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**ACTS**

OF

**THE GENERAL ASSEMBLY**

OF THE

**PROVINCE OF NOVA-SCOTIA.**

**ANNO DUODECIMO VICTORIÆ REGINÆ.**

**1849.**



**HALIFAX :**

PRINTED BY JOHN S. THOMPSON,  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.



# TABLE

OF THE

## ACTS OF THE GENERAL ASSEMBLY

OF THE  
PROVINCE OF NOVA-SCOTIA.

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**AT the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on Thursday, the Eighteenth day of January, 1849, in the Twelfth Year of the Reign of Our Sovereign Lady VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, &c. &c. &c., being the Second Session of the Nineteenth General Assembly convened in the said Province.\***

\* In the time of Sir JOHN HARVEY, Lieutenant-Governor; Michael Tobin, President of the Legislative Council; William Young, Speaker of the Assembly; Joseph Howe, Provincial Secretary; and John Whidden, Clerk of Assembly.

CAP. I.

**An Act for transferring the Crown Revenues of Nova Scotia, and providing for the Civil List thereof.**

*(Passed the 8th day of March, A.-D. 1849.)*

**W**HEREAS Her Majesty's most gracious pleasure has been signified, that upon provision made for the Civil List of this Province by the Legislature thereof, all Her Majesty's Casual and Territorial Revenues shall be placed under the control and management of this Legislature. And whereas Her Majesty's faithful and loyal subjects, the House of Assembly of this Province, are desirous, as far as the circumstances of this Province and the ability of its inhabitants will permit, to provide suitably for the due support and independence of the necessary Officers of Her Majesty's Government, and therefore have resolved to make a permanent allowance for the Salaries of the Lieutenant Governor, the Judiciary of the Province, and Law Officers of the Crown, and the Secretary of the Province; and also to grant for the other Officers of the Government a proper and liberal support annually, and subject to Her Majesty's assent thereto, to provide for the surrender and transfer of the Casual and Territorial Revenues now collected and received for and on behalf of Her Majesty, unto and for the use and benefit of this Province, and to be disposed of and managed as in and by any Act of the General Assembly for the time being shall be ordered and directed.

Preamble.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That when and so soon as Her Majesty's assent shall be given to this Act, and such assent shall be signified by publication of the same in the Royal Gazette at Halifax, then, but not before, this Act shall come into and be in full force and operation.

To come into operation after publication of Her Majesty's assent in R. Gazette.

II. *And be it enacted,* That towards making an adequate and permanent provision, according to the means and ability of the people of this Province, for the support and independence of the principal officers of the Civil and Judicial Establishments, necessary to be maintained in this Colony, and for enabling Her Majesty to make a suitable compensation for their services, there shall be granted and paid unto Her Majesty, Her Heirs and Successors, out of the public funds and revenue of this Province, on every

Salaries.

every year which shall hereafter be or happen, such sum of money as will suffice to pay unto the several and respective persons who now hold or possess, or hereafter shall hold or possess, the several offices and appointments in this Province hereinafter mentioned, or execute the duties thereof, the several Salaries and allowances following, that is to say :

Lieut. Governor,  
£3000 sterling.

Unto the present Lieutenant-Governor or Commander in Chief of this Province, and unto any person who shall hereafter be appointed or become the Governor, Lieutenant Governor, or Commander in Chief of this Province for the time being, the sum of Three Thousand Pounds, Sterling money of Great Britain, for the Salary of that office.

The present Chief  
Justice, £1000  
sterling.

Unto the present Chief Justice of Her Majesty's Supreme Court of Judicature of this Province, the sum of One Thousand Pounds, Sterling money as aforesaid, for the Salary of that office, during his incumbency, but without any fees of office whatsoever.

Future Chief Justice  
£640 sterling.

Unto any person who shall hereafter be appointed Chief Justice for the time being of Her Majesty's said Supreme Court of this Province, the sum of Six Hundred and Forty Pounds, Sterling money as aforesaid, for the Salary of that office, without any fees of office whatsoever.

Hon. W. B. Bliss,  
£640 sterling.

Unto the Honorable William Blowers Bliss, one of the Assistant or Puisne Justices of Her Majesty's said Supreme Court, the sum of Six Hundred and Fifty Pounds, Sterling money as aforesaid, for the Salary of that office during his incumbency, but without any fees of office whatsoever.

Future Puisne  
Judges, £560 stg.

Unto every other person now appointed, or hereafter to be appointed an assistant or Puisne Justice of Her Majesty's said Supreme Court, the sum of Five Hundred and Sixty Pounds, Sterling money as aforesaid, as and for the Salary of that office, without any fees of office whatsoever.

Master of the Rolls,  
£560 sterling.

Unto the present or any future Master of the Rolls, the sum of Five Hundred and Sixty Pounds, Sterling money as aforesaid, as and for the Salary of that office, without any fees of office whatsoever.

Attorney General,  
£400 sterling.

Unto the present or any future Attorney General of the said Province, as and for the Salary of that office, the sum of Four Hundred Pounds, Sterling money as aforesaid.

Solicitor General,  
£100 sterling.

Unto the present or any future Solicitor General of the said Province, as and for the Salary of that office, the Sum of One Hundred Pounds, Sterling money as aforesaid.

Provincial Secretary  
£560 sterling.

Unto the present or any future Secretary of the Province, the Sum of Five Hundred and Sixty Pounds, Sterling money as aforesaid, as and for the Salary of that office, without any fees of office whatsoever.

Proviso.

III. *Provided always, and be it enacted,* That the said several sums of money or Salaries herein-before mentioned, shall always be held and deemed to include and comprehend the several sums and Salaries already by Law applied or appropriated for and towards the Salary of the Governor, Lieutenant Governor, or Commander in Chief of this Province for the time being, and for the Salaries of the respective Puisne or assistant Justices of the Supreme Court, and the Master of the Rolls for the time being.

Miss Cox's Pension,  
£100 sterling.

IV. *And be it enacted,* That in order to defray the Pension heretofore usually allowed to Miss Cox, out of the Casual and Territorial Revenues, during the remainder of her natural life, there shall be paid as aforesaid, annually, the sum of One Hundred Pounds, Sterling money as aforesaid.

Pension to Sir R. D.  
George, £400 stg.

V. *And be it enacted,* That so soon as this Act shall come into operation, there shall be annually paid to Sir Rupert Dennis George, Baronet, the late Secretary of this Province, during the term of his natural life, the sum of Four Hundred Pounds Sterling

Sterling money, as aforesaid, as, and for, a retiring allowance, for which it shall be lawful for the Governor from time to time to draw Warrants on the Treasury of the Province, by four quarterly payments in every year.

VI. *And be it enacted*, That the collective amount of the said Salaries and sums of money, by this Act so allowed, as aforesaid, shall, during the continuance of this Act, be, and be deemed, part of the Civil List and Establishment of this Province, and shall always be borne thereupon, and shall be, and become, a yearly charge upon the Public Funds, Income and General Revenue of this Province, and shall in every year, be issued, paid and satisfied out of the Public Treasury thereof, in sovereigns or in such other current monies of this Province, from time to time paid or payable into or being within the said Treasury, at and after the rate of One Pound Five Shillings currency of this Province, for every Sovereign or Pound sterling of such Salaries or sums of money.

Salaries to be borne on the General Revenue of the Province.

VII. *And be it enacted*, That if it shall happen that this Act shall come into operation, then the said several Salaries and sums of money herein-before fixed, allowed, and specified, shall be deemed and taken to begin and commence on the first day of January, in this year of our Lord One Thousand Eight Hundred and Forty-nine; and shall be payable from that time to the said several Officers and persons aforesaid, and in and by quarterly portions or instalments of the said Salaries respectively, which shall be, and be considered due on the last days of March, June, September, and December quarters in every year.

To commence from 1st January, 1849.

VIII. *And be it enacted*, That it shall and may be lawful for the Governor, at, or immediately after, the expiration of any of the said quarters of the year, to draw Warrants on the Treasury of the Province for, or in favor of, the respective Officers aforesaid, or such person as shall be named therein, for their respective quarterly payments of the yearly Salaries, to them allowed and granted as aforesaid.

To be drawn by Warrants on Treasury.

IX. *And be it enacted*, That after this Act shall come into operation the proceeds of all the Casual and Territorial Revenues of the Crown in this Province, as hereafter designated, from the first day of January, in this year of our Lord One Thousand Eight Hundred and Forty-nine, and all the proceeds of such Revenues which shall thereafter accrue, and be collected, and received, shall become payable, and be paid into the Treasury of this Province—to be thence paid or applied for such public uses and purposes as the Public Revenue of this Province is now paid and applied, or shall be made applicable to, under and by virtue of any Act of the General Assembly, now or hereafter to be in force.

The Casual Revenues to be paid into the Treasury.

And for the more plainly and distinctly declaring the several Casual and Territorial Revenues of the Crown, and the Monies, and Funds, and other Rights which are by the General Assembly understood and desired to be now severally and respectively surrendered to, and placed at their disposal, for the use of this Province, under and by virtue of this Act.

X. *Be it enacted*, That all Rents, sums of Money, Returns, Profits, and Emoluments, arising, reserved, due, owing, or in any manner whatsoever which shall have theretofore accrued and shall be in hand, or shall be thereafter to be received from, for, or in respect of, any Lease, Demise, Sale, Grant, Transfer, or occupation of any of the Crown Lands, Mines, Minerals, or Royalties of Her Majesty within this Province, whether in the Island of Cape Breton or in any other part of this Province, of whatsoever nature or description; and also, all and singular the Fees and payments and commutation therefor at the Office of the Secretary of the Province, received or payable, for or in respect of all or any Writings, Licences, Instruments, Commissions, or Patents there made or issued, and on which Fees were heretofore payable and established for the Lieutenant Governor and Secretary of the Province; and lastly, all Fines, Penalties, and Forfeitures, by or under any Laws or Acts of this Province imposed and applicable

Description of the Casual and Territorial Revenues.

to or for the use of Her Majesty, shall be, and the said several Rents, sums of Money, Returns, Profits, and Emoluments, Fees and payments, Fines, Penalties and Forfeitures, respectively, above mentioned, and all proceeds thereof or therefrom, respectively, then collected and in hand, are hereby declared to be the Casual and Territorial Revenues of the Crown, which, if this Act shall come into operation, shall, from the first day of January, in this year of our Lord One Thousand Eight Hundred and Forty-nine, be and become surrendered and transferred to this Province, and become and be payable into the Treasury thereof, as hereinbefore mentioned.

The Rents &c. under the Lease from Her Majesty to the Duke of York, and all Mines, &c. to be surrendered.

XI. *And be it enacted*, That so soon as this Act shall come into operation, all the right and title of Her Majesty, whether in reversion or otherwise, of, in, to, and out of all, and singular, the Mines of Gold, Silver, Coal, Iron, Iron Stone, Lime Stone, Slate Stone, Slate Rock, Tin, Copper, Lead, and all other Mines and Minerals and Ores within this Province, which by Indenture of Lease bearing date on or about the twenty-fifth day of August, in the Year of Our Lord One Thousand Eight Hundred and Twenty-Six, were granted, demised and leased by or on the part of His late Majesty King George the Fourth, to his late Royal brother the Duke of York and Albany, to hold to his said Royal Highness and his Assigns, for the term of sixty years from the date of the said Lease, at and under certain rents and renders therein contained, as by reference to the said Lease will at large appear, and also all rents and arrears of rent and returns due or to become or grow due by virtue of the said Lease, with all powers, rights and authorities whether of entry for forfeitures or breach of condition or otherwise in the said Lease, reserved or contained in respect of the breach of any condition thereof, and also all the estate, right and title of Her Majesty, reversionary or otherwise, of, in and to all such Coal Mines in the Island of Cape Breton, or, of, in, and to all such reserved Mines at Pictou, which were agreed to be Leased and demised by His said late Majesty, for the yearly rent of Three Thousand Pounds sterling, and certain other rents or reservations payable for the use of His said late Majesty, and which said Mines, under such agreement, are in possession of, and were or are now in operation and worked by or for a certain Company or Partnership, called the General Mining Association, and likewise, the said yearly rent of Three Thousand Pounds sterling, and all other rents and reservations by the said agreement, reserved or payable, and all rights, powers and authorities, whether of entry upon forfeiture or breach of condition or otherwise in the said agreement contained or reserved in respect of any breach of the condition thereof, and also all Mines of Gold, Silver, Iron, Coal, Iron Stone, Lime Stone, Slate Stone, Slate Rock, Tin, Copper, Lead, and all other Mines, Minerals, and Ores within this Province, including the Island of Cape Breton, of which the title is now in Her Majesty, shall be, and the said several enumerated premises, are hereby respectively assigned, transferred and surrendered to the disposal of the General Assembly of this Province, and shall and may be subject only to the existing rights of the Lessees and persons entitled under the said Lease and agreement as herein before referred to, and of all persons lawfully claiming under them, or any of them managed, leased, disposed of, made available, paid and applied in such and the like manner, and to and by such officers and persons, and to and for such public uses and purposes as in and by any Act of the General Assembly for the time being, shall be ordered and directed.

The Gen. Assembly to collect &c. the Revenues.

XII. *And be it enacted*, That it shall be lawful when and so soon as such surrender, transfer and assignment shall take effect as aforesaid, and come into operation, for the General Assembly of this Province by any Act to be passed for that purpose, to provide for the managing, collecting and receiving of the said Revenues and other matters hereby surrendered and transferred, and for appointing proper officers for the said Revenues.

XIII. *And be it enacted,* That for the more easy collection and enforcing payment of any such Revenues due or to become due as aforesaid, it shall be lawful for the officers or persons charged with the collection or management of the Revenue, in the name of Her Majesty, Her Heirs or Successors, but to the use of this Province, to have and take all such lawful ways and means by Information, suit or proceeding at Law or in Equity, as by or on behalf of Her Majesty, Her Heirs and Successors might or could be adopted, for or in respect of the said Revenues, or any the Lands, Mines, or Royalties chargeable therewith if the surrender, transfer, and assignment aforesaid had never been made to or for the use of this Province.

The Revenues to be collected in the name of Her Majesty.

XIV. *Provided always, and be it enacted,* That nothing herein contained shall extend or be construed to extend to interfere with the grant, sale, lease or disposal of any of the ungranted Lands of the Crown in this Province, save and except only the Mines and Minerals herein-before specified, by or on behalf of Her Majesty, Her Heirs and Successors, but that all such grants, sales, leases, or other disposal of such ungranted Lands, and the management, direction and control thereof, shall remain and be invested in such officers as Her Majesty, Her Heirs and Successors, shall deem proper, or as may be directed by any Act of this Province, and that the net proceeds only of such grants, sales, leases, or disposal of such ungranted Lands, after deducting the necessary expenses of managing the same, shall be paid over to the Treasury of this Province: Provided also, that an account of such expenses shall be annually submitted to the General Assembly, and the Salary or allowance of the officers employed, and other expenses of the Department, be subject to the control and regulation of the said General Assembly, and that no other or greater Salary or allowance or expenses shall on any pretence be taken, than such as shall be fixed and allowed or sanctioned thereby.

Not to extend to the granting &c. of the ungranted lands.

Proviso.

And whereas it is intended that the Salaries allowed to the Chief Justice and Assistant Justices of the Supreme Court, shall be in full of all fees, perquisites and emoluments whatsoever, save and except the travelling fees allowed by Law.

XV. *Be it therefore enacted,* That it shall not be lawful for the Chief Justice, or any Assistant or Puisne Justice, of the Supreme Court to take or receive, or for the Prothonotary, Deputy Prothonotary, or any other Officer, for or on behalf of the said Chief Justice, or any such Assistant or Puisne Justice, to demand, take, or receive; any Fee, Perquisite, or Emolument, whatsoever, for or in respect of, the issuing, endorsing, or marking of any Writ, or of the filing of any Declaration, or entry of any Cause, or of the trial of any Cause, or of the signing of any Judgment, or taxing any Bill of Costs, or for, or in respect of, any other proceedings had in any Cause in the said Supreme Court, but thereafter the demanding or taking of any such Fee, Perquisite, or Emolument, shall absolutely cease and determine: Provided always, that such Chief Justice, and Assistant or Puisne Justice, shall receive the Travelling Fees by Law allowed, or which may hereafter be allowed.

No fees to be taken by the Judges.

*And whereas* certain arrears of Salaries which were and are chargeable and charged upon the Funds and Revenues hereby assigned and transferred are due, as hereinafter expressed, and it is right that the same, in consideration of such transfer, should be charged upon and made payable out of the General Funds and Revenues of this Province.

XVI. *Be it enacted,* That so soon as this Act shall come into operation it shall be lawful for the Governor to draw Warrants on the Treasury for payment of the several amounts following, in favor of the parties thereto respectively entitled, or their respective representatives, in full, of their arrears of Salary chargeable on the Funds and Revenues hereby transferred, that is to say:

Arrears of Salaries.

Unto the present Chief Justice the sum of Nine Hundred and Twenty Seven Pounds One Shilling and Eight Pence, current money of this Province.

Chief Justice,  
£927 1 8 currency.

Executors of L. M. Wilkins,  
£157 12 1.

Unto the Executors of the late Honorable Lewis Morris Wilkins, one of the Assistant Justices of Her Majesty's said Supreme Court, the sum of One Hundred and Fifty Seven Pounds Twelve Shillings and One Penny, current money aforesaid.

Executors of W. Hill  
£157 12 1.

Unto the Executors of the late Honorable William Hill, one of the Assistant Justices of Her Majesty's said Supreme Court, the sum of One Hundred and Fifty Seven Pounds Twelve Shillings and One Penny, current money as aforesaid.

Hon. W. B. Bliss,  
£157 12 1.

Unto the Honorable William Blowers Bliss, one of the Assistant Justices of Her Majesty's said Supreme Court, the sum of One Hundred and Fifty Seven Pounds Twelve Shillings and One Penny, current money as aforesaid; and—

Executors of S. G. W. Archibald,  
£157 12 1.

Unto the Executors of the late Honorable Samuel George William Archibald, Master of the Rolls, the sum of One Hundred and Fifty-seven Pounds Twelve Shillings and One Penny, current money as aforesaid,—the said Arrears being based upon a calculation of the full amounts of the salaries of the said Chief Justice and assistant Justices and Master of the Rolls respectively; and

Hon. J. B. Uniacke,  
£92 14 2.

Unto the Honorable James Boyle Uniacke, formerly Solicitor-General of this Province, the sum of Ninety-two Pounds Fourteen Shillings and Two Pence, current money as aforesaid.

Clerk of the Crown,  
£92 14 2.

Unto the present Clerk of the Crown, the sum of Ninety-two Pounds Fourteen Shillings and Two Pence, current money as aforesaid.

Surveyor General of Nova Scotia,  
39 1 3.

Unto the present Surveyor-General for Nova Scotia, the sum of One Hundred and Thirty-nine Pounds One Shilling and Three Pence, current money as aforesaid.

Surveyor General of C. B. £92 14 2.

Unto the late Surveyor-General for Cape Breton, the sum of Ninety-two Pounds Fourteen Shillings and Two Pence, current money as aforesaid.

Superintendent of Mines, £92 12 1.

Unto the Superintendent of Mines, Cape Breton, the sum of Ninety-two Pounds Fourteen Shillings and Two Pence, current money as aforesaid.

To continue 13 months after the demise of Her Majesty.

XVII. *And be it enacted*, That this Act shall continue and be in operation until Eighteen months after the demise of Her Present Majesty (whom God long preserve) and thereafter every matter, clause and thing herein contained, and the transfer surrender and assignment hereby made shall cease and absolutely determine:

To be of no force till assent of Her Majesty be published in Royal Gazette.

XVIII. *And be it enacted*, That nothing herein contained shall be of any force or effect until Her Majesty's assent hereto shall be given, and shall be signified by publication thereof, in the Royal Gazette at Halifax.

## CAP. II.

# An Act for the Amendment of the Law, and the better advancement of Justice.

(Passed the 8th day of March, A. D. 1849.)

Preamble.

**W**HEREAS there is no remedy provided by Law for injuries to the Real Estate of any person deceased, committed in his lifetime, nor for certain things done by a person deceased, in his lifetime to another, in respect of his property, Real or Personal; for remedy thereof,

Trespass, or Trespass on the Case may be maintained by Exrs. or Adms. for injury to Real Estate of deceased persons.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That an Action of Trespass, or Trespass on the Case, as the case may be, may be maintained by the Executors or Administrators of any person deceased, for any injury to the Real Estate of such person, committed in his lifetime, for which an action might have been maintained by such person, so as such injury shall have been committed within six months before the death of such deceased person: *And provided* such action shall be brought within

within one year after the death of such person ; and the damages when recovered, shall be part of the Personal Estate of such person ; and further, that an action of Trespass, or Trespass on the Case, as the case may be, may be maintained against the Executors or Administrators of any person deceased, for anything committed by him in his lifetime to another, in respect of his property, Real or Personal, so as such injury shall have been committed within six months before such person's death, and so as such action shall be brought within six months after such Executors or Administrators shall have taken upon themselves the Administration of the Estate and effects of such person, and the damages recovered in such Action shall be payable in like order of Administration, as the simple contract debts of such person.

II. *And be it enacted*, That an action of Debt on simple contract, shall be maintainable at Common Law against any Executor or Administrator.

Debt on simple contract against Exrs. or Admsrs.

III. *And be it enacted*, That it shall be lawful for the Executors or Administrators of any Lessor or Landlord, to distrain upon the Lands demised for any term, or at will for the arrearages of rent due to such Lessor or Landlord in his lifetime in like manner as such Lessor or Landlord might have done in his lifetime, and that such arrearages may be distrained for, after the end or determination of such term or lease at will, in the same manner as if such term or lease had not been ended or determined : *Provided* that such Distress be made within the space of six months after the determination of such term or lease, and during the continuance of the possession of the tenant from whom such arrears became due : *Provided also*, that all and every the powers and provisions in the several Statutes made, relating to Distresses for rent, shall be applicable to the Distresses so made, as aforesaid.

Executors or Administrators may distrain for Rent due.

Proviso.

IV. *And be it enacted*, That no Plea in Abatement for the non-joinder of any person as a co-defendant, shall be allowed at Common Law, unless it shall be stated in such plea that such person is resident within the jurisdiction of the Court, and unless the place of residence of such person shall be stated with convenient certainty, in an affidavit verifying such plea.

Plea in Abatement.

V. *And be it enacted*, That to any Plea in Abatement of the non-joinder of another person, the Plaintiff may reply that such person has been discharged by bankruptcy and certificate, or under an Act for the relief of Insolvent Debtors.

Replication.

VI. *And be it enacted*, That in all cases in which after such Plea in Abatement the Plaintiff shall, without having proceeded to trial, upon an issue thereon, commence another action against the Defendant or Defendants in the action in which such plea in abatement shall have been pleaded and the person or persons named in such plea in abatement as joint contractors, if it shall appear by the pleadings in such subsequent action, or on the evidence at the trial thereof, that all the original Defendants are liable, but that one or more of the persons named in such plea in abatement, or any subsequent plea in abatement, are not liable as a contracting party or parties ; the Plaintiff shall, nevertheless, be entitled to judgment, or to a verdict and judgment, as the case may be, against the other Defendant or Defendants, who shall appear to be liable ; and every Defendant who is not so liable shall have judgment, and shall be entitled to his costs, as against the Plaintiff, who shall be allowed the same as costs in the cause against the Defendant or Defendants, who shall have so pleaded in abatement the non-joinder of such person : *Provided* that any such Defendant who shall have so pleaded in abatement, shall be at liberty on the trial to adduce evidence of the liability of the Defendants named by him in such plea in abatement.

Judgment in second Action after Plea in abatement, and Costs.

And Whereas unnecessary delay and expenses are sometimes occasioned by the trial of local actions in the County where the cause of action has arisen :

VII. *Be it therefore enacted*, That in any action hereafter to be commenced in the Supreme Court, the venue in which is by law local, the said Court, or any Judge thereof, may on the application of either party, order the issue to be tried or Writ of Inquiry

Venue in local Actions may be changed.

Inquiry

Inquiry to be executed, in any other County or place than that in which the venue is laid, and for that purpose any such Court or Judge may order a suggestion to be entered on the Record, that the Trial may be more conveniently had, or Writ of Inquiry executed in the County or place where the same is ordered to take place.

And Whereas great expense is often incurred, and delay or failure of Justice takes place at Trials by reason of variances as to some particular or particulars between the proof and writ, pleadings or issue roll on which the trial is had of contracts, customs, prescriptions, names and other matters or circumstances not material to the merits of the case, and by the mis-statement of which the opposite party cannot have been prejudiced, and the same cannot in any case be amended at the trial except where the variance is between any matter in writing or in print produced in evidence, and the record: And whereas it is expedient to allow such amendments as hereinafter mentioned to be made on the trial of the cause;

Amendments may be made at the trial.

VIII. *Be it therefore enacted*, That it shall be lawful for the Supreme Court, or any Judge thereof, sitting for the trial of causes if such Court or Judge shall see fit so to do, to cause the pleadings, issue roll, writ or document on which any trial may be pending before any such Court or Judge in any Civil Action, or in any Information in the nature of a *quo warranto* or proceedings on a mandamus when any variance shall appear between the proof and the recital, or setting forth on the pleadings, issue roll, writ or document on which the trial is proceeding of any contract, custom, prescription, name or other matter in any particular or particulars in the judgment of such Court or Judge, not material to the merits of the case, and by which the opposite party cannot have been prejudiced in the conduct of his action, prosecution or defence, to be forthwith amended by some officer of the Court, or otherwise, both in the part of the pleading where such variance occurs, and in every other part of the pleadings which it may become necessary to amend on such terms as to the payment of costs to the other party, or postponing the trial to be had before the same or another jury, or both payment of costs and postponement as such Court or Judge shall think reasonable; and in case such variance shall be in some particular or particulars in the judgment of such Court or Judge not material to the merits of the case, but such as that the opposite party may have been prejudiced thereby in the conduct of his action, prosecution, or defence, then such Court or Judge shall have power to cause the same to be amended upon payment of costs to the other party, and postponing the trial as aforesaid as such Court or Judge shall think reasonable, and after any such amendment the trial shall proceed in case the same shall be proceeded with in the same manner in all respects, both with respect to the liability of witnesses to be indicted for perjury and otherwise, as if no such variance had appeared, provided that it shall be lawful for any party who is dissatisfied with the decision of such Judge sitting for the trial of causes respecting his allowance of any such amendment, to apply to the Court for a new trial upon that ground, and in case the said Court shall think such amendment improper, a new trial shall be granted accordingly on such terms as the Court shall think fit, or the Court shall make such other order as to them may seem meet.

Judge may direct Jury to find the facts, and; the Court afterwards give judgment.

IX. *And be it enacted*, That the said Court or Judge shall and may, if they or he think fit, in all such cases of variance, instead of causing the writ, pleadings, issue roll, or documents to be amended as aforesaid, direct the Jury to find the fact or facts according to the evidence, and thereupon such finding shall be stated on such writ, pleadings, issue roll, or document, and notwithstanding the finding on the issue joined, the said Court shall, if they shall think the said variance immaterial to the merits of the case, and the mis-statement such as could not have prejudiced the opposite party in the conduct of the action or defence, give judgment according to the very right and justice of the case.

X. *And be it enacted*, That it shall be lawful for the parties in any action or information



tion after issue joined, by consent and by order of any of the Judges of the said Supreme Court to state the facts of the case in the form of a special case for the opinion of the Court, and to agree that a Judgment shall be entered for the Plaintiff or Defendant by confession or of *nolle prosequi*, immediately after the decision of the case, or otherwise, as the Court may think fit, and judgment shall be entered accordingly.

Parties may make a special case for the decision of the court.

XI. *And be it enacted*, That upon all debts or sums certain, payable at a certain time or otherwise, the Court where there is no Jury, and the Jury on the trial of any issue, or on any inquisition of damages, may, if they shall think fit, allow interest to the Creditor, at a rate not exceeding the current rate of interest, from the time when such debts or sums certain were payable, if such debts or sums be payable by virtue of some written Instrument at a certain time, or if payable otherwise then from the time when demand of payment shall have been made in writing, so as such demand shall give notice to the debtor, that interest will be claimed from the date of such demand until the time of payment: *Provided* that interest shall be payable in all cases in which it is now payable by law.

Interest may be allowed in certain cases by the Jury.

XII. *And be it enacted*, That the Jury on the trial of any issue, or on any inquisition of damages, may, if they shall think fit, give damages in the nature of interest, over and above the value of the goods at the time of the conversion or seizure in all actions of Trover or Trespass *de bonis asportatis*, and over and above the money recoverable in all actions on Policies of Assurance.

Jury may give damages in the nature of Interest in Actions of Trover or Trespasses.

XIII. *And be it enacted*, That where several persons shall be made defendants in any personal action, and any one or more of them shall have a *nolle prosequi* entered as to him or them, or upon the trial of such action, shall have a verdict pass for him or them, every such person shall have judgment for and recover his reasonable costs, unless in the case of a trial, the Judge before whom such cause shall be tried, shall certify under his hand that there was a reasonable cause for making such person a defendant in such action.

Defendant on entry of Nolle Prosequi recover Costs.

XIV. *And be it enacted*, That where any *nolle prosequi* shall have been entered upon any count, or as to part of any Declaration, the Defendant shall be entitled to, and have judgment for, and recover his reasonable costs in that behalf.

Defendant on Entry of Nolle Prosequi on any count recovers costs thereon.

XV. *And be it enacted*, That the Seventh section of the Act passed in the Thirty-second year of the Reign of His late Majesty George the Second, entitled An Act for Limitation of actions, and for avoiding Suits at Law; and also the Act passed in the Sixth year of Her present Majesty's Reign, entitled, An Act relative to the Recovery of Debts due on Policies of Assurance, shall be, and the same are hereby repealed: *Provided* that nothing in this clause contained, shall extend, or be construed to extend to any action or suit now pending in the said Supreme Court.

Seventh Section, Act 32 Geo. 2, Act 6 Victoria repealed.

XVI. *And be it enacted*, That if the Plaintiff in any action of Trespass or Trespass on the case, other than Assumpsit, that may be hereafter brought in the said Supreme Court, shall recover by the verdict of a Jury, less damages than Forty Shillings, such Plaintiff shall not be entitled to recover or obtain from the Defendant in respect of such verdict any costs whatever, whether it shall be given upon any issue or issues tried, or judgment shall have passed by default, unless the Judge before whom such verdict shall be obtained upon any issue or issues tried, shall immediately afterwards certify on the back of the Record, that the action was really brought to try a right, besides the mere right to recover damages for the Trespass or Grievance, for which the Action shall have been brought, or that the Trespass or Grievance in respect of which the action was brought, was wilful and malicious.

On recovery of less than 40s. damages Plaintiff to recover no costs unless Judge certify.

XVII. *Provided always, and be it enacted*, That nothing herein contained shall extend to, or be construed to extend, to deprive any Plaintiffs of costs in any action or actions brought for a Trespass or Trespasses over any lands, commons, wastes, closes, woods, plantations or enclosures, or for entering into any dwellings, out-buildings or

Not to extend to Trespass after Notice given.

premises, in respect of which any notice not to trespass thereon or therein shall have been previously served by or on behalf of the owner or occupier of the land trespassed over, upon, or left at the last reputed or known place of abode of, the Defendant or Defendants, in such action or actions.

## CAP. III.

## An Act to amend the Law relating to the appointment of Sheriffs.

(Passed the 8th day of March, A. D. 1849.)

Preamble.

**W**HEREAS the practice heretofore adopted of appointing persons to the Office of Sheriff in the several Counties of this Province, has been found unsatisfactory, and it has been necessary to amend and improve the same :

Mode of appointment of Sheriffs.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That it shall and may be lawful for the Chief Justice and any one of the Puisne Judges of the Supreme Court, to be selected by such Chief Justice, or in the absence of the Chief Justice, any two Judges of the said Supreme Court, to be selected by the Senior Puisne Judge thereof, together in either case with two Members of Her Majesty's Executive Council, to meet together at some convenient place in the city of Halifax, not less than ten days before the last day of Michaelmas Term in each and every year, and then and there to select and assign Three fit and proper persons to serve as Sheriffs for each and every County in said Province, from which list so selected and arranged as aforesaid the Governor, by and with the advice of the Executive Council, is hereby directed and empowered to prick one of the said number of three for each County, to serve the office of High Sheriff for the then ensuing year, which Sheriff being resident in his proper County, and having entered in the Secretary's Office for the said Province good and sufficient security for the faithful execution of the Office of Sheriff, shall immediately upon receiving his Patent, be fully invested with all the powers and authorities of a High Sheriff, and be subject to all such Laws, Customs, Ordinances, Regulations, and Directions, as the High Sheriffs in the several Counties in England are subject to, and also to all such Acts of this Province as in any way or manner relate to the execution of the office of a Provost Marshal, or to the said Office of High Sheriff.

First Section, Act 35, Geo. 3, repealed.

II. *And be it enacted,* That from and after the passing of this Act, the First section of the Act passed in the Thirty-fifth year of the Reign of His late Majesty King George the Third, entitled, "An Act to amend and reduce into one Act the several Acts made by the General Assembly relating to the office of Sheriffs, and also for altering the form of the Summons heretofore used" shall be, and the same is hereby repealed.

## CAP. IV.

## An Act to extend to the Town of Sydney the several Acts respecting Firewards.

(Passed the 8th day of March, A. D. 1849.)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act passed in the Second year of the Reign of His late Majesty King George the Third, entitled "An Act for appointing Firewards, ascertaining their duty, and for punishing Thefts and Disorders at the time of Fire," and all the several Acts which have since passed in addition to and amendment or alteration thereof, and all the several matters, clauses, and things contained therein, shall be and the same are hereby extended to the Town of Sydney, in the County of Cape Breton; and the Justices in their General Sessions for the said County of Cape Breton, Justices of the Peace, and all other persons within the said Town of Sydney, are hereby bound strictly to conform to the said Acts, and to carry the same into execution within the said Town in as full and ample a manner, to all intents and purposes as if the said Town of Sydney had been originally named therein.

Acts relative to Firewards &c. extended to Sydney, C B.

II. *And be it enacted*, That the extent of the said Town of Sydney for the purposes of this Act, and the jurisdiction of the Firewards for the said Town shall be restricted to the Peninsula of Sydney, and extend to the Southward and Eastward to Fresh Water Creek, the Old Saint Peter's Road, so called, and thence in an easterly direction to Cassitt's Mill Brook, and then to be bounded by the said Brook until it meets the Waters of Maloney's Creek.

Extent of Town of Sydney for purposes of Act.

## CAP. V.

## An Act to extend to the Town of Sydney an Act relating to Streets and Highways.

(Passed the 8th day of March, A. D. 1849.)

**B**E it enacted by the Lieutenant-Governor, Council, and Assembly, That the Act passed in the Tenth year of Her present Majesty's Reign, entitled, An Act relating to Streets and Highways in certain Towns and Places therein mentioned, and every matter, clause, and thing therein contained, shall be, and the same are hereby extended to the Town of Sydney, in the County of Cape Breton.

Act 10 Victoria extended to the Town of Sydney, C. B.

II. *And be it enacted*, That it shall be lawful for the Governor, in Council, to appoint and commission Three fit and proper persons, Inhabitants and Freeholders of the said Town; to be Commissioners, during pleasure, under and for the purposes of the said Act as hereby extended, for the said Town of Sydney; and upon the death, removal, or refusal to act, of any of the said Commissioners, other fit and proper persons, Inhabitants and Freeholders as aforesaid, to appoint in their place, and such appointments to renew whenever necessary, so that the Commissioners may always continue to be Three in number.

Appointment of Commissioners.

III. *And be it enacted*, That the jurisdiction of the Commissioners shall be restricted to the Peninsula of Sydney and extend to the Southward and Eastward to Fresh Water Creek, the Old Saint Peter's Road, so called, and thence in an easterly direction to Cossitt's Mill Brook, and there to be bounded by the said brook until it meets the waters of Maloney's Creek.

Extent of their Jurisdiction.

On their appointment power of Surveyors to cease.

IV. *And be it enacted*, That so soon as such Commissioners are appointed, the power of the Surveyors of Highways within the foregoing limits shall terminate.

## CAP. VI.

## An Act in further amendment of the Acts respecting County Rates.

(Passed the 8th day of March, A. D. 1849.)

Preamble.

**W**HEREAS it is rendered necessary by the Seventh section of the Act passed in the Fifth year of the Reign of His late Majesty King William the Fourth, entitled "An Act to direct and ascertain the mode of assessing County and District Rates, and for other purposes," that before the institution of any suit against a Collector of Rates for recovering of monies received by him, the Treasurer should be directed so to do by the Court of General Sessions of the Peace; and such monies must, in cases where the amount exceeds Five Pounds, be sued for in a Court of Record, and it is desirable that the provisions of such section should be amended in those respects.

Prosecution of Collector improperly retaining money.

I. *Be it enacted by the Lieutenant Governor, Council and Assembly*, That any such Collector who shall have received and shall improperly retain any money by him collected, may, by direction of any two Justices of the Peace for the County or District, be prosecuted for the same by the Treasurer of the County or District before the Supreme Court, in cases where the sum so retained shall exceed the sum of Ten Pounds, and for any less sum before any Justice or Justices of the Peace, according to the amount in the same manner that debts of the like amount between party and party are recoverable, but no such prosecution shall be had before any Justice who shall have directed the institution thereof.

Duration of Act.

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

## CAP. VII.

## An Act to continue the several Acts to provide for the Accommodation and Billetting of Her Majesty's Troops, or of the Militia, when on their march from one part of the Province to another.

(Passed the 8th day of March, A. D. 1849.)

Acts 45th, 51st, and 53rd, Geo. 3rd, and Act 6 Victoria continued.

**B**E it enacted, by the Lieutenant-Governor, Council, and Assembly, That the Act passed in the Forty-eighth year of the Reign of His late Majesty King George the Third, entitled, An Act to provide for the Accommodation and Billetting of His Majesty's Troops, or of the Militia, when on their march from one part of the Province to another; and also, the Acts passed in the Fifty-first and Fifty-third years of His said late Majesty's Reign, in addition to, and amendment thereof, and every matter, clause, and thing, in the said Acts contained, except so far as the same may be altered or amended by the Act hereinafter mentioned; and also, the Act passed in the Sixth year of the Reign of Her present Majesty Queen Victoria, to continue and amend the said Acts, and every matter, clause, and thing, therein contained, shall be continued, and the same, except as before excepted, are hereby respectively continued for One Year, and thence to the end of the then next Session of the General Assembly.

CAP.

## CAP. VIII.

**An Act for applying certain Monies therein mentioned, for the service of the Year of Our Lord One Thousand Eight Hundred and Forty-nine, and for other purposes.**

*(Passed the 31st day of March, A. D. 1849.)*

MAY IT PLEASE YOUR EXCELLENCY—

We, Her Majesty's dutiful and Loyal Subjects, the House of Assembly of Her Majesty's Province of Nova-Scotia, towards appropriating the Supplies granted to Her Majesty, and for supplying the exigencies of Her Majesty's Government, do humbly beseech that it may be enacted: and

I. *Be it enacted, by the Lieutenant-Governor, Council, and Assembly, That by or out of the Monies which now are, or from time to time shall be, or remain in the Public Treasury of this Province, there shall be paid the sum of Two Hundred Pounds to the Speaker of the House of Assembly, in full for his Salary as Speaker, for the present year.*

200*l.* Speaker of Assembly.

And a further sum, at the rate during his continuance in office, of Six Hundred Pounds, to the Treasurer of the Province, for his Salary, and as Comptroller and Auditor of Public Accounts, and in lieu of all contingent expenses for the same year.

600*l.* Treasurer.

And a further sum of Two Hundred Pounds to the Clerk of the House of Assembly, for his services for the same year.

200*l.* Clerk of Assembly.

And a further sum of Twenty-five Pounds to the Chaplain of the House of Assembly, for his services during the present Session.

25*l.* Chaplain.

And a further sum of One Hundred Pounds to the Clerk Assistant of the House of Assembly, for his services for the same Session.

100*l.* Assist. Clerk.

And a further sum of Fifty Pounds to the Sergeant at Arms to the House of Assembly, for his services for the same Session.

50*l.* Sergt. at Arms.

And a further sum of Thirty Pounds to the Assistant Serjeant at Arms to the House of Assembly, for his services for the same Session.

30*l.* Asst. Serjeant at Arms.

And a further sum of Forty Pounds to the Messenger of the Governor, and the Executive and Legislative Councils, for the present year.

40*l.* Messenger of Governor.

And a further sum of Thirty Pounds to John Fitzgerald, for his services as Messenger to the House of Assembly, during the present Session.

30*l.* Messenger of Assembly.

And a further sum of Two Hundred and Fifty Pounds to the Cashier of the Savings Bank, and First Clerk of the Treasury, for his services for the present year.

250*l.* Cashier of Savings Bank and First Clerk of the Treasury.

And a further sum of Sixty Pounds to the Clerk of the Board of Revenue, for his services for the present year.

60*l.* Clerk of the Revenue.

And a further sum of Two Hundred Pounds to the Guager and Weigher for the Collector of Impost and Excise for the District of Halifax, for his services for the present year; to include the marking of the casks, if required by the Government.

200*l.* Guager and Weigher.

And a further sum of One Hundred Pounds to the Proof Officer at Halifax, for his services in that capacity for the present year, and in lieu of all contingent expenses connected therewith.

100*l.* Proof Officer.

And a further sum, to be paid on the Certificate of the Board of Revenue, at the rate of Seven Shillings and Six Pence per day, to such persons as shall be employed, during the present year, by the Collector of Impost and Excise for the District of Halifax, as Extra Waiters for the Port of Halifax—Five Shillings per day to such Extra Waiters when unemployed, and at the rate of Five Shillings per day to temporary Waiters.

Allowance to Extra Waiters.

60L. Keeper of Assembly.

And a further sum of Sixty Pounds to the Keeper of the Assembly House, and Council Chamber and Law Library for the present year.

400L. Commissioners of Sable Island.

And a further sum of Four Hundred Pounds to the Commissioners of Sable Island, for the support of that Establishment for the present year.

20L. Edmund Crowell.

And a further sum of Twenty Pounds to Edmund Crowell, to enable him to keep up his Establishment at Seal Island for the relief of Shipwrecked Mariners for the present year.

20L. Boat at Mud Islands.

And a further sum of Twenty Pounds to the person in charge at Mud Islands, to enable him to keep a suitable Boat and Man at that place, to assist Shipwrecked Seamen.

50L. Guysborough Packet.

And a further sum of Fifty Pounds to such persons as will run a proper Packet between Guysborough and Arichat, touching occasionally at Fox Island and Canso, under the regulations of the General Sessions of the Peace for the Counties of Guysborough and Richmond—to be paid upon the Certificates of such Sessions that such Packet has been properly kept and run during the present year—provided that the Judges of the Supreme Court shall be taken without charge (if required) from Guysborough to Arichat, and from Arichat to Guysborough, on their Circuit to Cape Breton; and that the said Packet shall also carry the Mail between Guysborough and Arichat, if required.

20L. Bay Verte Packets.

And a further sum of Twenty Pounds to William Weeks, or any person who will run a Packet Boat between the Bay of Verte and Prince Edward Island, when it shall be made satisfactorily to appear to the Governor in Council that such Packet Boat has been run agreeably to such regulations as may be established by the Justices in their Sessions for the County of Cumberland.

20L. Scow at Shubenacadie.

And a further sum of Twenty Pounds to aid the Inhabitants of Douglas, at the mouth of the River Shubenacadie, in supporting a suitable Boat or Scow to run between Londonderry and that place—the said Boat or Scow to be run under the Regulations of the General Sessions for the County of Hants—to be paid upon Certificate from three Justices of the Peace residing in Douglas, that such Boat has been running at least Twice a week for Six months to their satisfaction, under the regulations aforesaid.

30L. Scow at McMillan's Point, C. B.

And a further sum of Thirty Pounds to aid the Inhabitants of Cape Breton in supporting a suitable Boat or Scow to run between McMillan's Point in Cape Breton, and Auld's Cove, in the County of Sydney—the said Boat or Scow to be placed under the regulations of the General Sessions for the County of Inverness.

20L. Ferrymen at Shubenacadie.

And a further sum of Ten Pounds each to the Two Licenced Ferrymen at the mouth of the Shubenacadie, in the Counties of Colchester and Hants, for the transportation of Horses and Carriages across that River—the same to be paid on the Certificate of the General or Special Sessions of each County respectively, that such Ferry has been duly attended, and proper Boats procured and used.

15L. Ferry, La Have River.

And a further sum of Fifteen Pounds to John Pernette and Charles Pernette, for keeping up the Ferry over LaHave River.

5L. Mails, La Have River.

And a further sum of Five Pounds to Charles Pernette, as additional remuneration for carrying the Mails twice instead of once a week over LaHave River.

10L. Ferry, Sable River.

And a further sum of Ten Pounds to Cornelius Craig, to enable him to keep up his Ferry across the Narrows at the entrance of Sable River, in the County of Shelburne—under the Regulation of the General Sessions of the Peace, and to be paid upon their Certificate.

10L. Ferry, west side Gut of Canso.

And a further sum of Ten Pounds to John Carter, to enable him to run a suitable Ferry Boat or Scow between his Landing, on the Western side of the Gut of Canso, and David McPherson's, on the Eastern side thereof—to be paid on the Certificate of the General Sessions for the County of Guysborough that such Boat or Scow has been provided, and run under their regulations, and to their satisfaction.

And

And a further sum of Ten Pounds to the Ferryman on the Eastern side of the Gut of Canso, to enable him to run a suitable Ferry Boat or Scow between John Carter's Landing, on the Western side of said Gut, and David McPherson's, on the Eastern side thereof—to be paid on the Certificate of the General Sessions for the County of Richmond that such Boat or Scow has been provided, and run under their regulations, and to their satisfaction.

10l. Ferry, east side Gut of Canso.

And a further sum of Ten Pounds each, to such persons as shall respectively keep up a Ferry at the mouth of the Harbor of Port L'Herbert—provided a Boat be kept to convey Horses and Cattle across said Harbour—the said sums to be paid on the Certificate of the General Sessions of the Peace for the County of Shelburne, that such Boat has been properly kept, and run under their regulations.

10l. each, Ferrymen at Port L'Herbert.

And a further sum of Ten Pounds to Duncan McPhee, to enable him to maintain a Ferry between Low Point and the Sydney Mines, at the mouth of Spanish River, in the County of Cape Breton—to be paid on the Certificate of Three Justices of the Peace for the County of Cape Breton, that he has faithfully discharged the duties assigned him by the General Sessions of the Peace for the said County.

10l. Ferry, Spanish River.

And a further sum of Fifteen Pounds to William Cunningham and John Knowles, or such other persons as shall keep a Ferry across the Narrows of the Passage between Cape Sable Island and the Main—such persons being furnished with suitable Boats for the accommodation of Passengers—to be paid on the Certificate of the General Sessions for Shelburne, that such Boats have been properly kept and run under their regulations.

15l. Ferry, Cape Sable Island.

And a further sum of Fifteen Pounds to aid in maintaining a Ferry during the present year between Amherst and Minudie—such Ferry to be under the regulation of the General Sessions for the County of Cumberland, and the foregoing sum to be paid on their Certificate that the same has been conducted to their satisfaction.

15l. Ferry, Amherst.

And a further sum of Ten Pounds each to the Two Licenced Ferrymen at the mouth of the Grandique River, in the County of Richmond—to be paid on the Certificate of the General Sessions of the Peace for that County that the work has been faithfully performed, and the public properly accommodated.

10l. each, Ferrymen, Grandique River.

And a further sum of Twenty-five Pounds to the Commissioners of the Poor in Halifax, to defray the expense of continuing the School in the Poor House for the present year, for the benefit of Orphans and Poor Children in that Establishment.

25l. Poor House School.

And a further sum of Fifty Pounds to the Honorable Doctor Grigor, and his Associate, in aid of the Halifax Dispensary for the present year—provided they keep during the year a sufficient quantity of Vaccine matter.

50l. Halifax Dispensary.

And such further sum, at the disposal of the Governor, as will suffice to establish a Mail Route from Parrsborough, through Advocate Harbor Settlement, to Apple River—provided the expense do not exceed Thirty-five Pounds, including the present allowance.

Mail Route, Parrsborough to Apple River.

And a further sum of Two Pounds and Ten Shillings annually, during the continuance of his present contract, to W. J. Waterman for extra services in carrying the Mail to Pleasant River in Queen's County.

2l. 10s. Mail, Pleasant River.

And such further sum at the disposal of the Governor, in lieu of the Grant of last year, as will suffice to establish a Weekly Mail on the Old Post Line of Road between Chester and Windsor, provided the same do not exceed Thirty-five Pounds.

Mail, Chester and Windsor.

And such further sum, at the disposal of the Governor, as will suffice to establish a Weekly Mail between Sherbrooke and Indian Harbour, in the County of Guysborough—provided the same do not exceed Ten Pounds.

Mail, Sherbrooke and Indian Harbor.

And a further sum of Seven Pounds and Ten Shillings to David Cummins, in full, for additional services in carrying the Mails for the last Three years between Londonderry, Kerr's Mountain, Port-a-Pique, and Five Islands.

7l. 10s. David Cummins, Mail Service.

And

Mail, Parrsborough  
and Five Islands.

And such further sum, at the disposal of the Governor, as will suffice to establish a Weekly Mail between Parrsborough and Five Islands, by the way of Two Islands—provided the expense do not exceed Twenty Pounds.

Mail, Windsor and  
Maitland.

And such further sum, at the disposal of the Governor, as will suffice to open a Mail Route from Windsor to Maitland, through the Gore, Noel, and to return by Kennetcook—provided the expense do not exceed Ten Pounds additional.

5l. 5s. Stephen Di-  
mcock, Mail Ser-  
vice.

And a further sum of Five Pounds and Five Shillings annually, during the continuance of his present Contract to Stephen Dimock, for extra work in carrying Mails from James Cochran's and back, by order of the Post Office Department—such payment to commence from the Fifth day of July last.

Mail, New Glasgow,  
East River, &c.

And such further sum, at the disposal of the Governor, as will suffice to establish a Weekly Mail from New Glasgow to the Upper Settlement of East River, Pictou, thence to West River, Saint Mary's, thence to the Forks Settlement, thence to East River, Saint Mary's, and thence to the Garden of Eden, Blue Mountain, and New Glasgow—provided the expense do not exceed Forty Pounds, including the present allowance.

12l. 10s. Breakwater  
and Slip, Little St.  
Peters.

And a further sum of Twelve Pounds and Ten Shillings at the disposal of the Governor to aid in making the Breakwater and Slip on the North side of Little St. Peter's Haul-over—to be drawn and applied for that purpose when it shall appear to the satisfaction of the Governor in Council that the sum of Thirty-seven Pounds and Ten Shillings has been subscribed and expended thereon, and that the site has been conveyed for the use of the public.

22l. Breakwater at  
Indian Harbour.

And a further sum of Twenty-two Pounds at the disposal of the Governor, to aid in completing the Breakwater at Indian Harbour, in the County of Guysborough—to be drawn and applied for that purpose when it shall appear to the satisfaction of the Governor in Council that the sum of Twenty-six Pounds and Ten Shillings has been subscribed and expended thereon, in addition to the sum of Thirty-nine Pounds and Ten Shillings already expended, and that the site has been conveyed for the use of the public.

23l. Breakwater at  
Fox Island.

And a further sum of Thirty-three Pounds at the disposal of the Governor, to aid in the erection of a Breakwater at Fox Island, in the County of Guysborough—to be drawn and applied for that purpose when it shall appear to the satisfaction of the Governor in Council that the sum of One Hundred Pounds has been subscribed and expended thereon, and that the site has been conveyed for the use of the public.

26l. Breakwater at  
Kelly's Cove.

And a further sum of Twenty-six Pounds at the disposal of the Governor, to aid in the erecting of a Breakwater at Kelly's Cove, in the County of Yarmouth—to be drawn and applied for that purpose when it shall appear to the satisfaction of the Governor in Council that the sum of Seventy-eight Pounds has been subscribed and expended thereon, and that the site has been conveyed for the use of the Public.

14l. Breakwater at  
Meteghan River.

And a further sum of Fourteen Pounds at the disposal of the Governor, to aid in the erection of a Breakwater at Meteghan River, in the Township of Clare—to be drawn and applied for that purpose, when it shall appear to the satisfaction of the Governor in Council that the sum of Forty Pounds and Ten Shillings has been subscribed and expended thereon, and that the site has been conveyed for the use of the Public.

100l. Breakwater at  
Ingonishe, C. B.

And a further sum of One Hundred Pounds at the disposal of the Governor, to aid in the erection of a Breakwater at Ingonishe, Cape Breton—to be drawn and applied for that purpose, when it shall appear to the satisfaction of the Governor in Council that the sum of Three Hundred Pounds has been subscribed and expended thereon, and that the site has been conveyed for the use of the Public.

33l. Givan Breakwa-  
ter, Cornwallis.

And a further sum of Thirty-three Pounds at the disposal of the Governor, to aid in repairing the Givan Breakwater in Cornwallis—to be drawn and applied for that purpose,



pose, when it shall appear to the satisfaction of the Governor in Council that the sum of One Hundred Pounds has been subscribed and expended thereon.

And a further sum of Thirty-three Pounds at the disposal of the Governor, to aid in repairing the Breakwater at Hall's Harbor, Cornwallis—to be drawn and applied for that purpose when it shall appear to the satisfaction of the Governor in Council that the sum of One Hundred Pounds has been subscribed and expended thereon.

33l. Breakwater, Hall's Harbour.

And a further sum of Thirty-one Pounds at the disposal of the Governor, to aid in the erection of a Breakwater at Barnaby's Mill Cove, Cornwallis—to be drawn and applied for that purpose when it shall appear to the satisfaction of the Governor in Council that the sum of Ninety-three Pounds has been subscribed and expended thereon, and that the site has been conveyed for the use of the public.

31l. Breakwater, Barnaby's Mill Cove.

And a further sum of Twelve Pounds and Ten Shillings at the disposal of the Governor, to aid in repairing Arisaig Pier—to be drawn and applied for that purpose when it shall appear to the satisfaction of the Governor in Council that the sum of Thirty-six Pounds has been subscribed and expended thereon.

12l. 10s. Arisaig Pier.

And a further sum of Eight Pounds at the disposal of the Governor, to aid in opening a Canal from Molasses Harbor to Whitehaven, in the County of Guysborough—to be drawn and applied for that purpose when it shall appear to the satisfaction of the Governor in Council that the sum of Twenty Pounds has been subscribed and expended on such undertaking.

