of the Fourteenth General Assembly convened in the said Island.

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CAP. I.

An Act to continue Four several Acts therein mentioned. [6th *May*, 1835.]

WHEREAS the herein-after mentioned Acts are about to expire, and it is deemed expedient that the same should be continued in force,

videlicet—an Act passed in the Ninth year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for establishing the Standard Weight of Grain and Pulse, and for appointing proper Officers for measuring and weighing the same;* and an Act passed in the Tenth year of His said late Majesty, intituled *An Act to amend an Act made and passed in the Ninth year of His present Majesty's Reign, intituled 'An Act 'for establishing the Standard Weight of Grain 'and Pulse, and for appointing proper Officers 'for measuring and weighing the same;'* and an Act passed in the Eleventh year of His said late Majesty's Reign, intituled *An Act for providing Pounds within this Island, and to suspend an Act made and passed in the Thirty-first year of the Reign of His late Majesty, intituled 'An Act for 'providing Pounds in the several Royalties in 'this Province;'* and an Act passed in the Second year of the Reign of His present Majesty, intituled *An Act to alter and amend an Act made in the Forty-eighth year of the Reign of His late 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 Gover-'nor, Lieutenant Governor, or Commander in 'Chief for the time being, to appoint Ballast Mas-'ters, and to regulate their duty'*—Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the several Acts herein-before mentioned, and every clause, matter and thing therein respectively contained, be continued and 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.

The several Acts in the preamble mentioned, to be continued in force for one year, and from thence to the end of the then next Session.

CAP. II.

An Act for the increase of the Revenue in this Island. [6th *May*, 1835.]

WE His Majesty's dutiful and loyal Subjects, the House of Assembly of *Prince Edward Island*, towards raising the necessary supplies to defray the expences of His Majesty's Government of this Island, have resolved to give and grant unto the King's Most Excellent Majesty, the several rates and duties herein-after 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 passing of this Act, and during the continuance thereof, there shall be raised, levied and paid, the following Impost Duties on the several articles herein-after mentioned, imported into this Island (that is to say)—on all Wines, of every denomination, and all Gin, Brandy and Rum imported into this Island, and on all other distilled Spirituous Liquors, Eleven-pence *per* gallon, over and above the sum of Ten-pence *per* gallon on all such Liquors imported into this Island, under two several Acts, one 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 upon all Wines, Rum, Brandy, and other distilled Spirituous Liquors exported from this Island*, and an Act passed in the Thirty-fifth year of the same Reign, 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 on all kinds of Goods, Wares and Mer-

Impost Duty of 11d. per gallon, over and above the sum of 10d. per gallon, imposed by permanent Revenue Acts, to be raised and levied on all Wines, Gin, Brandy, &c. &c. and on all Goods, &c. (except as herein-after excepted), brought into this Island, and consumed within the same, at the rate of 5l. on every 100l. worth of Goods, &c.

chandise, of what kind and nature soever, except as herein-after 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 said Impost Duty shall be levied, paid and collected at the following rates (that is to say)—a Duty of Impost of Five Pounds on every One hundred Pounds' worth of Goods of any kind, which shall be imported for sale or consumption as aforesaid by any person or persons whomsoever, which said Duty of Impost shall be calculated on the Invoice price of each One hundred Pounds' worth of such Goods as aforesaid, and so in proportion for a greater or less quantity thereof; and for every Hundred weight of Tobacco, either manufactured or unmanufactured, the sum of Eighteen Shillings and Eight-pence; and for every pound of Tea, the sum of Four-pence; and 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 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 Monies due to*

Duty to be calculated on Invoice price; and for every cwt. of Tobacco, 18s. 8d. and for every lb. of Tea 4d.

Which Duties are to be secured in the manner prescribed by the Act of 52 G. 3, altering and amending Laws of Impost on Wines, &c.

and by an Act of 11 G. 4, for the further security and recovery of monies due to His Majesty, &c.

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 Credits as are prescribed by this Act, and 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 collected under the regulations prescribed by this Act, and the Wine and Spirit Duty Act of 25 G. 3.

II. Provided always, and be it further enacted, That all Rum imported into this Island from the *West Indies* or *South America* direct, shall be liable only to the payment of an additional duty of Eight-pence *per* gallon, if the same shall have been purchased by barter or exchange for articles which shall have been grown, raised, produced, or manufactured within this Island, or with Fish caught on its shores or cured in the said Island, and loaded in any of its ports, and carried or shipped from the said Island: And provided also, that every owner or other person who shall import into this Island any Rum as last herein-before mentioned, in order to obtain the benefit of this Act, shall, within twenty-four hours after such importation, deliver to the Collector of Impost for the Port where the said vessel shall enter, an Invoice, specifying therein the quantity of such Rum, and shall, at the foot of such Invoice, make and subscribe the following Affidavit or Affirmation:—

Proviso. Rum imported from West Indies, &c. direct, to pay only 8d. per gallon, if the same shall have been bartered or exchanged for articles the growth or produce of this Island, or for Fish caught on its shores, or cured therein, and loaded in its Ports, & shipped therefrom.