8l. Canal, Molasses Harbour.

And a further sum of Five Pounds each to the two Ferrymen between M'Millan's Point in Cape-Breton and Auld's Cove in the County of Sydney, in addition to the grant therefor, for the present year, to aid them in respect of their loss of boats.

5l. Each, Ferrymen M'Millan's Point.

And a further sum of Twenty-five Pounds to H. G. Farish, as compensation for his services as Warehouse Keeper at Yarmouth—such amount to be credited on the balance due by him as Excise Officer.

25l. Warehouse Keeper, Yarmouth.

And a further sum of Three Pounds Seven Shillings and Sixpence to Stephen S. Thorne and Son, being amount of Light Duties paid on a Vessel wrecked on her first voyage.

3l. 7s. 6d. Stephen S. Thorne & Son.

And a further sum of Fifty Pounds to Robert Stone, for his services as Revenue Officer at Wilmot, for the past year.

50l. Revenue Officer, Wilmot.

And a further sum of Nine Pounds Seven Shillings and Sixpence to John Crews, for his extra services as Excise Officer at Barrington, in One Thousand Eight Hundred and Forty-seven—such sum to be credited on the balance due by him.

9l. 7s. 6d. Excise Officer, Barrington.

And a further sum of Twenty-six Pounds and Eleven Shillings to be endorsed on the Bond of John F. Muncey, (Daniel Starr and Robert D. Dewolf Sureties) being amount of Drawback to which said Muncey is entitled.

26l. 11s. John F. Muncey.

And a further sum of Twelve Pounds Sixteen Shillings and Ninepence to Hiram Blanchard, Collector of Excise, at Port Hood, in full, for extra services in securing duties from the Barque 'Alexina,' wrecked at Canso—such sum to be credited against the same balance charged by him for gauging.

12l. 16s. 9d. Collector of Excise, Port Hood.

And a further sum of Thirty-eight Pounds Nine Shillings and Sixpence at the disposal of the Governor, to pay the following amounts for attendance upon, and Medicines furnished to Indians during the past year, and for other services, pursuant to the Report of the Committee on Indian affairs: that is to say—

38l. 9s. 6d. Medical attendance on Indians.

To Dr. S. Willobycki, Liverpool,	£5 12 6
Dr. Benjamin G. Page, Amherst,	2 0 0
Dr. William Culpepper, Lunenburg,	1 7 0
Dr. Hamilton, Cornwallis,	2 5 0
Dr. James Forbes, Liverpool,	7 0 0
Dr. Charles Bent, Pugwash,	7 10 0

To John Spry Morris, Esquire, for Plans and Surveys } of Indian Reserves,	£12 15 0
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	£38 9 6

354l. 17s. 11d. Ex-  
pence, Transient  
Paupers.

And a further sum of Three Hundred and Fifty-four Pounds Seventeen Shillings and Elevenpence, to defray the several amounts following, pursuant to the Report of the Committee on the subject of expenses incurred for the support of Transient Paupers; that is to say—

To Dr. Benjamin Page,	£6 0 0
Dr. Farish,	14 5 0
The Overseers of the Poor, First Section, Pictou,	63 4 7
“ “ Clements,	16 8 4
Elijah Tuttle, Overseer of Poor, Pugwash,	14 10 0
The Overseers of the Poor, Sydney,	1 0 0
Dr. Bent, Pugwash,	5 7 6
Dr. Clarke, Pugwash,	4 9 0
The Overseers of the Poor, Truro,	19 11 9
“ “ North Sydney,	22 5 2
Dr. Brown, Horton,	8 15 3
The Overseers of the Poor, Horton,	5 17 6
S. V. Gourley, Overseer of the Poor, Amherst,	36 9 6
The Overseers of the Poor, Cornwallis,	10 10 0
“ “ Digby,	4 17 8
“ “ Wilmot,	12 4 6
William C. Pipes, Maccan,	7 10 0
The Overseers of the Poor, Yarmouth,	20 7 6
Hugh M'Leod, Overseer of the Poor, 4th Section, Pictou,	5 1 0
The Overseers of the Poor, Liverpool,	17 0 5
“ “ Granville,	19 11 3
Dr. M'Donald,	8 10 0
Dr. Willobycki, Liverpool,	5 0 0
Hugh Munro, Overseer of the Poor, Sydney,	2 15 0
The Overseers of the Poor, Granville,	12 3 3
James Gordon, for Board of Alexander Ballantine,	4 10 0
Dr. Forman, attendance on same,	6 3 9
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	£354 17 11

15l. 10s. Stud Horse  
Norfolk.

And a further sum of Fifteen Pounds and Ten Shillings to the Honorable Attorney General, being balance of expenses of Stud Horse 'Norfolk,' up to the Fourteenth day of April, in the present year, as reported by the Committee.

20l. James B. Sentill.

And a further sum of Twenty Pounds to James B. Sentill, in full, of further remuneration for taking account of Passengers and traffic on Windsor Road, in One Thousand Eight Hundred and Forty-seven.

3l. Each, Charles  
Blanchard and  
others.

And a further sum of Three Pounds (each) to Charles Blanchard, John D. M'Nutt, E. F. Munro, and A. G. Archibald, in full, for expenses of their attendance before the Executive Council, on a charge against the Judge of Probate for Colchester, in One Thousand Eight Hundred and Forty-six.

116l. 10s. A. W.  
Marsters.

And a further sum of One Hundred and Sixteen Pounds and Ten Shillings to A. W. Marsters, in full, allowed him on account of money paid into the Treasury on a Crown Judgment from the proceeds of Land over which he had a prior incumbrance by mortgage.

And

And a further sum of Seventy-five Pounds to George B. Watson, for his services as Teacher of the Nautical and Grammar School at Arichat, for one year, ending in May last, in lieu of the grant of One Hundred Pounds for such Nautical and Grammar School, at present secured by Law.

75l. Nautical and Grammar School Arichat.

And the further sums of Two Pounds to Mary Fitzgerald, and One Pound and Fifteen Shillings to Dennis Hiffernan, being respectively in full of their claims against the Fever Hospital.

2l. Mary Fitzgerald, 1l. 15s. Dennis Hiffernan.

And a further sum of Twenty-four Pounds Six Shillings and Three Pence to Captain J. W. E. Darby, to defray the loss arising from the seizure of the schooner "Hyades," for infringement of the Fishery Laws.

24l. 6s. 3d. Captain J. W. E. Darby.

And a further sum of Three Hundred and Sixty-seven Pounds and Two Shillings, at the disposal of the Governor, to repay the sum of Two Hundred Pounds advanced from the Treasury in One Thousand Eight Hundred and Forty Eight—the sum of One Hundred and Fifty Pounds advanced in the present year, and the balance of Seventeen Pounds and Two Shillings to be appropriated to the payment in full of the expenses incurred by the Board of Health, Pictou, in the matter of the Barque "Lulan," agreeably to the Report of the Committee.

367l. 2s. Board of Health, Pictou.

And a further sum of Fifteen Pounds at the disposal of the Governor, to repay the Treasury an advance made to W. J. Woodin by the Board of Health at Pictou, for conveying Immigrants by Barque "Lulan" from Pictou to Cape Breton.

15l. Board of Health, Pictou.

And a further sum of Seventy Pounds Seventeen Shillings and Six Pence, at the disposal of the Governor, to pay the Commissioners of the Poor Asylum at Halifax the following amounts, that is to say: Fifty-eight Pounds Seven Shillings and Six Pence for the support of Pauper Immigrants in the Waterloo Hospital, being One Thousand Five Hundred and Fifty-seven days at Nine Pence per day, and Twelve Pounds and Ten Shillings for Coffins supplied to the Hospital at Dartmouth, agreeably to the Report of the Committee.

70l. 17s. 6d. Commissioners of Poor, Halifax.

And a further sum of Ninety-four Pounds and Twopence at the disposal of the Governor, to defray the following amounts, pursuant to the Report of the Committee on Immigrant expenses: that is to say—

94l. 2d. Expenses of Immigrants.

To pay the Board of Health at Yarmouth for certain out-lays made by them,

£26 18 2

Henry Verge £7 10, and Conrad Pushing £4, for assistance rendered to Passengers on board brig 'Commerce,'

11 10 0

Dr. Jennings, for services to Passengers from ship 'Omega,' while in the Hospital at Dartmouth,

3 0 0

Board of Health at Digby for conveyance of eighteen Passengers, Transient Paupers, at Clare,

27 0 0

Mrs. R. F. Uniacke, for three dozen striped shirts for Immigrants on board ship 'Omega,'

3 12 0

Dr. Carritt, for services to sick Immigrants at Guysborough,

10 0 0

Re-pay advances made from the Treasury to the Board of Health at Pictou, for cases of Small Pox at Toney's River, in 1847,

12 0 0

£94 0 2

And a further sum of One Thousand One Hundred and Sixty-five Pounds Six Shillings and Threepence at the disposal of the Governor, to pay the following allowances made from the Treasury during the past year: that is to say—

1165l. 6s. 3d. Allowances from Treasury.

To C. E. Leonard and the Magistrates of Sydney, C. B., for supplies to the master and owner of the brig 'Speculator,'

£15 1 0

Peter A. Hewn, £18 18 2, Thomas Walsh, £16 16 6, and ba-

lance

lance to Garret Fitzpatrick, for supplies to crew and passengers of schooner 'Joseph Howe,' at Sydney,	£57 14 0
John Fox, for services to sick Immigrants at Canseau,	12 10 0
Joseph Kennedy, for supplies to Captain and Crew of an English Brig sunk off Scatterie,	8 0 0
J. S. Bown, for supplies to men taken off the brigs 'Leo' and 'Emerald,'	7 3 9
Archibald & Co., for supplies to Crew and Passengers of Barque 'Peel's One,' and Brig 'Valena,'	131 16 2
Benjamin Wier, for passage money for Passengers to Newfoundland and Boston,	8 10 0
Benjamin Wier, for passage money to Fifty Immigrants sent by Brig Alexander to Boston,	17 11 8
Board of Health at Halifax, for expenditures on account of One hundred and seventy Passengers saved from wreck of Ship 'Omega,' including £70 paid to Dr. Hoffman, and £45 Dr. DesBrisay, in full of their services at the Hospital at Dartmouth,	843 1 6
Board of Health at Guysborough, for balance of their account for expenditure in 1847,	5 18 2
Dr. Gilpin, for services at Pictou in 1847,	3 0 0
David Read, for conveying Passengers from Sable Island to Halifax,	5 0 0
Mr. M'Kay, Administrator of the late John M'Kay, paid to S. Donovan and others,	50 0 0
	£1165 6 3

42/. Board of Health, Argyle.

And a further sum of Forty-two Pounds at the disposal of the Governor, to defray certain liabilities incurred by the Board of Health at Argyle, pursuant to the Report of Committee.

140/. 7s. 7d. Charles W. Wallace.

And a further sum of One Hundred and Forty Pounds Seven Shillings and Seven Pence to Charles W. Wallace, late Treasurer of the Province, being balance in full Monies paid by him in that capacity, and omitted to be charged in account after deducting amount standing against him, as reported by a Committee of the Executive Council.

18/. Sheriff of Guysborough.

And a further sum of Eighteen Pounds to the Sheriff of Guysborough for his expenses in attending before the Guysborough Election Committee during the present Session.

110/. 2s. 6d. Survey Windsor Rail Road.

And a further sum of One Hundred and Ten Pounds Two Shillings and Six Pence at the disposal of the Governor, to defray the balance of expenses of Survey for Rail Road from Halifax to Windsor.

150/. Missions to Canada, &c.

And a further sum of One Hundred and Fifty Pounds at the disposal of the Governor, to pay the expenses of certain Missions to Canada and New Brunswick, in reference to the Railway, Telegraph, and Inter-Colonial Postage.

195/. Statistics Rail Road.

And a further sum of One Hundred and Ninety-five Pounds at the disposal of the Governor, to defray expenses of collecting Statistics, &c., in relation to the Halifax and Quebec Rail Road.

50/. A. Gesner.

And a further sum of Fifty Pounds to Abraham Gesner, Esquire, to remunerate him for Public Services performed for the Government.

5475/. 15s. 9d. Advances made from Treasury.

And a further sum of Five Thousand Four Hundred and Seventy-five Pounds Fifteen Shillings and Nine Pence at the disposal of the Governor, to defray the following amounts advanced from the Treasury, viz. :—

Expenses of William McGuire,

£238 7 11

Expenses

Expenses of Windsor Railway Survey,	£600	0	0
To Queen's Printer,	492	0	0
William Faulkner,	22	2	6
Casual Revenue,	400	0	0
James FitzRandolph,	10	0	0
William Townsend,	30	0	0
Halifax and Quebec Railway expenses,	3402	5	10
Richard Nugent,	8	0	0
J. W. Dawson,	50	0	0
Commissioners of the Poor for the expenses of Waterloo Hospital,	222	19	6
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	£5475	15	9

And a further sum of Three Thousand Pounds at the disposal of the Governor, to improve the Main Post Roads between Halifax and Amherst, Truro and Pictou, and Halifax and Annapolis.	3000l. Main Post Roads.
And a further sum of One Thousand Pounds for the several Roads and Bridges in the County of Yarmouth, to be applied and expended agreeably to a Resolution of the House of Assembly, passed on the Twenty-eighth day of March, in the year of Our Lord One Thousand Eight Hundred and Forty-nine, and agreed to by the Legislative Council.	Roads and Bridges— 1000l. Yarmouth.
And a further sum of One Thousand Pounds for the several Roads and Bridges in the County of Shelburne, to be applied and expended as last aforesaid.	1000l. Shelburne.
And a further sum of One Thousand Pounds for the several Roads and Bridges in the County of Digby, to be applied and expended as last aforesaid.	1000l. Digby.
And a further sum of One Thousand Pounds for the several Roads and Bridges in the County of Sydney.	1000l. Sydney.
And a further sum of One Hundred and Fifty Pounds for the same service, to be respectively applied and expended as last aforesaid.	150l. Sydney.
And a further sum of One Thousand Pounds for the several Roads and Bridges in the County of Guysborough.	1000l. Guysborough.
And a further sum of Three Hundred and Fifty Pounds for the same service, to be respectively applied and expended as last aforesaid.	350l. Guysborough.
And a further sum of One Thousand Pounds for the several Roads and Bridges in the County of Queen's, to be applied and expended as last aforesaid.	1000l. Queen's.
And a further sum of One Thousand Pounds for the several Roads and Bridges in the County of Richmond.	1000l. Richmond.
And a further sum of One Hundred and Fifty Pounds for the same service, to be respectively applied and expended as last aforesaid.	150l. Richmond.
And a further sum of One Thousand Five Hundred and Twenty Pounds for the several Roads and Bridges in the County of Halifax, to be applied and expended as last aforesaid.	1520l. Halifax.
And a further sum of One Thousand and Four Hundred Pounds for the several Roads and Bridges in the County of Hants, to be applied and expended as last aforesaid.	1400l. Hants.
And a further sum of One Thousand Three Hundred and Eighty Pounds for the several Roads and Bridges in the County of Inverness—to be applied and expended as last aforesaid.	1380l. Inverness.
And a further sum of One Thousand Four Hundred and Sixty Pounds for the several Roads and Bridges in the County of Cape Breton, to be applied and expended as last aforesaid.	1460l. Cape-Breton.
And a further sum of One Thousand and One Hundred Pounds for the several Roads	1100l. King's.

Roads and Bridges in the County of King's, to be applied and expended as last aforesaid.

1460*l.* Pictou. And a further sum of One Thousand Four Hundred and Sixty Pounds for the several Roads and Bridges in the County of Pictou—to be applied and expended as last aforesaid.

1200*l.* Colchester. And a further sum of One Thousand and Two Hundred Pounds for the several Roads and Bridges in the County of Colchester, to be applied and expended as last aforesaid.

1200*l.* Cumberland. And a further sum of One Thousand and Two Hundred Pounds for the several Roads and Bridges in the County of Cumberland, to be applied and expended as last aforesaid.

1240*l.* Lunenburg. And a further sum of One Thousand Two Hundred and Forty Pounds for the several Roads and Bridges in the County of Lunenburg, to be applied and expended as last aforesaid.

1140*l.* Annapolis. And a further sum of One Thousand and Forty Pounds for the several Roads and Bridges in the County of Annapolis, to be applied and expended as last aforesaid.

12*l.* 10*s.* Bridge Partridge Island River. And a further sum of Twelve Pounds and Ten Shillings to Lewis Jenks, for extra services in the building of a Bridge over Partridge Island River, in the year of Our Lord One Thousand Eight Hundred and Forty-eight, as recommended by a Select Committee of this House of Assembly, and that this sum be repaid out of the Road Money for Cumberland, for the year One Thousand Eight Hundred and Fifty.

92*l.* 0*s.* 10*d.* John H. Crosskill. And a further sum of Ninety-two Pounds and Tenpence to John H. Crosskill, in full, for claims for printing, up to the thirty-first day of December One Thousand Eight Hundred and Forty-seven, pursuant to the Report of the Committee on his Petition.

901*l.* 4*s.* 9*d.* Public Printing, 1848. And a further sum of Nine Hundred and One Pounds Four Shillings and Ninepence at the disposal of the Governor, to re-pay advances made from the Treasury for Public Printing during the last year, and to defray the following amounts still due therefor, pursuant to the Report of the Committee on Printing: that is to say—

To William Gossip,	£115	2	7
Ritchie & Nugent,	6	15	0
William Annand,	6	11	3
British Colonist,	3	16	3
Richard Nugent,	2	17	3
English & Blackadar,	1	2	6
W. Cunnabell,	0	15	0
J. Ferguson,	0	12	6
Royal Gazette Office,	1	3	9
J. S. Thompson, Queen's Printer, balance due,	52	3	4
J. H. Crosskill in full, balance due,	168	5	4

375*l.* Steam Boat between Halifax and St. John's, N. F. And a further sum of Three Hundred and Seventy-five Pounds annually, for the next Three years, to such persons as shall in each year run a suitable Steam Boat between Halifax and St. John's, Newfoundland, touching at Cape Breton going and returning—to be paid when it shall appear to the Governor in Council that the service has been properly discharged.

200*l.* Steam Boat between Pictou and Charlottetown. And a further sum of Two Hundred Pounds annually, for the next Three years, at the disposal of the Governor, for the encouragement of a suitable Steam Boat, to ply Twice a week between Pictou and Charlottetown, Prince Edward's Island—to be paid when it shall appear to the satisfaction of the Governor in Council that the service has been faithfully performed, and that the Mails (if required) have been duly conveyed.

350*l.* Steam Boat between Yarmouth and Halifax. And a further sum of Three Hundred and Fifty Pounds annually, for the next Three years, to such person as shall in each year run Weekly a suitable Steam Boat between Yarmouth

Yarmouth and Halifax, touching at the intermediate Ports of Liverpool and Lunenburg—to be paid when it shall appear to the satisfaction of the Governor in Council that such Boat has plied between the said Ports as hereinbefore mentioned, at least Seven Months in each Year.

And a further sum of Seventy-five Pounds annually, for the next Three years, at the disposal of the Governor—to be paid to any person who will in each year run a suitable Steam Boat from St. Peters through the Bras d'Or Lake to Sydney Once a Fortnight and in the interval to ply as a Passage Boat regularly, between Sydney and the North Bar.

757. Steam Boat between St. Peter's and Sydney.

And a further sum of One Thousand and Seven Hundred Pounds at the disposal of the Governor, to be placed in sums of One Hundred Pounds for each County, in the hands of Commissioners to be appointed by the Governor in Council, and which sums shall be by them laid out in the purchase of Seed, where absolutely required, for distribution among the poorer classes, and be accounted for to the General Assembly at its next Session. Provided that if such Commissioners so appointed in any County, or the Members for such County shall report that no sum or a less amount is required for such purpose, then the said sum of One Hundred Pounds, or any balance thereof not so required, shall be applied by the Governor in Council for the service of the Roads and Bridges in such County.

1700L. Purchase of Seed.

And a further sum not exceeding Five Hundred and Ten Pounds at the disposal of the Governor, to aid in the erection of Oat Mills and Kilns in the different Counties, during the present year—provided that no greater amount than Thirty Pounds be allowed for any one County—that no person who has heretofore received aid for such purpose shall be entitled to any participation in the grant—that no more than Fifteen Pounds be applied in aid of any one Oat Mill and Kiln, and only to that amount in cases where the Kiln is at least Fourteen feet in diameter,—that no aid be granted where the Kiln shall not be Eleven feet in diameter, and only Ten Pounds where such Kiln shall be Eleven feet but not Fourteen feet in diameter; and that no sum shall be paid hereunder until it shall appear by certificate to the satisfaction of the Governor in Council that the Oat Mill and Kiln for which any such grant may be claimed, are ready to be put in operation: which certificate shall also state the diameter of the Kiln, and that the person claiming aid has never before received any grant for that purpose.

510L. Erection of Oat Mills and Kilns.

And a further sum, not exceeding Two Hundred Pounds, at the disposal of the Governor, to compensate some person for carrying the Mails between Annapolis, Digby, and Saint John, New Brunswick, at least once in each week; the service to be performed by Steam Boat or otherwise, at such times and under such regulations as may be established by the Deputy Post Master General, and to be drawn quarterly, upon his certificate that the duty has been faithfully performed.

200L. Mails between Annapolis and St. John, N. B.

And a further sum of One Thousand Seven Hundred and Thirty six Pounds Fourteen Shillings and Tenpence at the disposal of the Governor, to defray that amount advanced from the Treasury to support the Post Office Department for the last year.

1736L. 14s. 10d. Post Office Department.

And a further sum of Five Hundred Pounds at the disposal of the Governor, for the purpose of employing the Schooner "Daring," when not employed in the Sable Island Service, for the Protection of the Fisheries on the Coasts of this Province.

500L. Schr. Daring.

And a further sum of Three Hundred Pounds at the disposal of the Governor, for the benefit of the Indians for the present year.

300L. Indians.

And a further sum of Eight Hundred and Fifty-one Pounds Twelve Shillings and Ninepence to the Commissioners of the Provincial Penitentiary, to defray the Expenses of that Establishment for the present year, including Thirty-five Pounds for the Physician's Salary.

851L. 12s. 9d. Provincial Penitentiary.

And a further sum of Six Hundred and Six Pounds Nine Shillings and One Penny to

606L. 9s. 1d. Comrs. Public Buildings.

to the Commissioners of Public Buildings, to defray the balance of Expenses incurred by them during the last year.

500*l.* Comrs. Public Buildings.

And a further sum of Five Hundred Pounds at the disposal of the Governor, to be from time to time paid to the Commissioners of Public Buildings in order to the more economical expenditure of the Funds required to be expended thereon, by the payment of ready money and otherwise.

120*l.* Chief Inspector of Distilleries.

And a further sum of One Hundred and Twenty Pounds at the disposal of the Governor, to be applied, if deemed necessary, in payment of a Chief Inspector of Distilleries in Halifax for the present year, instead and in lieu of all other allowances whatsoever.

40*l.* Revenue Boat Sydney, C. B.

And a further sum of Forty Pounds at the disposal of the Governor, to enable him to continue a suitable Revenue Boat at Sydney, Cape Breton.

30*l.* Revenue Boat Pictou.

And a further sum of Thirty Pounds at the disposal of the Governor, to enable him to continue a suitable Revenue Boat at Pictou for the present year, under the direction of the Collector of Impost and Excise at the Port.

15*l.* Margaret Nickerson.

And a further sum of Fifteen Pounds to Margaret Nickerson, to assist her in keeping a House of Entertainment for Travellers on the Road between Shelburne and Barrington.

15*l.* Rebecca Langley.

And a further sum of Fifteen Pounds to Rebecca Langley, to assist her in keeping a House of Entertainment for Travellers on the Road between Musquodoboit and St. Mary's.

Allowance to Comrs. for issuing Treasury Notes.

And such further sum at the disposal of the Governor as will enable him to remunerate the Commissioners for issuing Treasury Notes, for their services (including the expense of their Clerk) between the first day of April One Thousand Eight Hundred and Forty-seven, and the first day of February One Thousand Eight Hundred and Forty-nine, at the rate of one half per cent. on the amount of Notes actually signed—the same to be in full for all services performed by them in signing and cancelling Notes and Stock Certificates up to the latter date.

50*l.* Militia service,

And a further sum of Fifty Pounds at the disposal of the Governor, to enable him to pay to the Adjutant General of Militia the sum of Thirty Pounds, and to the Quarter Master General the sum of Twenty Pounds, for their services for the past year.

260*l.* Publishing Debates of House of Assembly.

And a further sum of Two Hundred and Sixty Pounds at the disposal of the Governor, to pay the expense of Reporting and Publishing the Debates of the House of Assembly for the present year.

880*l.* 5*s.* 11*d.* Expenses Legislative Council.

And a further sum of Eight Hundred and Eighty Pounds Five Shillings and Eleven pence to defray the Expenses of the Legislative Council, for the present year.

154*l.* 14*s.* 6*d.* Stationery &c. House of Assembly.

And a further sum of One Hundred and Fifty-four Pounds Fourteen Shillings and Sixpence to the Clerk of the House of Assembly, to defray the expense of Stationery and Binding of Journals and Laws for the House of Assembly, during the last year.

77*l.* 7*s.* Binding and Lettering Journals.

And a further sum of Seventy-seven Pounds and Seven Shillings to the Clerk of the House of Assembly, to pay A. & W. M'Kinlay's account for Binding and Lettering Journals of the Lords and Commons, during the past year.

263*l.* Extra Messengers House of Assembly.

And a further sum of Two Hundred and Sixty-three Pounds to defray the expense of Extra Messengers, and other services, and for Fuel and other articles for the House of Assembly—to be drawn and applied by the Clerk of the House of Assembly under the sanction of the Speaker.

15*l.* Books, &c., Assembly.

And a further sum of Fifteen Pounds at the disposal of the Honorable the Speaker, to procure various Books and Publications necessary for conducting the business of the Assembly.

10*l.* each Chairmen Coms. Bills and Supply.

And a further sum of Ten Pounds (each) to the two Chairmen of the Committees on Bills and of Supply, for their services for the present Session.

100*l.* each Clerk and Clerk Assistant Assembly.

And a further sum of One Hundred Pounds each, to the Clerk and Clerk Assistant of the House of Assembly for their extra services during the present Session. II.



II. *And be it enacted*, That under the special circumstances affecting the County of Sydney, the sum of One Hundred and Fifty Pounds included in the Road Scale of the present year, as a repayment of Monies advanced for that County, be allowed to be appropriated for the service of Roads and Bridges therein, and shall remain as a charge on the Road Grant for such County, and be repaid therefrom at the next Session.

III. *And be it enacted*, That in the event of a Bill, entitled, 'An Act for transferring the Crown Revenues of Nova Scotia, and providing for the Civil List thereof,' receiving Her Majesty's assent and passing into a Law, the sum of Two Hundred Pounds Sterling, be granted, and paid to the present Lieutenant Governor for his Contingencies for the present year.

And also in the like event, the sum of Two Hundred and Fifty Pounds, Sterling, to the present Lieutenant Governor, for a Private Secretary for the present year.

And also in the like event, the sum of One Hundred Pounds, Sterling, to the Superintendent of Mines in Cape Breton, for the present year.

And also in the like event, the sum of Four Hundred and Sixty Pounds, Sterling, for the Salaries of the Clerks in the Provincial Secretary's Office for the present year, to be applied and appropriated by the Provincial Secretary.

And also in the like event, a sum not exceeding One Hundred Pounds, Sterling, for Stationery, and other Contingencies of the Provincial Secretary's Office for the present year—the expenditure to be accounted for at the next Session of the General Assembly.

And also in the like event, the sum of Thirty Pounds, Sterling, to the Master of the Rolls, the Judge of Vice Admiralty, and the Judge of Probate, at Halifax, for Fuel and Criers of their Courts for the present year.

And also in the like event, the sum of Forty Pounds, Sterling, to the Clerk of the Crown in the Supreme Court for this Province, for his services for the present year.

IV. *And be it enacted*, That the sum of Seven Pounds and Ten Shillings appropriated in the King's County Road Scale for One Thousand Eight Hundred and Forty-eight, to repair the Road from Little Island to Boat Island, and to secure the Embankment, and undrawn; and the further sum of Five Pounds appropriated in the said Road Scale to repair the Road from John Reid's Corner towards Nicholas Fielding's, and undrawn, be appropriated to repair the Road from John Payzant's by Stephen Benjamin's, and to repair a Bridge near said Payzant's.

V. *And be it enacted*, That the sum of Seven Pounds and Ten Shillings, granted in One Thousand Eight Hundred and Forty Six, to open a new Road through the Whidden Farm, and which has not been drawn from the Treasury, be expended and laid out on the new Road leading from Obadiah Newcomb's to Cornwallis Bridge.

VI. *And be it enacted*, That the sum of Fifteen Pounds, granted in One Thousand Eight Hundred and Forty-seven to build a Bridge at the Big Gut, Carriboo, and remaining undrawn, be appropriated in opening the new Road laid out from the entrance of Carriboo River to Pictou, through Paul McKenzie's.

VII. *And be it enacted*, That the sum of Five Pounds, granted in One Thousand Eight Hundred and Forty-seven to repair the Road at Roger's Hill in the County of Pictou, and undrawn, be appropriated in repairing the Road from McIntosh's, (near the Town Gut) towards the River John Road.

VIII. *And be it enacted*, That the sum of Seven Pounds and Nine Shillings remaining undrawn out of the sum of Thirty Pounds granted at the last Session to build South Branch Bridge, Maccan, and repair damage done by the Freshet; be applied to repair the Road from South Branch Bridge past Alexander Hannah's.

IX. *And be it enacted*, That the sum of Thirty-seven Pounds Eleven Shillings and Sixpence reported as undrawn for the Road Service in the County of Sydney, being

150l. Road Service  
Sydney.

200l. Stg. present  
Lieut. Governor  
Contingencies.

250l. Stg. present  
Lieut. Governor,  
Private Secretary.

100l. Stg. Superin-  
tendant Mines,  
Cape Breton.

460l. Stg. Salaries  
Clerks of Provin-  
cial Secretary's  
Office.

100l. Stationery, &c.  
Provincial Secre-  
tary's Office.

30l. Stg. Fuel and  
Criers of Courts.

40l. Stg. Clerk of  
Crown Sup. Court.

7l. 10s. Road from  
Pazant's by Ben-  
jamin's.

7l. 10s. Road New-  
comb's, Cornwal-  
lis Bridge.

15l. Road Carriboo  
River to Pictou.

5l. Road, McIntosh's  
to River John  
road.

7l. 9s. Road South  
Branch Bridge  
past Hannah's.

37l. 11s. 6d. Un-  
drawn for Road  
Service, Sydney.

noted in the Return as No. 664, Harrington and M'Donald, Commissioners, be applied towards the re-payment into the Treasury of the sum of Forty Pounds and Nineteen Shillings drawn from the Casualty Vote in One Thousand Eight Hundred and Forty-seven.

109l. Ss. Undrawn  
for Road Service,  
Inverness.

X. *And be it enacted*, That of the undrawn Monies for the Roads and Bridges in the County of Inverness, as reported this Session by the Committee of Public Accounts, the aggregate amount of the first twelve Items in the List thereof being One Hundred and Nine Pounds and Eight Shillings, be paid and applied as follows: Sixty-one Pounds Five Shillings and Elevenpence in discharge of the advances made from the Treasury for Roads within the said County; and the balance of Forty-eight Pounds Two Shillings and Onepenny in payment of Commissions on Relief Notes, as filed in the Treasurer's Office.

20l. Joseph Martell.

XI. *And be it enacted*, That the sum of Ten Pounds on the Commission No. 1, to Joseph Martell, and also the sum of Ten Pounds on Commission No. 89, undrawn by Joseph Martell, both on the Main Post Road to Arichat, be substituted for the sum of Twenty Pounds advanced to him on such Road from the Casualty Vote in One Thousand Eight Hundred and Forty-eight.

Purchase of Seed for  
distribution.

XII. *And be it enacted*, That during the present year it shall be lawful for the Governor in Council, upon the requisition of the General or a Special Sessions of the Peace for any County or District to draw all or any part of the Monies by Law appropriated for the encouragement of Agriculture within such County or District, and to apply the same, under such regulations and restrictions as may be deemed necessary, in the purchase of Seed for distribution in such County or District, instead of for the original purpose for which such Monies were granted.

Purchase of Seed for  
distribution, Counties  
Cape Breton,  
Inverness, Rich-  
mond and Sydney.

XIII. *And be it enacted*, That it shall be lawful for the Governor, upon the requisition of the General or a Special Sessions of the Peace for the Counties of Cape-Breton, Inverness, Richmond and Sydney, respectively, immediately to draw all or any part of the Monies by Law appropriated for Schools of every description within such Counties respectively, for the half year, from the first day of May to the first day of November next, and to apply the same under such regulations and restrictions as may be deemed necessary, in the purchase of Seed for distribution in such Counties respectively, instead of for the original purposes for which such Monies were granted.

Officers Wines.

XIV. *And be it enacted*, That the Board of Revenue shall allow a Drawback upon all Wines imported for or consumed by the Commissioned Officers of the Army composing the several Regimental Messes of the Garrison at Halifax, or shall relinquish the Duties upon all such Wines, upon proof being made to the satisfaction of the Board that the Wines whereon Drawback or relinquishment of Duties is claimed, were imported for or consumed by such Officers of the Army, provided the whole amount do not exceed the sum of Three Hundred Pounds in the year.

Bridge Casualties.

XV. *And be it enacted*, That if any of the Bridges on the Main Post Roads of this Province shall give way during the recess, or any of such Roads shall be unexpectedly obstructed by any unforeseen obstacle or accident, it shall be lawful for the Governor to order a Commissioner to repair or rebuild such Bridges, or to remove such obstructions, and it shall be lawful further for the Governor to draw Warrants on Account, and in favor of such Commissioner—provided the sum so to be drawn shall not exceed for the year the sum of One Thousand Pounds, and the respective sums so drawn shall be charged at the next Session of Assembly, as against the several Counties in which the same shall be respectively expended.

Members Pay.

XVI. *And be it enacted*, That the sum of One Pound per day be granted to every Member of the House of Assembly for his attendance in General Assembly for the present Session—to be paid on the certificate of the Speaker, also the Travelling charges as heretofore—provided that no Member shall receive pay for more than Forty days attendance.

XVII.

XVII. *And be it enacted*, That the Ninth, Twelfth, Sixteenth and Eighteenth Sections of the Act passed in the Forty-first year of the Reign of His late Majesty King George the Third, entitled, An Act for applying certain Monies therein mentioned for the service of the Year of Our Lord One Thousand Eight Hundred and One, and for appropriating such part of the Supplies granted in this Session of the General Assembly as are not already appropriated by the Laws or Acts of the Province; also, the Eleventh, Twelfth, and Thirteenth Sections of the Act passed in the Fourth year of the Reign of His late Majesty King William the Fourth, entitled, An Act for applying certain Monies therein mentioned for the service of the Year of Our Lord One Thousand Eight Hundred and Thirty-four, and for appropriating such part of the Supplies granted in this Session of the General Assembly as are not already appropriated by the Laws or Acts of the Province, shall be, and each of the said Sections is hereby continued in as full and ample a manner as if herein repeated word for word, until the first day of April, which will be in the year of Our Lord One Thousand Eight Hundred and Fifty, and no longer.

Sections of Acts continued.

CAP. IX.

**An Act to enable the Commissioners for erecting and building the Trunk Line of Railway from Halifax to Quebec, to construct the same within the limits of this Province.**

(*Passed the 31st day of March, A. D. 1849.*)

**W**HEREAS in the event of the proposed arrangements being completed by and between the Imperial Government and the Governments of the Sister Provinces of Canada and New-Brunswick and of this Province, and of Commissioners being appointed to superintend the construction of such Trunk Line of Rail Road, it is necessary to give said Commissioners certain powers and authority, in order to enable them to construct the same within the limits of this Province.

Preamble.

I. *Be it enacted by the Lieutenant Governor, Council and Assembly*, That it shall be lawful for the Governor in Council to appoint and commission Five fit and proper persons, to be approved of by Her Majesty, or it shall be lawful for Her Majesty to cause Five fit and proper persons to be appointed and commissioned during pleasure, Commissioners for Establishing and constructing a Line of Railroad from the City of Halifax to the Province Line of New Brunswick, to meet a Rail Road to be constructed from Point Levi, in Lower Canada, by Rivière du Loup and Metis, through the Province of New Brunswick, and from time to time as Vacancies occur in such Office of Commissioners, either by revocation, death, resignation, continued absence from this Province, or otherwise, to supply the same by new appointments.

Governor in Council to appoint Five Commissioners and supply vacancies.

II. *And be it enacted*, That in the event of such arrangements being completed as aforesaid, and Commissioners being duly appointed as aforesaid, to superintend and manage the building thereof, it shall be lawful for the said Commissioners by themselves or their agents, duly authorized for such purpose, to enter upon any part of the Crown Lands situate in any part of this Province, and by their said agents, contractors, servants, and workmen, and with horses, cattle and carriages, to cut down, use, remove, and employ, all suitable materials of whatsoever nature, kind, or description the same may be required, or necessary for the building and construction of said Rail Road,

Powers and duties of Commissioners.

Regulations to be framed and approved of by Governor in Council.

Breadth of Way on Crown Lands.

Title to Crown Lands within ten miles to vest in Her Majesty.

Breadth of Way on Private Lands—compensation therefor to be paid from Treasury.

Title to vest in Her Majesty.

Railroad subject to regulations of Her Majesty's Government.

Road, and to make, cut, or erect, any Roads and Bridges required for such entry, and the removal of said materials; but before making such entry, or conferring the requisite authority therefor, it shall be incumbent on the said Commissioners to prepare and frame a Set of Regulations therefor, in order to stay and prevent unnecessary waste and destruction, which said Regulations shall not be operative and binding until the same be approved by the Governor in Council.

III. *And be it enacted*, That it shall be lawful for the said Commissioners to enter upon any part of said Crown Lands, either by themselves or agents, by them duly authorized for such purpose, and by their engineers, contractors, servants and workmen, and with horses, cattle and carriages, to lay off and appropriate, wherever the same may be required, a sufficient Breadth of Way for the construction and uses of such Rail Road, and as soon as such Line of Rail Road is laid down and ascertained, that it shall be lawful for the Governor, by and with the advice of the Executive Council, to vest in Her Majesty, her heirs and successors the title of, in, and to all the Crown Lands situate within Ten Miles on each side of the said Line, in order that said Crown Lands may be held, used, and enjoyed for the benefit of said Railway, and to raise funds for the construction thereof.

IV. *And be it enacted*, That it shall be lawful for said Commissioners to enter into and upon any private Lands, hereditaments and tenements, situate in this Province, through which such Line of Railway may penetrate, either by themselves, or any Agents by them duly authorized for such purpose, and by their engineers, constructors, servants and workmen, and with horses, cattle and carriages, to lay off and appropriate, whenever the same may be required, a sufficient Breadth of Way for the construction and uses of such Railway, and all such spaces as may be required for stations, depots, warehouses, stables, buildings and yards, required by said Commissioners for the convenient working of said Railroad; and in the event of the Proprietors thereof, or any Agents acting therefor, neglecting or refusing to make a conveyance and voluntary appropriation and surrender thereof, or any part thereof, for the uses of such Railroad, or of accepting such compensation therefor as the said Commissioners or their Agents, duly authorized and acting in such behalf may offer and provide, that then it shall be lawful for said Commissioners to proceed as the Commissioners of Highways are directed to proceed in such cases by the various Acts now in force in this Province; and on the value of the lands required for such breadth of way being settled and ascertained as aforesaid, that then it shall be lawful for the Governor, by and with the advice of the Executive Council, to issue Warrants upon the Treasury for payment thereof; and that the Title of all such private Lands so laid off and appropriated or valued and paid for as aforesaid, shall vest in Her Majesty, her heirs and successors, to be held, used, and enjoyed for the uses and purposes of such Railroad.

V. *Provided always, and be it enacted*, That the said Railroad shall not be open to the Public as a Highway, except under such Rules and Regulations as may be established by Her Majesty's Government in that behalf.

CAP. X.

**An Act for Granting Duties of Impost for the support of Her Majesty's Government within this Province.**

(Passed the 31st day of March, A. D. 1849.)

**B**E it enacted, by the Lieutenant-Governor, Council, and Assembly, That upon, from, and after the first day of April in this year of Our Lord One Thousand Eight Hundred and Forty-nine, this Act shall come into and be in operation, and shall remain and continue in operation until the first day of April, which will be in the year of Our Lord One Thousand Eight Hundred and Fifty, and no longer.

Duration of Act.

II. *And be it enacted,* That upon, from and after, the day appointed for this Act to come into operation, and during the continuance thereof, and instead and in lieu of all other Duties whatsoever and howsoever denominated, there shall be raised, levied, collected, and paid unto Her Majesty, Her Heirs and Successors, for the use of the Province, and the support of the Government thereof, and other Public purposes within the same, for and upon all Goods, Wares and Merchandize, imported or brought into this Province, by Sea or Inland Carriage or Navigation, on and after the time when this Act shall come into operation, and during the continuance thereof, the several and respective Imposts Duties, Rates and Impositions, inserted, described, and set forth in Figures in the Table of Duties herein after contained, denominated 'Table of Duties,' opposite to and against the respective Articles on the said Table mentioned, described and enumerated, and according to the value, number or quantity of such Articles therein specified.

Duties to be levied and paid according to Table hereto annexed.

III. *And be it enacted,* That Salted Beef and Pork, duly Warehoused, at any Port or Place within this Province, may be delivered out of such Warehouse, to be shipped as Stores, and which shall and may be so shipped without entry or payment of any Duty, for every Ship of the burthen of Sixty Tons at least, bound on a voyage to any Port or Place out of this Province, the probable duration of which, out and home, will not be less than forty days. *Provided always,* that such Beef and Pork shall be borne upon the Ship's Clearance, and shall be shipped in such quantities, and subject to such directions and regulations as the Collector of Impost and Excise at the Port of Shipment shall direct and appoint. *Provided also,* That the surplus Stores of such Beef or Pork may be delivered into the charge of the Searcher, or other proper Officer of Impost and Excise, to be re-shipped as Stores, under such Rules and Regulations as such Collector or other proper Officer of Impost and Excise may see fit to direct; and any such Beef or Pork shipped contrary to such directions shall be forfeited.

Beef and Pork for Ship's Stores free of duty.

Proviso.

IV. *And be it enacted,* That there shall be raised, levied, collected, and paid unto Her Majesty, Her Heirs and Successors, for the purposes aforesaid, for and upon all Rum and other Spirituous Liquors which shall be by any way or method whatsoever manufactured, compounded, extracted, distilled, or made in this Province, and which in the said Table are specifically enumerated and described, the several Duties therein stated.

Duties on Spirituous Liquors made in Province.

V. *And be it enacted,* That the several and respective Goods, Wares and Merchandize, mentioned in the Table hereinafter contained, denominated "Table of Exemptions," shall respectively be held free of any Duties by this Act imposed.

Table of exemptions.

VI. *And be it enacted,* That all Goods, Derelict, *flotsam jetsam,* and Wrecked, brought or coming into this Province, shall at all times be subject to the same duty as Goods of the like kind imported into this Province are respectively subject unto. *Provided always,* That if any such Goods be of such sorts as are entitled to allowance for damage, such allowance shall be made under such regulations and conditions as the

Duties on Goods, wrecked, &c.

Proviso.

Board of Revenue shall from time to time direct; *and provided also*, that all such Goods as cannot be sold for the amount of Duty thereon, shall be delivered over to the person entitled to receive the same, and shall be deemed to be unenumerated Goods, and shall be liable to, and shall be charged with, Duty accordingly.

Duties to be paid according to British Weights and Measures, &c.

VII. *And be it enacted*, That all the said Duties hereby imposed, shall be collected, paid, and received according to the British Weights and Measures now in use in this Province; and that in all cases where the said Duties are in the said Table of Duties imposed according to any specific quantity or any specific value or number, the same shall be deemed to apply in the same proportion to any greater or less quantity, value or number.

How to be collected and applied.

VIII. *And be it enacted*, That the said Duties by this Act imposed, shall be ascertained, secured, paid, levied, collected, recovered and applied, under and according to the directions, provisions, regulations and penalties, and by the ways and means respectively prescribed and contained in the several Acts of the General Assembly now or hereafter to be passed, and from time to time in force, concerning the securing, paying, levying, collecting, recovering, and applying the said Duties.

Importer may Warehouse Goods.

IX. *And be it enacted*, That it shall be lawful for the Importer of any Goods subject to the duties hereby imposed, to Warehouse such Goods upon the first entry thereof, under and according to the Rules, Regulations, and Conditions from time to time in force, or to be enacted concerning the Warehousing of Goods, and without payment of Duty upon such first entry thereof.

Goods in Warehouse subject to Duties hereby imposed.

X. *And be it enacted*, That all Goods which shall have been Warehoused in this Province before this Act goes into operation, and which shall remain so Warehoused after the operation thereof commences, and on which the Duties heretofore imposed have not been paid or secured by a subsisting and continuing security, shall in lieu of all former Duties become liable to and be charged with the Duties hereby imposed on the like Goods and Merchandize.

Drawback on Exportation.

Proviso.

XI. *And be it enacted*, That upon the exportation from this Province of any Goods by this Act charged with Duties, there shall be allowed and granted a Drawback of the whole amount of the Duty paid or secured thereon. *Provided* such Exportation shall be made in all respects conformably to the Rules and Regulations from time to time in force or to be enacted, touching the allowance of Drawbacks on Exportation. *And Provided also*, that all the requisites for obtaining such Drawbacks be observed in respect of the Goods exported.

Drawback under former Acts.

XII. *And be it enacted*, That the amount of all Drawbacks granted, allowed, or made payable, under or by virtue of any Act of the General Assembly in force on or immediately before the day when this Act is limited to take effect, for and upon any Goods charged with Duty under any prior Act, shall remain and continue and be allowed with respect to such Goods in the same manner as if the Act whereby such Drawbacks were allowed had continued in force after the commencement hereof.

Duties and Drawbacks under management of Board of Revenue.

XIII. *And be it enacted*, That all Duties imposed by this Act, and all Drawbacks allowed by this or any former Act, shall be under the management of the Board of Revenue, who shall in respect of such Duties and Drawbacks manage and allow the same, as hath been, or is, or shall be, by Law prescribed.

Duties to be paid into Treasury Quarterly.

XIV. *And be it enacted*, That all the Monies arising from the Duties by this Act imposed, shall be remitted and paid into the Public Treasury of the Province in Halifax by Quarterly Payments, on or as near as may be practicable to the first day of every Quarter, and shall be carried to the Account of the Provincial Revenue, and be, and be deemed part of the Public Funds of this Province, and shall be paid, applied, and appropriated to such purposes, and no other, as are or may be expressed or contained in the several Acts of the General Assembly of this Province from time to time in force.

Appropriation thereof, &c.

XV. *And be it enacted*, That all Monies arising from the said Duties, and paid into the Public Treasury, shall, from time to time be drawn by the Governor by Warrant, under his Hand and Seal, pursuant to the instructions and directions of Her Majesty, and in payment and discharge of any Monies appropriated, or to be appropriated, by any Act of the General Assembly.

To be drawn by Governor's warrant.

XVI. *And be it enacted*, That all Duties on Goods imported, or to be imported before the coming of this Act into operation, and imposed by any Act of the General Assembly of this Province passed for raising a Revenue, and which has expired, or shall expire at or after the coming of this Act into operation, and all penalties and forfeitures incurred or inflicted under the provisions of such former Act, shall be collected, paid, raised, levied, recovered, and enforced, according to the several and respective provisions of such former Act whereby such Duties, penalties, and forfeitures were imposed, the expiration or repeal of such former Act or anything therein contained to the contrary notwithstanding.

Collection of Duties on Goods imported before operation of Act, &c.

XVII. *And be it enacted*, That all the said several Duties hereby imposed and in the said Table of Duties mentioned and contained, shall be estimated, calculated and reduced into the Currency of this Province, as follows: that is to say—All the several Specific Duties imposed by the said Table of Duties upon any article therein mentioned, according to the weight, measure, or tale thereof, shall be considered and deemed to be imposed and charged in Sterling money, and the same shall be reduced and converted into the Currency of this Province by adding to the aggregate amount of the Duty imposed and payable on any such article, according to the rate of Duty charged and imposed thereon, one fourth part of the said aggregate amount, and in calculating all Duties by the said Table imposed upon any article according to the value thereof, One Hundred Pounds Sterling shall in all cases be deemed and taken to represent, and be equivalent to One Hundred and Twenty-five Pounds Currency of this Province.

Reduction of Duties into Currency of Province.

XVIII. *And be it enacted*, That all such Duties, when so reduced and converted into Currency, shall and may be paid and received at the Provincial Treasury, or by or to any Collector of the Colonial Revenue, in Treasury Notes of this Province, at and after the rate of Twenty Shillings for every One Pound Currency; in Doubloons, of full weight and fineness, at and after the rate of Four Pounds Currency; and in British Sovereigns and British Silver Coins at and after the rate of Twenty-five Shillings Currency for every Sovereign, and in the like proportion for such British Silver Coins: *Provided*, that no greater sum than Fifty Shillings Currency shall be tendered or received or paid in such British Silver Coins at any one time in discharge of such Duties as aforesaid.

Payment into Treasury.

Proviso.

XIX. *And be it enacted*, That any Animal hereby charged with Duty, which shall be imported for the purpose of improving the Breed, and which shall be certified to be so imported by the President and Secretary of any Agricultural Society, shall be wholly free of any Duty by this Act imposed.

Animal to improve Breed, duty free.

TABLE OF DUTIES.

Table of Duties.

ARTICLES.	DUTIES IN STERLING MONEY.		
	£	s.	d.
Apples, fresh or dried, per barrel,	0	4	0
Bacon, per cwt.	0	9	0
Beef, salted, per cwt.	0	6	0
Fresh, per cwt.	0	5	0
Biscuit, fine, called Crackers or Cakes, per cwt.	0	3	4
Butter, per cwt.	0	8	0
Candles, Tallow, per lb.	0	0	1
All other Candles, per lb.	0	0	3
			Cattle,

## TABLE OF DUTIES.

Table of Duties

ARTICLES.	DUTIES IN		
	STERLING MONEY.		
	£	s.	d.
Cattle, viz : Horses, Mares, or Geldings, each,	2	0	0
Neat Cattle, viz : Oxen, or other Neat Cattle, three years old or upwards, each,	1	10	0
Cows and Cattle under three years old,	0	10	0
Sheep, each,	0	3	0
Hogs over 100 lbs. weight, each,	1	0	0
“ of 100 lbs. weight and under, each.	0	2	0
Cheese, per cwt.	0	5	0
Chocolate, or Cocoa Paste, per lb.	0	0	1
Coffee, Green, per lb.	0	0	1
Roasted, Burned, or Ground, per lb.	0	0	2
Clocks, on all Clocks costing under 20s.	0	5	0
On all others,	0	10	0
Hams, smoked or dried, per cwt.	0	9	0
Lard, per cwt.	0	8	0
Leather, Sole Leather, including Hides and Skins, partially dressed therefor, per lb.	0	0	1
Upper Leather of all sorts, including Hides and Skins, partially dressed therefor, per lb.	0	0	2
Molasses, per Gallon,	0	0	2½
Onions, per cwt.	0	2	6
Pears, fresh or dried, per bbl.	0	4	0
Pork, salted, per cwt.	0	6	0
Fresh, per cwt.	0	4	0
Raisins in boxes, per lb.	0	0	0½
In other packages, per lb.	0	0	0¼
Spirits, viz : Brandy, Gin, Rum, or other Spirituous Liquors, which by any way or method whatsoever shall be manufactured, compounded, or extracted, distilled, or made within this Province, not exceeding the Strength of Proof by Sykes' Hydrometer, and so in proportion for any greater strength than the Strength of Proof, per gallon,	0	0	11
Brandy, Whiskey, Gin, Cordials, and other Spirits, (except Rum,) not exceeding the Strength of Proof by Sykes' Hydrometer, and so in proportion for any greater strength than the strength of proof, per gallon,	0	2	8
Rum not exceeding the Strength of Proof by Sykes' Hydrometer, and so in proportion for any greater Strength than the Strength of Proof, per gallon,	0	1	6
Shrub or Santee, per gallon,	0	1	4
Sugar, Refined, per cwt.	0	14	0
Crushed and Bastard Facings, per cwt.	0	10	0
Brown or Muscovado, not Refined, per cwt.	0	7	0
Teas, viz : Souchong, Congo, Pekoe, Bohea, Pouchong, and all other Black Tea, per lb.	0	0	2
Gunpowder, Hyson, Young Hyson, Twankay, and other Green Teas, per lb.	0	0	4
Tobacco, manufactured, (except Snuff and Cigars,) per lb.	0	0	1½
Tongues of Cattle, dried or pickled, per cwt.	0	9	0
Wines,			



## TABLE OF DUTIES.

ARTICLES.	DUTIES IN STERLING MONEY		
	£	s.	d.
Wines, viz: Hock, Constantia, Malmsey, Tokay, Champagne, Burgundy, Hermitage, Claret, called Lafitte, Latour, Lafayette, Mar- gaux, or Hautbrian, per gallon,	0	3	0
Madeira and Port, per gallon,	0	2	6
Sherry Wine, of which the first cost is £20 per pipe or up- wards, per gallon,	0	2	6
Other Claret Wines, Barsac, Sautern, Vin de Grave, Moselle, and other French Wines, and Lisbon and German Wines, per gallon,	0	1	3
All other Sherry Wines, Teneriffe, Marsella, Sicilian, Malaga, Fayall, and all other Wines, per gallon,	0	1	3
Clocks, viz: all Wheels, Machinery, and Materials for manufacturing Clocks,	20	0	0
Confectionary, Syrups, and Articles manufactured from Sugar, Hay and Straw,			
For every £100 of the value,			
Cigars and Snuff, Currants and Figs, Leather, viz: Boots, Shoes, and Leather Manufactures of all sorts, Meat, Fresh, Poultry, of all sorts, Dead,	10	0	0
For every £100 of the value,			
Anchor, Grapnels, and Anchor Palms, Cables, of Hemp, or other vegetable substance, or of Iron, Copper, viz: Plates, Sheets, Bars or Bolts, for Ship Building, wrought or cast for Machinery, pure or without other metal, Copper Castings of every description for Machinery for Mills or Steam Boats, Copper and Composition Nails and Spikes for Ship Building,	2	10	0
Cordage, Tarred or untarred, and whether fitted for Rigging or otherwise, Iron, viz: In Bars or Bolts, Castings for Mills or Steam Engines, and Cast or unwrought Pipes and Tubes, Sheet Iron and Iron Spikes,			
Oakum, Pitch, Sail Cloth of all kinds, Canvas included, Tar,	6	5	0
For every £100 of the value,			
All other Goods, Wares and Merchandize, not otherwise charged with duty, and not enumerated in the Table of Exemptions, For every £100 of the value,	6	5	0

## TABLE OF EXEMPTIONS.

Ashes, viz., Pot Ashes and Pearl Ashes.  
Asses and Mules.  
Baggage and Apparel of Passengers not intended for sale.  
Barilla and Soda Ash.  
Beans.  
Biscuit or Bread.