Importer of Rum, within 24 hours after importation, to deliver Collector of Impost an Invoice, specifying quantity thereof, and to make the following Oath.

'I *A. B.* do swear [*or* affirm], that the foregoing 'Invoice is just and true, and that the said Rum, 'and every part thereof, was actually purchased in 'the *West Indies* or *South America*, with the 'proceeds of certain articles, the growth, produce

Form of Importer's Oath.

'or manufacture of this Island, or with Fish 'caught or cured on its shores, and loaded in one 'of its ports, and carried from the same, or bar-'tered or exchanged for articles the growth, pro-'duce or manufacture of the said Island, or for Fish 'caught on its shores or cured on the said Island, 'and loaded in one of its ports, or carried from the 'same. 'So help me GOD.'

Persons swearing Oath, with intent to defraud, on conviction, to suffer the pains inflicted on persons guilty of Perjury.

And if any person or persons shall, with intent fraudulently to take advantage of the benefits and provisions of this Act, make or affirm the foregoing Affidavit falsely, such person or persons, on due conviction thereof, shall suffer the pains and penalties by law appointed for persons guilty of wilful and corrupt perjury.

Any Rum falsely represented by Importer as having been bought or bartered with produce, &c. of this Island, to be forfeited, and the Master of Vessel or Owner, or other person making such false representation, to be liable to a penalty of 50*l.*

III. And be it further enacted, That if any Rum shall be imported into this Island, and shall be falsely represented by the person importing the same, as having been purchased with, or bartered or exchanged in the *West Indies* or *South America* for articles the growth, produce or manufacture of this Island, or for Fish caught on its shores, or cured thereon, and loaded in any of its ports, and carried or shipped from the same, then the whole of the said Rum, so falsely represented to have been purchased, bartered or exchanged as aforesaid, shall be forfeited, and the master of the vessel importing the same, or owner, or other person so falsely representing the same to have been purchased, bartered or exchanged as aforesaid, shall be liable to a penalty of Fifty Pounds, one half of such forfeiture and penalty to be paid to His Majesty, to and for the use for which the said rates and duties are granted, and the other half to the person who shall and may sue for the same; and that any verdict or conviction for such penalty shall be over and above the costs of suing for the same, to which the Informer shall be, and is hereby entitled. Provided always, that this Act, or any thing

Appropriation of Penalty.

Proviso.

therein contained, shall not extend, or be construed to extend, to interfere with the provisions and regulations of any Act of the Imperial Parliament in force in this Island, so far as the same relates to the collection and appropriation of any Duties upon any of the articles specified and charged with Duties in this Act, or in any of the Acts herein-before mentioned.

Nothing in this Act to interfere with any Act of the Imperial Parliament in force in this Island, relative to the collection and appropriation of Duties.

IV. And be it further enacted, That from and after the passing hereof, there shall be allowed and paid on all Wines, Gin, Brandy, Rum, or other distilled Spirituous Liquors, Tea, Tobacco, and all Goods, Wares and Merchandise, 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 all Wines, Gin, &c. Tea & Tobacco, and all Goods, Wares, &c. equal in amount to ⅞ths of Duties, to be allowed on exportation.

V. And be it further enacted, That such Drawback on all Wines, Gin, Brandy, Rum, or other distilled Spirituous Liquors, Tea, Tobacco, Goods, Wares or Merchandise 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, 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 required, on request made to them respectively 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 or credited to any such

Drawback to be paid to Exporter, if Duties have been paid prior to exportation; and if only secured, credit to be given on back of Security.

Before exportation of any of said articles, Collector to grant Permits to ship same.

No drawback to be paid or credited until Permit

be produced to the Treasurer, with a Certificate endorsed thereon by principal Officer of Customs, &c. at the Port where Wines, &c. are landed, that such Wines, &c. Tea, Tobacco or Goods, &c. have been landed and duties paid at some Port not in this Colony.

Exporter, until he shall have obtained and produced to the Treasurer of this Island a Certificate endorsed on the back of the said Permit, from the principal Officer of His 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, expressing such Wines, Gin, Brandy, Rum, or other distilled Spirituous Liquors, Tea, Tobacco, Goods, Wares or Merchandise to have been there actually landed, and the Duties thereon 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 all or any such article or articles as aforesaid, shall take and subscribe the following Oath, which Oath the said Collector and Receiver or Collectors and Receivers are hereby empowered and directed to administer:

Exporter to take an Oath, to be administered by Collector.

Form of Exporter's Oath.