Books not prohibited to be imported into the United Kingdom.  
 Bullion, Gold or Silver.  
 Burr Stones.  
 Coal.  
 Cocoa.  
 Coin, Gold and Silver Coins and British Copper Coins.  
 Copper, viz., Copper Ore, or in Pigs or Bricks old or worn, or fit only to be re-manufactured.  
 Corkwood.  
 Corn, viz., Wheat, Rye, Indian Corn, Barley, Oats, Rice, and Buckwheat, unground ;  
 Wheat, Flour, Barley, Meal, Rye Meal, Oat Meal, Indian Meal, Buckwheat  
 Meal, Peas, Beans and Calavances.  
 Fish, viz., Fresh, Salted, Dried or Pickled.  
 Fish Hooks.  
 Fish Oil, viz., Train Oil, Spermaceti Oil, Head Matter and Blubber ; Fins and Skins.  
 the Produce of Fish, or creatures living in the sea.  
 Flax.  
 Furniture that has actually been in use, Working Tools and Implements, the property  
 of Immigrants, or persons coming to reside in this Province, and not intended  
 for sale.  
 Hemp.  
 Hides, or pieces of Hides, raw, not tanned, curried or dressed.  
 Horns.  
 Horses and Carriages of Travellers, and Horses, Cattle, Carriages and other Vehicles.  
 when employed in carrying Merchandize, together with the necessary Harness  
 and Tackle, so long as the same are *bona fide* in use for that purpose.  
 Iron, viz., Unwrought or Pig Iron, Ores of Iron of all kinds, Iron Rails for Rail Roads.  
 Boilers, Plates and Plough Moulds.  
 Lintels.  
 Lime and Lime Stone.  
 Lines for the Fisheries of all kinds.  
 Manures of all kinds.  
 Maps and Charts.  
 Nets, Fishing Nets and Seines of all kinds.  
 Ores of all kinds.  
 Paintings.  
 Palm Oil.  
 Plants, Shrubs and Trees.  
 Plate of Gold and Silver, old, and fit only to be re-manufactured.  
 Potatoes.  
 Rags, viz., Old Rags, Old Rope, Junk, and Old Fishing Nets.  
 Rosin.  
 Sails or Rigging saved from Vessels wrecked on the coast of this Province.  
 Salt.  
 Seeds of all kinds.  
 Skins, Furs, Pelts, or Tails undressed.  
 Stone, Unmanufactured.  
 Sugar of the Maple.  
 Tallow.  
 Twines and Lines used in the Fisheries.  
 Tobacco, Unmanufactured,  
 Tew,

Turpentine.

Turpentine.  
Whale, Fin or Bone.  
Wood, viz : Boards, Planks, Staves, Square Timber, Shingles and Firewood.

## CAP. XI.

## An Act to continue and amend certain Acts relating to the Colonial Revenue.

(Passed the 31st day of March, A. D. 1849.)

**B**E it enacted by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Fourth Year of the Reign of His late Majesty King William the Fourth, entitled, An Act for regulating the Importation of Goods, except the Fourth, Twenty-fifth, Thirtieth, Thirty-seventh, Thirty-eighth, and Forty-sixth Clauses or Sections thereof, and also except as altered by the Act hereinafter mentioned, or by this Act; also the Act, passed in the Eighth Year of Her present Majesty's Reign, entitled, An Act to continue and amend the Act for regulating the Importation of Goods, except the second and third Clauses or Sections thereof, and also except as altered by this Act, which Acts will continue in operation until the first day of April, in this Year of Our Lord One Thousand Eight Hundred and Forty-nine, shall remain thenceforth in operation, and the said Acts, and every matter, clause and thing, therein contained, except as aforesaid, are hereby further continued until the First day of April, which will be in the Year of Our Lord One Thousand Eight Hundred and Fifty, and no longer.

Part of 4, Wm. 4, &  
Act 8, Victoria, as  
altered, continued.

II. *And be it enacted*, That the Fifth Section of the said first mentioned Act, shall be, and the same is hereby revived, and the Bond therein required shall be given in the manner and under the conditions and stipulations therein prescribed.

Fifth Section first  
Act revived.

III. *And be it enacted*, That on, from, and after the first day of June next, no Rum, Brandy, Gin or Alcohol, shall be imported or brought into this Province, by Sea or Inland Carriage or Navigation, in any Cask or Package, not capable of containing at least One Hundred Gallons; nor shall any Rum, Brandy, Gin or Alcohol, in any smaller Cask or Package than aforesaid, be exposed or offered for sale, or be in the possession of any person, on, from, and after such time, unless imported previously thereto, or unless such Rum, Brandy, Gin or Alcohol, shall have been transferred to such smaller Cask or Package after its importation into this Province—of all which the proof shall be on the party in possession; and every person offending against any of the provisions hereof, shall forfeit and pay a penalty of Ten Pounds for every such Cask or Package; and the Rum, Brandy, Gin or Alcohol, and Casks, shall be forfeited, condemned and sold. *Provided always*, That nothing in this Clause or Section contained, shall apply, or be construed to apply, to Rum, Brandy, Gin or Alcohol, imported into this Province from Europe, the West Indies, or any of the British Possessions in North America.

Importation of Rum,  
&c.

Size of Package.

Penalty.

Proviso.

IV. *And be it enacted*, That, hereafter the Duties upon all Goods entered for Home use, whether on the first entry thereof, or on entry from the Warehouse, shall be paid down by the Importer or person making the entry thereof, before any permit shall be granted for the Goods contained in such entry.

Duties on Entries for  
Home use.

*And whereas*, it is expedient that greater facilities should be given to Steam Boats employed principally in the conveyance of Passengers, and which may also be laden with Dutiable Goods :

Preamble.

V.

Passenger Steam  
Boat to Warehouse  
their Cargo before  
entry.

Penalties—Lien.

No claim for Rent.  
Proviso.

Act 4th, Wm. 4th,  
Act 5th, Victoria,  
except second  
clause, continued  
as altered.

Security for Duties  
on Goods Ware-  
housed.

Act 4th, Wm. 4th,  
Third Clause, Act  
5th, Victoria, con-  
tinued as altered.

Seventh Clause of  
first Act revived.

Act 5th, Victoria,

V. *Be it enacted*, That it shall be lawful for the Collector of Impost and Excise to allow the Master of any Steam Boat employed regularly in the conveyance of Passengers, upon due report of such Boat, to deposit the Cargo on board such Boat in a good and sufficient Warehouse, to be provided by the Owner or Agent of such Boat, and approved by the said Collector, such Owner or Agent having first given general security, by Bond, with two sufficient Sureties, for the payment of the full Duties of Importation on all such Goods as shall at any time be so Warehoused therein, or for the exportation thereof; and all Goods so deposited, shall be deemed and taken to be on board the Steam Boat in which they were imported, and shall be subject to the same rules, regulations, restrictions, penalties and forfeitures, as if the same had not been taken out of such Steam Boat; and the Master or Owner of such Steam Boat shall have the same lien on the Goods for Freight or other charges, as if the same had not been deposited in the Warehouse, but shall not be entitled to any Rent for the Goods so deposited in such Warehouse—Provided the Owner or Consignee of such Goods make entry of such Goods within six days from the time of their being so deposited in such Warehouse.

VI. *And be it enacted*, That the Act, passed in the Fourth Year of the Reign of His said late Majesty King William the Fourth, entitled, An Act for the Warehousing of Goods, except as altered by the Act hereinafter mentioned, or by this Act; and also the Act, passed in the Eighth Year of Her present Majesty's Reign, entitled, An Act to continue and amend the Act for the Warehousing of Goods, except the Second Clause or Section thereof, and also except as altered by this Act—which Acts will continue in force until the First day of April, in this Year of Our Lord One Thousand Eight Hundred and Forty-nine, shall remain thenceforth in operation; and the said Acts, and every matter, clause and thing, therein contained, except as aforesaid, are hereby further continued until the First day of April, which will be in the year of Our Lord One Thousand Eight Hundred and Fifty, and no longer.

VII. *And be it enacted*, That in every case where Goods liable to Duties shall be Warehoused in any Warehouse under or by virtue of any Act of the General Assembly, the Owner or Importer of such Goods shall give to the Collector of Impost and Excise, security in treble the amount of such Duties, by a Bond, with two sufficient Sureties, by him to be approved, and of the like tenor in other respects, with the Bond formerly given and entered into at the Custom House on Warehousing the same Goods, when chargeable with Imperial Duties, and such and the like Entries, Certificates and Proceedings, shall be admitted by the said Collector for the cancelling the said Bond, as were formerly required and prescribed for the cancelling of the Bond for the due Warehousing of the same Goods at the Custom House.

VIII. *And be it enacted*, That the Act, passed in the Fourth Year of the Reign of His said late Majesty William the Fourth, entitled, An Act concerning Goods exported and for granting Drawbacks; and also, the third Clause or Section of the Act, passed in the Eighth Year of Her present Majesty's Reign, entitled, An Act to continue and amend the Act concerning Goods exported and for granting Drawbacks, which will respectively continue in force until the First day of April, in this year of Our Lord One Thousand Eight Hundred and Forty-nine, except as altered by this Act, shall remain thenceforth in operation; and the said Act, and Clause of an Act, except as aforesaid, are hereby further continued until the First day of April, which will be in the Year of Our Lord One Thousand Eight Hundred and Fifty, and no longer.

IX. *And be it enacted*, That the Seventh Clauses or Section of the said Act, first in the last preceding Clause mentioned, shall be, and the same is hereby revived, and the Bond therein required shall be given in the manner and under the conditions and stipulations therein prescribed.

X. *And be it enacted*, That the Act passed in the Eighth year of Her present Majesty's

Majesty's Reign, entitled, An Act to amend the Act concerning Duties on Liquors distilled within this Province, and also the Act passed in the Ninth year of Her present Majesty's Reign, entitled, An Act to continue the Act to amend the Act concerning Duties on Liquors distilled within this Province, and also further to amend the same, which will respectively continue in force until the First day of April, in this year of Our Lord One Thousand Eight Hundred and Forty-nine, except as altered by this Act, shall remain thenceforth in operation, and the said Acts and every matter clause and thing therein contained, except as aforesaid, are hereby further continued until the First day of April, which will be in the year of Our Lord One Thousand Eight Hundred and Fifty, and no longer.

Act 9th, Victoria, continued as altered.

XI. *And be it enacted*, That, at the time of making the weekly or other due Entry for Home use, whether upon the first entry thereof, or on entry from the Warehouse of any Brandy, Gin, Rum, Whiskey, or other Spirituous Liquors, which shall be by any way or method whatsoever manufactured, compounded, extracted, distilled, or made in this Province, the whole Duties payable thereon shall be paid down in cash, whatever the amount thereof may be.

Duties on Spirituous Liquors to be paid in cash.

XII. *And be it enacted*, That upon the Exportation from this Province of any Rum, compounded, extracted, distilled, or made within the same, and which may have been duly Warehoused therein, the person so exporting the same, shall be entitled, upon the Certificate of the Collector of Impost and Excise for the Port from which the same shall be shipped, to receive from the Provincial Treasury, at and after the rate of Three pence Sterling per gallon for every gallon of Rum so exported, to be paid by warrant to be drawn in the usual manner. *Provided always*, That no Collector of Impost and Excise shall grant such Certificate until all the requisites of the Law concerning the Warehousing of Goods, and the exportation thereof from Warehouse, have been fully complied with, and the Certificate and other Papers by Law required, in order to the obtaining of Drawbacks, shall have been obtained and delivered in manner practised in ordinary cases of Drawback.

Allowance on Exportation of Rum distilled in Province.

Proviso.

XIII. *And be it enacted*, That the Act passed in the Fourth year of the Reign of His said late Majesty William the Fourth, entitled, An Act for the prevention of Smuggling, except as altered by the Acts hereinafter mentioned, or by this Act; also the Act, passed in the Fifth year of His said late Majesty's Reign, entitled, An Act to continue and amend an Act for the prevention of Smuggling, except the Fourth Clause or Section thereof, and also except as altered or amended by the Act hereinafter mentioned, or by this Act; and also the Act, passed in the Eighth year of Her present Majesty's Reign, entitled, An Act to continue and amend the several Acts for the prevention of Smuggling, except as altered by this Act—which Acts will respectively continue in force until the First day of April, in this year of Our Lord One Thousand Eight Hundred and Forty-nine, shall remain thenceforth in operation; and the said Acts, and every matter, clause and thing, therein contained, except as aforesaid, are hereby further continued until the First day of April, which will be in the year of Our Lord One Thousand Eight Hundred and Fifty, and no longer.

Act 4th, Wm. 4th; Act 5th, Wm. 4th, except 4th clause; Act 8th, Vic. as altered, continued.

XIV. *And be it enacted*, That the Nineteenth, Twentieth, Twenty-first, Twenty-second, and Twenty-third Clauses of the Act passed in the Fourth Year of the Reign of His said late Majesty William the Fourth, entitled, An Act for the support and regulation of Light Houses, which will continue in force until the First day of April, in this year of Our Lord One Thousand Eight Hundred and Forty-nine, shall remain thenceforth in operation, and be further continued until the First day of April, which will be in the year of Our Lord One Thousand Eight Hundred and Fifty, and no longer.

Clauses of Act 4th, Wm. 4th, continued.

XV. *And be it enacted*, That the Act passed in the Eighth Year of Her present Majesty's Reign, entitled, An Act concerning the support and regulation of Light Houses, which will continue in operation until the First day of April in this year of

Act 8th, Victoria, as altered continued.

Our Lord One Thousand Eight Hundred and Forty-nine, except as altered by this Act, shall remain thenceforth in operation ; and the said Act, and every matter, clause and thing, therein contained, except as aforesaid, is hereby further continued until the First day of April, which will be in the year of Our Lord One Thousand Eight Hundred and Fifty, and no longer.

Collection of Duties under Act last mentioned.

XVI. *And be it enacted*, That the Duties by the said last mentioned Act imposed, where the same, under the provisions of such Act, have heretofore been payable to the Collector or Sub-Collector of the Customs at any Port or Place, shall hereafter be payable and paid to the Collector of Impost and Excise for such Port or Place, or such other person as shall by the Governor in Council be appointed for that purpose ; and such Collector of Impost and Excise, or other persons so appointed, shall, upon such payment being made, grant Certificate thereof, in manner in the said last mentioned Act prescribed ; and the Officer of the Customs at such Port or Place shall not permit or suffer any Vessel to be cleared out until the Master or Commander, or other person having charge or command of such Ship or Vessel, shall produce such Certificate of the payment of such Duties.

Act 4th, Wm. 4th, except 3d clause, as altered ; Act 8th, Victoria, continued.

XVII. *And be it enacted*, That the Act passed in the Fourth Year of the Reign of His said late Majesty William the Fourth, entitled, An Act for the General Regulation of the Colonial Duties, except the Third Clause or Section thereof, and also except as altered by this Act ; and also the Act, passed in the Eighth year of Her present Majesty's Reign, entitled, An Act to continue and amend the Act for the General Regulation of the Colonial Duties—which Acts will continue in force until the First day of April, in this year of Our Lord One Thousand Eight Hundred and Forty-nine, shall remain thenceforth in operation ; and the said Acts, and every matter, clause and thing therein contained, except as aforesaid, are hereby further continued until the First day of April, which will be in the year of Our Lord One Thousand Eight Hundred and Fifty, and no longer.

Reports, Entries, &c. heretofore made at Customs to be made in duplicate to Officers of Colonial Revenue.

XVIII. *And be it enacted*, That all Reports, Entries, Clearances, Bonds, Provisions, Matters, and Things whatsoever, which under or in pursuance of the provisions of the Imperial Acts for Regulating the Trade of the British Possessions abroad, shall heretofore have been made, done or performed, by, to, or before any Officer of Her Majesty's Customs, where the same also by any Act relating to the Colonial Revenue may have been required to be done before any Officer of the Colonial Revenue, shall be made, done, and performed, by delivering to such Officer of the Colonial Revenue a Duplicate Entry, Paper, Bond, Document or Writing, in the same form, and signed by the same parties as have been in use and heretofore required to be made, done, or signed before such Officer of the Customs : *Provided* that it shall be lawful for the Governor in Council to dispense with the delivery of such Duplicate Entry, Paper, Bond, Document, or Writing, in cases where the same shall be found burthensome, and not requisite or necessary for the carrying out of the Revenue Laws.

Bonds taken at Customs as security for Colonial Duties or for Exportation to continue in force.

XIX. *And be it enacted*, That in all cases where Bonds shall have been taken at any Custom House within this Province, for any purpose whatsoever, in relation to any Goods imported or brought into this Province, when such Bonds shall, under any Act of this Province heretofore in force, have been declared a security for the payment of any Colonial Duties chargeable on such Goods, or for the due Exportation thereof, or for any other purpose in relation thereto, and shall remain and continue at the time of this Act coming into operation as such Security, all such Bonds shall remain and be subsisting Securities for the payment of such Colonial Duties, or for other the purposes for which they may have been declared Securities by any such Provincial Act, and that, notwithstanding the repeal or expiration of such Act ; and the Officer of the Customs in whose possession any such Bonds may be, shall not cancel or deliver up the same until satisfied by the Certificate or Permit of the Collector of Impost and Excise that  
the

the purposes for which they have been respectively declared Securities by such Provincial Acts have been satisfied.

XX. *And be it enacted*, That if the Entry or Clearance of any Vessel heretofore required to be made at any Custom House within this Province shall be dispensed with, then all and singular the duties and powers by any Act of this Province imposed or conferred on the Collector or Sub-Collector of the Customs at any such Port or Place shall be performed by, and are hereby conferred upon the Collector of Impost and Excise for the same Port or Place, in the same manner as if he had been originally named in any such Act instead of such Collector or Sub-Collector of the Customs.

If Entry or Clearance dispensed with duties of Collector of Customs transferred to Collector of Excise.

XXI. *And be it enacted*, That it shall be lawful for the Governor, in Council, from time to time to make and establish, by Proclamation in the Royal Gazette, such and so many Warehouses as shall be thought necessary for the Free Warehousing and Securing of Goods therein, under and for the purposes of all or any of the Acts of this Province relating to the Warehousing of Goods for any purpose whatsoever; and such Warehouses, so appointed, shall, from the time in any such Proclamation named, stand in the place and stead of any Queen's Warehouse, wherever under any such Act of the Province such Goods shall be required to be Warehoused in a Queen's Warehouse; and all Goods Warehoused therein shall be stowed, secured, and visited, under and in all respects be subject to the like rules and regulations as Goods liable to Imperial Duties have heretofore been under and subject to when Warehoused in any Queen's Warehouse, subject nevertheless to such alterations and such other and further regulations as may be deemed requisite by the Governor, in Council.

Appointment of Warehouses by Governor in Council.

Regulations, &c.

XXII. *And be it enacted*, That it shall be lawful for the Governor in Council, from time to time, to appoint such and so many additional Officers, in or under the Impost and Excise Department, in any Port or Place within this Province, as shall, in consequence of the Repeal of the Imperial Duties theretofore payable within the same, be deemed necessary for the due security of the Colonial Revenue, and for the prevention of Fraud in relation thereto, and such Officers shall be paid by Warrant on the Treasury at such Rates as shall be fixed by the Governor in Council; and the Governor in Council shall also have full power and authority from time to time to make all such Regulations in reference to the Entry or Clearance of any Vessel, or the Discharging or Lading on board of any Cargo, or the Importation, Exportation, or Warehousing of any Goods, or otherwise, in relation to any Goods imported or brought into this Province, as may in consequence of the passage of the Act for the Repeal of the said Imperial Duties, or any change in the Customs Establishment of this Province consequent thereon, be deemed necessary for the protection of the Colonial Revenue and the prevention of Fraud.

Governor in Council to appoint additional Officers to Excise Department—Rate and mode of payment—To make Regulations for Entry and Clearance of Vessels—Lading and discharging Cargo, &c. &c.

And for the further prevention of any unforeseen difficulty that may occur in the collection or securing of the Colonial Revenue, in consequence of the passage of the Act repealing the said Imperial Duties:

XXIII. *Be it enacted*, That the Governor in Council shall be, and he is hereby invested with full power and authority to make and establish all such other and further Regulations as may be found necessary for the security and protection of the Colonial Revenue, in the same manner and to the same extent as if the making of the particular regulations so required had been specifically authorized hereby.

To make Regulations for Security of Colonial Revenue.

XXIV. *And be it enacted*, That all and singular the taxes and duties imposed and payable under the several Acts relating to Immigrant Vessels and Passengers, and Quarantine, shall in future be collected by and paid to the Collector of Impost and Excise for the Port or District, instead of the Collector of Customs therefor, as heretofore by Law provided.

Taxes on Immigrant Vessels and Passengers to be paid to Collector of Excise.

XXV. *And be it enacted*, That on, from, and after the First day of April, in this year of Our Lord One Thousand Eight Hundred and Forty-nine, this Act shall come into

Duration of Act.

into operation, and shall remain and continue in force until the First day of April, which will be in the year of Our Lord One Thousand Eight Hundred and Fifty, and no longer.

## CAP. XII.

## An Act further to provide for the Collection of the Revenue.

(Passed the 31st day of March, A. D. 1849.)

Powers of Governor  
in Council, under  
Act of last Session,  
continued

**B**E it enacted, by the Lieutenant-Governor, Council, and Assembly, That all and singular, the powers conferred upon the Governor, in Council, by the Act passed in the last Session of the General Assembly, entitled, An Act to provide for the Collection of the Revenue, shall be continued until the next Session of the General Assembly; and the appointments therein mentioned may, during that time be made in the same manner as if such period had been originally named in such Act.

## CAP. XIII.

## An Act in further amendment of the Acts for the more easy Redemption and Foreclosure of Mortgages.

(Passed the 31st day of March, A. D. 1849)

Preamble

**W**HEREAS the Foreclosure of Mortgages in the Supreme Court is restrained in certain cases by the Proviso in the Second Section of the Act of Third, William the Fourth, Chapter Nineteen, and the extension thereof in the Act of Seventh, William the Fourth, Chapter Fifty-three, and it is desirable that such restrictions should be withdrawn :

Regulations as to  
Foreclosures in  
Supreme Court

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly, That the said Proviso be repealed, and that hereafter Mortgages may be Foreclosed in the Supreme Court in all cases as effectually as if done in the Court of Chancery, except only in those cases in which the rights of Minors are concerned, and they would were the proceedings in Chancery, require to be made Defendants: Provided that in addition to the Service of Process upon the Defendant, or of the proper proceedings in case of his being an Absent or Absconding Debtor, Notice in writing for the same length of time as required in cases of Notice of Trial, shall be served upon all persons interested in the Lands who would be entitled if proceedings were taken in Chancery to be made Defendants, which Notice shall specify the proceedings that have been taken, and require such persons respectively interested to appear at such Supreme Court and protect their interests if they shall deem it advisable so to do; and the said Supreme Court shall be invested with all the powers possessed by the Court of Chancery in reference to further and other proceedings in such Foreclosure Suits, and all such further powers in reference thereto as may be considered necessary for the equitable and proper adjustment of the rights of the different parties interested.*



## CAP. XIV.

## An Act to Consolidate the Acts respecting the Incorporation of the City of Halifax.

(Passed the 31st day of March, A. D. 1849.)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, made and passed in the Fourth year of Her present Majesty's Reign, entitled, An Act to Incorporate the Town of Halifax; also, the Act, made and passed, in the Ninth year of Her present Majesty's Reign, entitled, An Act to amend and continue the Act to Incorporate the Town of Halifax; and also, the Act, made and passed in the Eleventh year of Her present Majesty's Reign, entitled, An Act to consolidate the Acts respecting the Incorporation of the City of Halifax, and every matter, clause and thing, in the said several Acts contained, shall be and the same are hereby respectively repealed, *save and except* so far however, as relates to any Election, Appointment, Bye Law, Ordinance, Rule, Regulation, Rate, Tax, Act, Deed, Matter, Action, Suit, Proceeding, or Thing heretofore had, done, passed and made, or now pending in progress and undetermined, under or by virtue of the said several Acts, or either of them, which shall remain in full force, and be respectively observed and fulfilled, proceeded with and determined, unless as is hereinafter otherwise directed, in the same manner, and to the same effect and purpose as if the said Acts had not been repealed.

Acts 4th, 9th & 11th,  
Victoria, repealed.

Exception of matters  
now pending.

II. *And be it enacted*, That the Mayor, Aldermen, Common Councilmen, Assessors, and other Officers of the City heretofore elected or appointed, and who shall or may be in Office at the time of the passing of this Act, shall remain and continue in Office, and be respectively liable and compelled to serve in their said respective Offices, and perform their several duties, and shall exercise their several powers and authorities for the respective terms for which they may have been severally elected or appointed, as in and by the said several Acts directed and provided, unless as may be hereinafter otherwise declared and enacted, in the same manner and under the same penalties and forfeitures, to be enforced, collected, and recovered in the same manner, unless hereinafter otherwise enacted, as if the said Acts hereby repealed had continued and remained unrepealed and in full force.

Present Officers to  
continued office.

III. *And be it enacted*, That the Inhabitants of the said Town of Halifax, and their Successors, Inhabitants of the same, within the limits hereinafter mentioned, shall be, and they are hereby constituted a Body Corporate and Politic in fact and in name, by and under the name, style, and title of "the City of Halifax," and as such shall have perpetual succession and a Common Seal, with power to break, renew, change, and alter the same at pleasure, and shall be capable of suing and being sued, and of impleading and being impleaded, in all Courts of Law and Equity, and other places, in all manner of Actions, Causes, and matters whatsoever, and of accepting, taking, purchasing and holding Goods and Chattels, Lands and Tenements, Real and Personal, Moveable and Immoveable Estates; and of granting, selling, alienating, assigning, demising, and conveying the same, and of entering into and becoming a party to Contracts, and of granting and accepting any Bills, Bonds, Judgments, or other Instruments or Securities, for the payment or securing of the payment of any Money borrowed or lent, or for the performance or securing the performance of any other duty, matter or thing whatever; and to do and execute all acts, and possess and enjoy all powers and immunities incident to such a Corporation, or which may be for the benefit and advantage thereof, subject to the regulations and provisions hereinafter appointed.

Inhabitants of Town  
of Halifax Incorporated—Title,  
Privileges, &c. &c.

IV. *And be it enacted*, That, from and after the passing of this Act, the Town and Peninsula of Halifax, as limited and defined by an Act passed in the Second year of

Limits of City.

the Reign of His late Majesty William the Fourth, entitled, An Act to establish the Limits of the Town and Peninsula of Halifax, shall hereafter be described and known as "the City of Halifax."

Division into Six  
Wards.

V. *And be it enacted*, That for the purposes of this Act the said City of Halifax shall be, and hereby is, divided into Six Wards, to be called respectively the First, Second, Third, Fourth, Fifth and Sixth Wards.

VI. *And be it enacted*, That the said Six Wards of the City of Halifax, shall be divided, bounded and limited as follows, that is to say:—

Number One.

Number One—To commence on the Shore on the East side of Water Street at a point opposite to the centre of Wallace Street; thence Westwardly through the centre of said Street to Barrington Street; thence Northwardly through the centre of the said Street to the Street known as the Spring Garden Road; thence by the centre of the said Street Westwardly to the termination thereof; thence Southwardly to the Road which leads to the North West Arm, past Studley; thence Westwardly by the centre of said Road to the North West Arm; thence by the Shore Southwardly and Easterly by the courses of the Shore to the place of beginning.

Number Two.

Number Two—To commence on the Harbor of Halifax, at the centre of Noble's Wharf; thence Westwardly by the centre of Sackville Street until it intersects the Road which crosses the Common in the rear of Citadel Hill; thence Northwardly and Westwardly through the centre of the said Road past the Windmill Hill to the Shores of the North West Arm; thence Southwardly by the courses of the said Shore to the centre of the Road which leads to the North West Arm by Studley, being the Northern bounds of Ward Number One; thence Eastwardly by the centre of the said Road and by the Spring Garden Road to Barrington Street; thence Southwardly through the centre of the said Street to Wallace Street; thence Eastwardly through the centre of said Street to the point of commencement of Ward Number One; thence by the Harbor to the place of beginning.

Number Three.

Number Three—To commence on the Harbor of Halifax at the centre of Ryan's Wharf; thence Westwardly by the centre of Duke Street across the Citadel Hill to the Road which crosses the Common in the rear thereof; thence Southwardly by the centre of said Road until it is intersected by Sackville Street; thence Eastwardly through the centre of Sackville Street to the point of commencement of Ward Number Two; thence by the Harbor to the place of beginning.

Number Four.

Number Four—To commence on the Harbor of Halifax at the centre of Leppert's Wharf; thence Westwardly by the centre of Jacob Street to Barrack Street; thence Northwardly through the centre of that Street to the Street which leads Westwardly past the Barrack Stores to the Road which crosses the Common in the rear of Citadel Hill; thence Southwardly by the said Road to the Northern line of Ward Number Three; thence Eastwardly by the said line until it strikes the centre of Duke Street; thence through the centre of said Street Eastwardly to the place of commencement of Ward Number Three; thence by the Harbor to the place of beginning.

Number Five.

Number Five—To commence on the Harbor of Halifax at the South-western corner of the Dock Yard wall; thence Westwardly by the centre of Gerrish Street to Gottingen Street; thence Northwardly by the centre of Gottingen Street to North Street; thence Westwardly by the centre of North Street until it reaches the Dutch Village Road; thence through the centre of the said Road until it reaches the Brook, which runs into the North West Arm; thence Southwardly by the Shore of the said Arm until it meets the Northern line of Ward Number Two; thence by the said line Eastwardly through the centre of the Windmill Hill Road to the Road which crosses the Common in the rear of Citadel Hill; thence Northwardly by the said Road until it is intersected by the Road which runs Westwardly from Barrack Street past the North Barracks; thence Eastwardly through the centre of said Street to Barrack Street; thence

thence Southwardly by the centre of said Street to the centre of Jacobs Street; thence Eastwardly by the centre of said Street to the place of commencement of Ward Number Four; thence by the Harbor to the place of beginning.

Number Six.—To commence at the South-western corner of the Dock Yard wall; thence running Northwardly on the Eastern side of the Dock Yard by the Shores of the Harbor and Basin Northwardly to the place where the Basin Road is intersected by the Road running through the Dutch Village by Titus Smith's; thence Southwardly by the said Road, until it intersects the road leading from the Town of Halifax, past Hosterman's Mills; thence Eastwardly through the centre of said Road, until it meets North Street; thence Eastwardly through the centre of North Street, until it intersects Gottingen Street; thence by the centre of Gottingen Street, until it is intersected by Gerrish Street; thence Eastwardly by the centre of Gerrish Street to the place of commencement, at the South-west corner of the Dockyard.

Number Six.

VII. *And be it enacted*, That at all times hereafter, as occasion may require, it shall be in the power of the City Council of the said Corporation, by any Ordinance, to alter or change the Limits of the said Wards, or any of them: *Provided* that no Ordinance for effecting such change in the Limits of any of the Wards of the said City shall have any force or effect until sanctioned by Order of the Governor in Council; *And also provided*, that an interim of at least five years shall always elapse between any such changes.

Alteration of Limits of Wards.

Provisoes.

VIII. *And be it enacted*, That the Administration of the Fiscal, Prudential, and Municipal Affairs, and the Government of the said City, shall be vested in one principal Officer, who shall be styled the Mayor of the City of Halifax, and eighteen persons, who shall be styled Aldermen of the City of Halifax; and such Mayor and Aldermen for the time being, shall constitute and be called the City Council.

Administration of Municipal Affairs.

IX. *And be it enacted*, That there shall be paid out of the Monies of the said City to the said Mayor, for the time being, in lieu of all fees and perquisites, a Salary not exceeding Three Hundred Pounds, Currency.

Mayor's Salary.

X. *And be it enacted*, That the said Mayor and Aldermen shall, during their continuance in office, be Justices of the Peace in and for the City of Halifax, with as full power and authority as if they were respectively commissioned as such, but nothing herein contained shall be construed to affect the Jurisdiction within the said City of Justices of the Peace for the Province, or for the County of Halifax.

Mayor and Aldermen to be Justices of Peace.

XI. *And be it enacted*, That immediately after the passing of this Act, the City Council shall form a List of Aldermen, by placing in numerical succession, the Six Wards, and under each Ward the names of the Members of the present Common Councilmen and Aldermen, in such order as nearly as may be, as in the judgment of the City Council will assure the continuance in office, under the operation of this Act, of the said Aldermen and Common Councilmen, for the full period for which they have been severally elected; or would have remained in office, if the Act, under which they were elected, were permanent and continued in full force; placing first on the said List the names of those whose term of office would expire on the first day of October, in the year One Thousand Eight Hundred and Forty-nine; and immediately after the formation of such List, the present Common Councilmen shall be constituted Aldermen; and the said List shall continue to be kept up, the names of the Aldermen hereafter from time to time to be elected, being placed under their respective Wards, and below the names then standing there; and where more than one name shall be added to the List in any one Ward, the order of standing of the newly added names shall be directed by the City Council: *Provided always*, That Aldermen elected to supply accidental or extraordinary vacancies, shall occupy the places in the said List held by those whose vacancies they shall supply respectively.

List of Aldermen to be made and kept up.

Proviso.

XII. *And be it enacted*, That on the first day of October, in the year One Thousand

sand

Election of Aldermen.

sand Eight Hundred and Forty-nine, the nine Members of the said City Council, whose names shall be so first entered on the said List, and whose term of office shall then expire, shall go out of office; and the Ward or Wards by which they have been respectively elected, shall return a like number of persons duly qualified to serve as Aldermen, and on the first day of October in the year One Thousand Eight Hundred and Fifty, and on the same day in every succeeding year, during the continuance of this Act, one Alderman in each Ward, whose name shall then stand first on the List of Aldermen of such Ward, shall go out of office, and the vacancy shall be supplied by a New election in each Ward, to be held Annually, on the first day of October.

Election of Ward Assessors

XIII. *And be it enacted,* That there shall be Annually elected on the first day of October in every year, two Officers for each Ward of the said City, to be named Ward Assessors; and no person shall be eligible to that office unless he shall have been for twelve months immediately previous thereto resident within the Ward for which he shall be elected, and shall also at the time of such election be seised or possessed to his own use of Real or Personal Estate, or both within the said City, after payment or deduction of his just debts, of the value of Five Hundred Pounds, Currency.

Election of Mayor.

XIV. *And be it enacted,* That on the third day of October next, after the passing of this Act, and on the same day in every succeeding year; or if the annual Elections and Returns shall not in any year be then complete, in every such case, within ten days after they shall be perfected, the Aldermen of the said City shall elect out of their number, by a majority of votes, by ballot, a fit person to be Mayor of the said City, who shall continue in office until the third day of October in the next subsequent year, or longer, as hereinafter provided; and in case a vacancy shall occur in the said office, by reason of any person who shall have been elected to the same, not accepting thereof, or by reason of his dying, removal, or ceasing to hold the said office, the Aldermen of the said City shall, within ten days after such vacancy, elect by a majority of votes, by ballot, out of their number, another fit person to be Mayor for the remainder of the period for which the Mayor, whose place is to be supplied, was to serve: *Provided* that after any such election the former Mayor, if alive, and residing within the City, shall occupy the office and place in the City Council of the Mayor then elect, and go out of office at the time and in the manner such Mayor elect would have done if not elected Mayor, unless the outgoing Mayor shall desire to retire from the City Council, and shall within two days after the Mayor elect shall be approved and sworn into office, as hereinafter directed, give notice in writing of his resignation to the City Council, in which case an Alderman shall be elected by the Ward by which the Mayor elect was elected, in manner herein prescribed.

Proviso

Approval of Mayor elect by Governor.

XV. *And be it enacted,* That immediately after the Election of any person to fill the office of Mayor under this Act, the name of the Mayor elect shall be transmitted in writing by the City Clerk to the Secretary of the Province, for the approval of the Governor, and in case such approval is given, the Mayor elect shall be sworn into Office, as hereinafter provided; and in case such approval is not given, a new Election shall take place, in the manner hereinbefore provided, until such approval is obtained.

Mayor, Aldermen and Assessors to be sworn as directed.

XVI. *And be it enacted,* That the Mayor, Aldermen, and Assessors, shall, before entering on the duties of their Offices, respectively be sworn, by taking and subscribing the Oath of Allegiance and Oath of Office; and such Oaths shall be administered to the Mayor elect before the Governor, or in his absence, before the Chief Justice, or one of the Judges of the Supreme Court, in the presence of three Aldermen; and such Oaths shall be administered to the Aldermen and Assessors by the Mayor, being himself first sworn as aforesaid; and a Certificate of such Oaths having been taken, shall be entered by the City Clerk on the City Minutes, and the said Oath of Office shall be in the following form:

I A. B. do swear that I am duly qualified as required by Law for the Office of

to

to which I have now been elected or appointed, and that I am seised or possessed for my own use of Real or Personal Estate, or both, in the City of Halifax, after the payment or deduction of all my just debts, of the value of Five Hundred Pounds; and that I have not fraudulently or collusively obtained the same, or a title to the same, for the purpose of qualifying myself to be appointed or elected to the said office or any other office in the said City; and I do swear that I will diligently, faithfully and impartially, and to the best of my ability, discharge the several duties which appertain to the said office of \_\_\_\_\_ while I hold the same. So help me God. And into which oath shall be filled in the foregoing blanks, before being sworn the title of office of the person making the oath.

Form of Oath.

XVII. *Provided always and be it enacted*, That after such Election as aforesaid, and until the approval shall be given and the new Mayor sworn into office as hereinbefore provided and no longer the Mayor at the time of such Election in office shall continue to be and have full power and authority to act as Mayor of the said City.

Mayor in office to act until new Mayor sworn in.

XVIII. *And be it enacted*, That no person shall be capable of being elected Mayor or Alderman of the said City unless at the time of his Election he shall be, and for twelve months next immediately previous thereto he shall have been resident within the said City, and shall at the time of such Election be seised or possessed in his own right of Real or Personal Estate, or both, within the said City, after payment or deduction of his just debts, of the value of Five Hundred Pounds, Currency.

Qualification of Mayor and Aldermen.

XIX. *And be it enacted*, That on the Third day of October in the year One Thousand Eight Hundred and Forty-nine, and in every succeeding year during the continuance of this Act, or as soon thereafter as the Returns of the Members Elect shall be complete, the Members of the said Council shall elect from persons qualified to be Aldermen, by a majority of votes, Two persons, to be Auditors of the said City, whose duties shall be prescribed by the Bye Laws of the Corporation, and who shall continue in Office until the First day of October in the year following their Elections; and in case any extraordinary vacancy shall occur in the said Office of Auditor, the City Council shall as soon thereafter as may be convenient, elect another qualified person to supply such vacancy: *Provided always*, That no Member of the City Council, nor any paid Officer of the City shall be eligible to the Office of Auditor.

Election of Auditors.

XX. *And be it enacted*, That no person shall be capable of being appointed or elected Mayor, Alderman, Assessor, or Auditor of the said City of Halifax, or of Voting at any Election of City Officers, who shall not be a Natural Born or Naturalized Male Subject of Her Majesty, and of the full age of Twenty-one years, nor shall any person be capable of Voting, or of being elected at any such Election, who shall have been attainted for Treason or Felony in any Court of Law within any of Her Majesty's Dominions.

Proviso.

Qualifications for Office and Voting.

XXI. *And be it enacted*, That no person being in Holy Orders, or being a Minister or Teacher of any Dissenting or Religious Sect or Congregation, nor any Judge, or Clerk of any Court, nor any of the Ministerial Law Officers of the Crown, nor any person accountable for the City Revenues or receiving any pecuniary allowance from the City for his Services, nor any Acting Inspector or Poll Clerk at an Election of Alderman, shall be capable of being elected an Alderman for the said City.

Persons disqualified to hold Office.

XXII. *And be it enacted*, That it shall be lawful for any person holding the Office of Aldermen to resign his Office at any time by a declaration to that effect under his hand on payment to the City of a Penalty of Twenty Pounds; and if any Alderman shall be appointed to and accept any Office or Situation which would have rendered him incapable of being elected an Alderman, he shall be thereby disqualified from further holding the office of Alderman, or if he shall accept any Office or Situation which under this Act would exempt him from serving as Alderman when first elected, he may, if he shall see fit; by a declaration under his hand to that effect, resign his

Resignation of Office by Aldermen.

office of Alderman without being liable to any penalty, and in every such case of extraordinary Vacancy occasioned by the acceptance of Office or Resignation as aforesaid, or Death or Removal, or other disability, another Alderman shall be elected for the Ward in which such Vacancy shall occur.

Filling of Vacancies.

XXIII. *And be it enacted*, That whenever any Extraordinary Vacancy shall occur, or if any such Vacancy now exist in the Office of Aldermen or Assessors of the said City, the persons qualified to vote shall, on a day to be fixed by the Mayor, or in case of vacancy of the Office of Mayor by the Senior Alderman, whereof at least four days notice shall be given, elect another person duly qualified to supply such vacancy, and such Election shall be held and the Voting and other proceedings be conducted in the same manner as by this Act directed for the Election of similar Officers, and every person so elected shall hold such office until the period at which the person in the room of whom he shall have been chosen would in the ordinary course have gone out of office and no longer.

Fines for non-acceptance of Office.

XXIV. *And be it enacted*, That every person duly qualified who shall be appointed or elected to the Office of Mayor, Alderman, Inspector of Elections, Auditor, or Ward Assessor of the said City, shall accept the office to which he shall have been so appointed or elected, or shall in default thereof pay to the Treasurer of the said City to and for the use of the said City, a Fine as follows, that is to say:—For the non-acceptance of the Office of Mayor a Fine of Thirty Pounds; for the non-acceptance of the Office of Alderman, Inspector of Elections, or Ward Assessors a Fine of Twenty Pounds; and for non-acceptance of the Office of Auditor a Fine of Five Pounds; and the Election to any of the said Offices shall be held prima facie evidence of qualification on the part of the person elected, unless such person shall make Oath before the Mayor, who is hereby authorized to administer such Oath, that he is not possessed of the qualification for the Office required by this Act in some particular to be stated in such Oath; and every person so elected who on acceptance of office is required by this Act to take the Oath of Allegiance and Oath of Office, shall take the same within five days after the notice of his Election as hereinbefore directed, and in default thereof shall be liable to pay the fine aforesaid as for his non-acceptance of such Office, and such Office shall thereupon be deemed to be vacant, and shall be filled up by a new Election. *Provided always*, That no person disabled by Sickness, Infancy, or imbecility of mind, or who may have at any time served as a Member of the City Council for three years or upwards, shall be liable to such Fine as aforesaid; *and provided also*, that every person so elected to such Office who shall be above the age of Sixty-five years, or who shall have already served such Office or paid the Fine for not accepting such Office within Five years next preceding the day on which he shall be so re-elected, also every person who shall be a Member of the Legislature of this Province, or who shall be a Member of the Executive Council or of the Legislative Council, or who shall at any former time have been a Member of the Legislative Council or Executive Council, if in any of such cases the said person shall claim such exemption within five days after notice of such his Election, shall be exempted from accepting or serving in the same Office; *And provided also*, That no Military, Naval, or Marine Officer in Her Majesty's Service on full pay, nor the Surveyor General, the Provincial Secretary, Officers or Clerks in Public, Civil, or Military Departments, the Postmaster General and his Deputies, Custom House Officers, the Sheriff and Coroners, the Clerks and Commissioned Officers of the Legislature, and of the Executive Council, and Licensed Schoolmasters, shall be held or bound to accept any such Office as aforesaid, or any other Office in the said City.

Proviso.

Person Bankrupt or taking benefit of Insolvent Acts disqualified.

XXV. *And be it enacted*, That if any person holding the office of Mayor or Alderman shall be declared Bankrupt, or shall apply to take the benefit of any Act for the relief of Insolvent Debtors, or shall compound by Deed with his Creditors, or shall be absent

absent from the said City—if Mayor, for more than one month; if an Alderman, for more than two months, at one and the same time, without leave of the City Council first had, (unless in case of illness,) then, and in every such case, such person shall immediately become disqualified, and shall cease to hold his office of Mayor or Alderman as aforesaid; and, in the case of such absence, shall be liable to the same fine, to be recovered and applied in the same manner as if he had refused to accept the said office.

XXVI. *And be it enacted*, That the Aldermen and Ward Assessors of the said City shall be elected by the majority of votes of such persons not hereinbefore disqualified, who shall have been resident within the said City for one year next preceding such Election, and who shall have been assessed for Poor and City Rates within the said City, at or immediately previous to the time of such Election, and shall have fully paid the amount of all such Rates, of which payment the evidence shall be the Receipt of the City Treasurer produced at the time of voting and then lodged with the Returning Officer; and every Elector shall vote in that Ward of the City in which he shall have been assessed for City and Poor Rates as aforesaid, but shall only vote in One Ward at any such Election.

Election of Aldermen and Ward Assessors.

XXVII. *And be it enacted*, That on the First day of October which will be next after the passing of this Act, and on the same day in every succeeding year during the continuance of this Act, the persons qualified to vote as aforesaid shall assemble in the several Wards aforesaid, and shall elect by Ballot from the persons qualified to be Aldermen and Ward Assessors respectively, so many fit and proper persons to be Aldermen and Ward Assessors respectively, for each of such Wards, as shall be required to supply the places of those who shall then go out of office.

Time of Election.

XXVIII. *And be it enacted*, That the Ballot shall be a Paper Ticket, which shall contain written or printed, or partly written and partly printed, the names of the persons for whom the Elector intends to vote, and shall designate on the back thereof the office to which each person so named is intended by him to be chosen, but no Ballot shall contain a greater number of names of persons as designated to any office than there are persons to be chosen at the Election to fill such office, and each person offering to vote shall deliver his Ballot so folded as to conceal the contents, to one of the Inspectors, who, on finding it single, but without reading the same, shall immediately deposit it in the Ballot Box provided for the purpose and placed in the charge of the Presiding Officer, and when Aldermen and Assessors are to be elected, separate Ballot Boxes shall be provided, each designating the office to be filled, and separate Ballots shall be given in, and each Ballot shall be deposited in the box corresponding with the office for which it is given in, but no Ballot, properly endorsed, found in a box different from that designated by its endorsement shall be rejected, but shall be counted in the same manner as if found in the box designated by such endorsement—*Provided* that by the counting of such Ballot it shall not produce an excess of votes over the number of voters as designated on the Poll List.

Regulations as to the Form of Ballot &c. &c. &c.

Proviso.

XXIX. *And be it enacted*, That if any person, knowing himself not to be a qualified voter, shall at any Election wilfully give in a vote for any Officer to be then chosen, or if any voter shall knowingly give in more than one Ballot for any one Officer at any one time of balloting, or vote in more than one Ward at any Election then being held in the said City, he shall forfeit and pay to the said City the sum of Ten Pounds.

Penalty for voting when not qualified.

XXX. *And be it enacted*, That if after having opened the Boxes it shall be found that the whole number of Ballots for any one Office exceeds the whole number of Voters entered on the Poll Lists, the Inspectors shall return all the Ballots into the Box and shall thoroughly mingle the same, and the Presiding Officer shall publicly draw out of such Box, without seeing the Ballots contained therein, so many of such Ballots as shall be equal to the excess, which shall be forthwith destroyed.

Ballots exceeding number of Voters, excess to be destroyed.

XXXI.

Place and mode of  
Elections, &c. &c.

XXXI. *And be it enacted*, That the Election of Aldermen and Ward Assessors to be had as aforesaid, and all subsequent Elections of Aldermen and Ward Assessors to be had under the provisions of this Act, shall, after Notice as hereinafter prescribed, be held at convenient places in the said several Wards of the said City, and respectively be held by and before one of the Aldermen of the said City in each Ward, to be chosen by the City Council, who shall act as Presiding Officer, and be associated with three Inspectors, such Inspectors to be appointed by the City Council at least Twenty days previous to every General Election, and it shall be the duty of such Presiding Officer and Inspectors in each Ward to receive, sort, count and declare, all Votes at all Elections within such Ward.

Inspectors of Elec-  
tions.

XXXII. *And be it enacted*, That the Inspectors of Elections, so appointed, shall be qualified voters and resident in the Wards in which they may be so appointed to act, and shall be Inspectors also of all Special Elections held in such City, during the ensuing year, and any Two of such Inspectors may act; and in case of the death or inability, or refusal to act of either of them, the City Council may, at any time thereafter appoint another in his place.

Appointment of Poll  
Clerk—his duty,  
&c. &c.

XXXIII. *And be it enacted*, That the said Presiding Officers and Inspectors in each Ward shall, previous to every such Election, appoint a Poll Clerk, whose duty it shall be to make a fair and true record, and keep an exact Journal of all votes of the Electors at such Elections; and the Clerk and Inspectors shall respectively be under Oath faithfully and impartially to discharge their several duties relative to such Elections, which Oath may be administered to the Inspectors and Clerk by the Presiding Officer, and shall be in the form following: "I A. B., do swear that I will faithfully and impartially discharge the several duties which appertain to the Office of (Poll Clerk or Inspector, as the case may be), for the Ward to which I have been appointed, while I hold the same, so help me God." And a Certificate of such Oath having been administered, shall be entered in the Record or Journal, to be kept by the Clerk of such Ward.

Form of Oath

Notice of Elections.

XXXIV. *And be it enacted*, That of the time and place of holding every Election, respectively, and of the names of the respective persons so to be appointed as hereinbefore mentioned to hold such Elections, Public Notice shall be given, by and under the hand of the Mayor, or in the case of vacancy in the Office of Mayor, by and under the hand of the Alderman acting in place of Mayor, by publishing such Notice in at least Three of the Public Newspapers, printed in the said City, and by Handbills in the several Wards for Ten days previous to such Elections.

Time of Elections—  
Proceedings thereat,  
&c. &c.

XXXV. *And be it enacted*, That at such Elections, so to be held as hereinbefore appointed, the Poll shall be opened at nine o'clock in the forenoon, and shall continue open till four o'clock in the afternoon of the same day, unless sooner closed as herein-after provided; and the name of each Elector voting at such Election shall be written in Poll Lists to be kept at such Election by the Poll Clerk, and immediately after finally closing the Poll at any such Election all the votes given in in each Ward being sorted, counted, and publicly declared by the Presiding Officer and Inspectors, shall be recorded at large by the Clerk, and in making such declaration and record the whole number of votes or ballots given in shall be distinctly stated, together with the name of every person voted for and the number of votes given for each person respectively, and the said Presiding Officer shall proceed publicly to declare the persons having the majority of votes in their favor to be duly elected; and if there shall be at the final closing of the Poll an equal number of votes polled for two or more persons, the Presiding Officer is hereby required to give a vote for one or other of the persons having such equality of votes, in order to give a majority to one of them and determine the Election, and to declare such person duly elected accordingly; and the Poll Lists kept at such Election shall, by the Officers holding the same, be delivered on the day next after the conclusion of such Election to the Clerk of the City, to remain in his office,



office, where they shall be open for inspection to any Elector on the payment of the Fee of One Shilling.

XXXVI. *Provided always, and be it enacted,* That the Presiding Officer shall not be bound to keep the Poll open until Four o'clock in the afternoon, in any case where no Voter shall come forward to Poll within one hour after Proclamation made that unless within one hour some Voter shall come forward to Poll, the Poll will be closed, but such Officer or person shall in every case finally close the Poll at the expiration of the said hour.

Proviso.

XXXVII. *And be it enacted,* That if on declaring the results of such Election, any candidate thereat, or any person who shall have voted thereat, shall publicly demand a Scrutiny, the Poll Clerk shall note such demand on his Poll Book, and if such Scrutiny be persevered in, it shall finally be determined by the City Council or any Three or more of them, and who shall have power to hear witnesses on oath, which they or any of them are hereby authorized to administer, and to appoint a Chairman with a right to vote, and if need be to give a Casting Vote; and also shall have power to summon witnesses before them, which witnesses shall be bound to attend, or be liable to be proceeded against by Warrant to be issued by the Order of the City Council by the City Clerk, and liable to a fine of Two Pounds, or to be imprisoned for contempt in not attending in pursuance to such Summons for any period not exceeding Ten days: *Provided however,* That no Alderman Elect, whose Election is disputed shall sit upon or act in the determination of any such Scrutiny.

Demand of Scrutiny—Determination thereof, &c.

Proviso.

XXXVIII. *And be it enacted,* That no Vote shall be scrutinized, but such as has been marked at the time the vote is given in as having been objected and sworn, or objected only, and that all Scrutinies shall be proceeded in on the Third day next after the close of the said Elections, and thenceforth day by day, sitting each day from ten o'clock in the forenoon until four o'clock in the afternoon without interruption, (Sundays, Christmas day and Good Friday excepted), until all the Scrutinies, if more than one, shall be determined; and if there be more than one Scrutiny, such Scrutinies shall be severally taken up in the numerical order of the respective Wards from the Elections for which the same shall arise, and be so proceeded in as aforesaid—no one Scrutiny being allowed to occupy more than Four days.

Objected Votes alone Scrutinized—Time of holding Scrutiny, &c.

XXXIX. *And be it enacted,* That the Presiding Officer at every Election shall the day next after the close thereof, make Return to the City Clerk to be laid before the City Council, of the names of the persons having the majority of votes, and declared by him elected at such Election—which Returns if there be no Scrutiny, the City Council shall cause to be published in the next Gazette, and if there be any Scrutiny, then after the determination thereof such Returns as amended or altered by such Scrutiny—if such be the case—shall be so published in the then next Gazette.

Returns of Election, Publication thereof.

XL. *And be it enacted,* That it shall be the duty of the Presiding Officer at any Ward Meeting for any such Election, to be now or hereafter as aforesaid appointed, and he shall have full power and authority to preserve order and decorum, and to repress all riotous, tumultuous, and disorderly conduct therein, and for that purpose to call to his aid any Constable or other Peace Officer, and also to command the aid and assistance of any person who may be present; and any Peace Officer or other person neglecting or refusing to afford such aid, shall be taken and deemed to be guilty of a misdemeanour, and such Presiding Officer shall have authority to cause any person who shall be guilty of any riotous, tumultuous, or disorderly conduct at any such Meeting, to be taken into Custody, and committed to Gaol; *Provided however,* That such imprisonment or restraint shall not at any time continue longer than Forty-eight hours after the adjournment or dissolution of such Meeting; *And provided also,* That the person so guilty of such disorderly conduct, shall be liable, notwithstanding such restraint, to be prosecuted and punished in the same manner as if such arrest had not been made.