'I *A. B.* do swear, that the quantity of
'by me shipped for exportation on board the Ship
'or Vessel called the whereof is Mas-
'ter, 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 that I have actu-
'ally 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 (*or 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,
'and are not intended to be fraudulently relanded,
'brought back, sold, bartered, exchanged or con-
'sumed 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 Wine, Gin, Brandy, Rum, or other Distilled Spirituous Liquors, Tea, Tobacco, Goods, Wares or Merchandise 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 likewise to take an Oath, to be annexed to Invoice.

'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 danger 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, (or as the case may be), with the said Goods therein contained. So help me God.'

Form of Master's Oath.

VI. And be it further enacted, That if any Wine, Rum, Brandy, Gin, or other Distilled Spirituous Liquors, Tea, Tobacco, Goods, Wares or Merchandise, shall be fraudulently relanded in, or at any Port or place within this Island, after the same shall be shipped for exportation, the same shall be forfeited, and all persons concerned in such fraudulent relanding, shall also be liable to a fine of Fifty Pounds, to be recovered by Bill, Plaint, or Information in His Majesty's Supreme Court of Judicature of this Island.

Any Wines, &c. Tea, Tobacco, or Goods, &c. fraudulently relanded, after being shipped for exportation, to be forfeited, and Persons concerned in such relanding to be liable to a fine of 50*l.*

Mode of recovery of fine.

VII. And be it further enacted, That nothing herein contained shall entitle any Exporter or Exporters, in any respect whatsoever, to a Drawback on a less quantity of such Wine, 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 less quantity than Three hundred weight of Tobacco, or Eighty pounds of Tea, nor on any Goods, Wares or Merchandise, unless

No Exporter to be entit'ed to a Drawback on a less quantity of Wine, &c. than 50 gallons, or of Rum, &c. than 100 gallons, or on a less quantity than 3 cwt. Tobacco, or 80 lbs. Tea, nor on any Goods, &c. unless invoice price

of one shipment exceed the sum of 50*l.* and unless application be made for drawback, &c. within 12 months from time of re-shipment.

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 allowing thereof made, within Twelve months, to be computed from the time of such re-shipment, any thing herein contained to the contrary notwithstanding: and provided also, that the time limited for such re-shipment shall be from Sun-rising to Sun-setting.

Time for re-shipment to be from Sun-rising to Sun-setting.

Masters of Vessels, &c. before breaking bulk, and within 24 hours after arrival, to report on Oath to Collectors and Receivers their Cargoes particularly, which Oath the Collector, &c. is empowered to administer in form following:

VIII. And be it further 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, having on board any Wine, Rum, Brandy, Gin, or other distilled Spirituous Liquors, Tea, Tobacco, Goods, Wares or Merchandise, shall, before breaking bulk, and within twenty-four hours after their arrival, make report in writing, upon Oath, to any of the Collectors and Receivers within this Island, of all Wine, Rum, Brandy, Gin, or other distilled Spirituous Liquors, Tea, Tobacco, Goods, Wares or Merchandise, 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, Rum, Brandy, Gin, or other distilled Spirituous Liquors, Tea, Tobacco, Goods, Wares or Merchandise, 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 such Ship or Vessel, for exportation, which Oath the said Collector and Receiver, or Collectors and Receivers, is or are empowered to administer in the form following:—

'YOU *A. B.* do swear, that the Report which 'you have made, read, or heard read, and subscrib-'ed, contains a just and true account of all the 'Wine, Rum, Brandy, Gin, or other distilled Spi-'rituous Liquors, Tea, Tobacco, Goods, Wares or 'Merchandise, laden on board the at 'and that you have not landed, nor suffered to be 'landed, sold or delivered, bartered or ex-'changed, any Wine, Rum, Brandy, Gin, or other 'distilled Spirituous Liquors, Tea, Tobacco, 'Goods, Wares or Merchandise, at any port or 'place within this Island, or on the coasts thereof, 'since your sailing from 'So help you GOD.'

Form of Oath of Master.

IX. And be it further enacted, That all and every person or persons whosoever, who shall import or bring into this Island any Wine, 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 and Receiver of Impost for the District wherein such importation shall be made, an entry in writing, stating the quantity and description of such dutiable article or articles imported, and the total amount of the original Invoice of the Goods, Wares or Merchandise which shall be so imported as aforesaid, the Vessel's name in which the same was imported, together with the Master's name; and the Importer or Importers making such Entry shall make and subscribe the following Affidavit, and the said Collector is hereby empowered to administer the Oath thereon (that is to say):—

Importer to produce to Collector, &c. an Entry, stating particulars of articles imported, and amount of Invoices, and the vessel's name, together with the name of the Master thereof, and shall make and subscribe the following Oath, to be administered by Collector.

'I *A. B.* of in the County of do 'swear, that the Entry now by me made, read, or 'heard read, and subscribed, is just and true, and 'contains a correct account as to the quantity and 'value of all Casks, Packages, number of gallons, 'and weight of dutiable articles therein mentioned, 'and is according to the original Account or In-

Form of Affidavit of Importer.