Duties and powers of Presiding Officer.

Proviso.

Voter to swear to qualification, if required.

Form of Oath.

To be noted in Poll Book.

False swearing to be punished as perjury.

Postponement to next day—day fixed being Sunday.

Officers capable of immediate re-election, except Mayor

Alderman elect for several Wards to make his option.

New Election.

Annual Election of City Officers—duties, Security, Salaries, &c. &c.

**XLI.** *And be it enacted,* That every person desirous of voting at any Election for Aldermen or Assessors, as hereinbefore mentioned, shall before his vote be entered on the Poll Lists, if required by the presiding Officer or any Candidate at such Election, or by any person qualified to vote at the same, make Oath to the particulars of the qualification, and that he has not before voted at such Election, which Oath the Officer or person holding such Election is hereby authorized and required to administer as follows: "I do solemnly swear that I have resided in this City for One year and upwards, unless temporarily absent, and that I am of the age of Twenty-one years or upwards, and am a natural-born subject of our Lady the Queen, or made denizen, (as the case may be) and that in the last Assessment laid upon the City I have been rated for Poor and City Rates within this Ward, for which I claim a right to vote, and have paid the full amount of all such Poor and City Rates; and that I am really and truly the person named in the receipt of the City Treasurer now produced by me and delivered to one of the Inspectors at this Election; and that I have not before voted at this Election, or any Election which is at this time being held for any other Ward. So help me God. And in every such case the Poll Clerk shall note in his Poll Book that the Voter was sworn as to his qualification.

**XLII.** *And be it enacted,* That if any person shall knowingly swear falsely as to any of the particulars of his alleged qualification, he shall be deemed guilty of wilful and corrupt perjury, and suffer the pains and penalties imposed by Law in such cases.

**XLIII.** *And be it enacted,* That if the day fixed by this Act for any Election appointment, or other matter or thing hereby directed to be held, done or had, under this Act, shall happen to be a Sunday, then, and in every such case, such Election, appointment, or other matter or thing, shall be held, done, had, or take place on the next following day.

**XLIV.** *And be it enacted,* That all Officers of the City who, by the provision of this Act, shall go out of Office, shall be capable of immediate Re-election, if then qualified as required by this Act. *Provided* that no person shall be re-elected to the Office of Mayor, until at least one year after the termination of his last occupancy of the Office.

**XLV.** *And be it enacted,* That if at any Election of Aldermen as aforesaid, any person shall be elected an Alderman for more than one Ward of the said City, he shall within three days after notice thereof make his option, or on his default the Mayor of the said City shall declare for which one of the said Wards such person shall serve as Alderman, and thereupon such person shall be held to have been elected in that Ward only, and in no other, and another Election shall thereupon be held in the Ward for which such person shall not elect to serve, as in other cases of extraordinary vacancy.

**XLVI.** *And be it enacted,* That it shall be lawful for the said City Council, on the Fifteenth day of October next, and Annually thereafter, on the Fifteenth day of October, by Ballot or otherwise, to elect a City Clerk, an Assistant City Clerk, a City Treasurer, a Clerk of the License, and a City Marshal, Two Constables for each Ward, a Clerk of the Market, one or more Weighers of Flour and Meal, one or more Commissioners of Streets, one or more Supervisors of Streets, and one Collector for each of the Wards of the said City, and one or more Pound Keepers for the said City, and such other Officers as they may think necessary to enable them to carry into execution the powers vested in them by this Act, and to prescribe and regulate the duties of all such Officers respectively, and at their pleasure to remove any such Officer and appoint another in his place; and the said Council shall take such Security for the due execution of the Office of City Clerk, Treasurer, or other Officer, as they shall think proper, and shall grant and allow in every year to the City Clerk, Assistant Clerk, and other Officers to be appointed as aforesaid, such Salary, allowance, or other compensation for their services as they may think fit.

XLVII

XLVII. *And be it enacted*, That whenever in the opinion of the City Council such restriction may be necessary, it shall be lawful for the City Council to make it imperative upon any of the Officers hereinbefore named, that he shall not be engaged in or carry on any other business, employment or occupation, without the leave of the City Council for that purpose first had in writing, on pain of forfeiting his office whatever the same may be.

Restriction on Officers.

XLVIII. *And be it enacted*, That if any person shall assume the Duty, or exercise the Functions of any Officer of the said City whom the City Council are authorized to appoint, without having been duly appointed as such Officer by the City Council, or after being lawfully dismissed from his Office shall continue to act therein, every such person shall for such offence pay a Fine not exceeding Ten Pounds and the Costs of Prosecution; and in case of Non-payment of such Fine and Costs shall be liable to be committed to the County Jail for any time not exceeding Thirty days.

Penalty for illegal assumption of functions of officers.

XLIX. *And be it enacted*, That no person shall be capable of acting as City Treasurer until he shall have been sworn before the Mayor faithfully to perform the duties of his Office, nor until he shall have executed a Bond to the City of Halifax with two sufficient Sureties, to be approved by the City Council in the sum of Two Thousand Pounds, conditioned for the faithful performance of the Duties of his Office, in such form as the Mayor may approve, or any Bye-Law require; and upon the Death or Insolvency of any Surety of the City Treasurer for the time being, or whenever in the opinion of the City Council it shall be necessary, the City Treasurer shall be required by the City Council to renew the Bond given by him and find other Sureties, and upon his neglecting to do so within Ten days after being so required by the order of the City Council, he shall be forthwith removed from his office and another person shall be appointed City Treasurer in his stead, who shall be compelled before he shall be capable of acting, to give such Bond in the like amount as hereinbefore mentioned.

Treasurer to be sworn and give Bonds—renew same if required, &c. &c.

L. *And be it enacted*, That the Treasurer of the said City shall not pay any monies in his hands as such Treasurer, otherwise than upon an Order in Writing of the Council of the said City, signed by the Mayor, or in his absence by the presiding Alderman, and countersigned by the Clerk of the City.

Payment of Monies.

LI. *And be it enacted*, That the City Treasurer shall receive and collect all Rates, Taxes, and Assessments, which shall be imposed upon or payable by the Inhabitants of the City or others, under and by virtue of this Act, in the same manner, and with all the powers and authorities heretofore vested by Law in the Treasurer for the Town and County of Halifax, under and by virtue of the several Acts of Assembly now in force, and shall be entitled to a Commission of Two and One Half per Cent. on all monies received by him from the Clerk of Licenses, the Collectors of Road Taxes, the Superintendants of Common, the Police Office or the Mayor's Court; and of Five per Cent. on all other monies collected by him, by virtue of this Act, in lieu of all other Salary, Fees, or Perquisites: *Provided*, That such Commission shall not in any one year exceed Three Hundred Pounds.

Duties and powers of Treasurer.

Salary.

Proviso.

LII. *And be it enacted*, That the Treasurer of the City shall, in Books to be kept for that purpose, enter true accounts of all sums of money by him received and paid as such Treasurer, and of the several matters for which such sums shall have been received and paid, and upon request shall deliver to the person making such payment, a receipt therefor; and the Books containing the said Accounts shall at all reasonable times be open to the inspection of any of the Aldermen of the said City, and all the Accounts of the said Treasurer, with all vouchers and papers relating thereto, shall in the months of May and November, in every year, be submitted by such Treasurer to the City Auditors, and to such number of the Council as the Mayor shall name, on the First day of May in every year—or in case of any extraordinary vacancy of Office; within Ten days next after such vacancy, for the purpose of being examined and audited from

Treasurer's Books and Accounts—Inspection and auditing thereof, &c

the

the First day of November in the year preceding to the First day of May, and from the First day of May to the First day of November, in the year in which the said Auditors shall have been elected and named; and if the said Accounts shall be found to be correct, the Auditors shall certify the same to be so; and after the said Accounts shall have been so examined and audited in the month of November in every year, the Treasurer shall make out in writing and cause to be printed a full Abstract of his Accounts for the year, and a copy thereof shall be open to the inspection of all the Rate Payers of the said City, and copies thereof shall be delivered to all Rate Payers of the said City applying for the same, on payment of a reasonable price for each copy, to be fixed by the Mayor.

LIII. *And be it enacted*, That the Clerk, Treasurer, and other Officers of the said City appointed by the Council as aforesaid, shall respectively at such times during their continuance in Office, and also within Three months after they shall respectively cease to be in Office, and in such manner as the said Council shall direct, deliver to the said Council, or to such person as they shall authorize to receive the same, a true account in writing of all matters committed to their charge by virtue or in pursuance of this Act; and also of all Monies which shall have been by them respectively received by virtue or for the purposes of this Act, and how much thereof shall have been paid and disbursed, and for what purposes, together with proper Vouchers for such payments; and every such Officer shall pay all such Monies as shall remain due from him to the Treasurer for the time being, or to such person as the said Council shall authorize to receive the same; and if any such Officer shall refuse or wilfully neglect to deliver such Account, or the Vouchers relating to the same, or to make payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said Council, or to such persons as they shall authorize to receive the same, within three days after their being thereunto required by the said Council, all Books, Documents, Papers, and Writings in his custody or power as such officer as aforesaid, then, and in every such case on complaint made on behalf of the said Council by such person as they shall authorize for that purpose, of any such refusal or wilful neglect as aforesaid, to any Justice of the Peace for the City, District, or County wherein such Officer shall reside or be, such Justice of the Peace shall be and is hereby authorised and required to issue a Warrant under his hand and seal, for bringing any such Officer before any two Justices of the Peace for such City, District or County; and upon the said Officer not appearing or not being found, it shall be lawful for the said Justices to hear and determine the matter in a summary manner; and if it shall appear to such Justices that any monies remain due from such Officer, such Justices are hereby required, on non-payment thereof, by Warrant under their hands and seals, to cause such monies to be levied by Distress and sale of the Goods and Chattels of such Officer; and if sufficient Goods and Chattels shall not be found to satisfy the said monies and the charges of the Distress; or if it shall appear to such Justices that such Officer has wilfully neglected or refused to deliver such Account or the Vouchers relating thereto, or that any Books, Documents, Papers, or Writings, which were or are in the custody or power of such Officer in his official capacity, have not been delivered as aforesaid, or are wilfully withheld, then and in every such case, such Justices are hereby required to commit such offender to the Common Gaol for the City, District, or County where such offender shall reside or be, there to remain without bail until he shall have paid such Monies as aforesaid, or shall have made satisfaction to the said Council, or until he shall have delivered a true account as aforesaid, together with such Vouchers as aforesaid, or until he shall have delivered up such Books, Documents, Papers and Writings, or have given satisfaction in respect thereof to the said Council. *Provided always*, that no person so committed shall be detained in prison for want of sufficient distress only, for a larger space of time than three months, or for any other cause above mentioned, for a longer period than

Officers' Accounts,  
Vouchers, &c. to  
be rendered to  
Council.—Monies  
to be paid over, &c.

To be enforced by  
Distress and Sale  
of Officers' Goods,  
Imprisonment, &c.  
&c. under War-  
rant of Justices.

Provided.

than Twelve months : *And provided also*, that nothing in this Act contained shall prevent or abridge any remedy by Action against any such Officer so offending as aforesaid, or against any Surety for any such Officer.

LIV. *And be it enacted*, That it shall be lawful for the said City Council, at any meeting of the said Council, composed of not less than two thirds of the Members thereof, to make such Bye Laws as to them shall seem meet, for the good rule, peace, welfare, and government of the said City, and to impose by any such Bye Law such fine, not exceeding Ten Pounds, and such Imprisonment not exceeding Six Months, as they may deem proper for enforcing the same, and for raising, assessing and applying such Monies as may be required for the execution of the powers with which the said Council is hereby invested, and for maintaining in the said City a good and efficient system of Police in such manner as may by Law be provided, either by imposing Tolls and Rates to be paid in respect of any Public Work within the said City, or by means of a Rate or Assessment to be assessed and levied as hereinafter particularly directed and prescribed : *Provided* that such Assessment shall not in any one year exceed Sixpence on the Pound on the assessed value of the Property within the said City ; *And provided* that no more Money in the whole than Five Thousand Pounds shall in any one year be assessed or levied, or to be collected or raised from the said City by authority of the City Council ; and that if for any purpose the City Council shall deem a larger amount to be requisite or proper, the said City Council shall make application to the Governor, in Council, for leave to increase such amount, who shall thereupon have power by an order from time to time on such application to be made and passed, to authorize the City Council to assess or levy on, or collect and raise from the said City, a further sum for the object and purposes expressed in the application of the City Council in that behalf, and which shall be expressed in said Order, not to exceed Two Thousand Pounds additional : *And provided* every such application shall be passed in the City Council by a majority of the Board present on the occasion ; and that the number of the Members of the City Council then present who shall have voted for such application being made, shall be at least twelve : *And provided* every such Member shall have signed in the Record of the said City Council's Proceedings the Resolution passed in favor of making such application ; and shall also sign the application to be therefor made to the Governor, in Council, as aforesaid : *And provided also*, That no Bye Law or Ordinance of the said City Council for the imposition of Tolls or Taxes upon any Goods, Produce, Manufacture, or Articles whatsoever, brought either by Land or Water, into the said City, or for the limitation of the time or manner of Sale thereof, nor upon any Cart, Carriage, Vehicle, Boat or Vessel, conveying the same, or engaged in the transport thereof, shall have any force or effect until submitted to, and sanctioned by, the Three Branches of the Legislature.

LV. *And be it enacted*, That the said City Council shall have power to Assess the City of Halifax for all the same specified purposes for which the Grand Jury and Court of Sessions, or either of them, or any Special Sessions or Justices of the Peace, or the Inhabitants or Freeholders at any Town or Township Meeting, or any other persons, before the passing of the Act hereby first mentioned and hereby repealed, could by Law assess or amerce the Town of Halifax.

LVI. *And be it enacted*, That notwithstanding any thing in this Act contained, it shall be lawful for the General Sessions and Grand Jury for the County of Halifax, to present and confirm all such Sums of Money necessary to be assessed for the said County, and upon the Inhabitants thereof, under the Acts in force relative to the Assessing for County and District Rates, in the same manner as if this Act had not been passed.

LVII. *And be it enacted*, That hereafter it shall be lawful for the said City Council, upon the requisition of the Commissioners of the Poor, and without any Town Meeting

Council to make Bye Laws—Impose and enforce fines, &c. &c.

Provisoes.

Council to assess City.

Not to affect Assessment by Sessions and Grand Jury.

Council to assess

City for support of  
Poor's Asylum.

Meeting to order to be assessed upon the Inhabitants of the said City as hereinafter directed, all such Sums of Money as may be by the said Commissioners certified, and the said City Council shall deem to be necessary to be assessed upon the said City for the support of the Poor of the City in the Poor's Asylum, for every respective year.

Election of Acting  
Ward Assessors—  
Duties and pena'y

LVIII. *And be it enacted*, That the Assessors annually elected by the several Wards of the City, shall within fifteen days after notice, in every year, assemble at the Mayor's Office, and in presence of the Mayor or Acting Alderman, select by Ballot or otherwise, one Assessor for each Ward out of those elected by such Ward, who shall thenceforward continue to be the Acting Ward Assessor, and whose duty it shall then be to assist the City Assessors hereinafter mentioned, to make a fair and impartial Assessment of his Ward; and in case any Ward Assessor so selected, shall neglect or refuse to perform any of the Duties of his Office, he shall forfeit and pay for every such offence a Penalty of Twenty Pounds.

Proviso.

LIX. *Provided always, and be it enacted*, That if the City Council shall deem and Ward Assessor, so selected, to be or become, from illness or otherwise, incapacitated for the performance of his duties, they shall be at liberty to appoint in his place the remaining Assessor chosen by the same Ward, who shall be liable to the same penalty for the neglect or refusal to perform any of the duties of the said Office.

Election of City As-  
sessors.

LX. *And be it enacted*, That the City Council shall, as soon as convenient after the passing of this Act, elect by Ballot or otherwise, two suitable persons, not being Members of said Council, to be City Assessors, who shall be elected to continue in Office for two years, and no person shall be considered ineligible to such Office on account of his having served therein: *Provided always*, that the said City Council shall have power at any time to remove from Office any City Assessor, on sufficient reason being shown to them therefor.

Proviso.

Vacancy supplied by  
New Election.

LXI. *And be it enacted*, That whenever any vacancy shall occur in the Office of City Assessor from any other cause than the full period of service being completed, such vacancy may be supplied by a new election, to be held at such convenient period as the City Council may determine; and the person elected to fill such extraordinary vacancy shall occupy the Office and discharge the several duties thereof for the term then unexpired of the person whose place he shall supply.

City Assessors to be  
sworn.

LXII. *And be it enacted*, That every such City Assessor, on his acceptance of his Office, shall be sworn before the Mayor or some Alderman, to perform the Duties of his Office, and to make a fair and impartial Assessment upon the City.

Assessor's Salary

LXIII. *And be it enacted*, That there shall be payable out of the City Funds to each City Assessor, so long as he shall remain in Office, such annual Salary as the City Council may previous to his Election appoint.

City and Ward As-  
sessor's to make  
Assessment.

LXIV. *And be it enacted*, That the City Assessors associating themselves with the Ward Assessor for every respective Ward in rotation shall, upon the Order of the City Council, proceed forthwith to make an Assessment upon the respective Wards for all Sums of Money legally authorized and directed to be assessed upon the said City, whether for such City purposes and Rates as are mentioned and prescribed in this Act, or for Poor Rates, or for such proportion of County Rates or Taxes, as may be chargeable on that part of the County of Halifax contained within the limits of the said City.

Persons and Proper-  
ty subject to As-  
sessment.

LXV. *And be it enacted*, That all Sums of Money hereafter to be assessed within the said City, shall be assessed on the occupants being yearly tenants, and in all other cases the owners of property by an equal pound rate upon the value of the Real and Personal Estate within the City, whether occupied or owned by individuals, or by any Joint Stock Company or Corporation, according to the best knowledge and discretion of the City and Ward Assessors, subject to the exemptions hereinafter specified.

Definition of terms,  
"Real Estate"

LXVI. *And be it enacted*, That the term "Real Estate," shall be construed to include lands, buildings, and other articles erected upon or affixed to land, all trees and underwood

underwood growing thereon, and all mines, minerals, quarries and fossils in and under the same, except mines and minerals belonging to the Crown; and the term "Personal Estate" shall be construed to include all Household Furniture, Monies, Goods, Chattels, Wares and Merchandize, all Ships or Vessels, whether at home or abroad, or any part or shares thereof owned within the City; all debts due from solvent debtors, whether on account, contract, note, bond or mortgage, City Certificates or Provincial Securities; all Public Stocks, and Stocks in Public or Private Banking Companies, Water, Gas, Fire, Marine, or Life Insurance Companies or Associations, or other Joint Stock Companies or Corporations, whether Public or Private, doing business within the city.

"Personal Estate.

LXVII. *And be it enacted*, That the following Property shall be exempt from taxation, namely, every Building erected for the use of a College, Incorporated Academy, or other Seminary of learning, every Building for Public Worship, every Temperance Hall, School House, Court House, and Jail, and the several Lots wherein such Buildings are situated, and the Furniture belonging to each of them, every Poor House, Alms House, House of Industry, and the Real and Personal Estate belonging to or connected with the same, the Real and Personal Estate of every Public Library, and all Stocks owned by the City or Province, or by Literary or Charitable Institutions.

Property exempt from Taxation.

LXVIII. *And be it enacted*, That the owner or holder of Stock in any Incorporated or Joint Stock Company liable to taxation on its Capital, shall not be assessed as an individual for such Stock; and that no person shall be assessed in respect of his Personal Estate, unless the same shall exceed Fifty Pounds in value.

Individual not Taxable on Taxed Stock nor on Personal Estate, unless over £50 value.

LXIX. *And be it enacted*, That the President, Secretary, Manager, Cashier, Treasurer or Agent; of every Joint Stock Company or Corporation, whether public or private, carrying on business within the City, shall on or before the first day of May in this present year, and on or before the first day of February in every succeeding year, make and deliver to the said City Assessors, or one of them, a Written Statement, certified under the oath of the party making the same, to be in all respects just and true, specifying the amount of net profits or income derived by such Company from its business done within the City during the year terminating on the thirty-first day of December, immediately preceding the day of giving in such Statement; and the Stock of every such Company or Corporate Body, for the purposes of Assessment, shall be estimated from such net profits, in the following proportion, that is to say: for every Six Pounds of such net profits or income as contained in such Statement to be last given in, as hereby required, or if no such Statement shall be given in, then for every Six Pounds of the net profits or income derived from business done by the said Company or Corporate Body, within the City, during the year last terminating as aforesaid, according to the best judgment and discretion of the Assessors, the Assessment for the current year shall be laid upon One Hundred Pounds, as and for the Stock to be assessed and forming part of the Personal Property of the said Company or Corporate Body.

Joint Stock Companies to make Annual return of net profits—Stock estimated thereupon, &c. &c.

Provision in default thereof, &c. &c.

LXX. *And be it enacted*, That if the President, Secretary, Manager, Cashier, Treasurer or Agent, of any such Joint Stock Company or Corporation, shall neglect or refuse to furnish to the said City Assessor, such statement of net income or profits, within thirty days after the time hereinbefore provided for that purpose, the said Joint Stock Company or Corporation shall forfeit to the said City the sum of One Hundred Pounds Currency, which said sum so forfeited may be sued for and recovered in any Court of competent jurisdiction, by and in the name of the City of Halifax, in the same manner as any debt of the like amount against any such Company or Corporation may now be sued for and recovered by the said City.

Penalty for default in return—mode of recovery, &c.

LXXI. *And be it enacted*, That the said City Assessors, before proceeding to the Assessment of the respective Wards, shall be provided by the said City with a suitable number

Assessors to have Valuation Books,

number

Arrangement thereof, &c. &c.

number of Blanks for the purpose of Invoice or Valuation Books, so arranged as conveniently and distinctly to exhibit in separate columns the following particulars, to wit :

The first, or left hand column, to contain the names of the Persons and Companies rateable within the City, whether resident or non-resident.

The second column to contain the value of the Real Estate.

The third column to contain the value of all the Taxable Personal Property, after deducting therefrom the just debts owing by the person assessed.

The fourth column to contain the total amount on which the Assessment is to be levied.

The fifth column to contain the total amount of Assessment ; and the said Blanks shall be in the following form :

Names.	Value of Real Estate.	Value of Personal Property after deducting just debts.	Total Amount on which the Assessment is to be levied.	Total Amount of Assessment.

Entries to be made in Valuation Books

Notice of assessment.

Valuation under oath by person assessed to be accepted.

After completion of entries, assessment to be made up, signed and returned, &c. &c.

LXXII. *And be it enacted*, That the said City Assessors when they shall make their Assessment on any person, company, or corporate body, shall enter the name of the said person, company, or corporate body in the first column of one of the said Blanks, and shall make such entries in the other columns as the directions on the top thereof respectively indicate should be made, and as soon as their Assessment shall be completed they shall give notice thereof to the persons assessed, or their Agents, or to the President, Secretary, Manager, Cashier or Agent of the Company or Corporate Body assessed, and the said Notice shall specify the amount which each person, company, or corporate body has been assessed ; and if any such person assessed, or his Agent, or any such President, Secretary, Manager, Cashier, or Agent of such company or corporate body, shall within five days after service of the said Notice furnish the Assessors, or one of them, with an account in writing, setting forth the value of his or their Real and Personal Estate respectively within the City, according to the true intent and meaning of this Act—after deducting from such Personal Estate his or their just debts, and shall have made Oath before the Mayor or one of the Aldermen that such Account is just and true—it shall be the duty of the Assessors to accept such value of Real and Personal Estate, at the sums respectively specified in such account, and no more.

LXXIII. *And be it enacted*, That after the Entries in the said Assessment and Valuation Books shall be completed, the Assessment for every respective Ward shall be made up and signed by the City Assessors and by the Ward Assessor for that Ward, or by any two of them, and shall show distinctly the amount of the Assessment made upon each individual or Company, distinguishing the amount assessed for City Rates, Poor Rates and County Rates respectively ; and so soon as the said Ward Assessments shall have been so made and returned, and approved of by the City Council, as being made



made agreeably to this Act, the City Assessors shall proceed to make up the Assessment Books, and shall return the Assessment for City Rates to the Office of the City Clerk, and the Assessment for County Rates to the office of the Clerk of the Peace for the County, within Forty-five days from the time when the order for such Assessment shall have been made, and shall attest to the same before the Mayor or one of the Aldermen.

LXXIV. *And be it enacted*, That it shall be lawful for the City Council further to appoint and regulate the manner and times of making Assessments for the said City, of the Notices, Collections, and Returns touching and relating thereto, and of all matters and things, for the better and more orderly collection of Assessments.

LXXV. *And be it enacted*, That upon the refusal or neglect of any Inhabitant of the said City to pay the amount of Assessment so to be made upon him, it shall be lawful to levy by Warrant of Distress, issued by the City Treasurer for that sum, on the Personal Property of such Inhabitant; and in case no Personal Property can be found, he shall be committed to Jail till the amount of such Assessment be paid, but shall be entitled to all the benefits of the Acts relating to Insolvent Debtors in the same manner as in ordinary cases of debts of the like amount.

Assessment recover-  
able by Distress.

LXXVI. *And be it enacted*, That the Warrant to be issued against the property or person of any such Inhabitant, be in the following form, that is to say:—

#### CITY OF HALIFAX,

To \_\_\_\_\_ or any of the Constables of the City of Halifax.

Form of Warrant.

Whereas in and by a Rate of Assessment allowed and published, according to the Statute in that case made and provided \_\_\_\_\_ of Halifax, was duly rated and assessed for the present year for City, County, and Poor Rates and Assessment, the sum of \_\_\_\_\_

And Whereas the said \_\_\_\_\_ was duly notified of the said Rates and Assessment, and of the said amount thereof, and required to pay the same. And Whereas the said Rates and Assessments now stand at the sum of \_\_\_\_\_ in the whole. And Whereas the said \_\_\_\_\_ has been duly notified and summoned to pay the last mentioned amount, or that otherwise a Warrant would be issued for collection of the same, with the addition of ten per cent. on the amount thereof, agreeably to Law, but hath neglected to pay the same, or any part thereof, and the same, with the addition of ten per cent. amounts to \_\_\_\_\_ which the said \_\_\_\_\_ is liable to pay by virtue of the Act of Assembly, in such case made; These therefore are to require you forthwith to make distress of the Goods and Chattels of the said \_\_\_\_\_ for that amount; and if within the space of seven days after such distress by you taken, the said sum last mentioned, together with the reasonable charges for taking and keeping the said distress, not exceeding Three Shillings per day, shall not be paid, that then you do sell the said Goods and Chattels so by you distrained; and out of the money arising by such Sale that you detain and pay to me the said sum of \_\_\_\_\_ and also detain your reasonable charges, not exceeding as aforesaid, of taking, keeping and selling the said distress, rendering to him the said \_\_\_\_\_ the overplus; and in case no Personal Property of the said \_\_\_\_\_ can be found on which to levy the whole amount of such rate, with ten per cent. as aforesaid, and your fees, you are hereby required to commit the said \_\_\_\_\_ to Gaol at Halifax, there to remain till \_\_\_\_\_ pay the said sum of \_\_\_\_\_ with your fees as aforesaid, or be otherwise discharged by due course of Law. Given under my Hand and Seal, this \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_\_

City Treasurer.

LXXVII. *And be it enacted*, That if any absent or non-resident person, or any Company,

Distress against Goods & Chattels of Absentees, Corporate Bodies, &c., &c.

Company, or Corporate Body, doing business within the City, shall neglect or refuse to pay the amount of Assessment made upon them respectively, it shall be lawful for the City Treasurer to issue his Warrant of Distress therefor, to be levied upon the Goods and Chattels to be found within the City, of such absent or non-resident person, or Company or Corporate Body, in whosoever hands such Goods and Chattels may be; and the said Warrant of Distress shall be in the form heretofore set forth, leaving out thereof the words following, that is to say: "And in case no Personal Property of  
 " the said    can be found on which to levy the whole amount as aforesaid,  
 " with ten per cent, as aforesaid, with your fees, you are hereby required to commit  
 " the said    to Gaol at Halifax, there to remain till    pay the said  
 " sum of    with your fees as aforesaid, or be otherwise discharged by due  
 " course of Law;" and in case sufficient Goods, Chattels or Furniture, to satisfy the full amount of such Warrant shall not be produced and pointed out to the Officer of the said Treasurer having the execution of the said Warrant, all Sums of Money so assessed shall be recoverable with the costs incurred, by suit, in the name of the City Halifax, against any of the said absent or non resident Persons, Companies or Corporate Bodies, in the same manner as debts are now recoverable from any absent or non-resident persons, Companies, or Corporate Bodies, respectively.

City Marshal to give Security. His Duties, Powers, Salary, &c., &c.

LXXVIII. *And be it enacted*, That the City Marshal shall, before he shall enter upon the duties of his office, be sworn before the Mayor, and also shall give Bonds in such Sum of Money, and in such form as shall be directed, with two sufficient Sureties, to be approved by the City Council, for the faithful discharge of the duties of the said office, to be renewed when required, as heretofore provided in respect to the City Treasurer; and that it shall be the duty of the said City Marshal, or his Deputy, to attend the City Council and the Mayor's Court, whenever they shall meet, and at all times to be at the command of the Mayor or Officer presiding at the Police Court, and on all occasions to be active and aiding in the preservation of the peace and good order of the City, and the observance of all Laws, Bye Laws, and Ordinances in force therein; and he shall serve and execute all Writs, Process, Warrants or Orders, issuing out of the Mayor's Court or the Police Court, and shall be entitled to all the fees and emoluments heretofore received, or by Law payable to the Constable of the Commissioners' Court; and that the said City Marshal shall be the High Constable of the said City, and shall have the superintendence and government of all the City Constables, and shall, within the said City, have all the powers and authority in all matters Criminal, and in cases of Breach of the Peace, and for preserving quiet and good order, which Sheriffs by Law have within their Bailiwicks, and Constables within their jurisdictions, and shall perform and discharge such other duties, and receive such fees and emoluments therefor as shall and may be appointed by any Bye Law or Ordinance of the City.

Administration of Police—Executive Powers of Corporation vested in Mayor and Aldermen. Criminal Jurisdiction &c., &c.

LXXIX. *And be it enacted*, That the Administration of Police within the said City, and all the Executive Powers of the said Corporation generally, together with all the powers heretofore vested by them in the Police Magistrate of the Town of Halifax, shall be, and are hereby vested in the Mayor and Aldermen of the said City, and that the said Mayor, or in his absence one of the Aldermen next in rotation, shall daily attend in some Public Office for that purpose to be appointed, and constantly between the hours of Ten o'clock in the forenoon, and Four o'clock in the afternoon, hold a Police Court for the said City, and therein hear and determine all and every Criminal Offence and Prosecution, heretofore cognizable before the Police Magistrate of Halifax, or before one or more Justices of the Peace, and shall and may, do, perform and execute each and every Act, matter and thing appertaining to the Office of Justice of the Peace, necessary for the apprehension, committal, conviction, and punishment of Criminal Offenders, and for carrying into effect the Laws in force, and the Ordinances  
 and

and Bye Laws of the said City Council, made for the Preservation of Peace and Good Order, and also in a summary manner hear and determine all Petty Thefts, Assaults, Batteries, Riots, Petty Trespasses, and Breaches of the Peace committed within the said City, and Riots or Disturbances at Elections, and the offender, upon conviction thereof, to punish by imprisonment in the Common Gaol, or House of Correction, not exceeding Three Months, or by Fine, not exceeding in any case the sum of Ten Pounds, exclusive of Costs of Prosecution, and in the case of non-payment of the Fine and Costs pursuant to such conviction, to commit the Offender to the Common Gaol or House of Correction for any time not exceeding Three Months. *Provided always*, That the said offences shall be prosecuted in every case within Two Months after the commission thereof: *And Provided also*, That no such conviction shall be quashed for want of form, and no Warrant of Commitment shall be held void by reason of any defect therein, so as it be therein alleged that the party has been convicted, and there has been a good and valid conviction in point of fact to authorize the same: *And Provided also*, That nothing herein contained shall prevent the said Police Court from binding persons charged with such offence as aforesaid, or any other offence under Recognizance with Sureties, to appear and answer to the same in Her Majesty's Supreme Court, or the Court of Sessions at Halifax: *And Provided also*, That in no case where the said Police Court shall sentence any party to punishment by Fine or by Imprisonment, or by Fine and Imprisonment, as hereinbefore provided, shall any appeal be allowed from such sentence, except by Writ of Certiorari or Habeas Corpus cum causa.

Provisoes.

LXXX. *And be it enacted*, That all the powers by Law heretofore vested in, and exercised by the Commissioners Court in Halifax for the Summary Trial of Civil Actions of limited amount, within the limits aforesaid, shall be vested in and exercised by a Court of the said Corporation, to be styled the Mayor's Court, to be holden on the Second and Fourth Tuesday of every month, before the Mayor and one Alderman in rotation, or in the absence of the Mayor before two Aldermen in rotation, which Court shall continue in Session not longer in each Term than Two days: and shall have power and jurisdiction within the City over all Suits in which the whole cause of action or dealing shall have arisen within the City of Halifax, and shall not exceed Ten Pounds; and in cases of Debts or Accounts, when the Defendant shall prove an Offset of greater amount than the amount proved by the Plaintiff, to give Judgment for the Defendant for the Balance due him; and also over all Actions of Trover, Assault and Battery, Trespass to Personal Property, Trespass to Real Estate, where the Title is not in question, and for Slander, wherein respectively the damage claimed shall not exceed Five Pounds, and shall award Costs in all cases in favor of the party succeeding; and the Process of the said Court shall be Writs of Summons, Capias, Execution, and Subpœna, to enforce the attendance of Witnesses, which shall be tested in the name of the Mayor, and be issued by the Clerk, under the Seal of the said Court, and in such forms as are now established, or shall hereafter be established by the City Council, and shall be directed to the City Marshal or his Deputy. *Provided always*, That whenever the Judgment of the said Court shall exceed Twenty Shillings, exclusive of Costs, the party aggrieved may appeal to the Supreme Court, upon notice being given in open Court; and Execution and all other proceedings shall be stayed, upon sufficient Security by Bond being given on the day following the rising of the Court, to prosecute the Appeal and abide the Judgment of the Supreme Court, which Bond the said Mayor or any Alderman shall have power to take; and the party Appellant shall enter his Appeal, and proceed thereon before the said Supreme Court at the first Term thereafter, and shall bring up the Judgment from the Court below—which on his default the Appellee also may do—and the said Supreme Court shall try the Cause *de novo*, or order the same to be tried by a Jury, as shall

Civil Jurisdiction of City Court—time of Holding Court, Duration of Terms, Process, &amp;c.

Appeal to Supreme Court.

Suits under £10 confined to City Court.

Court Fees and Application thereof.

Local Jurisdiction of Court.

Proviso

Court to give Relief under Insolvent Acts.

Recorder to be appointed Annually. His Duties, Salary, &c., &c.

Proviso

Powers of Trustees of Public Property in Halifax, &c., &c., and manage-

shall seem fit to the said Court: *Provided also*, That no Suit for any Debt or Dealings, the whole amount of which shall not exceed Ten Pounds, and which shall have arisen within the jurisdiction of the said City Court, shall be brought in any other Court, except by way of appeal to the Supreme Court as aforesaid: *And Provided also*, That the same fees shall be taxed and allowed in the Mayor's Court, as were payable in the Commissioner's Court, under and by virtue of the Act made and passed in the Fifth year of the Reign of His late Majesty King George the Fourth, entitled, "An Act relating to the Court of Commissioners at Halifax," and that all such fees except the Constable's fees shall be received by the City Clerk, and paid to the City Treasurer, and form part of the Funds of the City.

LXXXI. *And be it enacted*, That the authority of the City Officers and Jurisdiction of the City Courts shall extend unto and over all acts, matters and things, Civil or Criminal, done upon the Harbor of Halifax, and the South-east Passage, and the North-west Arm: *Provided* such acts, matters and things, if done within the limits of the City, would be within the authority and jurisdiction of any of the Officers or Courts of the said City; and the Process, Civil and Criminal, which, under this Act, or any other Act, or under any Bye-Law or Ordinance of the City, any Court, or any Officer of the said City herein or hereafter to be appointed, may have power to issue or execute, shall and may be executed upon the Harbor of Halifax, the South-east Passage, and the North-west Arm; and for the purposes in this Section mentioned, the Harbor of Halifax shall be considered as extending from Mauger's Beach to Ferguson's Cove and across the Narrows above the Dock Yard, but not to include M'Nab's Island, or Duggin's Island.

LXXXII. *And be it enacted*, That when any person has been heretofore, or hereafter shall be committed to Jail, under any Warrant, Writ of Execution, or Mesne Process, issued by or from the Mayor's Court, the said Court, or the Mayor and any Alderman, or any two Aldermen, shall and may extend to such person the benefit of the Act, made and passed in the Ninth year of Her present Majesty's Reign, entitled, "An Act for relieving Insolvent Debtors from Imprisonment," or any other Act to be hereafter passed by the same ways and means, and in as full and ample a manner as any Justices or Commissioners named in the said Act are thereby authorised and empowered to proceed.

LXXXIII. *And be it enacted*, That it shall be lawful for the said Council of the said City, in each and every year, on the Fifteenth day of October, if they shall think fit so to do, to appoint a fit and proper person, not being a Member of the Council, to be the Recorder of the said City, and at their pleasure to remove the present Incumbent, or any other that may be appointed, and appoint another in his place, such person so appointed being a Barrister of the Supreme Court of Nova-Scotia, of at least three years standing, whose duty it shall be to afford legal advice and assistance to the Mayor and Council of the City in the performance of their respective offices and in the business of the Police Court, when occasion shall require such advice therein—to attend all meetings of the City Council, and to assist in hearing and determining cases before the Mayor's Court, and to take the charge and management of all legal business connected with the affairs of the City; and the said Recorder shall receive an Annual Salary of Two Hundred Pounds from the City Funds. *Provided* that no person shall have any authority to act or hold the said office until his Election and Appointment shall be approved by the Governor, in the same manner as hereinbefore prescribed in the case of Mayor, and after such approval until he shall have been sworn before the said Governor, or in his absence the Chief Justice, in the same manner as herein directed in the case of the Mayor, faithfully to perform the duties of his office.

LXXXIV. *And be it enacted*, That from and after the passing of this Act, all the rights and powers heretofore vested in the Trustees of Public Property in Halifax, or

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the Justices of the Peace for the District of Halifax, or any of them in General or Special Sessions, or the Commissioners of Town Property, under the Act passed in the Third year of His late Majesty's Reign, hereinafter mentioned and referred to, or otherwise, or in or by the Grand Jury, in and over the Real Estate or Properties, Hereditaments or Appurtenances, or any part thereof, in this Section hereinafter mentioned, and the care of managing and leasing the same, or any part thereof, which are now vested in and were transferred to the said Corporation and directed to be exercised by the City Council, in and by the Fifty-eighth Clause or Section of the said Act in this Act first mentioned and hereby repealed, shall continue and remain transferred to the said Corporation and be exercised by the City Council, and be regulated, directed, and controlled by the Bye-Laws, Ordinances, and Rules of the said Corporation heretofore passed and now in force, or hereafter to be passed, under or by virtue of this Act, and shall not be claimed or in any manner used or exercised by the said Trustees, Justices, Commissioners, or Grand Jury; and hereafter, all and singular the Lands, Tenements, Hereditaments, Real Estate, and Property whatsoever, and all Houses, Buildings, and Erections whatsoever thereon respectively now being, which at any time heretofore have or hath been granted, assigned, purchased, or conveyed to or by any Body, Politic or Corporate, or to any person whomsoever, in trust for the use and benefit of the Town of Halifax, or of the Inhabitants of the Town or Peninsula, or for any public use and purpose within the same, or used or appropriated for any such public purpose; and all Lots and Parcels of Land originally laid out or allotted or now held for any such public purpose, or wherein the Town of Halifax, or the Inhabitants, or any Body, Politic or Corporate, or other person, on behalf of the Town, or for any public use, have or hath, or can or may claim any title, right, interest, or benefit at Law or in Equity, whether such Real Estate and Property was designed for or is now used as the site or for the purposes of the County Court House, Public Market, Poor House, Bridewell or House of Correction, Public Landing Places or Slips, the New Cemeteries on the Common, the Common on the Peninsula, or of any other public objects and purposes whatsoever, and all the Estate, right, title, and interest therein, whether at Law or in Equity, of any Body, Politic and Corporate, or person whomsoever, and the reversions and remainders, rents, issues, profits, and advantages thereof, shall continue and remain, and the same are hereby declared to be absolutely vested in and transferred to the said Corporation or City of Halifax, and shall be by the said Corporation or City of Halifax held, used, and occupied, so long as this Act shall remain in force and be in operation, in fee simple, to and for the public and common benefit and uses of the City of Halifax, according to the true intent and meaning of the original grant, purchase, conveyance, or assignment of the same Real Estate or Properties, any of them or any part thereof whatsoever, and notwithstanding the title, claim, interest, and demand of the said Trustees, or Body Politic or Corporate, under and by virtue of the said Act, made and passed in the Third year of the Reign of His late Majesty King William the Fourth, entitled, "An Act for the appointment of Trustees for the Public Property of the Town of Halifax, and for other purposes," and under certain Letters Patent, Deeds and Conveyances, passed and made in pursuance of the said Act, or of any person whomsoever, in, to, or out of the same Real Estate or Properties, or any of them, or any part thereof, *but subject nevertheless* to, and saving any interest, property, possession or right which may have been acquired by any Body Politic or Corporate, or any person, under or by virtue of the several Statutes of Limitations in force in this Province, or any of them, previous to the passing of this Act, *and also subject* to, and saving and reserving to all or any Body Politic or Corporate, or Persons whomsoever, all and every charges, incumbrances, claims, and demands, whether at Law or in Equity, now subsisting upon or against the said Real Estate, or Properties, or any part thereof; and the same after passing of this Act shall

ment of all Property granted for public use transferred to Corporation.

**Proviso.** be and become a charge, claim, and demand upon and against the said Corporation and City of Halifax, its Estates, Property and Effects: *Provided always*, That nothing herein contained shall affect or extend to, or be construed to affect or extend to the Public Penitentiary, lately erected within the said City, or the Jail or any Grounds whereon the same respectively may be built or thereto belonging. *And provided also*, That nothing in this Clause contained, shall affect Churches or other Places of Worship, and the Ground pertaining thereto, Glebes, School Houses, and the Ground thereto appertaining, and the Burial Grounds heretofore in use in the said Town.

**Town Debts transferred to City.** LXXXV. *And be it enacted*, That all Debts heretofore due, and owing by the Town of Halifax, shall be transferred to and become the debts of the said City, for the payment of which the Real Estate and all other Funds of the said City shall be held liable: *Provided always*, That nothing herein contained shall affect, or in any wise vacate or

**Proviso.** alter the provisions contained in the Eleventh Clause or Proviso of the Act passed in the Second Year of the Reign of His late Majesty King William the Fourth, entitled, "An Act to authorize the Erection of a Public Slaughter House for the use of the Town of Halifax."

**Liability of Real Estate, &c., of City, to payment of Certificates, &c., &c., &c.** LXXXVI. *And be it enacted*, That the Real Estate, Property, and Funds of the City, shall continue liable, and bound for the payment of all Certificates and Debentures heretofore issued by the City Authorities, and now chargeable upon the City; and all monies arising from Compositions for Labor on the Highways, or from persons Licensed to sell Spirituous Liquors, shall be, and become part of the General Funds of the City.

**Payment of Debts of City.** LXXXVII. *And be it enacted*, That all Public Monies raised by Assessment, and all monies due and payable as aforesaid, as well as all other monies to be hereafter raised by and under the authority of this Act, shall be chargeable with the debts which heretofore have been legally contracted by the Authorities of the Town of Halifax, or the said City of Halifax, and remain due and unpaid, and with the Debts and Sums of Money which heretofore have been or may be incurred, and become payable from and out of the Public Monies raised, or to be raised for public uses within and for the said Town of Halifax, or the said City of Halifax, or either of them, under the provision of Law in this behalf made, or by or under the authority of the Justices of the Peace for the County of Halifax, or any of them, or by or under the authority of the Acts hereby repealed, or either of them; and all such Debts and Sums of Money shall be payable from and out of the monies aforesaid, except as hereinbefore excepted.

**Pensions chargeable on City Funds.** LXXXVIII. *And be it enacted*, That the following persons shall be entitled to and shall receive out of the Funds from time to time to be in the hands of the City Treasurer, belonging to the said City, during their respective lives—if this Act shall so long continue in force and be in operation—the Pensions following, for and in lieu of the Salaries and Emoluments of the respective Officers hereinafter mentioned, and formerly held by them, that is to say:—

**John Liddell.** John Liddell, Esquire, the sum of Two Hundred and Fifty Pounds per annum, in lieu of his Salary and Emoluments as Police Magistrate.

**David Shaw Clarke.** David Shaw Clarke, Esquire, the sum of Three Hundred Pounds per annum, in lieu of his Salary and Emoluments as Clerk of the Police.

**Regulations for Lighting City, & Nightwatch, &c., &c.** LXXXIX. *And be it enacted*, That it shall be lawful for the City Council to make such Bye Laws, Orders and Regulations, as to them shall seem meet, for the protection of the Property and Inhabitants of the City, by Lighting the said City, and by establishing a sufficient Watch at night, and to make such Bye Laws, Regulations and Orders for the Lighting and Watering of the said City, and for the due forming, establishing, and governing of the said Watch, as they may deem expedient, and to impose a Fine, not exceeding Twenty Shillings, on any person who shall transgress any of the Bye Laws, Ordinances, and Regulations so made, and all such sums of money as may

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be necessary for Lighting and Watering the City, and for establishing and supporting the said Watch, shall be paid out of the General Funds of the City, and the amount necessary therefor shall be included in the General Assessment, and levied and collected as part thereof.

XC. *And be it enacted,* That every person appointed to Watch by such Bye Laws, Orders or Regulations, shall, during all the time he shall be so appointed, possess all the powers and authority of a Constable; and all opposition and resistance offered to any person so appointed during the time he shall be in the execution of his duty as a Watchman, shall be prosecuted and punished as offences committed against Constables in the execution of their office.

Powers of Watchmen, &c.

XC1. *And be it enacted,* That the said Mayor, and any Three of the Aldermen, shall have full power to grant Licenses to Inn-holders, Victuallers, Retailers and Confectioners, within the said City; and also Licenses for the sale of Liquors of any kind, in all cases wherein the Court of Sessions for the County of Halifax, on the recommendation of the Grand Jury or otherwise, or any Special Sessions, or any Justices of the Peace have heretofore been authorised to grant Licenses for any such purposes; and in granting such Licenses it shall be lawful for the Mayor and Aldermen to annex thereto, such reasonable conditions in regard to time and place, and other circumstances under which such License shall be acted upon, as in their judgment the peace, quiet, and good order of the City may require: and also to take Bonds of all persons so Licensed, in reasonable sums, and with sufficient Sureties, to be approved of by the said Mayor, conditioned for a faithful compliance with the terms of their said Licenses, and of all Laws and Regulations respecting such Licenses; and the said Mayor and Aldermen, after the granting of any such License, shall have power to revoke or suspend the same, if in their judgment the order and welfare of the said City require it; and any person who shall presume to pursue either of the said employments within said City, without having first obtained a License therefor, or in any manner contrary to the terms of the said License, or after the same shall have been revoked or suspended, such person shall be liable to the same penalties and forfeitures, and be prosecuted in the same manner as now by Law provided, in case of exercising either of the said employments without the License now by Law required, and shall also be taken and deemed to have forfeited their Bonds respectively given as aforesaid, upon which Suits may be instituted against such Licensed Persons or their Sureties, at the discretion of the said Mayor and Aldermen, and in such manner as they may direct, for the purpose of enforcing such forfeitures; and all Inn-holders, Retailers, Confectioners, Victuallers, and all other Licensed Persons under or in pursuance of this Act, shall be liable for and pay the same License Duty now imposed by Law, or which may hereafter be imposed, to the Clerk of the License of the said City, in the same way and manner as the same was by Law required to be paid to the Clerk of the License of the Town of Halifax, or other person authorised to receive the same; and the said Clerk of the License for the City shall exercise all the powers and authority, and duties heretofore vested by Law in the Clerk of the License for the Town of Halifax, and shall be entitled to all the Fees heretofore payable to that Officer; and the License granted and the Bonds to be taken under the Act, shall be in the same form as is prescribed and appointed under the Act, passed in the Second year of the Reign of His late Majesty King William the Fourth, entitled, "An Act concerning persons Licensed to keep Public Houses or Shops, and the Duties thereon," with such alterations as may be found necessary to suit the circumstances of the said Corporation, and shall be signed by the Clerk of the License of the City, and approved of and countersigned by the Mayor; and the City Clerk of the License shall keep a correct List of the Licenses granted in every year, with the names, additions, and residences of the parties Licensed, and also of their Sureties, and the amounts of the License Duty payable on every such

Licenses to Tavern Holders, Victuallers, &c., &c., &c. Bonds, Sureties, Penalties,—Mode of Recovery, &c.

Powers and Duties of Clerk of License.

such License ; and shall return to the Mayor once in every Quarter, the sums of Money due and in arrears for License Duty ; and all arrears of License Duty shall be recovered in the Mayor's Court, in the name of the City of Halifax, with cost of suit, by the usual process as on Civil Suits ; and once in every Quarter the said Clerk of License shall pay over to the City Treasurer the amount of License Duty, and shall produce and file in the City Court a particular account of the Monies received by him in every Quarter for such License Duty, and also the receipt of the City Treasurer for the same ; and all penalties incurred and recovered for breach of any part of the License Laws, or of the Bye Laws or Ordinances of the City, made in reference thereto, shall be recovered before the Mayor's Court, and shall be paid and applied one half to the person who shall inform or sue for the same, and the remainder to the City Clerk of License, to be by him accounted for and paid over to the City Treasurer ; and all Monies raised and paid under and by virtue of this Act shall be paid and applied by the City Treasurer, in the manner and for the services prescribed by Law, or by this Act prescribed, for the appropriation of the License Duty raised in the City or Town of Halifax. *Provided always*, That the City Clerk of License shall be entitled to the commission heretofore allowed by Law to the Clerk of License—*Provided* that he shall not in any one year receive, together with his Fees for such Commissions, a larger amount than One Hundred and Fifty Pounds, both for his Fees on Licenses and his said Commissions, and the balance, if any arising from such Commissions and Fees, shall be paid to the City Treasurer.

Proviso

Appeal from Judgment.

XCII. *And be it enacted*, That in any case when Judgment shall be given against any person selling Liquors without License, and such person shall consider himself aggrieved by such Judgment, it shall be lawful for him to appeal from such Judgment to the Supreme Court at its next Term, the said person so appealing having first filed a Bond taken as hereinbefore provided, with Two sufficient Sureties, to respond the Judgment of the said Supreme Court in case the said Judgment should be confirmed.

Regulations for Licensed Houses.

XCIII. *And be it enacted*, That the City Council shall have power to make any Bye Laws or Ordinances for the management of Licensed Houses within the City which they may deem necessary, in addition to Laws now or hereafter to be in force respecting the same.

Public Shows to be Licensed by Mayor.

XCIV. *And be it enacted*, That the Mayor shall have power to License all Theatrical Exhibitions, and all Public Shows, and all Exhibitions of whatever name or nature to which admission is obtained on payment of money, on such Terms and Conditions as to him may seem just and reasonable, and to regulate the same from time to time in such manner as to him may appear necessary to preserve order and decorum, and to prevent the interruption of peace and quiet, and any person who shall set forth, establish or promote any such Exhibition or Show, or publish or advertize the same, or otherwise aid or assist therein without a License so obtained as aforesaid, or contrary to the terms or conditions of such License, or whilst the same is suspended or after the same is revoked by said Mayor, shall be liable to such forfeiture as the City Council may by any Bye Law made for that purpose prescribe. *Provided always*, that the person obtaining such License shall pay therefor such fee or sum of Money as shall be prescribed by any Bye Law or Ordinance of the said City, and that it shall be at all times optional with the said Mayor either to grant or refuse such License.

Proviso.

Grant of Licenses not here provided for.

XCv. *And be it enacted*, That all Licenses not hereinbefore provided, for which were heretofore by Law required or appointed to be granted for any purpose within the Town of Halifax, shall be granted by the Mayor and any Two Aldermen of the said City, and the Duties and Fees thereupon payable, shall be paid unto the City Treasurer, and by him appropriated, as by Law directed ; and in all cases when the same or any part thereof shall not be specially appropriated, the same shall form part of the City Funds.

XCVI.



XCVI. *And be it enacted,* That hereafter no person shall keep or drive in the said City of Halifax, or in or upon any of the Streets or Lanes thereof, any Carriage Waggon, Gig, Chaise, Sleigh or Conveyance, for the Carriage of Passengers for hire, or to ply, or intended to ply as a Hackney Carriage, Cab or Omnibus, in, through and upon, the Streets or Lanes of the said City, or any of them respectively, unless such person shall first have obtained a License for such purpose from the Mayor and some two Aldermen of the said City, under a penalty of Twenty Shillings for every offence, and the Carriage of every respective Passenger to be deemed and adjudged a separate offence, and punished accordingly.

Conveyances for Hire to be Licensed by Mayor.

Penalty.

XCVII. *And be it enacted,* That the said City Council shall have power and authority by any Bye Laws or Ordinances, to regulate the Keeping, Driving, Plying, and general conduct of all such Carriages, Waggons, Gigs, Chaises, Sleighs, or Conveyances, for carrying Passengers for Hire, or Plying or intended to Ply as Hackney Carriages, Cabs, or Omnibuses, in, upon, and through the Streets or Lanes of the said City; and the Fares and Prices to be charged and taken by the Keepers, Owners, or Drivers thereof, and to impose any fine or penalty for Breach of any Regulation in such Bye Laws or Ordinances contained, not exceeding Five Pounds, or any imprisonment not exceeding Thirty Days.

Regulation of Conveyances for Hire, &c., &c.

Penalty.