'voice of all the Goods, Wares or Merchandise by 'me imported in the Ship or Vessel called the '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. 'So help me GOD.'

When the Owner of the Goods, &c. is not a resident in this Island, the person making the entry only to swear to the value and ownership.

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 to swear to such part of his said Affidavit as relates to the quantity, value and ownership of such Goods, Wares or Merchandise.

If any Goods, &c. liable to duty, arrive at any Port in this Island, before Consignee shall receive an Invoice, Collector, &c. to grant a Permit to land the same, and, on appraisement thereof by two persons, on oath, duty to be paid according to appraisement.

X. And be it further enacted, That when any Goods, Wares or Merchandise, 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 Merchandise 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 Five *per centum* be imposed on the residue of the Invoice, after such deduction.

If Importer is entitled to any Drawback on such Goods, &c. in Great Britain, &c. Duty to be paid on the amount of Invoice, after deducting such Drawback therefrom.

All Duties Imposed by this Act, or other Revenue Acts, to be paid over and above all

XI. And be it further enacted, That all such Duties as are imposed under and by virtue of the herein-before mentioned Acts and this Act, be and the same shall be levied and paid over and above all

Duties levied and imposed by any Act or Acts of the Imperial Parliament of *Great Britain* and *Ireland* in force in this Island.

Duties imposed by the Imperial Parliament.

XII. And be it further enacted, That all Spirituous Liquors, of what nature or kind soever, manufactured in any part of the United Kingdom of *Great Britain* and *Ireland*, be and the same shall be imported into this Colony duty free, any thing in this Act, or in the herein before mentioned Acts, to the contrary notwithstanding.

All Spirituous Liquors manufactured in Great Britain or Ireland, exempted from the payment of any Duty under this Act.

XIII. And be it further enacted, That the Collector and Receiver, or Collectors and Receivers, that now are, or hereafter shall be appointed by the Lieutenant Governor or other Administrator of the Government, by and with the advice and consent of His Majesty's Council, to secure and collect the Duties payable under the herein-before mentioned Acts or this Act, shall only be paid and have Five *per centum* on all Monies paid or secured under and by virtue of the herein-before mentioned Acts and this Act, except the Collector for *Charlotte Town*, who is already provided for by Salary.

Allowance to Collector, &c. under this Act, and other Revenue Acts.

XIV. And be it further enacted, That when from henceforth the Duty to be paid by any Importer or Importers of any Articles liable to Duty under the herein-before mentioned Acts or this Act, shall amount to the sum of One hundred Pounds, and under Two hundred Pounds, the said Collector and Receiver, or Collectors and Receivers, is or are 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 herein-before recited Acts to the contrary notwithstanding.

If Duty amount to 100*l.*, or over, credit to be given in the payment thereof for 12 months.

Suspends the 20th, 21st, 22d and 23d Sections of the Act of 25 G. 3, relating to Duty on Wines, &c.

XV. And be it further enacted, That from and after the passing hereof, the Twentieth, Twenty-first, Twenty-second and Twenty-third Sections of the first herein-before mentioned Act be and the same are hereby suspended during the continuance of this Act.

Articles exempted from payment of *Ad-valorem* Duty under this Act.

XVI. And be it further enacted That nothing herein contained shall extend, or be construed to extend, to the levying or collecting any *Ad-valorem* Duty whatsoever, by virtue of or under the authority of this Act, from or upon the several Articles following (that is to say)—Salt, Lime or Limestone, Wines, Rum, Brandy, Gin, or other distilled Spirituous Liquors, Porter, Ale, Tea, Tobacco, Fish, Fish Oil, Lumber or Staves, the Baggage of Emigrants, Wheat or Grain, Garden or Grass Seeds of every description, Live Stock, and such Implements of Husbandry as may be imported by any Agricultural Society, for the purpose of being sold or used by such Society within this Island; and all Sails, Rigging, Blocks, Cables and Anchors which may have been used in taking any new Vessel from this Island to market, for sale; if such Sails, Rigging, Blocks, Cables and Anchors shall be returned forthwith, after sale of the Vessel, direct to this Island, by the Exporters thereof, and shall have previously paid or been charged with the Duties imposed thereon by this Act, or any former Act, on the first importation thereof into this Island.

On re-importation of any Sails, Rigging, &c. used in taking Vessels to market, Owner to make oath that such articles are the identical Sails, &c. so used.

XVII. And be it further enacted, That on the re-importation into this Island 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 and Receivers aforesaid, that such articles are the identical Sails, Rigging, Blocks, Cables or Anchors, as were so previously exported in such Vessel as aforesaid.

XVIII. And be it further enacted, That if any Contractor or Contractors, Commissioner or Commissioners, or any person or persons whosoever, in His Majesty's service or employment, shall import and bring within this Island, for the use of His Majesty's Navy or Army, any Goods, Wares or Merchandise, or Ordnance Stores, or War Munitions of any kind whatsoever, or Officer's Baggage, the same shall not be considered in any manner liable to any duties imposed by this Act, any thing herein contained to the contrary notwithstanding.

Articles imported for the use of the Army and Navy, exempted from Duty, as also Officers' baggage.

XIX. And be it further enacted, That all Wine, Brandy, Gin, Rum or other distilled Spirituous Liquors, Tea, Tobacco, Goods, Wares or Merchandise as aforesaid, which shall or may be imported in Boats from any Port or Ports of the neighbouring Colonies, shall be subject to the same Duties, Fines and Forfeitures as if the same were imported in Vessels of greater burthen.

All Wines, &c. Tea, Tobacco, and Goods, &c. imported in boats from neighbouring Colonies, subject to same Duties as if imported in large Vessels.

XX. And be it further enacted, That the Collectors and Receivers appointed, or hereafter to be appointed, shall and they are hereby required to attend and keep open their respective Offices from Ten o'clock in the forenoon until Four o'clock in the afternoon (Sundays excepted) for the purpose of collecting and receiving Duties of Impost imposed by this Act, or any other Act of the Legislature of this Island.

Collectors, &c. required to keep open their respective Offices from 10 o'clock in the forenoon until 4 o'clock in the afternoon.

XXI. And be it further enacted, That it shall and may be lawful for the Collectors and Receivers now appointed, or who may be hereafter appointed, for collecting and receiving the duties of Impost payable to His 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 to grant a Permit for the land-

Collectors, &c. to receive payment of Duties, or secure the same as before directed.

If, on landing any Wine, Gin, &c. on which Duties have been paid or secured, it shall be ascertained by guaging that the casks contain a less quantity than supposed, Importer to have credit for the deficiency.

ing thereof, on Entry being made as aforesaid; and and if it should so happen on the landing of any Wine, Gin, Brandy, Rum or other distilled Spirituous Liquors liable to Duties of Impost, the amount of which has been included in such security, that on guaging such Wine, Gin, Brandy, Rum, or other distilled Spirituous Liquors, a difference in quantity should appear, the Collectors and Receivers are hereby 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 and Receiver 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 it is hereby declared to be part of the Defeazance or condition to every such Bond or Security which may be so endorsed as aforesaid.

Chief Justice, or, in his absence, Puisne Justices of Supreme Court, to grant a Writ of Assistance to Collector, &c. who, with a Constable, may enter, in day time, and search any house, &c., and, if resisted, break open doors, &c. and seize any Goods not duly entered, and for which Duties have not been paid.

XXII. And be it further enacted, That for the better and more effectually collecting and securing the several Duties levied by this Act, it shall and may be lawful for any Collector of Impost having a Writ of assistance under the seal of His Majesty's Supreme Court of Judicature of this Island, (which Writ the Chief Justice of the said Court, or in his absence, the Puisne Justices are hereby authorized and empowered to grant upon 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 House, Shop, 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.

XXIII. And be it further 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:

All Writs of Assistance so issued to be in force during the time therein limited by Supreme Court.

XXIV. And be it further enacted, That all the Monies arising from the several Rates and 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 an Act of the General Assembly of this Island, to be passed this present Session; and if the Treasurer of this Island shall issue and pay any of the said Monies arising from this Act for any other 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 uses which shall be expressed in the said Act, and to be recovered by Bill, Plaint or Information, in His Majesty's Supreme Court of Judicature of this Island.

Appropriation of Monies to be raised by this Act.

Treasurer to forfeit 1000*l.* if he pays any Monies secured under this Act, for any other purpose than shall be declared by Bill to be passed, and be incapable of holding office.

XXV. And be it further enacted, That this Act shall continue and be in force for one year from the passing hereof, and no longer.

Continuance of Act.

CAP. III.

An Act for appropriating certain Monies therein mentioned, for the service of the Year of our Lord One thousand eight hundred and thirty-five.

[6th *May* 1835.]

May it please your Excellency;

WE His Majesty's dutiful and loyal subjects the House of Assembly of Prince Edward Island, towards appropriating the several Supplies raised for the exigencies of His Majesty's Govern-

ment, do humbly beseech that it may be enacted—And be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That by or out of such Monies as from time to time shall be and remain in the Public Treasury of this Island, arising from the said Supplies, there shall be allowed and paid, for the services herein mentioned, the several sums following, (that is to say),

500*l.* to the Treasurer, for his Salary for the present year.

The sum of Five hundred Pounds to the Treasurer of this Island, for his Salary for the present year.

260*l.* to the Collector of Impost, for his Salary.

And a further sum of Two hundred and sixty Pounds to the Collector of Impost and Excise for the District of Charlotte Town, for his salary for the present year.

200*l.* for Salaries of Sub-Collectors of Customs.

And a further sum of Two hundred Pounds, to defray the salaries of the Sub-Collectors of His Majesty's Customs for the present year.