XCVIII. *And be it enacted,* That the said City Council shall within One Month after the passing of this Act, and thereafter annually, as soon after the third day of October in each year as may be, nominate and appoint two fit and proper persons, from and out of the Inhabitants of every respective Ward of the said City, who shall be qualified by being respectively sworn to the faithful performance of their duties before the Mayor or one of the Aldermen of the said City, within Four Days after notice from the City Clerk, of the appointments, and shall, with the Mayor and Aldermen of the said City for the time being, constitute and form the Board of Health for the City and Harbor of Halifax, and its Outharbors and precincts; and that all the powers, authorities and duties vested in, or imposed upon the Board of Health for the Town of Halifax by the several Acts of this Province heretofore in such case made and provided, and now in force, shall hereafter become vested in, and imposed upon the said Mayor and Aldermen, with such respective persons, to be by the City Council nominated and appointed as aforesaid.

Election of Board of Health, Powers and Duties.

XCIX. *Provided always, and be it enacted,* That any act, order, or proceeding of such Board shall be deemed and held legal and sufficient, notwithstanding the absence, neglect, or refusal to act of any Member thereof, so that the Majority of the Aldermen of the said City shall have been present at the passing or making of the said Act, Order, or Proceeding of the said Board of Health.

Proviso.

C. *And be it enacted,* That the City Council shall, from time to time, elect as many Fire Wards for each Ward of the City as they may deem necessary, and shall have the control and management of the Engine Men and Axe Company, and power to increase or diminish the number thereof; and to make all such Bye Laws and Ordinances relating thereto, as may be necessary to regulate proceedings at Fires, and the Conducting of Engines, Hose Carts, and Ladder Carts to and from the same, and all other such Bye Laws as may be requisite to prevent the occurrence, increase, or spreading of Fires in the said City, and to annex penalties for the violation thereof, to any amount not exceeding the sum of Forty Shillings.

Election of Firewards, Management of Proceedings at Fires, &c., &c.

CI. *And be it enacted,* That it shall be lawful for the City Council to impose a Fine, not exceeding Five Pounds, on any Fire Ward or person appointed to the Board of Health, or any other Officer nominated or elected by the said City Council, upon whom no specific fine is by this Act imposed, who shall neglect or refuse the duties of such Office, or shall refuse to qualify himself for the same, agreeably to this Act: *Provided always,* That no such Officer shall be obliged to serve more than One Year

Penalty for Refusal of Office.

Proviso.

in succession, or shall be liable to any fine for not serving for a period of Five Years after he has so served or paid such fine.

Regulation of Streets  
Lanes, &c., &c.

CII. *And be it enacted*, That the City Council shall have the exclusive power to regulate, repair, amend, and clean the Streets, Lanes, and Alleys of the said City, and of putting Drains and Sewers therein, and to prevent the incumbering of the same in any manner, and to protect the same from encroachment and injury, by such Bye-Laws and Ordinances as they may from time to time pass for that purpose.

Performance of Statute Labor.

CIII. *And be it enacted*, That hereafter Statute Labor in the said City shall be performed by the person himself notified to perform the same, or by his hired yearly or monthly Servant, to be approved of by the Overseer, allowing ten hours to each day's work, otherwise he shall pay to the Collector of the Road Tax, within ten days after he shall be notified to perform such Statute Labor, the sum of Three Shillings per day for every day's labor such person shall be bound to perform.

Management of Common.

CIV. *And be it enacted*, That the said City Council shall, for the future, have the sole control and management of the Common belonging to the said Town or City, subject nevertheless to the rights and privileges of Her Majesty the Queen retained therein, and to the Estate, right, title, interest, and property, legally acquired by any other person therein, or in any part thereof, and that the said City Council shall have, use, possess, and enjoy, in and over the same, and every part thereof, all the powers and authority heretofore possessed and enjoyed by any former Commissioners thereof, for the due regulation, management, and control of the same, or vested in such Commissioners for any purpose whatever.

Management of Public Cemetery.

CV. *And be it enacted*, That the said City Council shall, for the future, have the sole control and management of the Public Cemetery now belonging to or which hereafter may be appointed for the said City, and that the said City Council shall use, possess, and enjoy, in and over the same, all the powers and authority heretofore possessed and enjoyed by the present or any former Commissioners thereof, for the due regulation, management, and control of the same, or vested in them for any purpose whatever.

Appointment of Officers formerly nominated by Grand Jury.

CVI. *And be it enacted*, That the appointment of all Officers of or pertaining to the said City who were formerly nominated by the Grand Jury and appointed by the Court of Sessions in pursuance of the several Provincial Statutes in such case made and provided, shall be vested in the City Council, and the person so by them appointed shall have and exercise all the power and authority which could have been enjoyed by the said Officers respectively under the former mode of appointment: *Provided always*, that the said City Council shall exercise and enjoy full power and authority from time to time to decide upon the expediency of filling up any such office, and to prescribe the duties of all such Officers, and to fix the rate of compensation to be paid to, or received by, each of them respectively as they may see fit, and that nothing in this Section contained shall be construed to abridge the authority which by virtue hereof the City Council would otherwise possess over the said Offices or their respective Officers.

Proviso.

Government and Management of City.

CVII. *And be it enacted*, That all and every the powers and authority which at the time of the passing of the Act herein first mentioned and hereby repealed, could by Law be exercised in and over the Town of Halifax, and the government or management thereof, or its local or municipal concerns by the Grand Jury and Court of Sessions, or either of them, shall be vested in, and exercised by, the said City Council as fully as if herein particularly specified; and the Grand Jury and Court of Sessions, or either of them, or any Special Sessions, or Justices of the Peace, shall not, so long as this Act shall be in force, exercise any of the powers or authorities heretofore by Law granted to, or inherent in them, which by the said Act hereby repealed were and by this Act are transferred and granted to the City Council.

CVIII. *And be it enacted*, That from and after the passing of this Act, the Justices and

and Clerk of the Police Court for the Town of Halifax, the Commissioners of the Common, the Commissioners of the Public Cemetery, the Board of Health for the Town of Halifax, the Commissioners' Court for the Town of Halifax, the Clerk or Officers thereof, the Town Treasurer, so far as relates to the receipt or collection of any Taxes raised or to be raised and collected within the limits of the City, the Commissioners of the Streets, the Fire Wards of the Town of Halifax, and all other Officers whose power and authority were under and by virtue of the said Act, hereby repealed, transferred to the City of Halifax, or to any of the several Officers to be appointed thereunder, and are hereby continued, so transferred, shall not, so long as this Act shall continue and be in force, exercise any of the powers and authorities heretofore by Law granted to, or inherent in them, which were by the said Act, or are by this Act transferred and granted to the City Council, or the Officers of the said City, as aforesaid.

Powers of Town Officers transferred to City Council.

CIX. *And be it enacted*, That the Commissioners of the Poor shall once in every year, at least, not later than the Fifteenth day of December, render to, and file in the Office of City Clerk, an Account of all monies received and expended by them, which Account shall be examined and audited by the City Council, in the manner hereinbefore prescribed for the Passing of Accounts, and subject to such Bye Laws and Regulations as may be made relative thereto.

Accounts of Commrs. of Poor.

CX. *And be it enacted*, That all Boards, Commissioners, and Officers appointed to act under the authority of the said Corporation, and entrusted with the collection and expenditure of any Public Money, shall be accountable therefor to the said Corporation, in such manner as may be ordained and directed by the Bye Laws and Ordinances of the said City, and that the Books of Account of said Corporation, showing the amount, particulars, state, and circumstances, and also the receipts and expenditures of, and on account of the Property, Funds, Taxes, Effects, and Fees belonging and accruing, or payable to the said Corporation, or any of its Officers, shall be deposited and kept in the Office of the City Clerk, and shall be there open and exhibited on the First Monday of every month, from the hours of Ten o'clock in the forenoon to Four o'clock in the afternoon, for inspection and examination by every Elector of the City who may on that day apply to see and inspect the same.

Officers, &c., acting under appointment of Corporation to account thereto.

CXI. *And be it enacted*, That the City Council, after the Accounts of the said City and Corporation shall be checked, audited, discussed, and approved by the said Council, shall cause the same to be published in detail, countersigned by the Mayor and City Clerk, in such way and manner as may appear the best adapted to make generally known the said Accounts.

Publication of City Accounts.

CXII. *And be it enacted*, That nothing herein contained shall repeal or vacate the Jurisdiction or Sittings of the Court of Quarter Sessions, or of any Special Sessions of the Peace, or of any Justices of the Peace, or of the Grand Jury as the Grand Inquest of the County within the said City, in matters of Criminal nature and not affecting the fiscal, prudential, or municipal affairs of the said City, which are not hereby transferred or granted to the said Corporation, or some of its Officers.

Act not to affect the Criminal Jurisdiction of Sessions or Grand Jury.

CXIII. *And be it enacted*, That in all Meetings of the City Council to be held in pursuance of this Act, a majority of the Members present at such Meetings shall determine all questions and matters submitted to or under the consideration of the said Council: *Provided*, that the number present at the said Meetings be not less than two-third parts of the entire number of persons composing the said Council; and at all such Meetings the Mayor of the said City, if present, shall preside, and in case of his absence, such Alderman as the Members of the Council so assembled shall choose to be Chairman, and in case of an equality of votes, the Mayor, or Chairman presiding, shall have a casting vote.

Questions in Council to be decided by Majority.

Proviso.

CXIV. *And be it enacted*, That there shall be in every year Four Quarterly Meetings of

of

Council to meet  
Quarterly.

of the said Council, which shall be held on such days in every year as shall be provided by any Bye-Law in that behalf; and the said Meeting shall not any one time be held for a longer period than three successive days, in which Sunday shall not be included.

Special Meetings,  
Notices thereof,  
&c., &c.

CXV. *And be it enacted,* That it shall be lawful for the Mayor to call a Special Meeting of the Council when he may deem proper, after three days previous notice thereof; and in case the said Mayor should refuse to call any such meeting, after a requisition for that purpose signed by five or more Members of the said Council, it shall be lawful for such five or more Members to call a Meeting of the said Council after three days previous notice, which notice shall specify the business for which the proposed meeting is to be held, and shall be signed by the said Members; and in all cases of such Special Meetings a Summons to attend the said Council, specifying the business to be transacted and signed by the City Clerk, shall be left at the usual place of abode of every Member of the said Council three days at least before such meeting.

Minutes of Proceed-  
ings, Inspection  
thereof, &c., &c.

CXVI. *And be it enacted,* That the Minutes of the Proceedings of all Meetings to be held as aforesaid, shall be drawn up and fairly entered in a book to be kept for that purpose, and shall be signed by the Mayor or Alderman presiding at such Meeting, and the said Minutes shall be open to the inspection of all persons qualified to vote at the Election of Aldermen, on payment of a fee of One Shilling; and the said Meetings shall be held with open doors.

Appointment of  
Committees.

CXVII. *And be it enacted,* That it shall be lawful for the said Council to appoint from out of the Members thereof such and so many Committees consisting of such number of persons as they may see fit, for the better transaction of the business before such Council, and for the discharge of such duties within the scope of their powers as may by the said Council be prescribed, but subject in all things to the approval, authority, and control of the said Council.

Bye Laws to be void  
on disallowance by  
Governor.

CXVIII. *And be it enacted,* That a copy of every Bye-Law to be made by virtue of this Act shall be transmitted, with all convenient speed after the making thereof, to the Governor, and it shall be lawful for the said Governor, in Council, within three months after the receipt of such copy, to disallow any such Bye-Law, and such disallowance shall, without delay, be signified to the Mayor, and thenceforward such Bye-Law shall be void: *Provided also,* that all Bye-Laws repugnant to any Law of the land, or to any Act of the Legislature of this Province, shall be null and void, and no Bye-Law shall have any force or effect until after the same shall have been so transmitted as aforesaid and thus approved, or until after the said three months without approval.

Provide

Council not to bor-  
row on Credit of  
City.

CXIX. *And be it enacted,* That it shall not be lawful for the said City Council to borrow on the credit of the said City any sum of money whatever, unless as is herein otherwise particularly provided.

Exemption from Ser-  
vice on Jury.

CXX. *And be it enacted,* That the Members of the said City Council, and the two Supervisors of Streets, shall be exempt from serving on any Jury within the said City.

Citizen or Officer not  
an incompetent  
Witness.

CXXI. *And be it enacted,* That in Actions, Suits, Indictments, Informations, or Prosecutions whatever, Civil or Criminal, at Law or Equity, or otherwise, in which the said City or Corporation shall be a party concerned, it shall not be received or allowed as an objection to the competency of any Witness, that he is a Citizen or Officer of the said City or Corporation; but such objection shall go to the credit only, nor shall any such objection be allowed in any such case, as aforesaid, against any person as a juror therein.

Recovery of Fines  
over £10.

CXXII. *And be it enacted,* That all Fines and Penalties imposed by this Act, of upwards of Ten Pounds, and for the recovery whereof no provision is made by this Act, shall and may be sued for, and recovered by Action of Debt in the Supreme Court, in the name of the City of Halifax.

CXXIII. *And be it enacted,* That all Fines and Penalties, amounting respectively to

to Ten Pounds, or below that sum, by this Act, or by any Bye Law, or Ordinance of the City Council now in force, or hereafter to be passed, as hereinbefore provided, imposed, or to be imposed, and for the recovery whereof no provision is made by this Act shall be sued for and recovered in the name of the City of Halifax, before the Mayor's Court, in the same manner, and by the same way and means, and with the like right of Appeal as any Debts can be collected, sued for and recovered in the said Court.

Recovery of Fines of £10, or under.

CXXIV. *Provided always, and be it enacted,* That in every such Suit, whether in the Supreme Court or in the Mayor's Court, the Defendant shall be entitled to the benefit of the Acts of this Province from time to time in force for the Relief of Insolvent Debtors. *Provided also,* however, that when, in and by this Act, any period of Imprisonment is limited, prescribed and specified, or may be ordered or directed upon non-payment of any such Fine or Penalty, the Defendant shall not be entitled to his discharge from Imprisonment until such period so limited, prescribed and specified, or ordered and directed, shall have elapsed.

Defendant to have Relief of Insolvent Acts.

Proviso.

CXXV. *And be it enacted,* That all Fines and Penalties by this Act, or any such Bye Law or Ordinance as aforesaid imposed, or to be imposed, which shall be received or recovered as aforesaid, and for the application whereof provision is not by this Act, or by some other Act otherwise made, shall be paid over to the City Treasurer, and be and become and form part and portion of the General Funds and Revenues of the said City of Halifax.

Application of Fines undisposed of.

CXXVI. *And be it enacted,* That the Act passed in the Eighth Year of Her present Majesty's Reign, entitled, "An Act for Taxing Dogs in certain parts of the City of Halifax," and every matter, clause and thing therein contained, and all Bye-Laws and Ordinances of the City Council made under and by virtue of the said Act, shall be revived and continued, and the same are hereby revived and continued for Two years.

Act 8th Victoria, and Bye Laws thereon revived.

CXXVII. *Provided always, and be it enacted,* That nothing in this Act contained, shall in any manner derogate from or affect, or be construed to affect the rights of Her Majesty, her Heirs, or Successors, except in so far as the same may be specially affected by the Provisions of this Act.

Act not to affect Rights of Her Majesty.

CXXVIII. *And be it enacted,* That this Act shall continue and be in force for Two Years from the First day of April in this present year of Our Lord One Thousand Eight Hundred and Forty-nine, and no longer.

Duration of Act.

## CAP. XV.

### An Act to regulate the Inspection of Pickled Fish.

(Passed the 31st day of March, A. D. 1849.)

**B**E it enacted, by the Lieutenant-Governor, Council, and Assembly, That it shall be lawful for the Governor, in Council, to nominate and appoint in every County in this Province, one fit and proper person to be the Chief Inspector of Pickled Fish in and for such County, who, before he enters upon the duties of his office, shall give a Bond, with two sufficient Sureties, to Her Majesty, Her Heirs and Successors, in a penal sum of not more than Five Hundred Pounds, in the discretion of the Governor, in Council, for the faithful discharge of his duty, and shall be sworn by and before some one of Her Majesty's Justices of the Peace faithfully to perform the same, and such Chief Inspector in each County shall be always a person who has no interest, direct or indirect, in the curing or packing of any Pickled Fish, except as far as a faithful performance of his duty requires; and in case any such Chief Inspector shall enter into any dealings or business of that description, he shall be liable, on conviction, to a

Appointment of Chief Inspectors, —Security required, &c. &c. &c.

forfeiture of his office, and also to a penalty of One Hundred Pounds, with costs of suit.

Appointment of Deputy Inspectors—  
Security required,  
&c. &c.

II. *And be it enacted*, That each one of the said Chief Inspectors shall nominate and appoint Deputy Inspectors within the County of which he is Chief Inspector, in such places and in such number as he may think necessary, and that every Chief Inspector shall be responsible for the conduct of such his Deputies, and shall have power at his pleasure, to remove them and annul their appointment, and that before any such Deputy shall act in his office, he shall give security by Bond, with sufficient sureties, to such Chief Inspector and his assigns, in a sum of Fifty Pounds, for performing his duties faithfully, and shall also be sworn to the faithful discharge of such duties by and before some one of Her Majesty's Justices of the Peace, and that on any Chief Inspector ceasing to hold his office, such Bonds shall be deemed to be assigned to his successor.

Chief Inspectors  
liable for Deputies  
—Recovery of Penalties,  
&c. &c.

III. *And be it enacted*, That the Chief Inspector in every County shall be liable and responsible for all the conduct and proceedings of his several Deputies in their respective offices; and all Actions for the recovery of Penalties or Damages for their misconduct or neglect of duty, may be prosecuted against the Deputy Inspector in question, or against the Chief Inspector under whom he acts, who shall in such case have his remedy over against the Deputy guilty of misconduct or neglect of duty, either upon the Bond given, or by Action on the case for Damages; and in every such Action the Judgment recovered against the Chief Inspector, shall be evidence of Damages against the Deputy Inspector sued, or his Sureties: *Provided* such Deputy Inspector shall have had due notice of the Action brought against the Chief Inspector, and that whensoever it shall appear that any cask of Pickled Fish, branded by any of the Deputy Inspectors, proves unequal in quantity or quality to that which may be indicated by the brand on the cask, or be deficient in any of the requisites in this Act, hereinafter mentioned, then, and in every such case, the Chief Inspector shall be empowered, and cause the same to be re-inspected; and the Chief Inspector shall be entitled to recover all the Cost and Charges for such re-inspection from the Deputy Inspector by whom such cask was branded: *Provided* it appears that such insufficiency or defect arose from the state, condition, or bad quality of the Fish, or of the Cask, or the bad Packing or Pickling of the Fish at the time of the inspection thereof.

Proviso

Fish to be Inspected  
and Branded prior  
to Exportation—  
Penalty.

IV. *And be it enacted*, That all Pickled Fish intended to be exported from this Province, shall be first inspected and branded by some Chief or Deputy Inspector, and a Certificate of such Inspection under the hand of the person who shall have made the same, shall be produced and delivered to the proper Officer before the ship or vessel on board which the Fish shall be laden shall be cleared out, and any person who shall export any Fish contrary to the provisions hereof shall forfeit for every barrel thereof the sum of Ten Shillings.

Description of Barrels,  
&c.—Size,  
Thickness of  
Staves, &c.

V. *And be it enacted*, That from and after the First day of October next, all Barrels, half-barrels, quarter barrels, and tierces, in which Pickled Fish, whether designed for Exportation or for Sale and consumption within the Province, shall be packed or intended to be packed, shall be made of sound well-seasoned Staves, free from sap—that the heading shall be of sawn or split hardwood, pine, or spruce, planed on the outside, and not less than three quarters of an inch in thickness—that the size of Staves and Heads for Mackerel and Salmon shall be staves twenty-eight inches in length, and seventeen inches for the heads between the chimes, and that such staves shall be three quarters of an inch in thickness—and that the size of Staves for Herring and Alewives shall be twenty-seven inches long, and the Heading for the same sixteen inches between the chimes—that the bung stave shall in all cases be made of hardwood—and that when the staves are of hard wood they may be five-eighths of an inch in thickness—that the barrels, half barrels, quarter barrels and tierces, shall be well hooped,  
with

with at least four hoops on each bilge and four hoops on each chime—that the barrels for Mackarel shall contain not less than twenty-eight gallons nor over twenty-nine gallons; and the barrels for Herrings and Alewives not less than twenty-six gallons nor over twenty-seven gallons, with tierces and half barrels, &c. in the same proportion; and the makers of all Fish barrels shall brand their names thereon, under a penalty of Five Shillings for every barrel not so branded.

VI. *And be it enacted*, That such Chief Inspector in every County, and his several Deputies shall, and they are hereby required to examine and inspect all Casks bought for, or intended to contain Pickled Fish; and shall have power and authority to condemn all such Casks as shall not be in every respect conformable to this Act; and that the Chief Inspector or his Deputy, who may have inspected said Casks, shall brand the same with the initials of his name upon the bung stave of said Casks.

VII. *And be it enacted*, That each Tierce of Pickled Fish shall contain Three hundred Pounds of Fish—each Barrel Two hundred Pounds—each Half Barrel One hundred Pounds, and each Quarter Barrel Fifty Pounds respectively, over and above the quantity of Salt and Pickle necessary to preserve the said respective quantities of Fish; and that every Barrel of Pickled Fish inspected under this Act, shall contain, beside the weight of Fish required as aforesaid, at least two pecks of coarse or other Salt suitable therefor, the same being clean and good, and the tierces, half and quarter Barrels shall contain the like proportion thereof.

VIII. *And be it enacted*, That all inspected Pickled Fish, whether split or otherwise, shall be Fish well struck, or salted in the first instance with salt or pickle, and preserved sweet and free from rust, taint or damage, and shall be packed with suitable salt for their preservation, and in such tierces, barrels, half barrels, or quarter barrels, as aforesaid, containing the respective quantities aforesaid; and each Cask shall be filled with Fish of one and the same kind and quality, and be properly packed and headed up, with the proper number of hoops thereon, and shall be filled up with clean strong pickle, sufficiently heavy to float a Fish of the kind packed; and before the Fish are packed in the barrel they shall be very carefully sorted and classed according to their respective numbers and qualities, and shall be carefully weighed, and on every layer of Fish as packed in the barrel the salt shall be regularly placed to the extent in all of the quantity hereby required for the casks respectively; and all Alewives and Herrings, split or round, and all No. 3 Mackerel, shall be packed with coarse salt.

IX. *And be it enacted*, That there shall be Three Numbers or Qualities of Mackerel, viz.:

The quality Number One shall consist of the best and fattest Fall Mackerel, having had the Blood well washed out previous to its being salted, and being properly soaked, well cured in every respect, free from Taint, Rust, or Damage, well split and being of the most superior kind and in the best condition, and measuring not less than Fifteen inches from the extremity of the head to the crotch or fork of the tail, and such as shall also be scraped shall be branded No. 1. Extra.

The quality Number Two shall comprehend the best Fall Fat Mackerel that remain after the selection of the first quality, being properly soaked, blood washed out, well cured, and in every respect free from Taint, Rust or Damage, well split, and measuring not less than Twelve inches from the extremity of the head to the crotch or fork of the tail, and if scraped, shall be branded No. 2. Extra.

The quality Number Three shall consist of sound, good fish, properly soaked, blood washed out, well cured, well split, and in every respect free from Taint, Rust, or Damage; and all Mackerel measuring under Ten inches in length shall be branded and marked Small; and all Rusty Fish, without reference to quality, shall be branded Rusty.

X. *And be it enacted*, That there shall be Three Numbers or Qualities of Salmon,  
viz:—

Duty of Inspectors.

Contents of Packages.

Description of Fish  
—Mode of Packing, &c. &c.

Mackerel.

Number One.

Number Two.

Number Three.

Salmon.

- Number One. The quality Number One shall consist of the best and fattest Salmon, having had the blood well washed out previous to its being salted, and being well cured, well split, in every respect free from taint, rust, or damage, and being of the most superior kind, and in best condition.
- Number Two. The quality Number Two shall comprehend the best Salmon that remain after the selection of the first quality.
- Number Three. The quality Number Three shall consist of other Salmon ; but both said qualities Two and Three, shall be nevertheless, sound good Fish, blood well washed out, well cured, well split, and in every respect free from rust, taint, or damage.
- Herrings, Alewives, &c.  
Number One. XI. *And be it enacted*, That the Quality Number One of Herrings, Alewives, or other Fish, shall be of the fattest, best, and most superior Fish.
- Number Two. The Quality Number Two of the poorer, thinner, and inferior Fish ; and both qualities shall be carefully cured and cleansed, and in every respect free from taint, rust, or damage.
- Tainted Fish. XII. *And be it enacted*, That all tainted or damaged Fish, of every kind, shall on no account whatever be permitted to pass Inspection,
- Brand by Inspector. XIII. *And be it enacted*, That there shall be branded on every cask of Pickled Fish, after the same is sorted, weighed, packed, and inspected, in legible characters, on the head of the cask, the description of the Fish, the number of its quality, the weight contained in each package, the initials of the Christian name, and the whole surname of the Chief or Deputy Inspector, by whom the same is actually inspected, the name of the Town or place where he acts as Inspector, and the capital letters N. S., for Nova Scotia, and the year of Inspection.
- Sorting to be by, or in presence of Inspectors. XIV. *And be it enacted*, That the sorting, weighing, inspecting, and branding any cask of Fish, as aforesaid, shall be made and done, either by, or in the immediate presence and sight of the Chief Inspector, or some one of the Deputy Inspectors who hath been sworn in and given security, as aforesaid ; and unless in such immediate presence and sight of an Inspector, no other person whosoever, shall be allowed to brand a cask, or sort, or inspect such Fish, under the penalty of Ten Pounds, upon the Chief Inspector or the Deputy Inspector suffering the same to be done ; and a penalty of Ten Pounds upon the person who shall alter or brand without authority ; and no Chief Inspector or Deputy Inspector shall lend his Branding Irons, or suffer the same to be taken for use under a penalty of Ten Pounds for every such offence.
- Penalty. XV. *And be it enacted*, That in every case when it becomes necessary, in consequence of any casualty, to Repack a Cask of Inspected Pickled Fish, intended for Sale or Exportation, such Repacking shall only be done by or in the presence of an Inspector, if one be within Five miles of the place of Repacking.
- Repacking. XVI. *And be it enacted*, That whosoever shall in or from any Cask intermix, take out, or shift any Inspected Fish packed or branded as aforesaid, or put therein other Fish for Sale or Exportation, contrary to the true intent and meaning of this Act, and whoever shall Export or offer for Exportation, or cause to be Exported from this Province, any Rusted, Tainted, or Damaged Fish, or any Tierce, Barrel, Half Barrel or Quarter Barrel of Pickled Fish not inspected and branded according to this Act, each and every of the parties so offending shall suffer and pay a Penalty of Five Shillings for every Tierce, Barrel, Half or Quarter Barrel of the Fish aforesaid in this Section referred to.
- Penalty for Infringement of Act. XVII. *And be it enacted*, That from and after the passing of this Act if any person shall presume to act as an Inspector or Deputy Inspector of Pickled Fish, not having been duly appointed and sworn in according to Law, he shall forfeit for every such offence the Sum or Penalty of Twenty Pounds.
- Penalty. XVIII. *And be it enacted*, That every Chief or Deputy Inspector who shall personally inspect and brand any casks or packages of Pickled Fish, or any casks or packages intended



intended to contain Pickled Fish, shall be entitled to demand and receive from the owner or person employing him, Fees at the rate following: Inspectors' Fees.

For every Tierce of Pickled Fish, Ninepence.

For every Barrel Fivepence.

For every Half and Quarter Barrel, Twopence Half-penny—To be paid one half by the Buyer and the other half by the Seller.

And for Casks or Packages intended to contain Pickled Fish, One Penny, to be paid by the Seller of the Barrel.

XIX. *And be it enacted*, That every Chief Inspector, by himself or his Deputy, and every Deputy Inspector shall be obliged, without unnecessary delay, to inspect all Fish, under the provisions hereof, when called upon so to do, under a penalty of Twenty Pounds for every default. *Provided*, that no Inspector shall be obliged to proceed more than five miles from his place of residence for that purpose, nor shall any Inspector be compelled to act unless at least ten packages shall be ready and offered for inspection. Duty of Inspectors—  
—Penalty for Default.

XX. *And be it enacted*, That every Deputy Inspector shall account once in three months, or so often as the Chief Inspector may require him, with the said Chief Inspector of the County, for all Fish inspected by him, and all fees received for the same, and shall pay over to the said Chief Inspector one Fifth of the fees so received by him. Proviso.  
  
Deputies to Account  
with Chief Inspector.

XXI. *And be it enacted*, That the Chief Inspector for each County shall make a Return to the Secretary of the Province of all the Pickled Fish inspected by him or his Deputies in said County; and which Returns shall be made up to the last days of March, June, September and December, in each year, and be delivered in within one month thereafter. Chief Inspector to  
make Returns to  
Secretary of Province.

XXII. *And be it enacted*, That all pecuniary Penalties imposed by this Act shall and may be recovered by and in the name of any person who will sue for the same in the same manner and with the like Costs as if the same were a private debt due to such person. Recovery of Penalties.

XXIII. *Provided always, and be it enacted*, That nothing herein contained shall prevent the Exportation from the Province of any Fish previously imported into the same in the Casks in which the same shall have been so imported without being subject to reinspection. Proviso.

XXIV. *And be it enacted*, That this Act shall continue and be in force for Two years, and thence to the end of the then next Session of the General Assembly. Duration of Act.

## CAP. XVI.

# An Act for the division of Districts for the support of the Poor.

(Passed the 31st day of March, A. D. 1849.)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That if, at least, Twenty of the Rate Payers within any Township or District established for the support of the Poor shall, by Petition, apply to the Court of General Sessions of the Peace, stating their desire that such Township or District should be divided into Two or more Districts, and setting forth the proposed Boundaries thereof, the Court may, if they think fit, pass an order, calling upon Parties interested to shew cause at the next General Sessions of the Peace, why the division should not be made—Copies of which Orders or Notices thereof, such Boundaries being in either case particularly specified, shall be posted up in at least Five of the most public places within the Township or District so sought to be divided, for at least thirty days, next previous to the Division of Districts  
by General Sessions.

next General Sessions; and at such next General Sessions the Court may, if they think fit, pass an Order, dividing the Township or District, either by the Boundaries first proposed, or by such other Boundaries as may be deemed proper, into so many different Districts as may be thought advisable for the support of the Poor within the same, from and after the date of such Order, with a name or designation to each District; and such General Sessions shall also in such case then ascertain the number of Paupers then chargeable on the whole Township or District divided, and also the amount required for the support thereof, and by order direct what proportion of such amount shall be borne by each of such new Districts; and thereafter the expenses of Paupers who shall become chargeable, shall be borne by the District in which residence shall have been gained; and every such District in reference to the support of the Poor, and the appointment of Collectors, Assessors, Overseers, and other Officers connected therewith, shall be considered the same as a separate Township.

Alteration of Orders.

II. *And be it enacted*, That if occasion shall require, the Court of Sessions may at any time alter or make anew any order by them made in relation to the expenses of Paupers, at the time of making their first order, chargeable on the whole Township or District, in order to the more equal distribution of such expenses which may be rendered necessary in consequence of any increase or diminution thereof.

Not to affect present Rates, Actions, &c.

III. *And be it enacted*, That all Rates, Assessments, Suits or Actions, at the time of making such first order, commenced, pending, made or done, may be prosecuted, levied and collected, in the same manner as if such division had not been made.

#### CAP. XVII.

### An Act to amend the Acts concerning the performance of Statute Labor on Highways.

(Passed the 31st day of March, A. D. 1849.)

Preamble.

**W**HEREAS doubts have arisen respecting the power of the Courts of Sessions in this Province, to erect and lay off Road Districts within the several Counties or Districts, and to alter, divide and sub-divide the same;

Appointment of Road Districts.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That it shall be lawful for the Justices in their General Sessions of the Peace, hereafter to be held in the respective Counties or Districts of this Province, to erect and lay off within the said Counties or Districts respectively, such and so many Road Districts, as to them may seem proper and necessary; and such Districts to divide and sub-divide, and the limits thereof, from time to time, to alter; and that over such Districts so erected, laid off, divided, sub-divided or altered, the Surveyors legally appointed, or hereafter to be appointed, shall have jurisdiction during their respective terms of office.

Not to affect Districts already laid off.

II. *And be it enacted*, That all Districts heretofore erected, laid off, divided, sub-divided or altered, by the Justices in their several Courts of General Sessions of the Peace, in the different Counties or Districts within this Province, shall be, and the same are hereby, rendered as valid and effectual to all intents and purposes as if the same had been erected, laid off, divided, sub-divided or altered, after the passing of this Act, and under the provisions thereof.

Not to apply to Districts under Coms. of Streets.

III. *Provided always, and be it enacted*, That nothing in this Act contained shall apply, or be construed to apply, to any District under the jurisdiction of Commissioners of Streets, appointed under or by virtue of any Act of this Province.

## CAP. XVIII.

**An Act further in addition to the Act relating to Highways, Roads and Bridges.***(Passed the 31st day of March, A. D. 1849.)*

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That all and singular the Provisions of the Act, passed in the Fifth year of Her present Majesty's Reign, entitled, An Act in addition to, and amendment of, the Act relating to Highways, Roads and Bridges, shall be extended to and include the Road from Liverpool to Mills Village, and thence to Bridgewater and Mahone Bay, and thence to Chester and Windsor, in the same manner and to the same extent as if the said Road had been included in the second Section of the said Act, and therein particularly specified; and the words "the Road from Liverpool to Lunenburg, thence to Chester and Windsor," shall be struck out of the said second Section.

Alteration of Second Section of Act 5th Victoria.

## CAP. XIX.

**An Act to Incorporate a Temperance Hall Company in Windsor.***(Passed the 14th day of March, A. D. 1849.)*

**W**HEREAS the erection of a Temperance Hall in Windsor will be of great public advantage, inasmuch as it will afford accommodation for holding Public Meetings, convened for moral and useful purposes: *And whereas* the several persons hereinafter named, and others, have entered into a subscription, to raise in shares, such sum as may be requisite as a Joint Stock or Fund for that purpose.

Preamble.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That* Theodore S. Harding, Joseph Allison, James S. Dewolfe, Theophilus Cowen, Godfrey P. Paynt, John A. Jenkins, James Burgess, Elisha Card, Edward W. Dimock, Samuel Caldwell, John Fielding, Joseph Cochran, Amos B. Campbell, William O'Brien, James Irons and George B. Sandford, and all and every such persons as shall from time to time become Proprietors of Shares in the Company and undertaking hereby established, and their respective Successors, Executors and Administrators, and Assigns, shall be, and they are hereby declared to be, a Body, Politic and Corporate, by the name of "The Windsor Temperance Hall Company," and by that name shall have perpetual Succession, and a Common Seal, and by that name shall and may sue and be sued, plead and be impleaded, in all Courts of Law and Equity within this Province.

The Windsor Temperance Hall Company Incorporated.

II. *And be it enacted, That* the said Company shall and may take, purchase and hold, any Lands, Houses, Tenements and Hereditaments, in fee simple or otherwise, and also Rents, Monies, Securities for Monies, Goods and Chattels, and shall and may demise and let, sell and convey, or mortgage the same, or any part thereof, subject to the restrictions hereinafter mentioned; and do and execute all other things in and about the same, which may be necessary and proper for the benefit of the said Company; and shall have full power and authority to make and establish such Bye Laws and Ordinances as may from time to time be required, and to alter or amend the same. *Provided* such Bye Laws and Ordinances be not contradictory or repugnant to the Laws and Statutes of this Province.

Privileges of Company.

Restriction as to  
Real Estate.

Amount of Shares,  
Transfer thereof,  
&c.

Payment of Sub-  
scriptions, Recov-  
ery thereof, &c.

Proviso

Shareholders not  
liable beyond  
amount of Shares.

Liability of Land on  
Judgment against  
Company—Cor-  
veyance there-  
under.

Annual Meeting—  
Special Meetings  
on Requisition.

Proviso

Shareholders enti-  
tled to vote—num-  
ber of votes—may  
vote by proxy.

III. *Provided always, and be it enacted*, That the said Company shall not hold or possess, at any one time, Real Estate to a greater value than Five Thousand Pounds.

IV. *And be it enacted*, That the Capital of the said Company shall be divided into Shares of Two Pounds and Ten Shillings each Share; and such Shares shall be assignable and transferable in such manner and upon such terms as by the said Bye Laws may be provided and directed; and that notwithstanding any Real Estate which the said Company may hold at any time, the Shares and Interest of the several Shareholders of and in the Capital Stock and Funds of the said Company shall be held and deemed to be Personal Property, to all intents and purposes.

V. *And be it enacted*, That the several persons who now are, or hereafter may become, Subscribers toward the said undertaking shall, and they are hereby required, to pay the Sums of Money by them respectively subscribed in such proportion, and at such times and places as shall be directed by the said Bye Laws; and in case any person shall neglect or refuse to pay the same at the time and in the manner required for that purpose, it shall be lawful for the said Company to sue for and recover the same, in any Court of competent jurisdiction. *Provided always*, That it shall not be lawful for the said Company to call for or require any Shareholder in the said Company to contribute or pay any larger sum than the amount of the Shares held by him as aforesaid.

VI. *And be it enacted*, That the Joint Property or Stock of the said Company shall be alone liable for its debts or engagements; and that no Proprietor or Shareholder in the said Company shall be or become responsible, chargeable, or accountable by any ways or means, for any other or greater Sum of Money than the amount of the Shares which he shall actually and *bona fide* possess or be entitled to, in the Capital or Joint Stock of the said Corporation.

VII. *And be it enacted*, That all such Lands and Real Estate as the said Company may hold at any time, or so much thereof as may be necessary to satisfy any Writ of Execution, issued upon any Judgment obtained against the said Company, shall and may be taken upon such Writ, and sold in the same manner, and with like Notices, Proceedings, and Equity of Redemption, as the Lands of private persons may be taken, levied on, and sold according to Law; and the Sheriff shall immediately after such Sale, make and execute a Deed to the Purchaser, which Deed shall convey and transfer all the Estate and Interest of the said Corporation in the Lands so taken, sold, and conveyed.

VIII. *And be it enacted*, That the General Annual Meeting of the said Company shall be held on the First Monday of March in every year after this present year, at some convenient place in the Town of Windsor, to be appointed and duly notified to the Company by the Board of Directors, and that Special Meetings of the Company shall be summoned by the Directors when they shall deem the same necessary, or whenever a Requisition in writing therefor shall be delivered to the Board, signed by Twenty Shareholders, and specifying the object of such Meeting: *Provided always*, That at least Ten days notice of such Special Meeting, and of the object thereof shall be given by Advertisement, posted in at least Three public places, in or near the Town of Windsor aforesaid, and that all such General or Special Meetings may be adjourned from time to time, and from place to place as may be found expedient.

IX. *And be it enacted*, That at any Annual or Special Meeting of the Company, each Proprietor or Shareholder having paid up all calls on him made, and then due and payable, shall be entitled to vote as follows, namely: the owner of one share to have one vote, the owner of four shares to have two votes, and the owner of eight shares or greater number of shares to have three votes, and no more; and the said Proprietor may give such vote or votes by his Proxy, duly constituted, according to the Bye Laws, such Proxy being a Shareholder and entitled to vote, and every such Vote by Proxy shall

shall be as good and sufficient to all intents and purposes, as if such Proprietor voted in person; and at every Meeting of the Board of Directors, each Director shall have One vote only, and every question, matter or thing which shall be discussed or considered at any Meeting of the Board of Directors, shall be determined by the majority of votes then given by the Directors then present; and in case it should so happen that at any General or Special Meeting of the Board of Directors the votes shall be equal, then the President of the Company, or in his absence, the Chairman of the Meeting, or of the Board, shall be entitled to a Casting Vote, in addition to his own Personal Vote.

Votes of Directors, Casting vote to President or Chairman.

X. *And be it enacted*, That as soon after the passing of this Act as may be convenient, and deemed expedient, the said Sixteen persons first named in this Act, or any Three of them, shall by Advertisement, to be posted in at least Three public places, in or near the Town of Windsor, during Ten days, appoint a day and place for the First General Meeting of the Subscribers, and shall assemble such Meeting; and a Chairman thereof being chosen from among the Subscribers present, with a Secretary, the Company hereby Incorporated, shall be formed and organized, and go into operation, under the Act; and the said Subscribers then and there present, or their Proxies, shall and may forthwith, in the manner prescribed, proceed to elect Seven Directors—one of whom shall be chosen by the said Directors by ballot, as President—and a Secretary; and the said Directors and Secretary, so to be elected, shall hold, exercise, and enjoy and retain their respective Offices, from the day of such their election, until the first Annual General Meeting thereafter, and thence continually until a new choice of Officers be made by the Company, pursuant to this Act and the Bye Laws of the said Company: *Provided always*, That no person shall at the said Meeting, or at any subsequent Meeting at which Officers shall be elected, be deemed eligible to office, unless such person shall be at the time of such election of Officers, a Member of some Temperance Society in the Town of Windsor.

Appointment of First General Meeting, Formation of Company, Election of President, Secretary, &c.

Proviso.

XI. *And be it enacted*, That at the General Annual Meeting of the Company in each year, the Directors of the said Company for the ensuing year shall be elected by Ballot, in the following manner, viz: The Shareholders then and there present, or their proxies, shall first elect Three Directors out of the Seven who have served for the preceding year—provided they shall be willing again to accept office, and shall then elect Four others from the Shareholders of the Company indiscriminately; and if all or any of the retiring Directors shall refuse to be re-elected, the said Shareholders shall proceed to the election of others of the Company, until the full number of Directors be completed.

Election of Directors at Annual Meetings.

XII. *Provided always, and be it enacted*, That no person concerned or interested in any Contract under the said Company, shall be capable of being chosen, or if chosen, of continuing a Director of the said Company; and no person, during such time as he shall be such Director, shall be capable of taking any Contract under the said Company.

Proviso.

XIII. *And be it enacted*, That when and so often as any Director named or elected by virtue of this Act shall die, or shall resign, or shall become disqualified or incompetent to act as such Director, before his term of office shall have expired, it shall be lawful for the remaining Directors to elect some other Proprietor, duly qualified to fill up such vacancy.

Election of Director to fill vacancy.

XIV. *And be it enacted*, That if from neglect, or any other cause, the said Annual General Meeting should not be held, the Directors last chosen shall continue to act, and have the same powers that they had and were possessed of, until the next Annual General Meeting, or until new Directors shall be chosen or appointed as aforesaid.

Directors to Act until Election of New Directors.

XV. *And be it enacted*, That the Directors who shall first be chosen under the provisions of this Act, shall, with all convenient speed, proceed to draw up a Code of Bye Laws, Rules and Regulations, for the government of the said Company, and the conduct

Directors to make Bye Laws, Regulations.

conduct and management of its affairs and business, and shall submit the same to be altered, amended and confirmed, by a Committee selected and appointed at the first General or some other Meeting of the said Company, to superintend the same.

Sale of Shares, Privileges of Purchasers.

XVI. *And be it enacted*, That it shall be lawful for the said Company, from time to time, and as often as may be deemed necessary for the purpose of carrying on the business of the said Corporation, to sell further Shares therein; and every Purchaser of such Shares shall be entitled to all the privileges and advantages of other Shareholders in the said Company.

Power to borrow on Mortgage, sell, and convey Real Estate.

XVII. *And be it enacted*, That the Directors of the said Corporation shall be authorised and empowered at any time, by and with the assent of two-thirds of the Shareholders to be given in writing, at any General or Special Meeting regularly convened and not otherwise, to borrow on Mortgage of the Property belonging to the said Corporation, such sums of money as may be required for the uses thereof, or absolutely to sell and dispose of the Real Estate and Property of the said Company, if deemed expedient; and the said Directors are hereby authorized to convey in Mortgage, any Lands or Real Estate of the said Corporation, for the purpose of securing the Monies so to be borrowed, as aforesaid, or in case of an absolute Sale of the said Real Estate, or any part thereof, to grant and convey the same, and to make the necessary Deeds and Conveyances for that purpose.

Proviso.

XVIII. *Provided always, and be it enacted*, That nothing herein contained, shall be held or construed to give the said Company the privilege of dealing in the Lending of Money by way of discount, or otherwise, or of engaging in any Banking Operation whatsoever, or to effect any Insurance upon any Ship or Vessel, or Marine Risk, or upon any Loss by Fire, or upon any Life or Lives.

## CAP. XX.

### An Act to continue and amend the Law regulating the Survey of Timber, Lumber, and Shingles.

(Passed the 31st day of March, A. D. 1849.)

Acts 5th Wm. IV., except 8, 9, 10, 12, 13, & 18 Clauses continued.

**B**E it enacted by the Lieutenant-Governor, Council, and Assembly, That the Act passed in the Fifth Year of the Reign of His late Majesty King William the Fourth, entitled, An Act to regulate the Survey of Timber and Lumber, and to repeal certain Acts now in force, except the eighth, ninth, tenth, twelfth, thirteenth and eighteenth clauses or sections thereof, which are hereby repealed, shall be continued; and the said Act, and every matter, clause and thing therein contained, except as aforesaid, are hereby continued for One Year, and thence to the end of the next Session of the General Assembly.

Eleventh Clause, Act 2nd Geo. III., and Act 6th Victoria repealed.

II. *And be it enacted*, That the eleventh clause or section of the Act passed in the Second year of the Reign of His late Majesty King George the Third, entitled, An Act for regulating the Exportation of Fish, and the Assize of Barrels, Staves, Hoops, Boards, and all other kinds of Lumber, and for appointing Officers to survey the same, and also the Act passed in the Sixth Year of Her present Majesty's Reign, entitled, An Act to continue and amend the Act to regulate the Survey of Timber and Lumber, and to repeal certain Acts now in force, shall be, and the same are hereby repealed.

Survey of Boards—Four Qualities.

III. *And be it enacted*, That in the Survey of Boards there shall be Four Qualities, that is to say:—

First—Clear Boards not to be less than one inch in thickness.

Second

Second—Merchantable Boards, First Quality, not to be less than seven-eighths of an inch thick, to contain at least Ten Feet, superficial measure, sawed of equal thickness throughout, free from Rots, Worm Holes, Wanes and Augur Holes, and except in cases of Hardwood, to be square edged with the saw.

Third—Merchantable Boards, Second Quality not to be less than seven-eighths of an inch thick, to be sawed as near as may be, of an equal thickness throughout, and to be free of Rots, Shakes and Wormholes.

Fourth—Refuse, to include all other description of Boards.

IV. *And be it enacted*, That in the Survey of Shingles there shall be Three Qualities, that is to say:

Survey of Shingles  
Three Qualities.

First—No. 1. All Pine or Cedar Shingles not less than Eighteen inches long, three-eighths of an inch thick at the Butt, and Four inches wide, to be put up in Bundles—not less than Twenty-five tiers or courses, Twenty inches wide—four Bundles to be considered as a Thousand—and free from Shakes, Twists, and Worm Holes.

Second—No. 2. All Pine, Cedar, Spruce, or Hemlock Shingles, Sixteen inches long, one quarter to one-sixteenth of an inch thick, and not less than Three and one half inches wide—free from Sap, Slash, Shakes, or Worm Holes—put up in Bundles, not less than Twenty-five tiers or courses, Twenty inches wide, Four Bundles to be considered as a Thousand.

Third—Refuse, to include all other description of Shingles.

V. *And be it enacted*, That all Shipping Shingles, intended for Exportation, shall be half an inch thick at the Butt, and extend the same thickness three-fourths of the length, and shaved from thence to the point—to be from four to four and one half inches wide, and to be calculated for sale, by the Tale of Ten Hundred Shingles to the Thousand.

Shipping Shingles  
for Exportation.

VI. *And be it enacted*, That all Lath Wood shall be of fresh growth, straight rift, free from Bark, Hearts, and Knots, to be measured by the Cord of Four Feet high, and Eight feet Long, and piled as close as it can be laid.

Lath Wood.

VII. *And be it enacted*, That no person agreeing for or purchasing Boards, shall be obliged or required to take or receive any greater quantity than Ten per cent. of plank with, or as part of such Boards, unless there shall have been a special agreement previously made to that effect.

Purchaser of Boards  
not to take over  
Ten per cent. of  
Plank.

VIII. *And be it enacted*, That no Timber, Lumber, or Shingles shall be exposed for sale within the City of Halifax, either for Home Consumption or Exportation, until the same shall be surveyed, and marked by a sworn Surveyor, without reference to the Supervisor of Lumber: *Provided*, That entire cargoes of Lumber, sea borne, may be disposed of at wholesale, without the intervention of a Surveyor between the first Seller and Buyer of the same.

Timber, Lumber,  
&c., to be Sur-  
veyed.

Proviso.

IX. *And be it enacted*, That on every Survey under this Act, the Surveyor shall Mark the article surveyed, conformably with the Provisions hereof; and if any Surveyor shall violate any of the provisions of this Act, or of the Acts hereby continued and amended, he shall forfeit and pay for every offence a sum not less than Two Pounds, nor more than Five Pounds.

Duty of Surveyor.

Penalty.

X. *And be it enacted*, That this Act shall be construed and applied in all respects, as if it formed a part of the Act hereby continued and amended; and the said Acts shall be deemed one for all intents and purposes.

Construction of Act.

XI. *And be it enacted*, That this Act shall continue and be in force for One Year, and thence to the end of the then next Session of the General Assembly.

Duration of Act.

## CAP. XXI.

**An Act for Improving the Law of Evidence.***(Passed the 31st day of March, A. D. 1849.)*

Preamble.

**W**HEREAS the inquiry after truth in Courts of Justice is often obstructed by incapacities created by the present Law, and it is desirable that full information as to the facts in issue, both in Criminal and Civil Cases, should be laid before the Persons who are appointed to decide upon them; and that such Persons should exercise their judgment on the credit of the Witnesses adduced, and on the truth of their testimony: Now therefore

Crime or Interest not to incapacitate Persons offered to give Evidence.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly,* That no Person offered as a Witness shall hereafter be excluded, by reason of incapacity from crime or interest, from giving Evidence either in person or by deposition, according to the practice of the Court on the Trial of any Issue joined, or of any matter or question, or on any enquiry arising in any Suit, Action or Proceeding, Civil or Criminal, in any Court, or before any Judge, Jury, Sheriff, Coroner, Magistrate, Officer, or Person having by Law, or by consent of Parties, authority to hear, receive, and examine Evidence; but that every Person so offered may and shall be admitted to give Evidence on Oath, or solemn affirmation, in those cases wherein affirmation is by Law receivable, notwithstanding that such person may or shall have an interest in the matter in question, or in the event of the Trial of any Issue, matter, question, or inquiry, or of the Suit, Action, or Proceeding, in which he is offered as a Witness; and notwithstanding that such person offered as a Witness may have been previously convicted of any crime or offence: *Provided* that this Act shall not render competent any Party to any Suit, Action, or Proceeding individually named in the Record or any Lessor of the Plaintiff, or Tenant of premises, sought to be recovered in Ejectment; or the Landlord or other person in whose right any Defendant in Replevin may make cognizance; or any person in whose immediate and individual behalf any Action may be brought or defended, either wholly or in part, or the Husband or Wife of such persons respectively; *Provided also,* That this Act shall not repeal any provision in the Act passed in the Third Year of the Reign of Her present Majesty, entitled, "An Act concerning Wills:" *Provided,* That in the Court of Chancery any Defendant to any cause pending in such Court may be examined as a Witness on the behalf of the Plaintiff or of any Co-defendant in any such Cause—saving just exceptions,—and that any interest which such Defendant so to be examined, may have in the matters or in any of the matters in question in the Cause, shall not be deemed a just exception to the testimony of such Defendant, but shall only be considered as affecting or tending to affect the credit of such Defendant as a Witness.

Provisoes.

Not to affect Suits, &c., previous to Act.

Duration of Act.

II. *And be it enacted,* That nothing in this Act shall apply to, or affect any Suit, Action, or Proceeding brought or commenced before the passing of this Act.

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



## CAP. XXII.

## An Act further to Improve the Administration of the Law.

*(Passed the 31st day of March, A. D. 1849.)*

**B**E it enacted by the Lieutenant-Governor, Council, and Assembly, That hereafter, Sittings for the Trial by Jury of Causes brought in the Supreme Court at Halifax, shall at the times hereinafter appointed therefor, be held before the Judges of the Supreme Court for the time being, or any one or more of them, who shall and may at such Sittings try all manner of Issues, Civil or Criminal, joined or to be joined in the said Supreme Court, triable by a Jury of the County of Halifax, and all Summary Causes, whether the same shall be determined by the Court, or ordered to be tried by a Jury, shall be heard and tried at such Sittings.

Sittings for Trials by Jury in Sup. Court.

II. *And be it enacted*, That the Sheriff of the County of Halifax shall execute and make Return of all Writs and Precepts to him directed, returnable at such Sittings respectively; and the said Sheriff, and the Coroners, Constables, and all other Officers whatsoever within the said County of Halifax, and all Jurors to be summoned, and all Parties and Witnesses in Causes Criminal and Civil to be heard and tried at such respective Sittings, shall give their attendance at such respective Sittings, and shall be charged and bound in such and the like manner, and upon the like pains and penalties for non-appearance and non-attendance, or for any misdemeanour or default, as they would be at the Terms of the said Supreme Court.

Return of Writs—Attendance of Jurors, Parties, Witnesses, &amp;c.

III. *And be it enacted*, That hereafter the Terms of the said Supreme Court at Halifax, shall commence and be held as follows, that is to say: Easter Term on the First Tuesday of April—Trinity Term on the Second Tuesday of July—and Michaelmas Term on the Third Tuesday of November in every year; and the said Terms shall continue respectively until all the Causes for Argument thereat shall have been called: *Provided*, That no such Term shall extend beyond Fourteen days.

Terms of Supreme Court.

IV. *And be it enacted*, That the Sittings for the Trial of Causes herein before mentioned, shall be held in Halifax at the Times following, that is to say:—On the Third Tuesday of April, the Fourth Tuesday of July, and the Second Tuesday after the Third Tuesday of November, in every year; and the said Sittings after Easter and Trinity Terms respectively, shall be continued from day to day, (Sundays excepted) until all the Causes entered for Trial shall have been called. *Provided* that neither of said last mentioned Sittings shall extend beyond Sixteen days, except as to the Sittings after the next Trinity Term, which may be extended for Eight days longer, that is to say—for Twenty-four days in all: *Provided* the Court shall order the same; and the said Sittings to be held after Michaelmas Term in every year, shall be continued until all the Causes standing on the Docket for Trial shall have been once called and disposed of.

Sittings for Trial of Causes.