150*l.* to Commissioners of Highways.

And a further sum of One hundred and fifty Pounds to the Commissioners of Highways, for their services for the present year.

50*l.* to person appointed to correspond with Road Commissioners.

And a further sum of Fifty Pounds to the person appointed to correspond with the Road Commissioners, for his services for the present year.

75*l.* to Inspecting Field Officer.

And a further sum of Seventy-five Pounds to the person appointed to inspect the Militia, and to receive the Returns from the Commanders of Regiments and Battalions, for his services for the present year.

40*l.* to the Wharfinger of Charlottetown Wharf, for his Salary.

And a further sum of Forty Pounds to the Wharfinger of Charlotte Town Wharf, for his salary for the present year.

60*l.* to the Speaker of the House of Assembly.

And a further sum of Sixty Pounds to the Speaker of the House of Assembly, for his services during the last and present Sessions of the General Assembly.

30*l.* to each of the other members of Assembly, and 8*d.* per mile, for travelling charges.

And a further sum of Thirty Pounds to each of the other Members of the House of Assembly, together with travelling charges, at the rate of Eight-pence per mile, in coming to and returning

from the last and present Sessions of the General Assembly.

And a further sum of One hundred Pounds to the Chief Justice, for his travelling expences to attend the County Courts, for the present year.

100*l.* to Chief Justice, for travelling expences, to attend County Courts.

And a sum sufficient to purchase a Bill for One hundred Pounds Sterling, to be remitted to John Bainbridge, Esquire, late Colony Agent, for his services for the past year.

100*l.* Sterling to John Bainbridge, Esq. late Colony Agent.

And a further sum of One hundred Pounds, to be placed at the disposal of the Lieutenant Governor, for the maintenance and safe keeping of Insane persons for the present year.

100*l.* for the maintenance and safe keeping of insane Persons.

And a further sum of Ten Pounds, to be paid to John Ready, a blind person, in half yearly payments.

10*l.* to John Ready, a blind person.

And a further sum of Twelve Pounds, in half yearly payments, to William Purcell, a blind person.

12*l.* to William Purcell, a blind person.

And a further sum of Eight Pounds to Elizabeth Le Page, of Township number Forty-nine, towards the support of her husband, who is a lunatic.

8*l.* to Elizabeth Le Page, towards support of her husband, who is a lunatic.

And a further sum of Fifteen Pounds to Isaiah Poirrier, for the support of an orphan idiot.

15*l.* to Isaiah Poirrier, for support of an orphan idiot.

And a further sum of Eight Pounds, to be placed at the disposal of the Reverend John Maclennan, for the support of James Maddox, a blind person.

8*l.* for support of James Maddox, a blind person.

And a further sum of Ten Pounds to Hercules Frize, a blind person.

10*l.* to Hercules Frize, a blind person.

And a further sum of Twelve Pounds ten shillings to John Cunningham, for the loss of his Barn, destroyed by fire, at the request of the Board of Health for the district of Saint Peter's.

12*l.* 10*s.* to John Cunningham, for loss of his barn, burnt by direction of Board of Health.

And a further sum, not exceeding Seven hundred Pounds, to the Lieutenant Governor, to be expended in carrying into effect the provisions of an Act intituled *An Act for the encouragement of Education.*

700*l.* for encouragement of Education.

And a further sum of Fifty Pounds to the Trustees of Saint Andrew's College, in aid of the funds of that Institution.

50*l.* to the Trustees of St. Andrew's College.

10*l.* to Hannah Bullpitt.

And a further sum of Ten Pounds to Hannah Bullpitt, for conducting a preparatory School in Charlotte Town.

15*l.* to Secretary of Board of Education.

And a further sum of Fifteen Pounds to the Secretary of the Board of Education, for his services for the present year, and for Stationary and other contingent expences.

25*l.* to William Morris.

And a further sum of Twenty-five Pounds to William Morris, a Member of the Board of Education, who has conducted a School in Charlotte Town during the past year.

75*l.* for the purchase of Books for the Assembly Library.

And a further sum of Seventy-five Pounds to the Speaker of the House of Assembly, for the purchase of Books for the Library, under the direction of a Special Committee of the Assembly.

A Sum sufficient to pay for 6 copies of Colonel Bouchette's work, & maps, &c.

And a sum sufficient to purchase a Bill on Quebec to pay for six copies of Colonel Bouchette's Work and Maps, forwarded agreeably to a Resolution of the House of Assembly.

140*l.* for erecting a Fence at Government House, and for repairing the Causeway leading thereto.

And a sum not exceeding One hundred and forty Pounds to the Lieutenant Governor, to defray the expence of erecting a Fence at Government House, and to repair the Dam leading to the premises.

100*l.* for fencing the Jail Yard at Georgetown.

And a further sum of One hundred Pounds, to defray the expence of fencing the Jail Yard, sinking a Well, and for other necessary work at the Court House and Jail at Georgetown.

25*l.* for completing the cells in the Jail at St. Eleanor's.

And a further sum of Twenty-five Pounds, to defray the expence of completing the Cells in the Jail at Saint Eleanor's.

100*l.* for incidental repairs of Roads & Bridges.

And a further sum of One hundred Pounds, at the disposal of the Lieutenant Governor, for the incidental repairs of Roads and Bridges for the present year.

5*l.* for repairing slips at Ellis River Ferry.

And a further sum of Five Pounds for the repair of the Slips or Hards at Ellis River Ferry.

30*l.* to George Tanton, for extra work done on Jail at St. Eleanor's.

And a further sum of Thirty Pounds to George Tanton, of Saint Eleanor's, for extra work performed by him on the Jail at that place.

And a further sum of One hundred and fifty Pounds, at the disposal of the Lieutenant Governor, to defray the expence of conveying the Winter Mails to and from Nova Scotia.

150*l.* for the conveyance of the Winter Mails.

And a further sum of One hundred and eighty Pounds, at the disposal of the Lieutenant Governor, to defray the expence of conveying the Inland Mails for the present year.

180*l.* for conveying Inland Mails.

And a further sum of Twenty Pounds to the Representatives of the late Richard Chappell, Postmaster, for conducting the business of the Inland Mails for the past year.

20*l.* to the Representatives of Richard Chappell, late Postmaster.

And a further sum of Forty-three Pounds eighteen shillings and seven-pence to Thomas Owen and Angus Macdonald, being the amount of their account for building the Winter Mail Boat.

43*l.* 18*s.* 7*d.* to Thomas Owen & Angus Macdonald, for building Winter Mail Boat.

And a further sum of Five Hundred Pounds to the owners of the Pocahontas Steam Boat, for conveying the Mails during the Summer seasons of the years One thousand eight hundred and thirty-three, and One thousand eight hundred and thirty-four.

500*l.* to the Owners of the Pocahontas, Steamboat, for conveying the Mails in 1833 and 1834.

And a further sum to the Lieutenant Governor, sufficient to purchase a Bill on England for Seventy Pounds Sterling, to pay John Bainbridge, Esquire, the balance due on the Furniture lately imported for the use of the new Government House.

70*l.* Sterling, to pay balance due on Furniture for Government House.

And a further sum of Five Pounds to William M'Neill, a blind person.

5*l.* to William M'Neill, a blind person.

And a further sum of One thousand one hundred and thirty-seven Pounds nine shillings and three-pence, at the disposal of the Lieutenant Governor, for the service of Roads and Bridges, to be applied and expended agreeably to the Report of the Committee of Supply.

1,137*l.* 9*s.* 3*d.* for the service of Roads & Bridges.

And a further sum of Five hundred Pounds, at the disposal of the Lieutenant Governor, should the same be required, for carrying into effect the provisions of an Act passed in the Fourth year of His present Majesty's Reign, for regulating the conveyance of the Mails by a Steam Vessel.

500*l.* for conveyance of the Mails by a Steam Vessel.

200*l.* for carrying into effect the Acts for preventing the importation and spreading of Infectious Distempers.

And a further sum of Two hundred Pounds, at the disposal of the Lieutenant Governor, should the same be required, for carrying into effect the provisions of the Acts for preventing the importation and spreading of Infectious Distempers in this Island.

150*l.* for defraying expence of establishing County Lines, &c.

And a further sum of One hundred and fifty Pounds, for defraying the expence of establishing the County Lines, under the provisions of the Act for ascertaining and establishing the Boundary Lines of Counties and Townships, should the same be required.

200*l.* to defray contingent expences of the Legislative Council.

And a further sum of Two hundred Pounds, to defray the contingent expences of the Legislative Council for the last Session.

30*l.* to Commissioners for issuing Treasury Notes.

And a further sum of Thirty Pounds, to defray the charge allowed by Law to the Commissioners for issuing Treasury Notes, should the same be required during the present year.

40*l.* to pay premiums for killing Bears and Loupcerviers.

And a further sum of Forty Pounds, to pay the premiums allowed by Law for the destruction of Bears and Loupcerviers, should the same be required during the present year.

250*l.* for Public Printing and Stationary.

And a further sum of Two hundred and fifty Pounds, to defray the expence of the public Printing and Stationary for the present year, should the same be required.

40*l.* to the Jailor in Charlottetown, for his salary.

And a further sum of Forty Pounds to the Keeper of the Jail in Charlotte Town, for his salary for the present year.

30*l.* to defray the salary of King's County Jailor.

And a further sum of Thirty Pounds, to defray the salary of the King's County Jailor for the present year.

30*l.* to defray the Prince County Jailor's Salary.

And a further sum of Thirty Pounds, to defray the salary of the Prince County Jailor for the present year.

25*l.* to High Sheriff, for his salary.

And a further sum of Twenty-five Pounds, to the High Sheriff, being his allowance for the present year.