V. *And be it enacted*, That it shall be lawful for the Judges of the Supreme Court on the Last day of each of said Sittings to exercise all the functions, and to enjoy all the powers which the said Judges exercise, possess and enjoy, during Term, so that all Judgments, Decisions, Sentences, Rules and Orders, given and passed by them on such last days of the said Sittings respectively as aforesaid, shall have the same force and effect as if given and passed in any of the said Three Terms to be annually held as aforesaid: *Provided always*, that all Motions relating to the business of such Sittings respectively, shall have precedence on each of said last days; and that in cases of absolute necessity it shall be lawful for the said Court to extend each of the said Sittings One day more than the day intended to be the last day thereof.

Judgments, &amp;c. &amp;c. to be given in last day of Sittings.

Proviso.

List of Continued Causes.

VI. *And be it enacted*, That the list of continued Causes for Trial at Halifax, after each Term, shall be given in to the Prothonotary, on or before the Thursday preceding the First day of the Term.

Dockets when to be called—Attornies to state whether Causes to be tried or defended,—in default, Causes struck out of Docket.

VII. *And be it enacted*, That the Docket of Continued Causes shall be called on the first day of every such Term, and the Docket of New Causes on the Last day of every such Term, and at or shortly after the opening of the Court on such days respectively; and the Plaintiff's Attorney or Counsel, when a Cause is called, shall be required to state whether he intends to try the same at the then next Sittings; and in default of such statement being made, the Cause shall be struck out of the Docket, and shall not be tried at such next Sittings; and the Attorney or Counsel for the Defendant shall, when a Cause is called for the first time, be required to state whether he intends defending the same, and in default of such Statement being then made, the Cause shall be struck out of the Docket, and Judgment, whether interlocutory or otherwise, may be entered for the Plaintiff, and further proceedings therein be had as if no plea had been filed therein. *Provided* that the Court or a Judge, upon due cause shewn, and upon such Terms as may be thought proper, may order any Cause to be again placed on the Docket for Trial, the same as if it had not been so called.

Proviso.

Attendance of Petit Jurors at Sittings after Mich. Term.

VIII. *And be it enacted*, That at the respective Sittings, after Michaelmas Term in every year, the Panel of Petit Jurors first drawn shall be summoned and bound to attend on the First Wednesday thereof, and thence until the Second Wednesday; and the Second Panel shall be summoned and bound to attend on the Second Wednesday of such Sittings, and thence until the Third Wednesday, when the First drawn Panel shall again attend for a week, and such respective Panels shall so continue to attend by alternate weeks, until the termination of the Sittings.

Attendance of Jurors at Sittings after Trinity Term next.

IX. *And be it enacted*, That at the next ensuing Sittings after Trinity Term, the First drawn Panel shall be summoned and bound to attend on the First Wednesday in such Sittings, and thence until the Second Saturday thereof inclusive; and the other Panel shall be summoned and bound to attend on the Second Monday, and thence until the termination of such Sittings.

Proviso.

X. *Provided always, and be it enacted*, That no Jury impannelled on the Trial of any Cause which may extend over the time specified for the attendance of such Jury shall be discharged, until the determination of such Cause by verdict or otherwise.

Application for Jury in Summary or Appeal Causes, &c. &c.

XI. *And be it enacted*, That in all Summary or Appeal Causes in which either of the Parties engaged therein shall require the same to be tried by a Jury, the application shall be made during Term on affidavit, and it shall be discretionary in the Court to grant or refuse such Jury; and all such Causes, when ordered to be tried by a Jury, shall be entered on the Docket for Trial according to seniority, as by the practice of the Court is provided in Declaration Causes: *Provided*, that the Judge who shall try any such Cause shall have the power at the Trial, if he think fit so to do, to order the same to be tried by a Jury.

Proviso.

Trial and Assessment of Damages under Absconding Debtors' Acts.

XII. *And be it enacted*, That in all Cases prosecuted in the County of Halifax under any of the Absconding Debtors' Acts, the Trial and Assessment of Damages therein shall be had and made at the Sittings next after the Third Term from the commencement of the Suit, unless further continued for cause as required by said Acts, and Judgment thereon shall be entered as of the next preceding Term, in like manner as directed in the Civil Causes tried at such Sittings.

Recognizances to be taken and discharged—Bail put in and perfected at Sittings—Rules relative thereto.

XIII. *And be it enacted*, That it shall be lawful to take and discharge Recognizances, and to put in and perfect Bail at any of said Sittings in all Causes when the Rules of Practice will permit the same, in the same way and manner and under the same Rules and Regulations as may be done in Term; and that it shall be lawful for any Judge as aforesaid, presiding at such Sittings, to make any Rules or Orders relating to said Recognizances or Bail, or to take off any Judgment by default marked for the

the want thereof, and to pass Rules in respect thereof in every respect as the same can be done in Term.

XIV. *And be it enacted*, That the Thirty-second Clause or Section of the Act passed in the Fourth Year of Her present Majesty's Reign, entitled "An Act to improve the Administration of the Law, and to reduce the number of Courts of Justice within this Province, and to diminish the expence of the Judiciary therein;" and also the Act passed in the Tenth Year of Her present Majesty's Reign, entitled, "An Act further to improve the Administration of the Law;" and also the Act, passed in the Eleventh year of Her Majesty's Reign, entitled, An Act to amend the Act further to improve the Administration of the Law, shall be and the same are hereby repealed.

32nd Clause, Act 4th Victoria, and Acts 10th & 11th Victoria Repealed.

And to prevent unnecessary delay upon Judgments by Default in certain Actions in the Supreme Court, whether at Halifax or in any other County.

XV. *Be it enacted*, That hereafter in all Actions of Assumpsit or Debt in the said Supreme Court, in which a Judgment by Default may have been duly marked, or in which Interlocutory Judgment may have been had, an Assessment of Damages may be made either by the said Court or by any Judge thereof, on competent evidence in writing, or *viva voce*, and upon such Assessment, signed by the Prothonotary or Deputy Prothonotary of such Court or by such Judge, being filed with the Prothonotary or Deputy Prothonotary of such Court, it shall be lawful to cause the Costs of such Action to be duly taxed, and Final Judgment entered thereon, which Judgment in case the Court shall not then be sitting, shall be entered as of the Term then next preceding: *Provided always*, That where such default shall have been marked or interlocutory Judgment signed in vacation, the Plaintiff, or his Attorney, shall previously give to the Defendant, or his Attorney or Agent, notice in writing, of the same length of time as is required in Notices of Trial, of his intention to procure such Assessment of Damages; *And provided always*, that the Plaintiff or Defendant in any such Action may, upon due application therefor, have such Assessment made by a Jury; and that in all cases the Court or the Judge who may be applied to to make such Assessment, shall have power to order the same to be made by a Jury, in like manner as is now the Law and practice in Cases before the Supreme Court.

Assessment of Damages on Judgment by Default or Interlocutory Judgment, &c.

Provisoes.

XVI. *And be it enacted*, That in all Cases of Costs heretofore taxed, or which may hereafter be taxed against any Party upon any Rule or Order of the Supreme Court, or of any Judge thereof, it shall and may be lawful for the said Court, or any Judge thereof in vacation, instead of the expensive process of Demand and Attachment for non-payment, authorised by Law, to direct an Execution at the Suit of the Party entitled to such Costs to issue, directed to the Sheriff of the County wherein the Party against whom such Costs are awarded may be; or wherein his Property may be found; and the Sheriff to whom such Execution shall be directed, shall proceed therein in the same manner as in cases where Execution is issued upon final Judgment entered of Record, and where requisite, any further Executions may be issued and proceeded upon in the same manner.

Execution for Costs upon Rule or Order of such Court.

### CAP. XXIII.

## An Act relative to the Rendering by Bail of their Principal.

(Passed the 31st day of March, A. D. 1849.)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That all and singular the Commissioners now appointed, or hereafter to be appointed, whether for the purpose of taking Affidavits to hold to Bail in the Supreme Court, or for taking Affidavits

Commissioners to hold the Bail empowered to act in

Rendering by Bail  
of Principal.

Affidavits in Causes depending in the Supreme Court at Halifax, shall be, and they are hereby respectively, within and for the County in which they reside, in the absence of all the Judges of the Supreme Court from such County, or their illness, invested with the full and whole powers and authorities of such Judges respectively, in relation to the Rendering by Bail of their Principal; and all matters and proceedings connected therewith or incidental thereto, or arising out of the same, and the same further and other proceedings may be had thereon; and the Bail shall be discharged in the same manner and to the same extent as if the powers hereby invested in such Commissioners had been exercised by any of the said Judges.

CAP. XXIV.

**An Act concerning the Act for the Regulation of Juries.**

(Passed the 31st day of March, A. D. 1849.)

Preamble

**W**HEREAS by the Second Section of the Act passed in the Eleventh Year of Her present Majesty's Reign, entitled, An Act for the Regulation of Juries, it is provided that the Justices to compose the Committees for the selection of Jurors should be appointed at the First General Sessions of the Peace to be held in every County or District next after the passing of the said Act, which in some Counties was omitted to be done at the said first General Sessions, and it is necessary to make Special Provision for such cases;

Irregularity in List  
of Jurors rectified.

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly,* That the List of Jurors, whether now returned or hereafter to be returned by Five Justices of the Peace, appointed at any General Sessions of the Peace heretofore held or hereafter to be held in any County or District, shall be deemed to be legally made up and returned, notwithstanding the said Five Justices may not have been appointed at such First General Sessions: *Provided* in other respects such Justices shall have been appointed, and such lists made up and returned in conformity with the provisions of the said Act.

Proviso.

Return of Lists on  
death or disquali-  
fication of any of  
Justices.

II. *And be it enacted,* That whenever any of the Justices appointed under the said Act shall have died or ceased to be Justices, it shall be lawful for the remaining Justices to return the Lists; and the same shall be as valid in all respects as if returned by all the said Justices.

CAP. XXV.

**An Act to enable the Inhabitants of the County of King's County to rebuild their Court House and Jail, lately destroyed by Fire.**

(Passed the 31st day of March, A. D. 1849.)

Preamble

**W**HEREAS the Court House and Jail in the County of King's County have lately been destroyed by Fire, and it is desirable that they should be rebuilt with as little delay as possible: *And whereas* at the time the said buildings were destroyed, there was insured thereon the sum of Five Hundred Pounds, which sum is

to

be applied towards rebuilding the same, and it is necessary that a further sum be raised for that purpose, and for providing a temporary Lock-up House and a place for holding the Supreme Court and the Court of Sessions, and for other County purposes:

I. *Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly,* That it shall be lawful for the Custos Rotulorum of the County of King's County to summon a Court of Special Sessions of the Peace for the said County, to meet at some central and convenient place within the County, at which Court the Grand Jury of the said County last drawn, shall be summoned to attend, by a Writ of *venire facias*, to be issued by the Deputy Prothonotary for the said County, and delivered to the Sheriff at least Ten days before the Sitting of the said Special Sessions, as aforesaid, when it shall be lawful for the said Grand Jury to present, and for the said Court of Special Sessions to confirm or otherwise to amerce the County in manner as now authorized by Law, at a General Session, in such sum of money as may be deemed necessary and sufficient, in addition to the said sum of Five Hundred Pounds, for providing a temporary Lock-up House, in lieu of a Jail and a place for holding the Supreme Court and Court of Sessions in the said County, and for other purposes, and the erection and completion of suitable buildings for a Jail and Court House, and the preparing of Plans therefor, which sum shall be assessed upon the inhabitants of the said County, and levied and collected in the same manner as other monies for County purposes are now by Law assessed, levied, and collected, and shall be paid into the County Treasury, to be expended by such persons as the said Court of Special Sessions, or a General Sessions shall from time to time appoint for that purpose.

Assessment of sum required for Lock-up House, Jail, Court House, &c.

II. *And be it enacted,* That it shall be lawful for the said Court of Special or General Sessions to appoint a Committee of Three persons, Inhabitants and Freeholders of the said County, to erect suitable Buildings for a Court House and Jail, on the County Grounds at Kentville, at or near the former site, according to Plans to be presented to them by a Court of Special Sessions to be called for that purpose, or by the General Court of Sessions for the said County—which Plans, when so confirmed and presented by the said Court of Special or General Sessions, shall be adopted by the said Committee.

Appointment of Building Committee.

III. *And be it enacted,* That it shall be lawful for the Court of General Sessions of the Peace for the said County, from time to time, to appoint Three fit and proper persons to take charge of the Court House and Jail, and the Land on which they shall be erected; and to insure and keep insured on the said Buildings such sums of Money as the said Court of General Sessions of the Peace shall from time to time direct; and such sums of Money as shall be required to pay the premiums of such Insurance shall annually be assessed, levied and collected, as other Monies are now by Law raised for County purposes.

Appointment of persons to take charge of Court House, Jail, &c. &c.

IV. *And be it enacted,* That the Sheriff of the said County of King's County shall, under the direction of the said Court of Special Sessions, provide a temporary place for holding the Supreme Court in the said County, and for the Meeting of the Court of Sessions, and for other County purposes, and shall also provide a temporary Lock-up House in lieu of a Jail, until the new Court House and Jail shall be completed.

Provision of Temporary Court House, Lock-up House, &c. &c.

V. *Provided nevertheless, and be it enacted,* That nothing herein contained shall interfere with the control of the Sheriff over the said Court House and Jail, but such control shall in all respects continue as heretofore.

Proviso.

## CAP. XXVI.

## An Act relating to certain Harbours and Pilotage thereat.

(Passed the 31st day of March, A. D. 1849.)

Ports to which Act applies.

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That this Act shall apply to the several Ports and Harbors following, that is to say: Pugwash and Wallace, in the County of Cumberland, Pictou in the County of Pictou, and to such other Ports and Harbors in the County of Pictou as shall be brought under its operation, by any Order of the Governor, in Council, which may be made upon the application of the Court of General Sessions of the Peace for the County of Pictou; and whenever the words "General Sessions of the Peace," or words of a similar import shall be used herein, the same shall mean the Justices in their Court of General Sessions of the Peace for the County in which any such Port or Harbor may be situate.

Construction of Act, &c.

II. *And be it enacted*, That it shall be lawful for the Governor, in Council, to appoint and commission, during pleasure, Five persons, Three of whom shall be a quorum, to examine and select Pilots for every such Port respectively, and from time to time to fill up vacancies in such Commissions; and before any Commissioner shall act he shall take the Oath in the Schedule hereunto annexed, marked A, before a Justice of the Peace.

Appointment of Commissioners to examine Pilots—Commissioners to be sworn.

III. *And be it enacted*, That the Commissioners shall, from time to time, license as many fit persons as they may think necessary to act as Pilots for the Port, and shall grant to each Licensed Pilot a Certificate in the form in the Schedule hereunto annexed, marked B, for which Certificate the Pilot shall pay the sum of Ten Shillings, and every Certificate shall be numbered and registered in a book kept for the purpose, and shall be annually renewed, when the Pilot shall be continued, on payment of the sum of Five Shillings.

Commissioners to License Pilots, and Certificates, to be renewed annually.

Rates of Pilotage.

IV. *And be it enacted*, That the Rates of Pilotage into, and in or out of the Harbor which such Licensed Pilot shall be entitled to receive from the Master or Owner of every Vessel when employed, shall be according to the Table of Rates contained in the Schedule hereunto annexed, marked C.

Unlicensed person to surrender Vessel to Licensed Pilot.

V. *And be it enacted*, That any person other than the Master, taking charge of any Vessel as a Pilot, not being Licensed, shall surrender the guidance of the Vessel to the first Licensed Pilot who shall board her outside of the Light House at Pictou, and more than One mile from the Mouth of the Harbor at the other Ports.

Master refusing Licensed Pilot to pay half Pilotage.

VI. *And be it enacted*, That any Master of a Vessel who shall refuse to take a Licensed Pilot when offered, and shall afterwards take another Pilot, shall be bound to pay Half Pilotage to the Licensed Pilot who shall have first offered.

Pilot not to be taken to sea against his will—penalty and remuneration when unavoidable &c.

VII. *And be it enacted*, That no Pilot shall be taken to Sea against his will, under a Penalty of Twenty-five Pounds on the Master of the Vessel, except when through stress of weather the same shall be unavoidable, in which case he shall be entitled to receive from the Master or Owner of the Vessel at the rate of Five Pounds a Month for the time lost, and shall also be provided with a passage home at the expense of the Master or Owner, from the first Port which the Vessel shall enter, where the same can be obtained.

Duties of Pilots, &c.

VIII. *And be it enacted*, That every Licensed Pilot shall be bound to carry such Flag and to have his Boat so marked and rigged as shall be directed by the Commissioners, under a penalty not exceeding Twenty Shillings, nor less than Five Shillings; and every unlicensed person carrying any such Flag, shall be liable to a penalty of

Penalty for violation

Ten

Ten Pounds, and every Licensed Pilot taking charge of any Vessel, shall in all cases behave himself civilly, and be strictly orderly and sober while in discharge of his duty, and use his utmost care and diligence for the safety of the Ship, and to prevent her doing damage to other Vessels, under the penalty of Ten Pounds for the first offence, and also to suspension for a certain time, or dismissal, if the Commissioners shall think proper; and on a second conviction for a similar offence, the Pilot shall pay a like penalty of Ten Pounds and lose his License, and be no more capable of being Licensed.

IX. *And be it enacted*, That no Licensed Pilot shall transfer his Certificate, under a penalty of Five Pounds; and any Pilot exacting or attempting to exact a larger sum for his services, or taking a less sum than allowed by Law, shall forfeit for every offence the sum of Two Pounds, and shall also refund any excess received.

Penalty for transferring Certificate. &c.

X. *And be it enacted*, That the Commissioners may, from time to time, with the approbation of the General Sessions, establish Bye-Laws for the further Regulation of Pilots, and for extra remuneration in cases of any extraordinary nature, and for the adjustment and decision of questions arising between Masters of Vessels, Pilots, and others, respecting Pilotage, and also respecting the Salvage of Anchors and Cables, and may annex reasonable penalties to such Bye-Laws for enforcing the same.

Bye-Laws.

XI. *And be it enacted*, That nothing herein contained shall deprive any person who may act as Pilot, in the absence of a Licensed Pilot, from receiving payment for his services according to the said Table of Rates, or to relieve any Licensed or other Pilot from responsibility to answer for any loss sustained through his improper conduct or neglect of duty, in a civil action, at the suit of the party injured.

Pay of unlicensed Pilots, and responsibility of Pilots.

XII. *And be it enacted*, That the penalties hereinbefore mentioned shall be paid, one third thereof to the person who shall sue for the same, and the remainder to the Commissioners; and the latter shall form, together with the fees for Certificates, a Fund to defray the Salary of the Secretary of the Commissioners, and other contingent expenses attending the execution of the foregoing provisions.

Application of penalties.

XIII. *And be it enacted*, That the General Sessions may, from time to time, appoint and license a fit person as Harbour Master for any such Port, and describe the several duties which he shall be bound to perform; and every such Harbor Master shall be entitled to receive from the Master or Owner of every Vessel of the burthen of Forty Tons or upwards, entering the Harbor, except for Wood or shelter, after the rate of a Half-penny per Ton of the Registered Tonnage of such Vessel.

Appoint. of Harbor Master and Fees.

XIV. *And be it enacted*, That the General Sessions may, by Bye-Laws, make Regulations for the anchorage of Ships and Vessels in any such Harbor, and may establish such places therein as they may deem most convenient and proper for such Vessels to discharge their Ballast at, and may make agreements with persons for erecting Wharves and other conveniences for Vessels to discharge their Ballast upon, and may make Bye-Laws to compel Vessels to discharge their Ballast upon such Wharves or at such other places as they may appoint, and for the establishing the Rates of Wharfage to be paid by Vessels for the use of such Wharves for the discharge of Ballast and for the disposal of Ballast deposited thereon, and for allowing Masters of Vessels a reasonable time for disposing of any Ballast landed at the places appointed, but no Bye-Law shall prevent Masters from disposing of any Ballast so landed within a reasonable time if they shall think proper so to do; and the said General Sessions may affix penalties to such Bye-Laws for breach thereof, not exceeding in any one case the sum of Ten Pounds, which penalties shall be applied, one third thereof to the use of the person who shall sue therefor, and the remainder under the direction of the General Sessions for the preservation of the Harbor and the purposes of this Clause.

Bye-Laws for anchorage, &c.

XV. *And be it enacted*, That any person feeling aggrieved by any Bye-Law made under this Act, may complain thereof, by affidavit to the Supreme Court in the County, and

Appeal to Sup. Court.

and the Court shall enquire into the Complaint, and if it shall appear that such Bye-Law is contrary to Law, or grievous or oppressive, shall annul the same, and the General Sessions shall not thereafter make any new Bye-Law to the same or like effect as the one so annulled, unless where the same shall have been set aside for a mere informality in the making thereof.

Approval of Bye-Laws.

XVI. *And be it enacted,* That no Bye-Law made hereunder shall be in force until approved by the Governor in Council.

Recovery of penalties.

XVII. *And be it enacted,* That all penalties imposed herein, or by any Bye-Law made hereunder, may be sued for and recovered in the name of any person who will sue therefor, in the same manner and with the like costs as if it were a private debt due such person; and in default of property whereon to levy, the offender may be committed to Gaol, there to remain for a period not exceeding One day for every Five Shillings of the amount recovered in the discretion of the Court from which process shall issue, or until the same be paid.

Repeal of Acts.

XVIII. *And be it enacted,* That the Act passed in the Fifty-ninth Year of the Reign of His late Majesty King George the Third, entitled, An Act to preserve and regulate the Navigation of the Harbor of Pictou; also the Act passed in the Third Year of Her present Majesty's Reign to amend the said Act; also the Act passed in the Third Year of the Reign of His late Majesty King William the Fourth, entitled, An Act to preserve and regulate the Navigation of the Harbor of Pugwash; also the Act passed in the Fifth Year of the last mentioned Reign, to extend the said last mentioned Act to the Harbor of Wallace, in the County of Cumberland; and also the Act passed in the Ninth Year of Her present Majesty's Reign, entitled, An Act to continue the Act to preserve and regulate the Navigation of the Harbor of Pugwash, shall be respectively repealed.

Harbor Master to continue action in Office.

XIX. *Provided nevertheless, and be it enacted,* That the Harbor Master appointed under and by virtue of the Acts, hereby repealed, shall continue in office and perform the Duties thereof, under the Regulations now in force, until the appointments to those Offices shall be made as herein directed: *Provided further,* That the Fees hereafter to be taken shall be those specified in this Act.

Duration of Act.

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

SCHEDULE A.

I, (name of Commissioner,) do swear that I will act diligently, faithfully, and impartially, in the examination and selection of Pilots for the Port of (name of Port.)

SCHEDULE B.

Province of Nova-Scotia.

No. Port of (name of Port.)

We, (Names of Commissioners,) Commissioners appointed by Law to examine and select Pilots for the Port of (name of Port) certify that (name of Pilot,) having been examined by us, was deemed a fit and proper person to undertake the Pilotage of Vessels of every description into and out of the said Port, and on the day of A. D. 18 was by us Licensed to act in that capacity.

Signed (Names of Commissioners.)

Commissioners.

Entered in the Register of Pilots' Licenses,

Signed (Name of Secretary.)

Secretary.

This License cannot be lent or transferred.

Description



Description of (Name of Pilot.)				No.
Age.	Height.	Complexion.	Color of Hair and Eyes.	Remarks.

SCHEDULE C.

Table of Rates of Pilotage.

On Vessels of 80 Tons and under 140 Tons,	£1 10 0
“ 140 “ “ 240 “	2 0 0
“ 240 “ “ 300 “	2 10 0
“ 300 “ and upwards,	3 0 0
On all Vessels under 80 Tons, 3d. per Ton.	

CAP. XXVII.

An Act respecting Suits against Collectors of Poor Rates.

(Passed the 31st day of March, A. D. 1849.)

**B**E it enacted by the Lieutenant-Governor, Council, and Assembly, That any Collector of Poor Rates who shall neglect or refuse to pay over to the Overseers of the Poor for the County or District, any sum by him collected, may be prosecuted for the same in the name of such Overseers, in the same manner as if it were a private debt due to such Overseers.

Collectors of Rates to be prosecuted in name of Overseers.

CAP. XXVIII.

An Act to abolish Fees of the Clerks of the Peace.

(Passed the 31st day of March, A. D. 1849.)

**B**E it enacted by the Lieutenant-Governor, Council and Assembly, That no Clerk of the Peace shall hereafter be entitled to demand or receive any Fee whatsoever, in respect of any matter connected with the discharge of the duties of his Office, save and except as to Licenses.

Clerks of Peace not entitled to Fees, except as to Licenses.

CAP. XXIX.

An Act further to amend the Act for the Appointment of Commissioners of Sewers.

(Passed the 31st day of March, A.D. 1849.)

Preamble

WHEREAS it is expedient more effectually to provide for the Draining of Lands overflowed :

Comms. of Sewers authorized to decide on application by Proprietors for Drainage, to order Drainage—Apportion Expense thereof Levy same, &c. &c.

I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That on application by any Proprietor of Marsh Lands, Swamp or Meadow Lands, within this Province, made in writing, and signed by such Proprietor or his Agent, to the Commissioners of Sewers appointed in and for the County, Township or Place in which such Lands shall lie, or in case any Commissioner or Commissioners shall have been selected, chosen and appointed, by virtue of an Act passed in the Ninth year of the Reign of Her present Majesty, entitled, " An Act for the Appointment of Commissioners of Sewers," to take charge of, and carry on from time to time, any work necessary for reclaiming any Marsh Lands, Swamp or Meadow Lands, of which such Lands shall form a part, then, on application by any such Proprietor as aforesaid, to such Commissioner or Commissioners so chosen and appointed, within whose jurisdiction and authority such Lands may be situate, setting forth that the said Lands are frequently overflowed with water, whereby the some are rendered wholly or partially unproductive and unprofitable, it shall be lawful for the said Commissioners of such County, Township, or Place as aforesaid, or any Three of them, or for the Commissioner or Commissioners so chosen and appointed as aforesaid, to whom, as the case may be, such application shall have been made ; and they or he are hereby required forthwith to inquire and examine into the merits of the said application ; and if it shall appear expedient so to do, then, and in every such case, they or he shall have authority to order and direct the said Lands to be drained, and to remove all obstructions to the free course of the waters therefrom, by causing new Drains to be made or opened, or existing Brooks, Creeks, Ditches, or Drains to be cleared out or enlarged through any of the adjacent Lands, notwithstanding the Owners of such Lands may not consent to the same ; and to order all measures that they or he may deem proper to be taken for rendering such Lands profitable and productive ; and to call upon and require the Proprietors or Occupants of the Lands through which such drainage shall be ordered to be made, to perform such proportion of the labor necessary for the purposes aforesaid, as the said Commissioner or Commissioners may deem proper and just, to be by them or any of them performed, and to Tax all Lands benefited by such Drainage, and the Proprietors or Occupants thereof, for the expenses which may thereby be incurred, and for any damage which may arise therefrom, as hereinafter mentioned, in proportion to the benefit to be received by such Lands respectively from such Drainage, by a fair and just rate, according to the quantity and quality of the Lands owned by such Proprietors respectively, and to cause such rate to be levied, collected, raised, and paid by, or to be sued for and recovered from such Proprietors applying or benefited as aforesaid, in the same manner as other like Rates, under and by virtue of the Fifth and Sixth Sections of the said recited Act. Provided always, That no Rate to be made by such Commissioner or Commissioners as aforesaid, shall be collected or payable until the expiration of Ten days, after notice shall have been given by such Commissioner or Commissioners, or the Collector or Clerk of the Commissioners for the time being to the said Proprietors or Occupants, or their known Agents respectively, residing within Ten miles of the said Lands so to be drained as aforesaid, of the amount at which they shall be respectively Taxed by such Rate, or in case of the appeal aftermentioned, until after the decision of the Freeholders or Commissioners named to revise the same.

Proviso

II. *And be it enacted*, That in case any Proprietor or Occupant so taxed, in respect of such Lands as aforesaid, shall be dissatisfied with such rate, and shall within Seven days after notice of such rate, as aforesaid, give notice in writing, signed by himself or his agent, of such dissatisfaction to such Commissioner or Commissioners, as aforesaid, the said Commissioner or Commissioners shall summon the Owners or Occupiers of such Lands, or the known Agents of such Owners, or such of them as shall reside within Ten miles of the work, to meet on a certain day, being at least Three days, exclusive of Sunday, after such Summons, at which meeting a majority in interest of such Owners or Possessors present, shall have power to elect not less than Three nor more than Five Assessors, not being interested in said Appraisement; and also a fit and proper person, not interested in said Appraisement, as Assessors' Assistant, whose duty it shall be to shew the Assessors the boundaries of the several Lots belonging to the different Proprietors, and who having been respectively sworn to the faithful discharge of their duties, in the same way and manner as the Clerk, such Assessors, or the majority of them, with such Commissioner or Commissioners, shall assess and tax all such Owners and Possessors as aforesaid, including a sum not exceeding Seven Shillings and Sixpence per day for each Assessor, and the Assistant whilst actually employed in making such Assessment: *Provided always*, That in case the said Owners and Proprietors should neglect or refuse to meet at the time and place appointed, or to nominate or appoint the said Assessors and Assessors' Assistant, or in case the said Assessors, or the majority of them, should neglect or refuse to fulfil or perform the duties imposed upon them, then in such case the said Commissioner or Commissioners shall forthwith submit and refer such rate to Three other Commissioners of Sewers of the County, Township or Place within which such Lands shall be situate, in no way interested in such matter, to be named by such Commissioner or Commissioners so making such rate, as aforesaid, which Commissioners so named and referred to, as aforesaid, shall have power, and are hereby required, forthwith to revise, and if they shall see fit, to amend the said rate; and the decision of the said Freeholders, or any Three of them, or of the last mentioned Commissioners, or of the majority of them as the case may be, shall be final and conclusive in reference thereto.

Proceedings on Notice by Proprietors of Dissatisfaction with Rate.

Proviso.

III. *And be it enacted*, That when the Land of any Proprietor within the said Marsh, Swamp, or Meadow Lands, other than the Proprietor so making such application, as aforesaid, shall have been injured by such draining or removing obstructions to the free course of the waters, or other measures, as aforesaid, the damage arising therefrom shall be valued, assessed, and paid, in the same manner and proportions as hereinafore directed for the expenses incurred in such drainage, as aforesaid.

Compensation for Injury by Drainage.

*And whereas*, difficulties are experienced when Marsh Land is owned by Two persons in equal, or nearly equal proportions, from neither party being enabled, under the Act now in force, to compel the other to repair the Dikes enclosing the same.

IV. *Be it therefore enacted*, That where any Diked Marsh is owned by Two persons in such proportions that neither is interested to the extent of Two-thirds, it shall be lawful for either party to call upon a Commissioner or Commissioners of Sewers under the said Act hereby amended, to take charge of, and carry on, any work necessary for repairing and keeping in repair the Dikes in the same manner as is provided under the said Act, when such application is authorised to be made by Two-thirds in interest of persons owning such Marsh Lands.

Repairs of Dike on Application by Owner of less than Two-thirds.

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

Duration of Act.

## CAP. XXX.

**An Act relating to the Roman Catholic Cemetery in Halifax.***(Passed the 31st day of March, A. D. 1849.)*

Preamble

**W**HEREAS by an Act passed in the Sixth Year of the Reign of Her present Majesty, entitled, An Act in further addition to, and amendment of the several Acts now in force concerning Cemeteries or Burial Grounds in the Town of Halifax, the Corporation of the City of Halifax was authorized to Convey to Trustees on behalf of the Roman Catholic Population of the City aforesaid, a Lot of Land adjoining Fort Massey, for the exclusive purpose of a Cemetery for the Roman Catholic Population of said City, and such Conveyance was executed: *And whereas* it is expedient and desirable for the more perfect completion of the said Cemetery that a small Lot of Common at the South and West corner thereof should be granted for the purpose aforesaid, and the said Corporation of the City of Halifax having consented thereto:

Corporation to convey Land described for purposes of a Cemetery.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That from and after the passing of this Act, it shall and may be lawful for the said Corporation to execute a Deed or Conveyance in Fee Simple, of the said Lot of Common; bounded on the North and East by the Cemetery aforesaid; on the West by the Halifax Common; and on the South by Fort Massey Street, containing in all Three Rods, Two Perches, and Nine Yards, with all and singular the appurtenances to such Trustees, for and on behalf of the Roman Catholic Population, as aforesaid, and for the exclusive purposes aforesaid.

## CAP. XXXI.

**An Act to Incorporate the Roman Catholic Bishop in Halifax.***(Passed the 31st day of March, A. D. 1849.)*

Preamble

**W**HEREAS it is deemed just and expedient to Incorporate the Right Reverend William Walsh, Roman Catholic Bishop, in Halifax, in the Province of Nova Scotia, for the purpose of enabling him and his Successors to hold and acquire Real Estate in the City and County of Halifax, in this Province for religious purposes:

The Roman Catholic Episcopal Corporation of the City and County of Halifax Incorporated.

I. *Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly,* That from and after the passing of this Act, the Right Reverend William Walsh, and his Successor and Successors, being the Roman Catholic Bishop of the Diocese of Halifax, Nova Scotia, in communion with the Church of Rome, and being British born subjects or duly naturalized, shall be, and he is hereby declared to be a Body Corporate within that part of his Diocese called the County of Halifax, in deed and in name; and that the said Right Reverend William Walsh, and his Successor and Successors for the time being, by the name of "the Roman Catholic Episcopal Corporation of the City and County of Halifax," shall by the same name have perpetual succession and a common Seal, and shall have power from time to time, by and with the advice of his Vicar General, and a Roman Catholic Clergyman of the Diocese aforesaid, or of any two Clergymen of the said Diocese for the time being, as hereinafter mentioned; to alter, or renew, or change such Common Seal at pleasure, and shall by the name, as aforesaid, from

Powers and Privileges.

from time to time, and at all times hereafter, be able and capable in law, to have, hold, purchase, acquire, possess and enjoy for the general use or uses Eleemosinary, Ecclesiastical, or Educational, of the said Roman Catholic Church in his Diocese, or of the Religious Community, or of any portion of the same Community within his Diocese, any Lands, Tenements, or Hereditaments within the County of Halifax; and the same Real Estate or any part thereof for the purposes aforesaid, from time to time, by and with the advice and consent hereinafter mentioned to let or demise by Indenture, under the Seal of the said Corporation, for any period not exceeding Twenty-one Years from the day of the making thereof: *Provided*, That upon any such Lease, the Rent shall be reserved and payable to the said Corporation Yearly, and every year during the continuance of the said Lease, and that no such Lease shall be made without Impeachment of Waste, and that no Fine or Sum in Gross, shall under any pretence whatsoever, be taken for the same, beyond such Yearly Rent so reserved, as aforesaid, otherwise the said Lease shall be utterly null and void; and by the same name respectively, the said Roman Catholic Bishop and his Successor and Successors, shall and may be capable in Law to sue and be sued, implead and be impleaded, answer and be answered, in all Courts of Law and Equity, and Places whatsoever, in as large, ample and beneficial a manner as any other Body Corporate, or as any other person may or can in Law or Equity, sue and be sued, implead or be impleaded, answer and be answered unto, in any manner whatsoever.

Proviso.

*Provided always*, That the Lands and Premises so to be holden by the said Corporation shall not at any time exceed the annual value of Seven Hundred Pounds within the County of Halifax; *And provided further*, that the Rents and Profits arising from any such Lands and Premises shall be applied for the use and purposes of the Church or Churches, or of Religious or Educational Institutions connected with the Church of Rome, within the said County.

Provisoes.

II. *And be it enacted*, That it shall be lawful for any person or persons in whom or in whose name or names any Lands, Tenements, or Hereditaments, situate, lying and being in the County of Halifax, are now, or shall or may be hereafter vested in Trust, or otherwise, for the benefit of the said Roman Catholic Church or Roman Catholic Institutions of the said City and County of Halifax, from time to time to convey, assign, or transfer by Deed, under his hand and seal, or their hands and seals, in the usual legal way, all or any of the said Lands, Tenements, or Hereditaments, unto the Roman Catholic Bishop, for the time being, of the said Diocese, and by his Corporate name aforesaid, to be holden by the said Bishop and his Successor and Successors, in his said Corporate name aforesaid, for the purposes aforesaid, as provided by this Act.

Conveyance by Trustees of Church Lands, &amp;c. to Bishop for Church purposes.

III. *And be it enacted*, That it shall not be lawful for the said Bishop, or for his Successor or Successors for the time being, to make or execute any Indenture of Leases as aforesaid, of the Lands, Tenements, or Hereditaments acquired or held, or to be hereafter acquired by him, under or by virtue of the Act, without the Consent in Writing of his Vicar General and another Roman Catholic Clergyman of the said Diocese; or in case the said Vicar General shall be incapacitated by sickness, infirmity, or any other cause, or shall happen to be necessarily absent at the time, then of Two Roman Catholic Clergymen, to be selected or named by the Roman Catholic Bishop of the Diocese—such selection or nomination, and such consent to appear upon the face of the Indenture or Lease intended to be executed by the parties, and to be testified by the said Bishop, Vicar General and Clergyman, or Two such Clergymen as aforesaid, being made parties to, and signing and sealing the said Indenture of Lease, in the presence of Two credible Witnesses as consenting parties thereto respectively: *Provided*, That nothing herein contained shall be construed in anywise to give to the said Corporation aforesaid, the power or authority to sell, alien, or convey, either absolutely or by way of Mortgage, any of the Lands, Tenements or Hereditaments, now belong-

Consent of Vicar General &amp; Clergymen of Diocese requisite to Validity of Leases by Bishop.

Power of Corporation restricted to Conveyance by Lease.

ing to the Roman Catholic Church in the City and County aforesaid, except by way of Lease as aforesaid.

On Sickness of  
Bishop, Powers to  
devolve on Vicar  
General, &c.

IV. *And be it enacted*, That in case the said Roman Catholic Bishop, or his Successor or his Successors shall, from sickness or infirmity, absence, or any other cause, become incapable of, or be incapacitated from performing his or their duties in the Diocese aforesaid, then his Vicar General, or the Clergyman administering the Diocese, shall have the same powers as are by the Act conferred upon the Roman Catholic Bishop of the said Diocese.

Act not to affect  
Rights of Her  
Majesty, Bodies  
Corporate, or Pri-  
vate Individuals,  
&c. &c.

V. *And be it enacted*, That nothing herein contained shall affect or be construed to affect in any manner or way the Rights of Her Majesty, Her Heirs or Successors, or of any person or persons whomsoever, or of any Body Politic or Corporate, or of any Church Wardens, or Auditors of Accounts, in any Roman Catholic Church in the said Diocese, or in any way to abridge, diminish, or take away any of the rights, privileges, and advantages now enjoyed and possessed by any Pewholder, or any person having any right, title, or interest in any Pew or Sitings in any Roman Catholic Church or Chapel in the said Diocese, such only excepted as are hereinbefore mentioned and provided for.

Act not to confer  
any Ecclesiastical  
Rights on Bishop.

VI. *And be it enacted*, That nothing in this Act contained shall extend or be construed to extend in any manner to confer any Spiritual Jurisdiction or Ecclesiastical Rights whatsoever upon the said Roman Catholic Bishop hereinbefore mentioned, or upon his Successors, or other Ecclesiastical Person of the said Church in communion with the Church of Rome aforesaid.

Suspending Clause.

VII. *And be it enacted*, That this Act shall not be of any force or effect until Her Majesty's assent shall be signified thereto.

## CAP. XXXII.

# An Act to authorise the Sale of the Court House and Jail Grounds at Shelburne, and the purchase of a New Site therefor.

(Passed the 31st day of March, A D. 1849.)

Preamble.

**W**HEREAS George Wilson, Robert Robertson, W. J. Bell, John Dexter and David Thomson, have been appointed by the General Sessions of Shelburne, Commissioners for building a New Court House and Jail for that County, and it is proper that they should be invested with power to erect the same on a New Site, if deemed advisable so to do.

Comms. to sell  
Court House and  
Jail, execute  
Deed thereof, &c.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That the said Commissioners shall be Commissioners for the purposes of this Act, and may, if they think fit, sell all that Lot of Ground situate in the Town of Shelburne, by whatever metes and bounds the same may be distinguished, usually occupied and held with the Court House and Jail there, and whereon the same stands, together with such Court House and Jail, at Public Auction, to the highest bidder, having given thirty days' notice of the time and place of Sale, by Hand Bills, posted up in at least Five of the most public places in and about the Town; and shall thereupon and upon payment of the consideration money, execute a Deed to the Purchaser thereof, which Deed shall be sufficient to vest in the Purchaser an Estate in Fee Simple therein; but possession shall not be given to the Purchaser until the New Court House and Jail are ready for occupation.

II. *And be it enacted*, That out of the proceeds of such Sale, or from the same in conjunction with other Monies placed at their disposal for that purpose, the Commissioners shall purchase a suitable piece of Ground for the erection of a New Court House and Jail in Shelburne; and shall take a Deed of Conveyance thereof to them, and the Survivors of them, and the Heirs of the Survivor, in Trust for the use of the County, which Deed shall be sufficient to convey the Legal Title to the said Land, to and for the use of the County, to the end that a New Court House and Jail may be erected thereon; and such Land and such New Court House and Jail when erected thereon, shall be used and enjoyed as other County Court Houses, Jails, and Lands attached are usually held and enjoyed.

From Proceeds, &c. to purchase New Site, execute Deed thereof, &c.

III. *And be it enacted*, That all Monies collected for the purpose of building such New Court House and Jail, and now in the hands of the County Treasurer, and all Monies to be hereafter collected for the same purpose, shall be forthwith, if the Commissioners shall think proper, paid over to them; and all such Monies, together with any Surplus Monies arising from the proceeds of the sale aforesaid, after payment of the Purchase Money, and any necessary expenses connected with the Sale shall be applied under the directions of the General Sessions, towards erecting the New Court House and Jail.

Monies collected to be paid Commrs. application thereof, &c.

CAP. XXXIII.

**An Act to alter the Representation of the County of Colchester.**

(Passed the 31st day of March, A. D. 1849.)

**W**HEREAS the Townships of Truro, Onslow and Londonderry, in the County of Colchester, have been respectively entitled to return each One Member, to serve in the General Assembly of this Province, and the Freeholders in the remaining parts of such County have only enjoyed the privilege in common with the said Three Townships, of returning One Member for the said County, and such system doth not secure to the Freeholders of the County an equal and just participation in the Representation thereof—For remedy thereof:

Preamble.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That from and after the termination of this General Assembly, and the calling of a New General Assembly, instead and in lieu of the Writs now by Law authorized to be issued for the said County and Townships respectively, it shall be lawful for the Governor to issue Writs for the Election of Members to serve in such New General Assembly, as follows, that is to say:

Writ altered for New Assembly.

“For the said County of Colchester Two Members, and for the said Townships of Truro and Londonderry, each One Member.

II. *And be it enacted*, That from and after the time aforesaid, all the Freeholders within the Electoral Districts, Numbers One, Two, Three, Four and Five, respectively of the said County, shall be entitled to vote in and for the Township of Truro, and all the Freeholders within the Electoral Districts, Numbers Six, Seven, Eight, Nine, Ten, Eleven, Twelve, and Thirteen respectively, being the remaining part of such County, shall be entitled to vote in and for the Township of Londonderry, in the same manner as if their Freeholds had been originally included in the said Townships respectively. *Provided* such Freeholders shall in all other respects, except as to their Freeholds not being included within such Townships, be by Law entitled to vote.

Freeholders of Districts—For what Townships to vote.

Proviso.

III. *And be it enacted*, That nothing herein contained shall be of any force or effect until Her Majesty's Assent shall be signified hereto.

Suspending Clause.

## CAP. XXXIV.

## An Act additional to the Act for Providing Fire Engines for the Town of Yarmouth.

(Passed the 31st day of March, A. D. 1849.)

Preamble

**W**HEREAS it is deemed necessary to procure further Fire Engines for the Town of Yarmouth, in addition to those procured under the Act passed in the Seventh Year of the Reign of His late Majesty King William the Fourth, entitled, "An Act for Providing Fire Engines for the Town of Yarmouth, and for other purposes;" and also to extend the Limits of the said Town for the purposes hereinafter mentioned:

General Sessions to make Assessment for Fire Engines, Hose, &c. &c.

I. *Be it enacted, by the Lieutenant-Governor, Council, and Assembly,* That the General Sessions of the Peace for the County of Yarmouth, when and so often as required so to do by a vote of the majority of the Inhabitants residing within the Limits hereinafter mentioned, at any Meeting held in manner prescribed in the hereinbefore recited Act, shall appoint and direct to be Assessed in one or more assessments, such sum of Money as may be voted and agreed upon at such Meeting for procuring one or more further Fire Engines for the said Town, with such quantities of Hose, Fire Buckets, and other things necessarily appurtenant to such Engines as may be requisite; and all such Engines and appurtenances shall be kept in repair by the same means, and Enginemen appointed therefor in the same manner as by Law directed with regard to Engines procured under the said Act; and all such Enginemen shall have the same privileges and exemptions as are enjoyed by the Enginemen now appointed in the said Town; and all the Proceedings in reference to any assessment hereunder, shall be the same in all respects, whether as to penalties or otherwise, except as to the Limits within which the same shall be made, as if the assessment had been authorized in such Act and made under the provisions thereof.

Providing of Enginemen, &c. &c.

Limits of Town of Yarmouth, for purposes of Act

II. *And be it enacted,* That as well for the purposes of this Act, as of that of the Act hereinbefore mentioned, and of all the Acts in force for extending to the said Town of Yarmouth the several Acts respecting Firewards and Fires, and to preserve property therein against destruction by Fire, the Limits of the said Town shall be enlarged and extended in the following manner, that is to say: that the East Line thereof be extended Northerly on the same course to the road called Bain's Road, and then to be bounded by that road to Bain's Pond; thence crossing the said Pond to the Alder Cove, and thence up that Cove to the Line on the South side of Harris Harding's Land; thence by said Harding's Land to the Main Road; thence crossing the Main Road to the entrance of Lovett's Road; thence to be bounded by Lovett's Road to Israel Lovett's Land; thence to be bounded by Lovett's Land to Yarmouth Harbor; thence by the Harbor to the South-western extremity of Harris Island, and thence on an East course to the bounds of the said Town, as defined by the Act of Fourth William the Fourth, Chapter Thirty.



## CAP. XXXV.

**An Act to Authorize Assessments for the Support of Ferries.***(Passed the 31st day of March, A. D. 1849.)*

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Grand Jury in any County or District may present, and the Court of General Sessions for the same may confirm such sums of money as may from time to time be deemed expedient to be applied towards the Support of Ferries within the County or District; and all such sums so presented and confirmed, shall be assessed, levied, collected, and paid over, in the same manner as other sums for County purposes are assessed, levied, collected, and paid over, and shall be appropriated for the purposes intended under the directions of the General Sessions.

Assessments to be made for Support of Ferries, and Appropriation thereof.

## CAP. XXXVI.

**An Act to raise Funds in the County of Pictou.***(Passed the 31st day of March, A. D. 1849.)*

**W**HEREAS the General Sessions in and for the County of Pictou, in consequence of the distressed condition of part of the Inhabitants thereof, both from the want of Provisions and Seed, have determined to raise Funds on the credit of said County, in order to afford the relief which the exigency requires:

Preamble

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That it shall be lawful for the said Sessions to raise and borrow, on the credit of said County, and for the purposes aforesaid, such sums of Money, and on such terms and at such rate of interest as the said Sessions, by order passed at a General or Special Sessions may order and direct: *Provided* the same do not exceed in all the sum of Five Thousand Pounds, and the interest thereon do not exceed the rate of six per cent.

Sessions to borrow on Credit of County.

II. *And be it enacted,* That the said sums of Money, when so raised and borrowed as aforesaid, shall be divided and apportioned in the following proportions, that is to say—Two-fifths thereof to the Township of Pictou—Two-fifths to the Township of Egerton, and one-fifth to the Township of Maxwelton.

Proviso.

Division of Money.

III. *And be it enacted,* That as soon as this Act shall go into operation, it shall be lawful for the Custos of the said County of Pictou, and the Clerk of the Peace, together with three Magistrates duly appointed by the Sessions in such behalf, to execute in their own names, but solely in their respective capacities of office, for and on behalf of said County, all such Bonds, to the Lenders of such Money in such sums, and on such terms as have been arranged, as hereinbefore provided: which Bonds shall, after due execution, constitute a debt or charge against said County, until the same be discharged as hereinafter provided.

Custos and Clerk of Peace, with Three Magistrates to execute Bonds.

IV. *And be it enacted,* That as soon as this Act shall go into operation, it shall be lawful for the said Sessions at any General or Special Meeting, to nominate and appoint in each of the Three Townships in said County, three fit and proper persons, residents respectively therein, who shall be called and known by the name of Loan Commissioners, whose duty it shall be to receive the Money from the Lenders, and to apportion the same in such proportions as they may think fit among the various Districts set apart for the support of the Poor in each of said Townships; and to take in their own names, but for the benefit of said County, all such Notes, Bonds, Obligations,

Sessions to appoint Town Commissioners—their duties.

tions, Deeds, Mortgages, or other Securities, as they may deem requisite to ensure the re-payment thereof, and of the interest to accrue thereon, and the expenses and charges attendant upon the management of said Loan Fund.

Rate Payers to persons to hear Applications, their duties, Grants &c. of relief, &c.

V. *And be it enacted*, That it shall be lawful for the Rate Payers in each of the Sections set apart in said County for the support of the Poor, at any meeting held for such purpose, after Three days' notice, to nominate and appoint Three fit and proper persons residing in each said of Sections, who, upon being approved of by said Loan Commissioners, shall thereupon proceed to hear and determine all applications from the residents in said Districts respectively, for relief from the said Loan Fund; and also shall adjust and settle the Securities to be given by the applicants to said Commissioners in each of said Districts as aforesaid; and that the said Commissioners as aforesaid shall only grant relief out of said Loan to such applicants as may have been approved of by said Three persons nominated as aforesaid, and given security as aforesaid.

On Failure of Payment Balance to be assessed on Inhabitants—Mode of Assessment, &c. &c.

VI. *And be it enacted*, That on failure of payment by the said applicants, or any of them, to whom aid and relief shall have been given as aforesaid, according to the terms of the security given to the said Loan Commissioners as aforesaid, it shall be lawful for the said Sessions at any General or Special Meeting, or for the Supreme Court, or for any Judge of the Supreme Court, in Term, on Circuit, or at Chambers, on application therefor, by affidavit, by said Loan Commissioners, or their lawful Agents in such behalf, at any future time, to direct and order that the balance then due from any of the said Districts or Sections by reason of failure of re-payment by such applicants, or any of them as aforesaid, or due for and on account of the necessary expenses and charges (if any) attendant upon the management of said Loan Fund, or for defalcations (if any) of any Commissioner or person employed in the management of said Funds in each of said Sections respectively, shall be assessed and levied upon the Inhabitants residing and being in such Sections, in the same way and manner and in the same proportions as the Poor Rates are now or have been heretofore assessed upon the Inhabitants of said Sections, in order that the said Loan and interest thereon, and all the expenses and charges (if any) attendant upon the management thereof, and defalcations (if any) as aforesaid, may be fully repaid and made good to the said Commissioners, and to the Lenders of the said Loan Fund, to be raised and borrowed upon the credit and pledge of the Real and Personal Estate, situate and being in the County as aforesaid, and liable to be rated for Poor Rates therein.

Comms. to give Bonds for Performance of Duties, &c. &c.

VII. *And be it enacted*, That the said Three sets of Commissioners as aforesaid, shall be required, each acting for themselves only, to enter into and execute to the Custos, for behoof of the said County, good and sufficient Bonds, with a condition rendering it obligatory on them, well and faithfully to manage and distribute the proportion of said Funds coming to them in the proportions hereinbefore stated, to render not less than once in six months to the said Sessions a true and faithful account thereof; and to pay over and account to the said Lenders for all sums of Money respectively received by or paid to them, for and on account of said Loan Funds as aforesaid.

County of Pictou to be liable for Loans and Interest thereof.

VIII. *And be it enacted*, That the said County of Pictou shall be answerable as aforesaid to the said Lenders, for and on account of all losses and defalcations by the said Commissioners, or any of them, or by any persons employed in the management of the said Funds; and that the said Real and Personal Estate in said County liable as aforesaid for Poor Rates, shall not be relieved from liability to the said Lenders for and on account of said Loan, and interest to accrue thereon, until the same shall fully be repaid to them by the said Commissioners or their Agents in such behalf.

On failure of Payment by Sections, Comms. to obtain

IX. *And be it enacted*, That in the event of the failure of payment of the said Assessment hereinbefore provided to be made, or part thereof, by any of said Sections, it shall be lawful for the said Commissioners of the Township in which such Section shall

shall be situate, to apply to the Sessions, the Supreme Court, or any Judge thereof, in the way and manner provided by the Sixth preceding Section of this Act, for an order to amerce and assess the whole of the Inhabitants of said Township for any such deficiency as hereinbefore referred to.

X. *And be it enacted*, That if the said Loan Commissioners, or any or all of them, shall wrongfully neglect and refuse (after request) to apply to the said Sessions, the Supreme Court, or any Judge thereof as aforesaid, for an order to assess any of the said Districts or Townships, for the sums fairly due to the Lenders of said Loan Funds as aforesaid, then it shall be lawful for the said Lenders to apply by affidavit, by themselves or their Agents, to the said Sessions, Supreme Court, or a Judge thereof, sitting in Circuit or in Chambers as aforesaid, for an order to assess the said District or any of them, or said Townships, for any balances then due; and that under all orders issued by virtue of this Act the Assessors and Collectors of the Poor Rates for the time being, shall forthwith proceed to assess and collect the said Rates in the same manner as has been heretofore practised in the Assessment and collection of Poor Rates in and for said County of Pictou.

Order for Assessment.

On neglect of Coms. Lenders to apply for Order to Assess.

Proceedings thereon.

### CAP. XXXVII.

## An Act to authorise a Loan for the use of the Province.

(Passed the 31st day of March, A. D. 1849.)

**W**HEREAS it may become necessary to Borrow a Sum of Money for the use of the Province :

Preamble.

I. *Be it enacted by the Lieutenant Governor, Council and Assembly*, That it shall be lawful for the Governor to cause a Cash Account to be opened at any one or more of the Banks in the City of Halifax, and to Borrow and receive from such Banks such sum of Money as may be necessary for the use of the Province, in such sums and amounts as from time to time may be required and under such conditions and upon such Terms, Agreements, and Stipulations for the payment and repayment of such Monies, and for the working of such accounts as by the Governor in Council may be established, prescribed and directed with the consent of the Directors of the Bank or otherwise, to borrow, and receive from any other persons, Corporations or Companies a sum not exceeding Ten Thousand Pounds at the lowest rate of Interest at which such Loan can be effected.

Governor to borrow for use of Province—Sum not over £10,009, &c.

II. *And be it enacted*, That the Money aforesaid may be drawn for and received from time to time in such sums and under such restrictions and regulations as may be prescribed by the Governor in Council, by and with the consent of the Lender of said money.

To prescribe mode of drawing money, &c.

III. *And be it enacted*, That for the repayment of all monies to be borrowed under this Act, and for the final payment and discharge of the balance which shall be remaining due and unpaid on the final closing of the Accounts with such Lenders, with Interest as aforesaid, the Public Funds, Monies, and Credit of this Province shall be, and are hereby pledged and rendered liable.

Public Funds, Monies, and Credits of Province pledged to repay Loan.

IV. *And be it enacted*, That an Account of all sums borrowed or repaid under this Act, with the respective dates of the Loans and repayments respectively, shall be laid before the Joint Committee of the Legislature appointed to examine the Public Accounts, together with all Warrants, Drafts and Vouchers relating to the same at the next Session.

Account of Sums borrowed, &c. to be laid before Committee of Public Accounts.

V.

Loan to be paid off  
before 31st March,  
1850.

V. *And be it enacted*, That the Balance due for such Loan on the Thirty-first day of December, One Thousand Eight Hundred and Forty-nine, shall be paid off and discharged on or before the Thirty-first day of March then next.

## CAP. XXXVIII.

## An Act to Incorporate the Chebucto Marine Insurance Company.

(Passed the 31st day of March, A.D. 1849.)

Preamble

**W**HEREAS the Trade and Navigation of this Province will be benefited by the Establishment of another Company for carrying on the business of Marine Insurance, under proper guards and provisions; *And whereas* the several persons hereafter named, have united with many others to raise a Capital or Joint Stock in that behalf.

The Chebucto Marine Insurance Company Incorporated—Power, Privileges, Liabilities, &c.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That John Esson, N. L. West, John W. Barss, James Mitchell, T. C. Kinnear, John Gibson, George H. Starr, John Tempest, C. W. Dickson, John Tobin, Benjamin Wier, William Full, Thomas Ring, Henry Harvey, and all and every such other person and persons as shall from time to time become Proprietors of the Shares in the Company and Undertaking hereby established, as hereinafter is mentioned, and their respective Successors, Executors, Administrators and Assigns, shall henceforth be, and they are hereby united into a Company, and declared to be One Body Politic and Corporate, by the name of “The Chebucto Marine Insurance Company,” and by that name shall have perpetual succession and a Common Seal, with power the same Seal to change, alter and break, and make anew, as to the Company shall seem fit, and by that name also shall and may sue and be sued, plead or be impleaded, at Law or in Equity, and shall and may prefer any Bill or Bills of Indictment against any person or persons who shall commit any Felony, Misdemeanor, or other offence by Law Indictable; and shall by that name be capable, authorized and empowered, to purchase, have, hold, receive, possess and enjoy, Lands, Messuages, Houses, Hereditaments, and Real Estates whatsoever within this Province, either in Fee Simple, or for a term of life or lives, or years, or in any other manner, but not exceeding in value Fifteen Thousand Pounds; and likewise Monies, Securities for Money, Goods, Chattles, Effects, and other things of whatsoever kind or quality; and shall by that name, and in their Corporate capacity be capable, authorized and empowered to give, grant, sell, assign, mortgage, demise, absolutely or conditionally, or otherwise dispose of, all or any part of such Real Estate, and Property as aforesaid, as to the said Company shall seem meet, and at their free will and pleasure. *Provided always*, that the purchase money of the Lands, Messuages, Houses or Real Estate, requisite for the Offices and Buildings for the business of the Company, and the expenditure for the erection of such Offices and Buildings, shall not exceed the Sum of Two Thousand Pounds, unless to replace the same, or to repair damages sustained by accidental destruction thereof, a larger expenditure shall become necessary.

Proviso.

Company, &c. to  
raise Joint Stock.

II. *And be it enacted*, That it shall be lawful for the said Company, and the Subscribers thereto, or Shareholders therein, to raise or contribute among themselves, in such proportion as they shall think proper for carrying on the business of Marine Insurance, an Original Capital or Joint Stock of Twenty Thousand Pounds, and at any future time an additional Capital or Joint Stock of Twenty Thousand Pounds; and the

the same Original Capital shall be divided into Four Hundred Shares of Fifty Pounds each, and any additional Capital into Shares of the like denomination; and all such Shares shall be numbered in regular progression, and every such Share shall always be distinguished by the number affixed thereto, and the said Shares shall be, and are hereby vested in the several persons so raising or contributing the same, and their several and respective Executors, Administrators, and Assigns, proportionably to the sum they shall severally raise and contribute; and all persons, their several and respective Executors, Administrators and Assigns, who shall severally subscribe for One or more Share or Shares, or such sum or sums of money as shall be demanded in lieu thereof, for the purpose of the said Company, shall bear and pay in the manner hereinafter directed, an equal and proportionable sum, according to his or their number of Shares, towards carrying on the business of the said Company, and shall be entitled to, and receive according to the number of Shares so held, and money so by him or them respectively paid, distribution of an equal and proportional part of the Nett Profits and advantages that shall or may arise or accrue from the business and transactions of the said Company.

III. *And be it enacted*, That the names and designations of the several persons who have subscribed for, or may at any time hereafter subscribe for, or be entitled to a Share or Shares in the said Company, with the respective numbers of such Shares, and also the proper number by which every Share shall be distinguished, shall be distinctly and clearly entered into the Book for the Registration thereof, and to be called the Registry of Shares, to be kept by the Secretary, Broker or Brokers, of said Company, and after such Entry, a Certificate under the Seal of the Company, and signed by such Officer as shall be appointed for this purpose, shall be delivered to every Proprietor upon demand, specifying the Share or Shares to which such Proprietor is entitled in the said Company, and such Registry of the Certificate of a Share or Shares, shall be evidence of the property or ownership thereof; but the want of such Certificate shall not hinder or prevent the Owner of any such Share or Shares from selling or disposing thereof.

IV. *And be it enacted*, That the several persons who become Subscribers toward the said undertaking shall, and they are hereby required to pay the sum of money by them respectively subscribed, or such parts or proportions as from time to time shall be called for, as hereinafter is mentioned, at such times and places as shall be directed, in pursuance of the provisions of this Act; and in case any person or persons shall neglect or refuse to pay the same at the time and in the manner required for that purpose, it shall be lawful for the said Company to sue for and recover the same in any Court of Law or Equity, or otherwise for the Board of Directors hereinafter established, at their option to declare the Share of any such Defaulter forfeited, as in and by the Bye Laws shall be provided.

V. *And be it enacted*, That all the Shares in the Original or Increased Capital of the said Company, and in the undertaking for which it is established, and in the profits and advantages thereof, shall be and be deemed Personal Estate, and as such Personal Estate shall be assigned and transmissible accordingly; but no Share shall be divisible or divided, or assigned in parts; and the several Shareholders or Subscribers to the said undertaking respectively, and their several and respective Executors, Administrators and Assigns shall not, except as hereinafter provided, be liable to any Debts or demands against the said Company beyond the amount of their several and respective Subscriptions, or the Shares they may severally and respectively hold or possess, in the said Company, nor under any calls or assessments to be made by the said Company or Board of Directors, or in any way by any means, nor on any pretence whatsoever, be liable to the payment of any greater sum of money in the whole, than the sum of Fifty Pounds, on or for each several Share subscribed for, or held by or standing in

Amount of Capital—  
Division into  
Shares—Number  
and amount there-  
of—Liability of  
Subscribers—Di-  
vision of Profits,  
&c. &c.

Names of Subscri-  
bers—Number of  
Shares, &c. to be  
Registered, Certi-  
ficates of Registry,  
&c. &c.

Payments by Sub-  
scribers—Com-  
pany to enforce  
payment or de-  
clare Share for-  
feited.

Shares deemed Per-  
sonal Estate, not  
divisible, liability  
of Shareholders,  
&c.

the name of such Subscriber or Shareholder at the time of ordering any call or assessment, and that the said sum of Fifty Pounds shall include all the calls and payments to be made on One Share, and that no greater sum than Fifty Pounds in the whole shall be paid on any one Share in the said Company.

Stock and Estate of Company alone liable for Debts of Company.

VI. *And be it enacted*, That the said Joint Stock and Real and Personal Estate of the said Corporation, shall be liable for, and subject to the payment of all Debts contracted by the said Company, and that none of the present or future Members of the said Company shall be liable for the payment of any debt contracted beyond the amount of the calls or assessments due and unpaid on the Shares of the Stock held by such individual Member, except in the cases hereinafter provided for.

Payment of Original Capital.

VII. *And be it enacted*, That the said Original Capital of Twenty Thousand Pounds, shall be paid and contributed in and by the following calls or payments, that is to say: the first call or payment being the call of Twenty-five Pounds, for and upon each and every Share subscribed for, shall be paid within Thirty Days after Public Notice is given by the Board of Directors in two of the Halifax Newspapers, that the same is required; and that all other subsequent calls or payments shall be in such sums and at such times as the Board of Directors, having reference to the state of the business and affairs of the Company, shall order and direct. *Provided always*, That of the day to be hereafter appointed respectively for any subsequent call or payment, Notice shall be given by Advertisements, published in at least Two of the Halifax Newspapers, Thirty days at least previous to such day; and all the said calls or payments shall be made by the Proprietor of every Share, in such Coin or Money as at the time of such payment, shall be a legal tender in the Province.

Proviso.

Security required from Subscribers.

VIII. *And be it enacted*, That every Subscriber or Shareholder in the said Company, shall at or before the time appointed for the payment of the first call, make, execute, and deliver to the said Company, either a Bond, with a Mortgage to accompany the same, on Real Estate, or otherwise a Bond, with two sufficient Sureties, to the satisfaction of the President and Directors, or a majority of them—said Bonds to be renewable as often as the President and Directors shall require, and to be conditioned for the payment of the residue of the calls to become due and payable as aforesaid, on the several Shares by him subscribed and taken in the said Company: which Bond or Securities shall be subject to the approval of the First Nine Persons named in this Act, until the Board of Directors shall be chosen, and afterwards to the approval of such Board.

Payment of Increased Capital and Security therefor.

IX. *And be it enacted*, That all Shares in any Increased Capital shall be paid and payable in such proportion, and at such times as the Board of Directors shall appoint, and such and the like Securities as are hereinbefore required for the payment of the future calls of the Original Capital shall be taken from the Subscribers for Shares in any future Increased Capital of the said Company.

Management of affairs of Company.

Officers of Company.

X. *And be it enacted*, That the management and regulation of the affairs and business of the said Company shall be conducted by, and vested in a Board of Directors, to consist of a President and Four Directors, and that the necessary Officers of the said Company shall be, and at all times, except in cases of vacancies arising from death, resignation; or otherwise, shall consist of One President, Four Directors, a Secretary, Broker or Brokers, and Two Auditors or Examiners of the Accounts of the Company, and such other Officers and Servants as the Company shall think proper to constitute and appoint for the better management and conducting the business thereof, and that the several powers, authorities, duties, rights, and privileges of such President, Directors, Secretary, Broker or Brokers, Auditors, and other Officers and Servants of the said Company so to be appointed, shall be, and is, and by this Act is, or by the Bye Laws of the said Company shall hereafter be prescribed and established.

XI. *And be it enacted*, That no Shareholder in the said Company shall be qualified

to

to be Elected, or to sit or act as President or one of the Directors of the same, unless he shall at the day of Election *bona fide* hold and possess, and during the time that he or they shall continue to be such President and Directors, continue to hold and be possessed of Five Shares, at the least, of the Joint Stock of the said Company, nor unless, if chosen at any Election occurring after Eighteen months from the passing of this Act, the said number of Shares shall have stood in his name on the Books, during at least Six Calendar Months before the day of Election.

XII. *And be it enacted*, That the Annual General Meeting of the said Company shall be held in the month of January in every year after this present year, and at such day and place as the Board of Directors shall appoint, and that Special Meetings of the Company shall be summoned by the Directors when they shall deem the same necessary, or whensoever a requisition therefor in writing shall be delivered to the Board, signed by Twenty Shareholders, owning not less than One Hundred Shares, and specifying the object of such Meeting, and that Meetings of the Board of Directors shall be held at the Office of the Company, at least One Day in every Week, and at such other times as the Directors shall think proper, or as the business of the Company may require: *Provided always*, That Notice of the day appointed for the Annual or any General or Special Meeting of the said Company shall be given by an Advertisement published Ten Days previous thereto, in two of the Public Newspapers in Halifax.

XIII. *And be it enacted*, That at every Annual, General and Special Meeting of the Company, every Proprietor or Shareholder having paid up all Calls on him made and then due and payable, shall be entitled to vote according to the number of Shares which any such Proprietor or Shareholder may possess in the Company, in manner following, that is to say: The Owner of one Share shall be entitled to one vote—the Owner of Five Shares to two votes, and the Owner of Ten Shares and upwards to three votes, and may give such vote or votes by his or her proxy, duly constituted according to the Bye Laws—such proxy being a Shareholder entitled to vote; and whenever any Share shall be held by more than one person, in such case the person present at the Meeting who is first named on the Stock Certificate or Registry, shall be entitled to vote therefor; and at every Meeting of the Board of Directors each Director shall have one vote only, and every question, matter or thing, which shall be proposed, discussed, or considered at any General or Special Meeting of the Company, shall be determined by a majority of the votes and proxies then given; and every matter or thing which shall be proposed, discussed, or considered at any Meeting of the Board of Directors, shall be determined by the majority of votes then given by the Directors then present; and in case it should so happen that at any General or Special Meeting of the Company, or Meeting of the Board of Directors, the Votes shall be equal, then the President of the Company, or in his absence, the Chairman of the Meeting or of the Board shall be entitled to a Casting Vote upon the matters under discussion, besides and in addition to his own personal vote, unless such right to a Casting Vote shall be abrogated by the Bye Laws hereafter to be made.

XIV. *And be it enacted*, That no Annual or Special Meeting of the Company shall be held unless there be present thereat, and at the giving of the Votes, Twenty Proprietors, holding at least One Hundred Shares in the said Company; and at every such Annual, General or Special Meeting of the Company, the President of the Company, or in his absence the Senior Director present, or in the absence of all the Directors, one of the Proprietors to be chosen at such Meetings respectively shall be Chairman of such Meeting or Meetings respectively; and that if at any day appointed for such Meetings of the Company a sufficient number of Shareholders shall not attend within one hour after the time appointed for the Meeting, then, and in every such case, the Meeting shall be adjourned until the next or some future day by the President or Senior

Qualification of President and Directors.

Annual Meetings in January, Special or Requisition Meetings of Directors.

Proviso.

Voting of Shareholders.

Meetings of Company.

nior Director, or if no Director be present, by the Secretary, Broker or Brokers of the Company, as the case may be, or by such person as may attend in his or their place.

Record of Proceedings.

XV. *And be it enacted*, That the Orders and Proceedings of every General or Special Meeting of the Company shall be entered by the Secretary, Broker or Brokers of the Company, or such other person as shall attend in his or their place, in a Book or Books to be kept for that purpose, and shall then be signed by the President or Chairman of the Meeting; and being so entered and signed, shall be taken and deemed to be the original Orders and Proceedings of such Meeting, and shall be received as such upon due proof thereof, in all Courts and Places, and on all occasions whatsoever.

Preamble.

*And whereas* all the said Shares have been already subscribed and taken by persons desirous of becoming proprietors of the said Stock, none of whom are Subscribers for more than Twenty Shares.

Opening of Subscription Books.

XVI. *Be it therefore enacted*, That the Four Persons first named in this Act shall, as soon as conveniently may be, after the passing hereof, by an Advertisement, to be published in at least Two of the Newspapers printed in Halifax, give notice that Subscription Books for taking Shares in the said Company, will be opened on a day, and at a certain place to be mentioned, and shall then and there open proper Books for the purpose, and therein receive and take the Subscriptions of all persons who have agreed to take Shares as aforesaid, and shall be willing to stand and continue as Proprietors of Shares in, and Members of the said Company, and for want thereof, of all other persons who shall be willing and desirous to become Proprietors and Members, as aforesaid; and the said Four Persons shall make an Entry of the number of Shares taken by each Subscriber, and shall not permit any individual to subscribe or take, nor shall themselves take, nor shall any person hold a greater number than Twenty Shares therein; and when and so soon as the first Call or Payment on the said Shares becomes due, the said Four Persons shall receive the same, and the said Nine Persons first named in this Act, shall also demand and take for and on behalf of the Company, such Securities as are hereinbefore directed to be taken for the payment of the future Calls to be made on the said Shares respectively

Restriction as to number of Shares.

Meeting of Shareholders, to organize Company.

XVII. *And be it enacted*, That so soon as the number of Four Hundred Shares of the said Original Capital of Twenty Thousand Pounds shall have been subscribed, the said Four persons first named in this Act, shall, by public advertisement to be printed in at least two of the Newspapers at Halifax, during ten days, appoint a day and place for the First General Meeting of the Subscribers, and shall assemble such Meeting, and a Chairman thereof being chosen from among the Subscribers present, with a Secretary, the Company hereby Incorporated shall be formed and organized, and go into operation under this Act; and the said Subscribers then, and then present, or their proxies, shall in the manner in this Act prescribed, proceed to elect Five Directors and Two Auditors, and such other Officers as may be deemed expedient for organising the business thereof; and from and after such Election, the persons so chosen and elected shall be and become forthwith the Officers of the Company; and the said Directors shall choose and elect one from among themselves by ballot, to be the President of the said Company for the ensuing year; and the said Directors shall also choose and elect a Secretary, Broker or Brokers for the ensuing year, during which time the said President and Secretary, Broker or Brokers, shall remain in office, unless by a vote of any General or Special Meeting of the Shareholders, his or their Offices shall be declared vacant; and the said Directors and other persons so to be elected, shall hold, exercise, and enjoy their respective offices from the day of such their Election until the first Annual Meeting in January, One Thousand Eight Hundred and Fifty, and thence continually until a new choice of Directors and Officers be made by the Company, pursuant to this Act and the Bye Laws in that behalf to be provided.

Election of Officers.

Term of service.

XVIII.



XVIII. *And be it enacted*, That on the Third Tuesday of January in each and every year, the Directors of the said Company shall be elected by Ballot, in the following manner: the Shareholders shall first elect Two Directors for the then ensuing year, out of the Four who have served for the preceding year, and shall then elect Two other Directors from the qualified Shareholders of the Company: *Provided always*, That it shall and may be lawful for the Shareholders to elect the whole of the Four Directors of the preceding year, if they shall think proper so to do.

Election of Directors

Proviso.

XIX. *And be it enacted*, That the Office of the President or Directors, Secretary, Broker or Brokers, or Auditors of the Company, shall become, and may by the Board be declared Vacant on the death, resignation, Three Months' absence, or permanent removal of such Officer from the Province, by his ceasing to hold the number of Shares required as a qualification, or by a Vote of the General Meeting of the Stockholders removing the Officer for misconduct or malversation in Office, and every such Vacancy, except in the Office of President, shall be filled up by the choice of a Shareholder, to be made by the Board of Directors, and who shall serve until the Annual Meeting; and at every such Annual Meeting qualified persons shall be elected to supply the place of these Officers who are as aforesaid, to go out of Office on the Third Tuesday of January in every year after the present year, or whose Offices have been vacated, as aforesaid; and all Officers elected at the Annual Meeting, shall enter upon their Offices on the Third Tuesday of January in every year after the present year: *Provided always*, That any Director or other Officer so going out of Office, shall be capable of being re-elected by the Company.

Vacation of Offices  
and supply of  
Vacancies.

Proviso.

XX. *And be it enacted*, That when and so soon as the sum of Ten Thousand Pounds shall have been actually paid to the proper persons, in manner before provided, upon the Calls aforesaid, by the several Proprietors of Shares, and sufficient Securities shall have been given by said Proprietors for any Balances of their Shares, then, and in that case, it shall and may be lawful for the Board of Directors, by Public Advertisement, to be printed in at least Two of the Newspapers in Halifax, to declare the same, and make known the intention of the Company to transact the business of Marine Insurance, and to fix the time when the Office will be open for such business; and whereupon the said Company shall and may at the day so named, commence and carry on in their Office at Halifax, or elsewhere in this Province, the business and operations of Marine Insurance in all its branches, and shall and may receive and accept Orders, Directions, and Proposals for Insurances, and make Insurance upon all Ships and Vessels whatsoever, in Port or at Sea, or for or upon any Voyages or Adventures whatsoever, and for and upon all Goods, Merchandize, Property, and Effects whatsoever, and all Monies, Coins, Bullion, or other Valuable Things whatsoever, in and upon any such Ship laden or to be laden, and in and upon the Freight of Goods or Merchandize carried or to be carried upon any Ship or Vessel, or on any Voyage whatsoever; and also upon Monies lent or advanced upon Bottomry or Respondentia, and upon Expected Profits and Commissions, or Adventures by Sea, and upon all Subjects of Marine Insurance whatsoever, and the same shall and may Insure against all Losses, Perils and Dangers whatsoever of the Seas, Fire, Enemies, Thieves, and other Risks of the Seas and Navigation usually Insured against by Underwriters, and either for or during the respective Voyage, or for any time or times whatsoever; and shall and may agree for, fix, and establish the Premiums and Compensations to them to be paid for such Insurances, and shall and may make and execute all such Writings and Policies of Insurance, and with or under such reservations and conditions as shall be agreed upon or ordered by the Board, and shall and may accept, receive, and take the abandonment, relinquishment, and surrender of any Ship or Vessel to said Company abandoned under any such Insurance; and shall and may adjust and settle claims and demands for Losses for or in respect of any such Insurances, or of any orders therefor to

Public Notice of  
Transaction of  
Business.Description of Bu-  
siness.

the said Company given, and generally shall and may perform and transact all matters and things whatsoever relating to the business of an Insurance Broker, and Insurer or Underwriter on Ships or Goods belonging or appertaining, and to all intents and purposes whatsoever.

Policies to bind Joint Stock—Losses to be settled in Sixty days.

XXI. *And be it enacted,* That all orders and directions for such Insurance to the said Company given, and by them accepted, and all Policies of Insurance by the said Company made and sealed with the Common Seal thereof, and signed by the President of the Company, or any Chairman of the Board of Directors, and countersigned by the Secretary, Broker or Brokers of the Company, shall be binding and obligatory upon the said Company, and all the Joint Stock, Capital, Funds, Property and Effects thereof whatsoever, and the amount by such Policies insured, and which upon adjustment of any loss is or ought to be payable to the assured thereupon, shall be faithfully and truly paid and satisfied within Sixty days from the time of such loss, settled or adjusted. *Provided always,* That until the expiration of One year from the constitution of the said Company as aforesaid, no greater sum than Two Thousand Five Hundred Pounds, and after the said One year expired no greater sum than Three Thousand Five Hundred Pounds shall be insured by the said Company, and be at risk at any one time upon any one Ship or Vessel, or upon any Goods, Wares or Merchandize, on Board thereof, or upon any Freight by such Vessel to be carried, or Commission or Profits expected to arise during the Voyage Insured, or from the Cargo on Board thereof, or upon any Security of the nature of a Mortgage or Bottomry, or Respondentia given for or upon such Vessel, her Cargo or Freight; but the several Insurances made upon the several Risks in or depending on any one Vessel may collectively amount to any sum not exceeding Two Thousand Five Hundred Pounds during the First year, and Three Thousand Five Hundred Pounds afterwards.

Proviso.

Transaction of Business of Company.

XXII. *And be it enacted,* That the Affairs and Business of the said Company shall be managed and transacted by the President and Directors thereof, under the Bye Laws of the Company; and the same President and Board of Directors for the time being, shall have full power and authority to meet and adjourn from time to time and from place to place, as they shall see fit; and also to direct, manage and conduct, with the assistance of the Secretary, Broker or Brokers, all the Affairs and Business of the Company, and the taking and accepting Orders for Insurance, fixing the Premiums therefor, executing, sealing and delivering Policies of Marine Insurance, adjusting, settling, paying, or compromising for Losses claimed under Policies, procuring, purchasing, or obtaining suitable Buildings, Offices and Places for the business of the said Company, and fitting the same with all things necessary therefor, and investing the Funds and taking Securities for the Monies of or the Debts due to the said Company upon public or private Stocks, or Real or Personal Securities, and making and carrying into effect all Contracts and Bargains touching the said Company and the Affairs thereof, but subject nevertheless to such Orders, Bye Laws, Rules and Regulations, as at any time shall be duly made by the said Company, in restraint, control or regulation of the powers and authorities hereby vested in the said Board of Directors.

Compensation to Officers.

XXIII. *And be it enacted,* That it shall be lawful for the said Board of Directors to allow and pay to the President, Secretary, Broker or Brokers, and any other Officers or Servants of the said Company, such compensation and allowances as may be reasonable or agreed upon; and to the Directors such compensation as the Company at any General Meeting shall order for their services.

Investment of Funds.

XXIV. *And be it enacted,* That the Surplus Funds remaining from Dividends, and the Capital Stock of the said Company from time to time as the same shall be paid in and collected; and all Surplus of Monies received shall be kept constantly invested in good Real or Personal Securities, to be taken by Instruments under Seal, or in Public Funds, at interest, Bank or other Stock, in the name of the Company; but no part thereof

thereof shall beyond the sum absolutely necessary for procuring the necessary Buildings, Offices, and Accommodations of the Company's business, be invested in Real Estate, nor shall any part thereof be lent or advanced on Bottomry or Respondentia, or in Mortgages of Ships or Vessels. *Provided always*, That for and as an additional Security for any part of the Capital Stock or Surplus Funds of the said Company, which may be invested as aforesaid, or for or in respect of any Debts that may be contracted with them, Mortgages of Real Estate or Personal Property, may be made to and held by the Company: *Provided also*, that Mortgaged Interests in Ships, Vessels or Goods, may be Insured thereby, nor shall the Funds be used or employed in Merchandize, nor shall the Company trade or carry on business as Merchants, or deal in buying or selling Goods or Personal Property whatsoever; nor shall any Dividend be made on any pretence of the Capital or Joint Stock of the Company, or whereby the same shall be in any way reduced or impaired: *Provided also*, That no Loan of the Capital Stock at any time to be raised under the provisions of this Act, or any part thereof, shall be made directly or indirectly to any Director of the said Company, nor shall any such Director be a party to any Security for any such Loan; and no Stockholder, to whom any part of the Capital Stock shall have been lent, shall be eligible as a Director during the continuance of such Loan.

Provisoes.

XXV. *And be it enacted*, That the said Board of Directors shall have power and authority, and they are hereby strictly required to cause to be balanced the Books of the said Company, on the last day of December, One Thousand Eight Hundred and Forty-nine, or at such other period as any General Meeting shall require; and the same being so balanced shall be carefully examined and signed by the said Auditors and approved by the said Board of Directors, and an abstract of the said Balance, shewing clearly and explicitly the state of the Debts and Credits of the said Company; and shewing how many and what part of the Insurances made by the Company are determined or remain undetermined and at risk, and what claims for Losses are unsettled, and what deductions or allowances ought to be made thereupon; and also shewing how and in what manner the Capital Stock of the Company is invested or disposed of, and what sums of Money are due to the Company, and also stating such further particulars as by the Bye Laws of the Company shall be required, shall be produced by them at the Annual General Meeting for the Inspection of the Proprietors, and a Duplicate thereof in like manner, signed and attested, shall be transmitted to the office of the Secretary of the Province, for the information of the Lieutenant-Governor and Her Majesty's Council, and of the General Assembly.

Books to be balanced and Audited—Abstract exhibited, &amp;c. &amp;c. &amp;c.

XXVI. *And be it enacted*, That the Books, Papers and Correspondence, and all other Documents and Writings of the Company, shall at all times be open to the Members of the Board of Directors, and shall be subject to the orders and disposal of the Board; but the rendering such Accounts as aforesaid to the General Meeting shall not be construed to confer on any Proprietor, not a Director or Auditor, the right to inspect in the Books of the Company the Account of any Individual other than himself with the said Company.

Books, Papers, &amp;c., open to Inspection by Directors.

XXVII. *And be it enacted*, That at every Annual Meeting, or some adjournment thereof, there shall be made out of the clear residue of the Profits and Advantages, Rents and Premiums, and Interest to the said Company accrued, or by the same previously made, after deducting therefrom an allowance sufficient to discharge the outstanding and probable claims against the Company, such Dividend or Dividends as the Proprietors at such Meetings shall order and direct; and such Dividend or Dividends shall be at and after the rate of so much for every Share held by the Members thereof, their Executors, Administrators or Assigns, or else the said clear residue or some part thereof shall be directed to accumulate and be added to the Capital Stock: *Provided always*, that the Monies received or Securities taken for the Premiums of Insurance un-

Declaration of Dividends.

Proviso.

determined

determined and outstanding on the last day of December, One Thousand Eight Hundred and Forty-nine, and in each year thereafter, shall not be deemed to be part of such profits.

Proviso as to amount of Dividend.

XXVIII. *Provided always, and be it enacted*, That if at the Annual General Meeting in January, One Thousand Eight Hundred and Fifty, or at any subsequent Annual Meeting, the nett Surplus and Profits of the Company from the business of the year then next preceding such Meeting, shall suffice to make therefrom a Dividend of more than Five per cent. per annum, but less than Ten per cent. per annum, or more than Ten Pounds, and less than Fifteen Pounds per cent. or more than Fifteen Pounds, and less than Twenty Pounds per cent. and so on the like proportion for every Share in the Company, then, and in each and every such case all surplus and excess of Profits more than sufficient to make the respective Dividends of Five, Ten, Fifteen or Twenty Pounds, and so on in the like proportion per cent., but not sufficient to increase such Dividends by the full sum of Five Pounds per cent. respectively, shall be added to and form part of the Capital or Joint Stock of the Company, and shall not be the subject of any Dividend.

General Powers of Company.

XXIX. *And be it enacted*, That the said Company shall have full power and authority from time to time at the First or at any of the General Meetings as aforesaid, to make, ordain, and put in execution, such Rules, Orders and Bye Laws as to them shall seem meet and proper for regulating the proceedings of the Company, the transfer, forfeiture, and registration of Shares, the enforcing payment of Calls, the proceedings of the Board of Directors, the transaction of the business of the Company, the government and regulation of all the Officers and Servants of the Company, and for the superintendance and management of the Affairs of the Company in all respects whatsoever, and from time to time to alter and repeal such Rules, Orders, Bye Laws, or any of them, and to make others, as to the Shareholders of the Company at a General Meeting shall seem meet and expedient; and all Rules, Orders, and Bye Laws so made as aforesaid, being reduced into writing and signed by the Chairman present at any such Meeting, and sealed with the Seal of the Company, shall in all or any Court of Law or Equity, be deemed and taken to be the Rules, Orders, and Bye Laws of such Company: *Provided always*, that such Rules, Orders, and Bye Laws be not repugnant to the Laws of the Province, or to the Laws in force within the same, or to the express directions and provisions of this Act; *And provided also*, that no Bye Law of the said Company, and no repeal of any Bye Law shall be in force or executed until the same respectively is approved by the Lieutenant-Governor and Her Majesty's Council.

Proviso

Books and Accounts to be examined, Securities and Investments approved by Governor.

XXX. *And be it enacted*, That the Books and Accounts of the said Company shall at all times be open to the examination of such person or persons as the Lieutenant Governor, for the time being, with the advice of Her Majesty's Council, shall appoint to inspect the same; and that before any Policy of Insurance shall be issued by the said Company, the mode and Securities in and upon which the Surplus Capital Stock of the Company shall have been invested, shall be first sanctioned and approved by the Lieutenant Governor for the time being.

President and Directors liable, on Policies issued after Failure of Original Stock.

XXXI. *And be it enacted*, That if it shall happen that by or in consequence of any losses or misfortunes, or other means whatsoever, the Original or increased Capital and Joint Stock of the Company shall at any time be wholly expended, or claims against the Company shall be outstanding and unsettled to an amount equal to the existing and available Capital and Funds of the Company, then as soon as the same shall be known to or ascertained by the President or Board of Directors, it shall not be lawful for the Company to make, or for the said Board to accept Orders for or sign or issue any new or further Insurance or Policies therefor whatsoever; and if any such further Insurances shall be made or Policies be signed or issued after such knowledge of the

state

state of the Affairs of the Company had by the President or Directors, or any of them, then for and upon all losses and Monies payable for losses under such Insurances and Policies so issued and signed, the said President and each of the said Directors who shall accept or make such Insurances, or authorize or sign the same Policy, shall be personally, and in their Estates jointly and severally liable and accountable to the full amount of such losses, and all charges incident thereto.

XXXII. *And be it enacted*, That upon the happening of any such Losses or Misfortunes as last mentioned, to the extent of the said Capital and Funds, or upon the Vote of Three Fourths in number of the Proprietors in the said Company, holding at least Three Fourths of the whole number of Shares in the said Company, it shall be lawful for the said Proprietors to dissolve the said Company, and to declare that the same shall cease on a day to be fixed, and therefrom the said Company shall on that day cease and determine; but the President and Board of Directors, and Officers of the Company shall continue in Office during such time as shall be required for winding up the affairs and business of the said Company; and all Corporate powers for this purpose necessary and requisite, shall subsist and remain in force until the whole of its affairs shall be finally settled and closed; and the Board of Directors for the time being shall, and are hereby required to adopt the most immediate and effectual measures for Settling, Winding up, and Closing all the Accounts, Affairs and Business of the Company; ascertaining, adjusting, and paying the demands against the same; collecting the Debts due, and converting the Capital and Property of the Company into Money; and for dividing and paying to and among the Shareholders and Proprietors entitled thereto, the whole Nett Proceeds of the same, according to their respective Shares and Interest in the said Company.

Dissolution of Company.

XXXIII. *And be it enacted*, That in case of any loss or deficiency which shall or may hereafter arise or occur in the Capital or Joint Stock of the said Corporation, whether arising from official mismanagement of the Directors of the said Company, or from any other cause whatsoever, the persons who are or may be Shareholders in such Company at the time of any such loss or deficiency so occurring as aforesaid, shall, in their private individual capacities, be respectively liable to make good any such loss or deficiency, so far as may be requisite and necessary to pay off and discharge any claims or demands against the Corporation then existing: *Provided always*, that in no case shall any Shareholder be liable to pay any Sum exceeding the amount of the Stock then actually held by such Shareholder in addition to the Stock so held by him. *Provided* that nothing herein contained shall limit or apply to the liability of any President, Directors, or other Officers of the said Company, for official misconduct or mismanagement.

Liability of Shareholders in event of Loss.

Provisoes.

XXXIV. *And be it enacted*, That this Act shall continue for Seven years and no longer, unless the same shall be determined in the manner before expressed.

Duration of Act.

CAP. XXXIX.

**An Act to Incorporate the British North American Electric Telegraph Association in the Province of Nova-Scotia.**

*(Passed the 31st day of March, A. D. 1849.)*

**W**HEREAS by an Act made and passed in the Province of Canada, entitled, An Act to Incorporate the British North American Electric Telegraph Association,

Preamble.

ciation, certain persons therein named, together with such person or persons as should under the provisions of that Act become Subscribers to, and Proprietors of, any Share or Shares in the Telegraph, thereby authorized to be made, and their several and respective heirs, executors, administrators, curators and assigns, were united into a Company for carrying on, making, completing, and maintaining the said intended Telegraph, and were thereby declared to be a Body Politic and Corporate, by the name of the "British North American Electric Telegraph Association," and invested with all the powers, rights, privileges, and immunities usually held and enjoyed by Bodies Politic and Corporate; and An Act has also passed the Legislature of New Brunswick, conferring certain rights, powers, and privileges on the said Company:

*And whereas* certain parties resident in the Province of Nova Scotia, have subscribed to, and taken Shares in, the said Electric Telegraph Company.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly,* That all persons who shall, from time to time, in Nova Scotia, become Shareholders of, and Proprietors in, the said Company, and their Successors and Assigns, shall be, and they are hereby declared to be a Body Politic and Corporate, by the name of "The British North American Electric Telegraph Association," and by that name shall have succession, and by that name may sue and be sued in any Court of Law or place whatsoever, and be able and capable in Law to have and to hold, any Lands, Houses, and Tenements, by any legal form and title whatsoever: *Provided* the same do not exceed the sum of One Thousand Pounds in value; and also any Goods, Chattels, and Personal Estate, and also to sell, let, assign, give, grant, or convey the same, or any part thereof, as shall and may be thought necessary, and for the benefit and advantage of the said Company, and shall be invested in this Province, with all the rights, privileges, authorities, and immunities, and subject to all the liabilities of the Corporate Body in Canada, formed under the aforesaid Act, and conferred, imposed, or declared by any Act of the Legislature of New Brunswick; it being however, distinctly understood, that this Act will not entitle the said Company to erect Posts, or to construct, build, or work any Electric Telegraph in this Province.

II. *And be it enacted,* That this Act shall not be held to affect or alter the Twenty-fourth Section of the Act, entitled, "An Act concerning the Electric Telegraph," passed in the Eleventh Year of Her present Majesty's Reign, and that the said Twenty-fourth Section shall continue in full force, and operate as if this Act had not been passed.

III. *And be it enacted,* That this Act shall continue and be in force for Two Years, and thence to the end of the then next Session of the General Assembly.

CAP. XL.

**An Act in addition to the Act to Incorporate the Nova Scotia Horticultural Society.**

(Passed the 31st day of March, A. D. 1849.)

**W**HEREAS the present Stockholders in the said Company since the Act of Incorporation, besides the Annual Subscription, have advanced the sum of Nine Pounds per Share, to pay the Debts of the said Company; *And whereas* there are other Debts due by the said Company to be provided for, and the said Company are desirous

British North American Electric Telegraph Incorporated.

Proviso.

Twenty-fourth Section Act XI. Victoria, not affected hereby.

Duration of Act

Preamble.

désirous to have the amount of the Capital Stock of the said Company, and also of the liability of each Shareholder to the Company defined :

I. *Be it therefore enacted, by the Lieutenant-Governor, Council, and Assembly,* That the Capital or Joint Stock of the said Company, shall hereafter be One Thousand Three Hundred and Fifty Pounds, and shall be divided into Shares of Nine Pounds each, of which the whole has already been paid, or is about to be paid, and shall form a part; and in case the Balance due upon any such Share shall not be paid in Thirty days after being demanded, such Share shall be sold by Public Auction, and the Proceeds be applied to the use of the said Company.

Amount of Joint Stock, Shares, &c.

II. *And be it enacted,* That the said Company, by the Directors or Managing Committee, shall have power to borrow Money on Bond or on Loan Certificates, to pay off the existing Debt of the said Company, or any Debts that may hereafter be incurred to the amount of the Capital Stock of the Company, upon a Vote of the Company, convened at any General or Special Meeting, passed by Three Fourths of the Stockholders present; the object of such Meeting being specified in the Notice thereof given, at least Thirty days previously: *Provided,* That nothing in this Act contained shall extend or be construed to extend to discharge the Stockholders from their liability to pay the Debts of the Company, after the assets of the Company shall have been first applied to that purpose.

Company empowered to borrow Money.

Proviso.

III. *And be it enacted,* That a Majority of the Shareholders present at any General or Special Meeting, shall have power to make such Rules, Orders, Regulations and Bye Laws, and to vary and alter the same, and generally to do and perform all the Business of and concerning the said Society, as may be deemed proper: *Provided,* That no Bye Law shall be in force until approved by the Governor in Council.

Rules, Regulations, &c.

Proviso.

CAP. XLI.

An Act to Incorporate the Digby Water Company.

(Passed the 31st day of March, A. D. 1849.)

**B**E it enacted by the Lieutenant-Governor, Council and Assembly, That William Farnham, Botsford Viets, Edward M. Marshall, James Crowley, Charles R. Crowley, Charles Classon, Daniel Dakin, Junior, John Bennet, and all other persons who shall from time to time be and become Proprietors of Shares in the Corporation hereby established, their Successors and Assigns, shall be and are hereby erected into a Company and declared to be a Body, Politic and Corporate, in Deed and in Name, by the name of "The Digby Water Company," and by that Name shall have Succession and a Common Seal, and by that name shall and may Sue and be Sued, Plead and be Impleaded, Answer and be Answered to, and prefer any Bill of Indictment, Information, or other Proceedings in any Court or Place whatsoever, and be able and capable to have, hold, take, purchase, receive, lease and enjoy any Houses, Lands, Tenements or Hereditaments whatsoever, in Fee Simple, Leasehold, or otherwise, and also any Goods, Chattles or Effects, and all other things, real, personal, or mixed, and also to give, grant, sell, let, assign or convey the same, or any part thereof, as shall or may be thought necessary and proper for the benefit and advantage of the said Company: *Provided always,* That the said Company shall not have, hold, possess, or enjoy, at any one time, Lands, Tenements, or Hereditaments, of greater value than One Thousand Pounds.

Digby Water Company Incorporated.

Privileges, Powers, &c. &c.

Proviso.

II. *And be it enacted,* That the Original Capital or Joint Stock of the said Company hereby established shall be the sum of Five Hundred and Fifty Pounds, to be divided

Amount of Capital, Division into Shares, &c. &c.

divided into Twenty-two shares of Twenty-five Pounds each; and it shall and may be lawful for the persons first mentioned in this Act, or any of them, immediately after the passing thereof, to open a Book for Subscription of Shares to the said Company.

Appointment of  
Officers, Making  
of Rules, &c. &c.

III. *And be it enacted*, That when and so soon as the said Company shall be formed, and one-fourth of the Shares taken up, it shall and may be lawful for the said Company, by a majority of votes at any meeting to be hereafter held, to appoint a President, Directors, and Officers of the said Company, and to make Bye-Laws, Rules, and Ordinances, of the said Company, for prescribing the duties, power, and authority of the President, Directors, and Officers of the said Company, for limiting the number of Directors, for regulating the payment, transfer, registry, and forfeiture of Shares, the time of meeting of the Company, or of the Directors, the making of Dividends of Profits, and the keeping of the Accounts, and generally for the good order, conduct, management and government of the said Company, its affairs and business, as may be requisite and necessary: *Provided always*, That no Bye-Law, Rule, or Ordinance, shall be of any force or effect until approved by the Governor, in Council.

Proviso

Purposes of Com-  
pany.

IV. *And be it enacted*, That it may be lawful for the said Company, when formed, to supply the Inhabitants of the Town of Digby with Water, and for that purpose, at a proper and convenient distance below the surface of the Roads, Streets, and Highways of the Township of Digby, or those leading to the same, to cause Reservoirs, Tanks, Fountains, Leaders, Pipes, and Tubes, to be laid and placed as may be necessary and proper.

Opening of Streets,  
&c.

Proviso

V. *And be it enacted*, That for the purposes aforesaid, after Five days notice given to the Commissioners of Streets for the said Town, it shall and may be lawful for the said Company to break up and open the Roads, Streets, or Highways in the said Town, in any place where necessary, and to keep any such Street, Road, or Highway open for such reasonable time as may be necessary: *Provided always*, That the said Company shall faithfully and carefully close up, repair, and make good the said Roads, Streets, or Highways, to be so opened, at their own Costs and Charges, or otherwise, shall be liable to defray all expenses to be incurred by the said Commissioners of Streets, on closing up, repairing, or making good any Road, Street, or Highway which by the said Company may be opened up; and all such expenses shall be recoverable by the said Commissioners in any Suit or Action against the said Company in Her Majesty's Supreme Court, or provided the same do not exceed the sum of Ten Pounds, by Suit or Action before any two of Her Majesty's Justices of the Peace for said County, in which Suit or Action it shall be sufficient for such Commissioners to declare for work and labor by them done and performed for the said Company.

Increase of Capital.

VI. *And be it enacted*, That whenever it shall become necessary to increase the Capital or Joint Stock of the said Company it shall and may be lawful for the said Company, at any General Meeting to be called agreeably to the Bye Laws, Rules and Ordinances to be made as aforesaid, to declare and direct that such increased Capital shall be raised to any extent not exceeding One Thousand Pounds, to be divided into Shares of the like amount as is hereinbefore prescribed in respect to the original Capital.

Right to vote.

VII. *And be it enacted*, That at any General Meeting of the said Company, every Proprietor or Shareholder having paid up all Calls made and then due and payable under or agreeably to the Bye Laws, Rules or Ordinances of the said Company, shall be entitled to One Vote.

Vote by Proxy.

VIII. *And be it enacted*, That any Proprietor or Shareholder may Vote by Proxy, to be constituted in writing under the hand of such Proprietor or Shareholder to any other Proprietor or Shareholder entitled to Vote, and every such Vote by Proxy to be given to a Proprietor or Shareholder shall be as good, valid and sufficient as if the principal were present and voted in person.

IX.



IX. *And be it enacted*, That for and notwithstanding any Real Estate which the said Company may hold at any time the Shares and Interest of the several Shareholders of and in the Capital or Joint Stock and Funds of the said Company shall be held and deemed to be Personal Property, to all intents and purposes whatsoever.

Shares deemed Personal Property.

X. *And be it enacted*, That the Shares subscribed for by any Shareholder in such Company, whether in such Original or Increased Capital shall be payable in such manner, by such Instalments or Calls, and at such times and upon such notice as by the Bye Laws, Rules or Ordinances of the said Company may be ordered or directed; and if any such Calls or Instalments shall not be paid, it shall be lawful for the said Company to sue for and recover such Calls or Instalments by Suit or Action in the Supreme Court, or provided the same do not exceed the Sum of Ten Pounds, by Suit or Action before any Two of Her Majesty's Justices of the Peace for the County of Digby.

Payment of Subscription—Mode of Recovery.

XI. *Provided always, and be it enacted*, That nothing herein contained shall extend or be construed, or taken to relieve or discharge the said Company, or any of the present or future Shareholders thereof, from any responsibility, contract, duty or obligation whatsoever, to which by Law such Company or the said Shareholders are, or at any time hereafter may be, or would have been subject or liable had this Act not been passed, as between the said Company and any other person or persons whomsoever; and the Shareholders in the said Company, their Lands, Goods and Chattels, shall be liable under any Execution that may be issued against the said Company, in the same manner and to the same extent as if this Act had not passed. *Provided always*, that if the Directors of the said Company shall by any Contract or Engagement incur any responsibility for any sum or sums of Money beyond the amount of the Shares subscribed for, without the sanction of the said Company first had and obtained at some General or Special Meeting of the said Company to be called and summoned agreeably to its Bye Laws, Rules or Ordinances, the Directors of the said Company shall themselves be and be held and deemed personally liable for the amount so by them incurred.

Provisoes.

## CAP. XLII.

# An Act for the Regulation of Benefit Building Societies.

(Passed the 31st day of March, A. D. 1849.)

**W**HEREAS certain Societies, commonly called Building Societies, have been established in different parts of the United Kingdom of Great Britain, and in the Provinces of Canada and New Brunswick, principally amongst the industrious classes, for the purpose of raising by small Periodical Subscriptions, a Fund to assist the Members thereof in obtaining Freehold or Leasehold Property; and it is expedient to afford encouragement and protection to such Societies and the Property obtained therewith in this Province:

Preamble.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council, and Assembly*, That it shall and may be lawful for any number of persons in this Province to form themselves into and establish Societies, for the purpose of raising by the Monthly or other Subscriptions of the several Members of such Societies, Shares, not exceeding the value of One Hundred and Fifty Pounds for each Share; such Subscription not to exceed in the whole Twenty Shillings per Month for each Share; a Stock or Fund for the purpose of enabling each Member thereof to receive out of the Funds of such

Formation of Building Societies.

Purposes and  
Regulation there-  
of.

Society the amount or value of his or her Share or Shares therein, to erect or purchase one or more Dwelling House or Dwelling Houses, or other Real or Household Estate—to be secured by way of Mortgage to such Society, until the amount or value of his or her Shares shall have been fully repaid to such Society, with the Interest thereon, and all Fines or other Payments incurred in respect thereof—and to and for the several Members of each Society, from time to time to assemble together, and to make, ordain, and constitute such proper and wholesome Rules and Regulations for the government and guidance of the same, as to the major part of the Members of such Society so assembled together shall seem meet—so as such Rules shall not be repugnant to the express provisions of this Act, and to the general Laws of this Province, and to impose and inflict such reasonable Fines, Penalties, and Forfeitures upon the several Members of any such Society who shall offend against any such Rules, as the Members may think fit, to be respectively paid to such uses for the benefit of such Society, as such Society by such Rules shall direct; and also from time to time to alter and amend such Rules as occasion may require, or annul or repeal the same, and to make new Rules in lieu thereof, under such restrictions as are in this Act contained: *Provided*, That no Member shall receive, or be entitled to receive from the Funds of such Society any Interest or Dividend by way of annual or other periodical profit, upon any Shares in such Society, until the amount or value of his or her Share shall have been realized, except on the withdrawal of such Member, according to the Rules of such Society then in force.

Proviso.

Bonus on Shares  
and Interest.

II. *And be it enacted*, That it shall and may be lawful to and for any such Society to have and receive from any Member or Members thereof, any sum or sums of Money by way of bonus, on any Share or Shares for the privilege of receiving the same in advance, prior to the same being realised, and also any Interest for the Share or Shares so received on any part thereof, without being subject or liable on account thereof to any of the Forfeitures or Penalties imposed by any Act or Acts of Assembly relating to Usury.

Forms of Convey-  
ances, Transfers,  
&c.

III. *And be it enacted*, That it shall and may be lawful to and for any such Society, in and by the Rules thereof, to describe the form or forms of Conveyance, Mortgage, Transfer, Agreement, Bond, or other Instrument which may be necessary for carrying the purposes of the said Society into execution, and which shall be specified and set forth in a Schedule to be annexed to the Rules of such Society, and duly certified and deposited as hereinafter provided.

Submission of Rules  
for approval by  
Governor in  
Council, &c. &c

IV. *And be it enacted*, That Two Transcripts, fairly written on Paper or Parchment, of all Rules made in pursuance of this Act, signed by Three Members, and countersigned by the Secretary of any such Society, (accompanied in the case of an alteration or amendment of Rules, with an Affidavit of the Society, or one of the Officers of said Society, that the provisions of this Act have been duly complied with) shall be submitted to the Governor, Lieutenant-Governor, or Commander in Chief for the time being, and the Executive Council; and one of such Transcripts, when approved by the Governor, Lieutenant-Governor, or Commander in Chief, and Executive Council, with a Certificate of Approval, signed by the Provincial Secretary, shall be returned to the Society, and the other of such Transcripts shall be transmitted by the Society to the Clerk of the Peace for the County wherein such Society shall be formed, and shall be filed by such Clerk of the Peace with the Rolls of the Sessions of the Peace in his custody, without Fee or Reward; and that all Rules, Alterations, and Amendments thereof, from the time when the same shall be certified by the Governor, Lieutenant Governor, or Commander in Chief for the time being, shall be binding on the several Members and Officers of the said Society, and all persons having interest therein.

V. *And be it enacted*, That the Rules for the management of every such Society shall

shall be entered and recorded in a Book to be kept by the Secretary for that purpose, which Book shall be open at all seasonable times for the inspection of the Members of such Society, but nevertheless nothing contained herein shall extend to prevent any alteration in, or amendment of, any such Rules in the whole or in part, or make any new Rules for the management of such Society, in such manner as by the Rules of the said Society shall from time to time be provided—which Alterations and Amendments shall nevertheless first receive the approval of the Governor and Council, and be recorded as aforesaid.

Rules to be Recorded, and to be open to Inspection.

VI. *And be it enacted*, That all Rules from time to time made and in force for the management of such Society as aforesaid, and duly entered on such Book as aforesaid, and approved by the Governor, Lieutenant-Governor, or Commander in Chief for the time being as aforesaid, shall be binding on the Members and Officers of such Society, and the several Contributors thereto, and their Representatives, all of whom shall be deemed and taken to have full notice thereof by such entry and contribution as aforesaid, and the entry of such Rules in such Book as aforesaid, or the Transcript thereof, deposited with such Clerk of the Peace as aforesaid, or a true copy of such transcript examined with the original and proved to be a true copy, shall be received as evidence of such Rules respectively in all cases, and no *Certiorari* or other legal process shall be brought or allowed to remove any such Rules into any Court of Judicature of this Province, and every copy of any such Transcript deposited with any Clerk of the Peace as aforesaid, shall be made without any Fee or Reward except the actual expense of making such copy.

Force of Rules.

VII. *And be it enacted*, That no Rule approved by the Governor, Lieutenant-Governor, or Commander in Chief for the time being, in manner aforesaid, shall be altered, rescinded or repealed, unless at a General Meeting of the Members of such Society as aforesaid convened by Public Notice, written or printed, signed by the Secretary or President of such Society, in pursuance of a Requisition for that purpose by Seven or more of that Society, which Requisition and Notice shall be publicly read at the Two usual Meetings of such Society to be held next before such General Meeting, for the purpose of such alteration or repeal, unless a Committee of such Members shall have been nominated for that purpose at a General Meeting of the Members of such Society, convened in manner aforesaid, in which case such Committee shall have the like power to make such alterations or repeal, and unless such alterations or repeal shall be made with the concurrence and approbation of Three-fourths of the Members of such Society then and there present, or by the like proportion of such Committee as aforesaid, if any shall have been nominated for that purpose.

Alteration of approved Rules.

VIII. *And be it enacted*, That the Rules of any Society formed under the authority of this Act shall specify the place or places at which it is intended such Society shall hold its Meeting, and contain provisions with respect to the powers and duties of the Members at large, and of such Committee or Officers as may be appointed for the management of the Affairs of such Society. *Provided always*, That it shall and may be lawful for any such Society to alter their place or places of Meeting whenever they may consider it necessary, upon giving notice thereof in writing to the Clerk of the Peace for the County within which such Society shall be held—the said notice to be given within seven days before or after such removal, and signed by the Secretary or other principal Officer, and also by Three or more of the Members of said Society, and provided that the place or places at which such Society intend to hold their Meetings, shall be situate within the County in which the Rules of the said Society are enrolled.

Place of Meeting. Powers of Members, Officers, &c.

IX. *And be it enacted*, That every such Society shall and may from time to time at any of their usual Meetings, or by their Committee, if any such shall be appointed for that Society, elect and appoint such person into the office of Trustee, President, Secretary,

Election of Officers, —Filling of Vacancies—Security

required from Of-  
ficers.