25*l.* to the Master of the National School, for his salary.

And a further sum of Twenty-five Pounds, to the Master of the National School, for his salary for the present year.

And a further sum of Ten Pounds, to the Assayer of Weights and Measures for Queen's County, in lieu of office rent and other contingent expences.

10*l.* to the Assayer of Weights and Measures.

And a further sum of Three hundred and fifty Pounds, should the same be required, for defraying the expence of Crown Prosecutions, including Fees of the Crown Officers, Clerks of the Courts, and Witnesses, and Coroner's and Jurors' Fees, for the present year.

350*l.* to defray the expences of Crown Prosecutions.

And a further sum of Fifty Pounds, should the same be required, to defray the Crown Officer's Fees for other purposes, for the present year.

50*l.* to defray Crown Officer's fees.

And a further sum of Two hundred and seventy Pounds, to defray the Sheriff's expences for the Jails of King's, Queen's and Prince Counties, and for supplying the same with Bread and Fuel, for the present year.

270*l.* to defray Sheriff's expences for the several County Jails.

And a further sum of Two hundred and forty Pounds, should the same be required, for defraying the Fees of the Colonial Secretary and Clerk of the Council, and to provide for the contingent expences of those offices, for the present year.

240*l.* for defraying fees of Colonial Secretary & Clerk of the Council, &c.

And a further sum of Forty Pounds, to the Messenger of the Executive Council, Crier of the Supreme Court, and Tipstaff to the Court of Chancery, for his salary for the present year.

40*l.* to the Messenger of the Executive Council, Crier, & Tipstaff in Chancery for his Salary.

And a further sum of Forty Pounds, to the Clerk of the Market, for his services for the present year.

40*l.* to Market Clerk.

And a further sum of One hundred and fifty Pounds, to pay the balance due upon the contract for printing and binding the new Edition of the Statute Book, agreeably to the Act passed for that purpose.

150*l.* to pay the balance due for printing & binding new Statute Book.

And a further sum of Two hundred and thirty-five Pounds twelve shillings and ten-pence, to William Cullen, Clerk of the House of Assembly, for his services last Session, including Stationary for the use of the House.

235*l.* 12*s.* 10*d.* to William Cullen, Clerk of the House of Assembly.

And a further sum of Sixteen Pounds seven shillings and three-pence, to the Clerk of the House of Assembly, to defray the expences attending the trial of the controverted Election for Queen's County.

16*l.* 7*s.* 3*d.* to the Clerk of the Assembly, to defray expences of trial of controverted Election.

178*l.* 6*s.* 3*d.* to J. D. Haszard, for printing and binding Journals of House of Assembly.

And a further sum of One hundred and seventy-eight Pounds six shillings and three-pence, to James Douglas Haszard, for printing and binding the Journals of the House of Assembly for the last Session, on his producing a certificate from the Clerk of the House of the same being completed and delivered.

5*l.* to J. H. White, being balance due for printing Journals of the House of Assembly.

And a further sum of Five Pounds, to John H. White, for the balance due on his contract for printing the Journals of the House of Assembly, for the Session of One thousand eight hundred and thirty-four.

20*l.* to the Rev. L. C. Jenkins, as Chaplain to the House of Assembly.

And a further sum of Twenty Pounds, to the Reverend Louis C. Jenkins, for his services as Chaplain to the House of Assembly for the last Session.

24*l.* 7*s.* 6*d.* to Solomon Desbrisay, Sergeant at Arms to the House of Assembly.

And a further sum of Twenty-four Pounds seven shillings and sixpence, to Solomon Desbrisay, Serjeant at Arms to the House of Assembly, for his attendance during the last Session.

20*l.* 14*s.* 1*d.* to Solomon Desbrisay, for sundries furnished the Assembly.

And a further sum of Twenty Pounds fourteen shillings and one penny, to the said Solomon Desbrisay, being the amount of his account for sundries furnished for the use of the House of Assembly during the last Session.

21*l.* 2*s.* 6*d.* to Henry W. Lobban, Messenger to the Assembly.

And a further sum of Twenty-one Pounds two shillings and sixpence, to Henry William Lobban, Messenger to the House of Assembly, for his services for the last Session.

18*l.* 3*s.* to William Birch, Doorkeeper to the Assembly.

And a further sum of Eighteen Pounds three shillings, to William Birch, Doorkeeper to the House of Assembly, for his services for the last Session.

150*l.* to defray Contingent Expences of the Government.

And a further sum of One hundred and fifty Pounds, to defray such contingent expences of Government as may arise during the present year —to be drawn by Warrant of the Lieutenant Governor, or other Administrator of the Government, for the time being.

90*l.* to defray Contingent Expences of Legislative Council & House of Assembly.

And a further sum of Ninety Pounds, to defray the contingent expences of the Legislative Council and House of Assembly, for the present Session, should the same be required.