Secretary, Surveyor, or Treasurer of such Society as they shall think proper, and also shall and may, from time to time, elect and appoint such other Officers as shall be deemed necessary to carry into execution the purposes of such Society, for such space of time and for such purposes as shall be fixed and established by the Rules of such Society, and from time to time to elect and appoint others in the room of those who shall vacate or die; and such Trustees, Treasurer, and all and every other Officer or other person whatever, who shall be appointed to any office in anywise touching or concerning the receipt, management or expenditure of any sum of Money collected for the purpose of any such Society, before he, she or they shall be admitted to take upon him, her or them, the execution of any such Office or Trust, if required so to do by the Rule of such Society to which such Officer shall belong, shall become bound in a Bond, according to the form prescribed in the Bye Laws, with Two sufficient Sureties for the just and faithful execution of such Office or Trust, and for rendering a just and true Account, according to the Rules of such Society, and in all matters lawful to pay obedience to the same, in such penal sum of money as by the major part of such Society at any such Meeting as aforesaid shall be thought expedient and to the satisfaction of such Society, and that every such Bond to be given by or on behalf of such Trustee or Treasurer, or of any other person appointed to any other Office or Trust shall be given to the Clerk of the Peace of the County where such Society shall be established for the time being, without fee or reward; and in case of forfeiture it shall be lawful to sue upon such Bond, in the name of the Clerk of the Peace, for the time being, for the use of the said Society, fully indemnifying and saving himself, such Clerk of the Peace, from all costs and charges in respect of any such Suit.

Election of Com-  
mittees.

Powers

Provide

X. *And be it enacted*, That every such Society shall and may from time to time, elect and appoint any number of the Members of such Society to be a Committee, the number thereof to be declared by the Rules of every such Society, and shall and may delegate to such Committee all or any of the powers given by this Act to be executed, who being so delegated shall continue to act as such Committee for and during such time as they shall be appointed for such Society for general purposes; the powers of such Committee being first declared in and by the Rules of such Society, confirmed and filed as aforesaid; and all Acts and Orders of such Committee under the powers so delegated to them, shall have the like force and effect as the Acts and orders of such Society at any General Meeting thereof could or might have had in pursuance of this Act: *Provided always*, That the transactions of such Committee shall be entered in a Book belonging to such Society, and shall be from time to time, and at all times subject and liable to the review, allowance, or disallowance and control of such Society, in such manner and form as such Society shall by their General Rules, confirmed and filed as aforesaid, have directed and appointed, or shall in like manner direct and appoint.

Accounts between  
Individuals and  
Society.

XI. *And be it enacted*, That every person who shall have or receive any part of the Monies, Effects or Funds of, or belonging to any such Society, or shall in any manner have been or shall be entrusted with the disposal, management or custody thereof, or of any Securities, Books, Papers or Property relating to the same, his or her executors, administrators and assigns respectively shall, upon demand made, or notice in writing given, or left at the last or usual place of residence of such person, in pursuance of any order of any such Society or Committee to be appointed as aforesaid, give in his or her account at the usual meeting of such Society, to be examined and allowed or disallowed by such Society, and shall on the like demand and notice pay over all the Monies remaining in his or her hands, and assign and transfer or deliver all Securities and Effects, Books, Papers and Property taken or standing in his or her name as aforesaid, and being in his or her hands or custody, to the Trustees or Treasurer for the time being, or to such other person as such Society shall appoint, and in case of any neglect

neglect or refusal to deliver such account, or to pay over such monies, or to assign, transfer or deliver such Securities and Effects, Books or Papers and Property in manner aforesaid, it shall and may be lawful to and for every such Society in the name of the Trustee or Treasurer, or other Principal Officer thereof, as the case may be, to exhibit a Petition to the Supreme Court of this Province, or to a Judge thereof in vacation, who shall and may proceed thereon in a summary way, and make such Order therein upon hearing all parties concerned, as to such Court in their discretion shall seem just, which Order shall be final and conclusive, and all assignments, sales and transfers made in pursuance of such order shall be good and effectual in law, to all intents and purposes whatsoever.

XII. *And be it enacted*, That when and so often as any person seized or possessed of any Lands, Tenements or Hereditaments, or other Property, or any Estate or Interest therein as a Trustee of any such Society, shall be out of the jurisdiction of, or not amenable to, the process of the Supreme Court of this Province, or shall be Idiot, Lunatic, or of unsound mind, or it shall be unknown or uncertain whether he or she be living or dead, or such person shall refuse to convey, or otherwise assure such Lands or Tenements, Hereditaments or Property, or Estate or Interest, to the person duly nominated as Trustee of such Society in their stead, either alone, or together with any continuing Trustee, as occasion shall require, then, and in every or any such case, it shall be lawful for the said Court, or one of the Judges thereof in vacation, to appoint such person as to such Court or Judge shall seem meet, on behalf and in the name of the person seized or possessed as aforesaid, to convey, surrender, release, assign, or otherwise assure the said Lands, Tenements, Hereditaments or Property, or Estate, or Interest, to such Trustee so duly nominated as aforesaid; and every such Conveyance, Release, Surrender, Assignment or Assurance, shall be as valid and effectual to all intents and purposes as if the person being out of the jurisdiction or not amenable to the process of the said Court, or not known to be alive, or having refused, or as if the person being Idiot, Lunatic, or of unsound mind, had been at the time of the execution thereof of sane mind, memory and understanding, and had by himself or herself executed the same.

XIII. *And be it enacted*, That all Real and Heritable Property, Monies, Goods, Chattels, and Effects whatever, and all Titles, Securities for Money, or other Obligatory Instruments and Evidences, or Muniments, and all other Effects whatever, and all rights or claims belonging to or had by such Society, shall be vested in the Trustees or Treasurer of such Society for the time being, for the use and benefit of such Society, and the respective Members thereof, their respective Executors or Administrators, according to their respective claims and interests; and after the death or removal of any Trustee or Treasurer, shall vest in the succeeding Trustee or Treasurer for the same Estate or Interest, as the former Trustee or Treasurer had therein, and subject to the same Trusts, without any Assignment or Conveyance whatever, and also for all purposes of Action or Suit, as well Criminal as Civil, in Law or in Equity, or in any wise touching or concerning the same, be deemed and taken to be, and shall in every such proceeding (where necessary) be stated to be the Property of the person appointed to the Office of Trustee or Treasurer of such Society for the time being, in his or her proper name, without further description; and such person shall, and he or she is hereby respectively authorised to bring or defend, or cause to be brought or defended, any Action, Suit or Prosecution, Criminal as well as Civil, in Law or in Equity, touching or concerning the Property, right or claim aforesaid, of or belonging to, or had by such Society—*provided* that such person shall have been thereunto duly authorised by the consent of the majority of Members present at any Meeting of the Society or Committee, and such person so appointed shall and may in all cases concerning the Property, right or claim aforesaid of such Society, sue and be sued, plead and be impleaded,

Involuntary Conveyances by Order of Court.

Title to Real Property, Monies, &c. vested in Officers of Society.

Institution and Defence of Suits relative thereto, &c. &c.

in his or her proper name, as Trustee or Treasurer of such Society, without other description ; and no such Suit, Action or Prosecution, shall be discontinued or abate by the death of such person, or his or her removal from the office of Trustee or Treasurer, but the same shall and may be proceeded in by the succeeding Trustee or Treasurer, in the proper name of the person commencing the same, any Law, usage, or custom to the contrary notwithstanding ; and such succeeding Trustee or Treasurer shall pay or receive like costs as if the Action or Suit had been commenced in his or her name, for the benefit of, or to be reimbursed from the Funds of said Society.

Liability of Officers  
for deficiency in  
Funds.

XIV. *And be it enacted*, That the Trustee or Treasurer, or any Officer of any Society established under the authority of this Act, shall not be liable to make good any deficiency which may arise in the Funds of such Society, unless such persons shall have respectively declared by writing under their hands deposited and registered in like manner, with the Rules of this Society, that they are willing so to be answerable ; and it shall be lawful for each of such persons, or for such persons collectively, to limit his or her responsibility to such sum as shall be specified in any such instrument or writing : *Provided always*, That the said Trustee and Trustees or Treasurer, and every the Officer of any such Society shall be, and they are hereby declared to be personally responsible and liable for all monies actually received by him, her, or them on account of, or to, or for the use of the said Society.

Proviso.

Payment of Money  
of deceased Intestate  
Members.

XV. *And be it enacted*, That whenever the Trustees of any Society established under this Act, at any time after the decease of any Member, have paid and divided any sum of money to or amongst any person or persons, who shall at the time of such payment appear to such Trustees to be entitled to the Effects of any deceased Intestate Member—the payment of any such sum or sums of Money, shall be valid and effectual with respect to any demand of any other person or persons, as next of kin of such deceased intestate Member against the Funds of such Society, or against the Trustees thereof ; but nevertheless such next of kin or representative shall have remedy for such Money so paid as aforesaid, against the person or persons who shall have received the same.

Payment when sum  
does not exceed  
£20.

XVI. *And be it enacted*, That in case any Member of any Society shall die, who shall be entitled to any sum not exceeding Twenty Pounds, it shall be lawful for the Trustees or Treasurer of such Society, and they are hereby authorized and permitted, if such Trustees or Treasurer shall be satisfied that no Will was made and left by such deceased Member, and that no Letters of Administration will be taken out of the Funds, Goods and Chattels of such depositor, to pay the same at any time after the decease of such Member, according to the Rules and Regulations of the said Society, and in the event of there being no Rules and Regulations made in that behalf, then the said Trustees or Treasurer are hereby authorised and permitted to pay and divide the same to and amongst the person or persons entitled to the Effects of the deceased intestate, and that without Administration.

Remedy against persons  
fraudulently  
detaining Funds  
of Societies.

XVII. *And be it enacted*, That for the more effectually preventing fraud and imposition on the Funds of such Societies, if any Officer, Member, or any other person, being or representing himself or herself to be a Member of such Society, or the Nominee, Executor, Administrator, or Assignee of any Member of such Society, or any other person whatever shall, in or by any false representation or imposition, fraudulently obtain possession of the Monies of such Society, or any part thereof, or having in his or her possession any sum of Money belonging to said Society, shall fraudulently withhold the same, and for which offence no especial provision has been made in the Rules of such Society, it shall be lawful for any One Justice of the Peace residing within the County within which such Society shall be held, upon complaint made upon Oath by an Officer of such Society, to summon such person against whom such complaint shall be made, to appear at a time and place to be named in such Summons, and

and upon his or her appearance, or in default thereof, upon due proof upon Oath of the service of such Summons, it shall and may be lawful for any Two Justices residing within the County aforesaid, to hear and determine the said complaint according to the Rules of the said Society, confirmed as directed by this Act; and upon due proof of such fraud, the said Justices shall commit the said Party, and award double the amount of the Money so fraudulently obtained or withheld, to be paid to the Treasurer, to be applied by him to the purposes of the Society so proved to have been imposed upon and defrauded, together with such Costs as shall be awarded by the said Justices, not exceeding the sum of Ten Shillings; and in case such person against whom such complaint shall be made shall not pay the sum of Money so awarded to the person, and at the time specified in the said order, such Justices are hereby required, by Warrant under their Hands and Seals, to cause the same to be levied by Distress and Sale of Goods of such person on whom such Order shall have been made, or by other legal proceeding, together with such costs as shall be awarded by the said Justices, not exceeding the sum of Ten Shillings, and also the costs and charges attending such distress and sale, or other legal proceeding, returning the overplus (if any) to the owner; and on default of such distress being found, the said Justices of the Peace shall commit such person so proved to have offended to the County Gaol for such a period not exceeding Three Calendar Months, as to them shall seem fit: *Provided nevertheless*, that nothing herein contained shall prevent the said Society from proceeding by Indictment or Complaint against the Party complained of: *And provided also*, that no Party shall be proceeded against by Indictment or Complaint if a previous conviction has been obtained for the same offence under the provisions of this Act.

Proviso.

XVIII. *And be it enacted*, That provision shall be made by one or more of the Rules of every such Society to be confirmed as required by this Act, specifying whether a Reference of every matter in dispute between any such Society, or any person acting under them, and any individual member thereof, or persons claiming on account of any Member, shall be made to such of Her Majesty's Justices of the Peace as may act in and for the County in which such Society may be formed, or to Arbitrators to be appointed in manner hereafter directed; and if the matter so in dispute shall be referred to Arbitration, certain Arbitrators shall be named and elected at the First Meeting of such Society, or Committee thereof that shall be held after the enrolment of its Rules, none of the said Arbitrators being beneficially interested, directly or indirectly, in the Funds of the said Society, of whom a certain number, not less than Three, shall be chosen by ballot in each such case of dispute—the number of the said Arbitrators and mode of ballot being determined by the Rules of each Society respectively, the names of such Arbitrators shall be duly entered in the Book of the said Society in which the Rules are entered as aforesaid; and in case of the death or refusal, or neglect of any or all of the said Arbitrators to act, it shall and may be lawful to and for the said Society or Committee thereof, and they are hereby required at their next Meeting to name and elect one or more Arbitrator or Arbitrators aforesaid, to act in the place of the said Arbitrator or Arbitrators so dying, or refusing or neglecting to act as aforesaid; and whatever Award shall be made by the said Arbitrators or the major part of them, according to the true purport and meaning of the Rules of such Society, confirmed by the Justices according to the directions of this Act, shall be in the form prescribed by the Bye Laws, and shall be binding and conclusive on all parties, and shall be final to all intents and purposes, without appeal, or being subject to the control of one or more Justices of the Peace, and shall not be removed or removeable into any Court of Law, or restrained or restrainable by the injunction of any Court of Equity; and should either of the said Parties in dispute refuse or neglect to comply with, or conform to, the decision of the said Arbitrators, or the major part of them, it shall and may be lawful for any one Justice of the Peace residing within the County within which such Society shall

Rules to be provided for submission of Differences to Justices of Peace, or to Arbitration.

Election of Arbitrators, &c. &c.

Enforcement of Awards, &c. &c.

shall be held, upon good and sufficient proof being adduced before him of such award having been made, and of the refusal of the Party to comply therewith, upon complaint made by or on behalf of the party aggrieved, to summon the person against whom such complaint shall be made, to appear at a time and place to be named in such Summons, and upon his or her appearance, or in default thereof, upon due proof upon oath, or the service of such Summons, any Two Justices of the Peace may proceed to make such order thereupon as to them may seem just; and if the sum of Money so awarded, together with a sum for costs, not exceeding the sum of Ten Shillings, as to such Justices shall seem meet, shall not be immediately paid, then such Justices shall by Warrant under their Hands and Seals cause such sum and costs as aforesaid to be levied by Distress or Distresses and Sale of the Monies, Goods, Chattles, Securities, and Effects belonging to the said Party or to the said Society, or other legal proceeding, together with all further costs and charges attending such Distress and Sale, or other legal proceedings, returning the overplus (if any) to the said Party or to the said Society, or to one of the Trustees or Treasurer thereof; and in default of such Distress being found, or such legal proceeding being ineffectual, then to be levied by Distress and Sale of the proper Goods of the said Party, or of the said Society so neglecting or refusing as aforesaid, by other legal proceedings, together with such further costs and charges as aforesaid, the overplus (if any) to the Owner: *Provided always*, That when the Rules of any Society provide for a reference to Arbitrators of any matter in dispute, and it shall appear to any Justice of the Peace on the complaint on oath of a Member of any such Society, or of any person claiming on account of such Member that application has been made to such Society, or the Trustees or Treasurer, or other Officer thereof, for the purpose of having any dispute so settled by Arbitration, and that such application has not, within Forty days, been complied with, or that the Arbitrators have neglected or refused to make any award, it shall and may be lawful for such Justice to summon the Trustees, Treasurer, or other Officer of the Society, or any of them against whom the complaint is made, and for any Two Justices to hear and determine the matter in dispute, in the same manner as if the Rules of the said Society had directed that any matter in dispute should be decided by Justices of the Peace, anything herein contained to the contrary thereof notwithstanding.

Provide

Proceedings before  
Justices.

XIX. *And be it enacted*, That if, by the Rules of any such Society, it is directed that any matter in dispute as aforesaid, shall be decided by Justices of the Peace, it shall and may be lawful for any such Justice, on complaint being made to him of any refusal or neglect to comply with the Rules of such Society, by any member or officer thereof, to summon the person against whom such complaint shall be made, to appear at a place and time to be named in such Summons, and, upon his or her appearance, or, in default thereof, upon due proof on oath of the service of such Summons, it shall and may be lawful for any two Justices to proceed to hear and determine the said complaint according to the Rules of the said Society; and in case the said Justices shall adjudge any sum of Money to be paid by such person against whom such complaint shall be made; and if such person shall not pay such sum of Money to the person, and at the time specified by such Justices, they shall proceed to enforce their award in the manner hereinbefore directed to be used in case of any neglect to comply with the decision of the Arbitrators appointed under the authority of this Act.

Minors may become  
Members

XX. *And be it enacted*, That a Minor may become a Member of any such Society, and shall be empowered to execute all instruments, give all necessary acquittances, and enjoy all the privileges, and be liable to all the responsibilities appertaining to members of matured age, notwithstanding his or her incapacity or disability in Law to act for himself or herself: *Provided always*, That such Minor be admitted into such Society, by and with the consent of his or her Parents, Masters or Guardians.

XXI. *And be it enacted*, That the Rules of every Society shall provide that the Trustees,



Trustees, Treasurer, or other Principal Officer thereof, shall once in every year at least, prepare or cause to be prepared, a general Statement of the Funds and Effects of or belonging to such Society, specifying in whose custody or possession the said Funds or Effects shall be then remaining, together with an account of all and every the various sums of Money received and expended by or on account of the said Society since the publication of the preceding Periodical Statement, and every such Periodical Statement shall be attested by Two or more Members of such Society appointed Auditors for that purpose, and shall be countersigned by the Secretary of such Society; and every Member shall be entitled to receive from the said Society a Copy of such Periodical Statement, on payment of such sum as the Rules of such Society may require, not exceeding the sum of Sixpence.

XXII. *And be it enacted*, That on the Trial of any Action, Indictment, or other Proceeding respecting the Property of any Society enrolled under the authority of this Act, or in proceedings before any Justice of the Peace, any Member of such Society shall be a competent Witness, and shall not be objected to on account of any interests he may have as such Member, in the result of such Action, Indictment, or other Proceeding.

Members competent  
as Witnesses.

XXIII. *And be it enacted*, That it shall be lawful for the Trustees named in any Mortgage made on behalf of such Societies, or the Survivor or Survivors of them, or for the Trustees for the time being, to endorse upon any Mortgage, or Further Charge given by any Member of such Society to the Trustees thereof for Monies advanced by such Society to any Member thereof, a Receipt for all Monies intended to be secured by such Mortgage or Further Charge, which shall be sufficient to vacate the same, and vest the Estate of and in the Property comprised in such Security in the person or persons for the time being entitled to the Equity of Redemption, without it being necessary for the Trustees of any such Societies to give any re-conveyance of the Property so Mortgaged: which Receipt shall be specified in a Schedule to be annexed to the Rules of such Society, duly certified and deposited as aforesaid.

Discharge of Mort-  
gages.

XXIV. *Provided always, and be it enacted*, That nothing herein contained shall authorise any Building Society established under this Act, to invest its Funds, or any part thereof, in any Savings' Bank.

Funds not to be in-  
vested in Savings  
Banks.

XXV. *And be it enacted*, That all Building Societies hereafter to be established, shall be entitled to the protection and benefit of this Act; but no such Society shall be entitled thereto until their Rules shall have been certified and deposited in the manner hereinbefore directed by this Act.

Societies hereafter  
established subject  
to Act.

XXVI. *And be it enacted*, That wherever in this Act in describing or referring to any person, the word importing the singular number or the masculine gender only is used, the same shall be understood to include, and shall be applied to several Persons or Parties, as well as one Person or Party, and Females as well as Males, unless there be something in the subject or context repugnant to such construction.

Construction of  
Terms.

XXVII. *And be it enacted*, That this Act may be altered, amended or repealed, at the present or any future Session of Assembly.

Alteration or Repeal  
of Act.

### CAP. XLIII.

## An Act to Naturalize Calvin P. Soule.

(Passed the 31st day of March, A. D. 1849.)

**W**HEREAS Calvin P. Soule, a native of Duxbury, in the United States of America, has been engaged as a Merchant for Two years in the County of Colchester, in this Province, during all which time he has borne a good character, and

Preamble.

now intending to take up his permanent residence or domicile within this Province, he is desirous of being Naturalized, and has given satisfactory assurance that he is willing to assume all the duties and responsibilities which may attach to him in the character of a good and faithful subject of our Lady the Queen.

Naturalization of  
Calvin P. Soule.

I. *Be it therefore enacted by the Lieutenant-Governor, Council and Assembly,* That he, the said Calvin P. Soule, so soon after the passing of this Act as he shall take and subscribe the Oath of Allegiance to Her Majesty Queen Victoria, and Her Successors, in manner prescribed in and by the Act passed in the Eleventh year of Her present Majesty's Reign, entitled, An Act relating to the Naturalization of Aliens within this Province, shall, within the limits of this Province of Nova Scotia, be and become and be held and adjudged to be a Naturalized subject of Her Majesty, entitled to all the rights and privileges of such subjects as fully as the same rights and privileges can or may be conferred under or by virtue of the Act of the Imperial Parliament passed in the Tenth and Eleventh years of Her Majesty's Reign, entitled, An Act for the Naturalization of Aliens.

CAP. XLIV.

**An Act to Naturalize William Doat.**

*(Passed the 31st day of March, A. D. 1849.)*

Preamble.

**W**HEREAS William Doat, a native of Denmark, has been employed in the British Merchant Service for twelve years, the last eight of which he has served in Vessels belonging to this Province, during all which time he has borne a good character, and now intending to take up his permanent residence at Yarmouth, he is desirous of being Naturalized, and has given satisfactory assurance that he is willing to assume all the duties and responsibilities which may attach to him in the character of a good and faithful subject of our Lady the Queen :

Naturalization of  
William Doat.

I. *Be it enacted, by the Lieutenant-Governor, Council, and Assembly,* That he, the said William Doat, so soon after the passing of this Act as he shall take and subscribe the Oath of Allegiance to Her Majesty Queen Victoria, and her Successors, in manner prescribed in and by the Act passed in the Eleventh Year of Her present Majesty's Reign, entitled, An Act relating to the Naturalization of Aliens within this Province, shall, within the limits of this Province of Nova Scotia be, and become, and be held, and adjudged to be a naturalized subject of Her Majesty, entitled to all the rights and privileges of such Subjects as fully as the same rights and privileges can or may be conferred under or by virtue of the Act of the Imperial Parliament, passed in the Tenth and Eleventh Years of Her Majesty's Reign, entitled, An Act for the Naturalization of Aliens.

CAP. XLV.

**An Act concerning the Halifax Steam Boat Company.**

*(Passed the 31st day of March, 1849.)*

Company to be sub-  
ject to Rules of  
Sessions.

**B**E it enacted by the Lieutenant-Governor, Council and Assembly, That the Halifax Steam Boat Company, during their term of Incorporation, or any extension thereof, shall be subject and liable to such Rules and Regulations as the Justices in their

their General or Quarter Sessions at Halifax shall ordain and establish, not only with respect to the Rates and Fares demandable on the Ferry, and respecting the small Passage Boats, as now by Law provided, but also with regard to the number of Trips and Times of Starting of their Steamers.

## CAP. XLVI.

## An Act to regulate the Pier or Wharf at Everett's Landing, in the Township of Weymouth.

(Passed the 31st day of March, A. D. 1849.)

**B**E it enacted, by the Lieutenant-Governor, Council, and Assembly, That from and after the passing of this Act, the Public Pier or Wharf at Everett's Landing, in the Township of Weymouth, in the County of Digby shall be under the charge, care, and custody of the Justices of the Peace for the said County, and it shall be lawful for the said Justices from time to time, at any General Sessions of the Peace to be holden at Digby, in the said County, to make such Orders, Rules, and Regulations as shall appear to them to be expedient and necessary for the due ordering and keeping of the said Public Pier or Wharf, and to impose any Fine or Penalty, not exceeding the sum of Five Pounds, for the Breach of any of the said Orders, Rules, and Regulations made, as aforesaid.

Justices to take charge of Pier, make Regulations, &c.

II. *And be it enacted,* That it shall be lawful for the Justices (if to them it shall seem expedient so to do) to impose Charges on all Ships Vessels and Goods that shall make use of, or be landed on the said Pier or Wharf, at Everett's Landing aforesaid; and all such charges shall be applied to the support and maintenance of the said Pier or Wharf, and such Justices shall order and direct the manner in which the same shall be collected.

To impose charges on Ships and Goods—Application thereof, &c.

III. *And be it enacted,* That all such Charges for Wharfage, and Fines and Penalties, shall be sued for and recovered by any person who will sue for the same, or as may be otherwise directed by the said Justices, in the same manner and with the like Costs as if the same were a private debt due to the party suing therefor, and shall be paid and applied as follows, that is to say: One half to be paid to the Treasurer of the County of Digby for County purposes, and the other half to the person so suing therefor.

Recovery of Charges Fines, &c.

IV. *Provided always, and be it enacted,* That no Order or Regulation of the Justices hereunder, shall be of any force until submitted to and approved by the Governor in Council.

Orders to be approved by Governor.

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

Duration of Act.

## CAP. XLVII.

## An Act concerning a Baptist Meeting House at Bridgewater.

(Passed the 31st day of March, 1849.)

**W**HEREAS a certain Lot of Land and Premises, with the Appurtenances, situate at Bridgewater in the County of Lunenburg, was conveyed by one Nicholas

Preamble.

cholas Hebb, by Deed bearing date on or about the Eighth day of October, in the year One thousand eight hundred and thirty-two, to certain Trustees for the use of the regularly ordained Clergymen of the Church of England, German or Scotch Presbyterian, or Lutheran Church: *And whereas* the Ministers, Deacons, Churchwardens, and Congregation of the said English, German or Scotch Presbyterian, or Lutheran Churches have considered that they would derive mutual benefit from the Sale of the said Lot of Land and the Building thereon erected, and the equal division among themselves of the sum of Money to be realised from such Sale, to be applied to the use of their respective Congregations: *And whereas*, the said Nicholas Hebb and the said Trustees have signified their acquiescence in such Sale: *And whereas*, the said Lot of Land and Building was set up at Public Auction, and purchased by certain persons on behalf of the Baptist Church at Bridgewater aforesaid: *And whereas*, at the time of the said Sale it was publicly stated that the Vendors could not give a Legal Title to the said Property, but that they would join in an application to the Legislature to confirm the Title in the Purchaser or Purchasers thereof: *And whereas*, since the Sale all the Parties interested in the said Property have, by Petition, prayed that the Legal Title might be vested in certain Trustees, to and for the use of the said Baptist Church:

Lands to vest in  
Trustees of Baptist  
Church.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That all the Lands, Tenements, and Real Estate which were held in Trust for the use of the said English, German, or Scotch Presbyterian or Lutheran Churches, by John Hebb, Leonard Hebb and George Zwicker, the Original Trustees in the said Trust Deed mentioned, shall, after the passing of this Act, absolutely vest in and become the Estate and Property of Trustees to be appointed as hereinafter directed, in Trust, to and for the use of the Baptist Church in Bridgewater aforesaid, in connection with the Nova-Scotia Association of Baptist Churches, so called, or any such Association hereafter to be formed, holding the same Tenets or Articles of Religion as the Churches of the said Association, being those of the Christian People called Calvinistic Baptists.

Appointment of  
Trustees.

II. *And be it enacted*, That from time to time, and at all times after the passing of this Act, it shall be lawful for the said Baptist Church, assembled after due notice, to nominate and appoint Three fit and proper Persons, by vote of the majority of the said Church present at such Meeting, as Trustees to take charge of the said Lands, Tenements and Buildings, in whom the Legal Title shall vest, immediately upon their executing a Declaration of Trust, to be approved by a majority of the said Church at their said Meeting.

Filling of Vacancies.

III. *And be it enacted*, That it shall be lawful for the said Church at any Meeting called after due notice, to fill up any Vacancy that may have been made in the said Trust by death, resignation or otherwise, or they may, if they think fit, remove any One or more of the said Trustees from the office of the said Trust, and appoint others in their place, and the same power, trust and authority of the former Trustees shall vest in the succeeding Trustees, without any assignment or conveyance, for all purposes whatsoever mentioned in this Act.

Lands liable for Pur-  
chase Money.

IV. *Provided always, and be it enacted*, That the said Land and Meeting House shall be liable to the payment of the above purchase Money, equally—to the Minister of the Church of England at Lunenburg—to the Minister or Pastor of the German or Scotch Presbyterian Church at Lunenburg, and to the Minister or Pastor of the Lutheran Church at Lunenburg, agreeably to the terms of the said Sale, until the Receipts of the said Ministers, acknowledging that the said Money has been paid or secured, shall be entered in the Registry of Deeds for the said County of Lunenburg.

## CAP. XLVIII.

**An Act to continue the Act in relation to Promissory Notes or Undertakings, payable in Produce or otherwise than in Money.**

*(Passed the 8th day of March A. D. 1849.)*

**B**E it Enacted, by the Lieutenant-Governor, Council, and Assembly, That the Act passed in the Ninth year of Her present Majesty's Reign, entitled, An Act in relation to Promissory Notes or undertakings, payable in Produce or otherwise than in Money and every matter, clause and thing therein contained, shall be continued, and the same are hereby continued for One Year, and thence to the end of the then next Session of the General Assembly.

Act 9th, Victoria, continued.

## CAP. XLIX.

**An Act to continue the Act for Relieving Insolvent Debtors from Imprisonment.**

*(Passed the 8th day of March, A. D. 1849.)*

**B**E it enacted, by the Lieutenant-Governor, Council, and Assembly, That the Act passed in the Ninth Year of Her present Majesty's Reign, entitled, An Act for Relieving Insolvent Debtors from Imprisonment, and every matter, clause and thing therein contained, shall be continued, and the same are hereby continued for One Year, and thence to the end of the then next Session of the General Assembly.

Act 9th, Victoria, continued.

## CAP. L.

**An Act to continue the Acts for the Summary Trial of Actions before Justices of the Peace.**

*(Passed the 31st day of March, A. D. 1849.)*

**B**E it enacted, by the Lieutenant-Governor, Council, and Assembly, That the Act passed in the Fifth year of Her present Majesty's Reign, entitled, An Act for the Summary Trial of Actions before Justices of the Peace, and also the Act passed in the Eighth year of Her Majesty's Reign to continue and amend the said Act, except so far as the said Acts, or either of them, may be altered or amended by the Acts hereinafter mentioned; also the Act passed in the Tenth Year of Her Majesty's Reign to amend the said first-mentioned Act; and also the Act passed in the Eleventh Year of Her Majesty's Reign, further to amend the said first-mentioned Act, shall be continued, and the said several Acts, and every matter, clause and thing therein contained, except as before excepted, are hereby continued for One Year, and thence to the end of the then next Session of the General Assembly.

Acts 5th, 8th, 10th and 11th, Victoria, continued.

## CAP. LI.

**An Act to continue the Act to enable the Governor in Council to make Orders and Regulations towards establishing an uniform Rate of Postage throughout British America.**

*(Passed the 31st day of March, 1849.)*

Act 11th, Victoria,  
continued.

**B**E it enacted, by the Lieutenant-Governor, Council, and Assembly, That the Act passed in the Eleventh Year of Her present Majesty's Reign, entitled, An Act to enable the Governor in Council to make Orders and Regulations towards establishing an uniform Rate of Postage throughout British America, and every matter, clause and thing therein contained, shall be continued, and the same are hereby continued for One Year, and thence to the end of the then next Session of the General Assembly.

## CAP. LII.

**An Act to continue the Act in relation to the Trade between the British North American Possessions.**

*(Passed the 31st day of March, A. D. 1849.)*

Act 11th, Victoria,  
continued.

**B**E it enacted by the Lieutenant-Governor, Council, and Assembly, That the Act passed in the Eleventh Year of Her present Majesty's Reign, entitled, An Act in relation to the Trade between the British North American Possessions, which will continue in force until the First day of April in this year of Our Lord One Thousand Eight Hundred and Forty-nine, shall remain thenceforth in operation, and be further continued until the First day of April, which will be in the year of Our Lord One Thousand Eight Hundred and Fifty, and no longer.

## CAP. LIII.

**An Act to continue the Acts relative to the Disposal of Crown Lands.**

*(Passed the 8th day of March, A. D. 1849.)*

Acts 3d, 6th, 9th and  
10th, Victoria,  
continued.

**B**E it enacted by the Lieutenant-Governor, Council and Assembly, That the Act passed in the Third Year of Her present Majesty's Reign, entitled, An Act to establish Regulations for the future Disposal of Crown Lands within the Province of Nova Scotia; also the several Acts passed in the Sixth and Ninth years respectively of Her present Majesty's Reign, to continue and amend the said Act; and also the Act passed in the Tenth year of Her Majesty's Reign, in addition to and alteration of the said Acts, except so far as the said Acts, or any of them, may be altered or amended by the provisions of any other of the said Acts subsequent thereto respectively, shall be continued, and the said several Acts, and every matter, clause and thing, therein contained, except as before excepted, are hereby continued for One Year, and thence to the end of the then next Session of the General Assembly.

## CAP. LIV.

## An Act to continue the Act to revive the Act to amend the Act to regulate the Assize of Bread.

(Passed the 8th day of March, A. D. 1849.)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act passed in the Fifth year of Her present Majesty's Reign, entitled, An Act to revive the Act to amend the Act to regulate the Assize of Bread, and every matter, clause and thing therein contained, shall be continued, and the same are hereby continued for One Year, and thence to the end of the then next Session of the General Assembly.

Act 5th, Victoria, continued.

## CAP. LV.

## An Act to continue the Act to Regulate the Weighing and Selling of Beef.

(Passed the 8th day of March, A. D. 1849.)

**B**E it enacted, by the Lieutenant-Governor, Council, and Assembly, That the Act passed in the Ninth Year of Her present Majesty's Reign, entitled, An Act to Regulate the Weighing and Selling of Beef, and every matter, clause and thing therein contained, shall be continued, and the same are hereby continued for One Year, and thence to the end of the then next Session of the General Assembly.

Act 9th, Victoria, continued.

## CAP. LVI.

## An Act to continue and amend the Acts for Regulating the Militia.

(Passed the 31st day of March, A. D. 1849.)

**B**E it enacted, by the Lieutenant-Governor, Council, and Assembly, That the Act passed in the Fourth Year of the Reign of Her present Majesty Queen Victoria, entitled, An Act for Regulating the Militia, except the Twenty-first Section thereof, which is hereby repealed, and also except as altered or amended by the Act hereinafter mentioned; and also the Act passed in the Ninth Year of Her present Majesty's Reign, entitled, An Act to continue and amend the Act, entitled, An Act for regulating the Militia, shall be continued, and the said Acts, and every matter, clause and thing therein contained, except as before excepted, are hereby continued for One Year, and thence to the end of the then next Session of the General Assembly.

Acts 4th and 9th, Victoria, continued.

## CAP. LVII.

## An Act to continue the Act for the Suppression of Lotteries.

(Passed the 8th day of March, A. D. 1849.)

Act 4th, Victoria,  
continued.

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act passed in the Fourth year of the Reign of Her present Majesty Queen Victoria, entitled, An Act for the Suppression of Lotteries, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for One Year, and thence to the end of the then next Session of the General Assembly.

## CAP. LVIII.

## An Act to continue the Acts for the Government and Regulation of the Provincial Penitentiary.

(Passed the 8th day of March, A. D. 1849.)

Acts 7th and 8th  
Victoria, continu-  
ed.

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act passed in the Seventh year of Her present Majesty's Reign, entitled, An Act for the Government and Regulation of the Provincial Penitentiary; and also the Act passed in the Eighth year of Her present Majesty's Reign, entitled An Act in amendment of the Act for the Regulation of the Provincial Penitentiary, and every matter, clause and thing, in the said Acts contained, shall be continued; and the same are hereby continued for One Year, and thence to the end of the then next Session of the General Assembly.

## CAP. LIX.

## An Act to continue the Acts for Granting Duties on Licenses for the Sale of Spirituous Liquors.

(Passed the 31st day of March, 1849.)

Acts 7th, Wm. 4th,  
2d, 6th, 10th and  
11th, Victoria,  
continued.

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act passed in the Seventh year of the Reign of His late Majesty King William the Fourth, entitled, An Act for granting Duties on Licenses for the Sale of Spirituous Liquors, except as altered by the Acts hereinafter mentioned; also the Act passed in the Second year of Her present Majesty's Reign, entitled, An Act to continue and alter the Act for granting Duties on Licenses for the Sale of Spirituous Liquors, except as altered by the Acts hereinafter mentioned; and also the Act passed in the Sixth year of Her present Majesty's Reign, entitled, An Act continuing and amending the Acts for granting Duties on Licensed Houses, except as altered by the Act hereinafter mentioned; also the Act passed in the Tenth year of Her present Majesty's Reign, entitled, An Act to continue and amend the Acts for granting Duties on Licenses for the Sale of Spirituous Liquors, except as altered by the Act hereinafter mentioned; and also the Act passed in the Eleventh year of Her Majesty's Reign, entitled, An Act to continue



continue and alter the Acts for granting Duties on Licenses for the Sale of Spirituous Liquors, which said several Acts will continue in force until the First day of April, in this year of Our Lord One Thousand Eight Hundred and Forty-nine, shall remain thenceforth in operation, and the same, and every matter, clause and thing, therein contained, except as aforesaid, are hereby respectively further continued until the First day of April, which will be in the year of Our Lord One Thousand Eight Hundred and Fifty, and no longer.

## CAP. LX.

### An Act to continue the Acts for granting Duties on Licenses for the Sale of Spirituous Liquors, and Sales by Auction, in Halifax.

(Passed the 31st day of March, A. D. 1849.)

**B**E it enacted, by the Lieutenant-Governor, Council, and Assembly, That the Act passed in the Seventh year of the Reign of His late Majesty King William the Fourth, entitled, An Act for granting Duties on Licenses for the Sale of Spirituous Liquors, and for Sales by Auction, in Halifax, except as altered or amended by the Acts hereinafter mentioned; also, the Act passed in the Second year of the Reign of Her present Majesty, entitled, An Act to continue and alter the Act for granting Duties on Licenses for the Sale of Spirituous Liquors, and for Sales by Auction, in Halifax, except as altered by the Act hereinafter mentioned; and also the Act passed in the Sixth year of Her present Majesty's Reign, entitled, An Act to continue and amend the Acts for granting Duties on Licenses for the Sale of Spirituous Liquors, and Sales by Auction, in Halifax: which said several Acts will continue in force until the First day of April, in this year of our Lord One Thousand Eight Hundred and Forty-nine, shall remain thenceforth in operation; and the said several Acts, and every matter, clause and thing, therein contained, except as before excepted, are hereby respectively further continued until the First day of April, which will be in the year of Our Lord One Thousand Eight Hundred and Fifty, and no longer.

Act 7th, Wm. 4th,  
Acts 2d & 6th Vic-  
toria, continued.

## CAP. LXI.

### An Act to continue the Acts for appointing Supervisors to take charge of Public Grounds and for other purposes.

(Passed the 8th day of March A. D. 1849.)

**B**E it enacted, by the Lieutenant-Governor, Council, and Assembly, That the Act passed in the Fourth year of the Reign of His late Majesty King William the Fourth, entitled, An Act for appointing Supervisors to take charge of Public Grounds, and for other purposes, except the Third clause or section thereof, and also except as altered or amended by the Act passed in the Fifth year of His said late Majesty's Reign to amend the said first-mentioned Act, or by the Acts hereinafter mentioned;

Act 4th, Wm. 4th,  
except 3rd clause,  
Acts 3rd & 9th  
Victoria, as altered  
continued.

also the Act passed in the Third year of Her present Majesty's Reign to continue and amend the said first-mentioned Act, except as altered or amended by the Act hereinafter mentioned; and also the Act passed in the Ninth year of Her Majesty's Reign, entitled, An Act to continue and amend the Acts for appointing Supervisors to take charge of Public Grounds, and for other purposes, shall be continued; and the said several Acts, and every matter, clause and thing therein contained, except as before excepted, are hereby continued for One year, and thence to the end of the then next Session of the General Assembly.

## CAP. LXII.

### An Act to continue the Acts in amendment of the Act relating to Highways, Roads, and Bridges.

(Passed the 31st day of March, 1849.)

Acts 4th, Wm. 4th,  
and 8th Victoria,  
continued.

**B**E it enacted, by the Lieutenant-Governor, Council, and Assembly, That the Act passed in the Fourth year of the Reign of His late Majesty King William the Fourth, entitled, An Act in amendment of the Act relating to Highways, Roads, and Bridges, except as altered or amended by the Act hereinafter mentioned; also the Act passed in the Eighth year of Her present Majesty's Reign, entitled An Act to revive, continue, and alter the Act in amendment of the Act relating to Highways, Roads, and Bridges, shall be continued, and the said Acts, and every matter, clause and thing therein contained, except as before excepted, are hereby continued for One year, and thence to the end of the then next Session of the General Assembly.

## CAP. LXIII.

### An Act to continue the Acts to prevent Disorderly Riding, and to regulate the Driving of Carriages on the Streets of Halifax or other Towns, or on the Public Roads of this Province.

(Passed the 8th day of March, A. D. 1849.)

Acts 4th, Geo. 4th,  
and 5th, Victoria,  
continued.

**B**E it enacted by the Lieutenant-Governor, Council, and Assembly, That the Act passed in the Fourth year of the Reign of His late Majesty King George the Fourth, entitled, An Act to prevent Disorderly Riding, and to regulate the Driving of Carriages on the Streets of Halifax or other Towns, or on the Public Roads of this Province, and for repealing certain Acts therein mentioned, except as altered or amended by the Act hereinafter mentioned; and also the Act passed in the Fifth year of Her present Majesty's Reign, to continue and amend the said first mentioned Act, shall be continued; and the said Acts, and every matter, clause and thing, therein contained, except as before excepted, are hereby respectively continued for One year, and thence to the end of the then next Session of the General Assembly.

## CAP. LXIV.

**An Act to continue the Act for the better Regulation of Sable Island in this Province.***(Passed the 8th day of March, A. D. 1849.)*

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act passed in the First year of the Reign of Her present Majesty, Queen Victoria, entitled, An Act for the better Regulation of Sable Island in this Province, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for One year, and thence to the end of the then next Session of the General Assembly.

Act 1st, Victoria, continued.

## CAP. LXV.

**An Act to continue the Act for the Encouragement of Agriculture and Rural Economy in this Province.***(Passed the 31st day of March, A. D. 1849.)*

**B**E it enacted, by the Lieutenant-Governor, Council, and Assembly, That the Act passed in the Eighth Year of Her present Majesty's Reign, entitled, An Act for the Encouragement of Agriculture and Rural Economy in this Province, and every matter, clause and thing therein contained, including a similar Grant of Money as that therein mentioned, shall be continued; and the same are hereby continued for Four years, and thence to the end of the then next Session of the General Assembly.

Act 8th, Victoria, continued.

## CAP. LXVI.

**An Act to continue the Act for making Regulations relative to the Setting of Snares for catching Moose.***(Passed the 8th day of March, A. D. 1849.)*

**B**E it enacted, by the Lieutenant-Governor, Council, and Assembly, That the Act passed in the Sixth Year of the Reign of Her present Majesty Queen Victoria, entitled, An Act for making Regulations relative to the Setting of Snares for catching Moose, and every matter, clause and thing therein contained, shall be continued, and the same are hereby continued for One year, and thence to the end of the then next Session of the General Assembly.

Act 6th, Victoria, continued.

## CAP. LXVII.

**An Act to continue the Act for the Preservation of Moose.***(Passed the 8th day of March, A. D. 1849.)*

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act passed in the Seventh year of the Reign of Her present Majesty Queen Victoria, entitled, An Act for the Preservation of Moose, and every matter, clause and thing therein contained shall be continued, and the same are hereby continued for One year, and thence to the end of the then next Session of the General Assembly.

Act 7th, Victoria,  
continued.

## CAP. LXVIII.

**An Act to continue the Act in amendment of the Act for the Settlement of the Poor in the several Townships within this Province.***(Passed the 8th day of March, A. D. 1849.)*

**B**E it enacted by the Lieutenant-Governor, Council and Assembly, That the Act passed in the Third Year of the Reign of His late Majesty King William the Fourth, entitled, An Act in amendment of the Act for the Settlement of the Poor in the several Townships within this Province, and every matter, clause and thing therein contained, shall be continued, and the same are hereby continued for One year, and thence to the end of the then next Session of the General Assembly.

Act 3d, Wm. 4th,  
continued.

## CAP. LXIX.

**An Act to continue the Act respecting the Collection of Poores' Rates of Pictou, as amended.***(Passed the 8th day of March, A. D. 1849.)*

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act passed in the Sixth year of the Reign of His late Majesty King William the Fourth, entitled, An Act respecting the Collection of Poores' Rates of Pictou, except in so far as the same is altered or amended by the Act passed in the Fifth year of the Reign of Her present Majesty Queen Victoria, entitled, An Act to amend the Acts respecting the Collection of Poores' Rates of Pictou and Egerton, shall be continued, and the said first mentioned Act, and every matter, clause and thing therein contained, except as before excepted, are hereby continued for One Year, and thence to the end of the then next Session of the General Assembly.

Acts 6th, Wm. 4th,  
and 5th, Victoria,  
continued.

## CAP. LXX.

## An Act to continue the Acts in amendment of the Acts for the Choice of Town Officers and Regulating of Townships.

(Passed the 8th day of March, A. D. 1849.)

**B**E it enacted, by the Lieutenant-Governor, Council, and Assembly, That the Act made and passed in the Tenth Year of the Reign of His late Majesty, entitled, An Act in further addition to, and in amendment of, the Act for the choice of Town Officers and Regulating of Townships, save and except so far as the same is or may be altered or amended by the Acts hereinafter mentioned; also the Act passed in the Second year of the Reign of His late Majesty King William the Fourth, entitled, An Act to alter and amend the Act in further addition to, and in amendment of the Act for the Choice of Town Officers and Regulating of Townships; also the Act passed in the Second year of the Reign of Her present Majesty Queen Victoria, entitled, An Act to continue and amend the Act in further addition to, and in amendment of, the Act for the Choice of Town Officers and Regulating of Townships, and the Act to alter and amend the same; also the Act passed in the Third Year of Her present Majesty's Reign, entitled, An Act to continue and amend the Act in further addition to, and in amendment of the Act for the Choice of Town Officers and Regulating of Townships, and the Acts to alter and amend the same, except as altered or amended by the Act hereinafter mentioned; and also the Act passed in the Eighth year of Her present Majesty's Reign, entitled, An Act to continue and amend the Acts in amendment of the Acts for the Choice of Town Officers and Regulating of Townships, shall be continued, and the said several Acts, and every matter, clause and thing therein contained, except as before excepted, are hereby respectively continued for One year, and thence to the end of the then next Session of the General Assembly.

Acts 10th & 2nd  
Wm. IV.—2d, 3d,  
& 8th Victoria  
continued.

## CAP. LXXI.

## An Act to continue the Act to extend to the Township of Egerton the Act respecting the Collection of Poors' Rates of Pictou, and to amend the said Act.

(Passed the 8th day of March, 1849.)

**B**E it enacted, by the Lieutenant-Governor, Council, and Assembly, That the Act passed in the Fourth year of the Reign of Her present Majesty Queen Victoria, entitled, An Act to extend to the Township of Egerton, the Act respecting the Collection of Poors' Rates of Pictou, and to amend the said Act, except so far as the same is altered or amended by the Act passed in the Fifth year of Her present Majesty's Reign, entitled, An Act to amend the Acts respecting the Collection of Poors' Rates of Pictou and Egerton, shall be continued; and the said first mentioned Act, and every matter, clause and thing therein contained, except as before excepted, are hereby continued for One year, and thence to the end of the then next Session of the General Assembly.

Act 4th Victoria, as  
altered, continued.

## CAP. LXXII.

**An Act to continue the Act for Setting off a part of the Township of Egerton as a separate District for the Support of the Poor.**

*(Passed the 8th day of March, A. D. 1849.)*

Act 6th Victoria  
continued.

**B**E it enacted, by the Lieutenant-Governor, Council, and Assembly, That the Act passed in the Sixth Year of the Reign of Her present Majesty Queen Victoria, entitled, An Act for Setting off a part of the Township of Egerton as a separate District for the Support of the Poor, and every matter, clause and thing therein contained, shall be continued; and the same are hereby continued for One year, and thence to the end of the then next Session of the General Assembly.

## CAP. LXXIII.

**An Act to continue the Acts for dividing the Township of Pictou into separate Districts for the Support of the Poor.**

*(Passed the 8th day of March, A. D. 1849.)*

Acts 7th & 8th  
continued.

**B**E it enacted, by the Lieutenant-Governor, Council, and Assembly, That the Act passed in the Seventh year of Her present Majesty's Reign, entitled, An Act for dividing the Township of Pictou into separate Districts for the Support of the Poor, except as altered or amended by the Act hereinafter mentioned; and also the Act passed in the Eighth year of Her Majesty's Reign, to amend the said first mentioned Act, shall be continued, and the said Acts, and every matter, clause, and thing, therein contained, except as before excepted, are hereby continued for One year, and thence to the end of the then next Session of the General Assembly.

## CAP. LXXIV.

**An Act to continue the Acts to Divide the Township of Maxweltown into separate Districts for the Support of the Poor.**

*(Passed the 8th day of March, A. D. 1849.)*

Acts 8th & 9th  
Victoria con-  
tinued.

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act passed in the Eighth year of Her present Majesty's Reign, entitled, An Act to Divide the Township of Maxweltown into Separate Districts for the Support of the Poor, except as altered or amended by the Act hereinafter mentioned; and also the Act passed in the Ninth year of Her Majesty's Reign to amend the said first mentioned Act, shall be continued, and the said Acts, and every matter, clause and thing therein contained, except as before expected, are hereby continued for One year, and thence to the end of the then next Session of the General Assembly.

## CAP. LXXV.

**An Act to continue the Act for Setting off a part of the Township of Sherbrooke, in the District of St. Mary's, as a separate District for the Support of the Poor.**

*(Passed the 8th day of March, A. D. 1849.)*

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act passed in the Eighth year of the Reign of Her present Majesty, Queen Victoria, entitled, An Act for Setting off a part of the Township of Sherbrooke, in the District of St. Mary's, as a separate District for the Support of the Poor, and every matter, clause, and thing therein contained, shall be continued, and the same are hereby continued for One year, and thence to the end of the then next Session of the General Assembly.

Act 8th Victoria  
continued.

## CAP. LXXVI.

**An Act to continue the Act for Dividing the Township of Douglas into separate Districts for the Support of the Poor.**

*(Passed the 8th day of March, A. D. 1849.)*

**B**E it enacted, by the Lieutenant-Governor, Council, and Assembly, That the Act passed in the Eighth Year of Her present Majesty's Reign, entitled, An Act for dividing the Township of Douglas into separate Districts for the Support of the Poor; and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for One year, and thence to the end of the then next Session of the General Assembly.

Act 8th Victoria  
continued.

## CAP. LXXVII.

**An Act to continue the Act in relation to the Gathering of Sea Manure in the Township of Chester.**

*(Passed the 8th day of March A. D. 1849.)*

**B**E it enacted by the Lieutenant-Governor, Council, and Assembly, That the Act passed in the Sixth year of Her present Majesty's Reign, entitled, An Act to authorize the Grand Jury and Court of General Sessions of the Peace for the County of Lunenburg to make Regulations for the Gathering of Sea Manure in the Township of Chester, shall be continued, and the said Act, and every matter, clause and thing therein contained, are hereby continued for One year, and thence to the end of the then next Session of the General Assembly.

Act 6th Victoria  
continued.

## CAP. LXXVIII.

**An Act to continue the Act to regulate Immigrant Vessels and Passengers.***(Passed the 31st day of March, A. D. 1849.)*

**B**E it enacted by the Lieutenant-Governor, Council and Assembly, That the Act passed in the Eleventh year of Her present Majesty's Reign, entitled, An Act to regulate Immigrant Vessels and Passengers; and every matter, clause and thing therein contained, shall be continued, and the same are hereby continued for One year, and thence to the end of the then next Session of the General Assembly.

Act 11th Victoria  
continued.

## CAP. LXXIX.

**An Act to continue the Act to Regulate certain Landings in the County of King's County.***(Passed the 8th day of March, 1849.)*

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act passed in the Fifth year of the Reign of His late Majesty King William the Fourth, entitled, An Act to Regulate certain Landings in the County of King's County, and every matter, clause and thing therein contained, shall be continued, and the same are hereby continued for One year, and thence to the end of the then next Session of the General Assembly.

Act 5th Wm. IV  
continued.

## CAP. LXXX.

**An Act to continue the Acts to prevent the Spreading of Contagious Diseases, and for the Performance of Quarantine.***(Passed the 8th day of March, A. D. 1849.)*

**B**E it enacted by the Lieutenant-Governor, Council and Assembly, That the Act passed in the Second year of the Reign of His late Majesty King William the Fourth, entitled, An Act to prevent the Spreading of Contagious Diseases, and for the Performance of Quarantine, except as altered or amended by the Act hereinafter mentioned; also the Act passed in the Third year of His said late Majesty's Reign, to continue and amend the said Act, shall be continued, and the said Acts, and every matter, clause and thing therein contained, except as before excepted, are hereby continued for One year, and thence to the end of the then next Session of the General Assembly.

Acts 2d & 3d Wm.  
IV continued.



CAP. LXXXI.

**An Act to continue the Acts more effectually to provide against the Introduction of Infectious or Contagious Diseases, and the Spreading thereof in this Province.**

*(Passed the 8th day of March, A. D. 1849.)*

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act passed in the Second year of the Reign of His late Majesty King William the Fourth, entitled, An Act more effectually to provide against the Introduction of Infectious or Contagious Diseases, and the spreading thereof in this Province, and every matter, clause and thing, therein contained, save and except the Twelfth clause or section thereof, and also except so far as the same is or may be altered or amended by the Acts hereinafter mentioned; also, the Act passed in the Third year of His said late Majesty's Reign, entitled, An Act to alter and continue the Act more effectually to provide against the Introduction of Infectious or Contagious Diseases, and the spreading thereof in this Province, except as altered or amended by the Act hereinafter mentioned; and also the Act passed in the Fifth Year of His said late Majesty's Reign, entitled, An Act to amend and continue the Act more effectually to provide against the Introduction of Infectious or Contagious Diseases, and the spreading thereof in this Province, and every matter, clause and thing, in the said last mentioned Act contained, and the said Acts, except as before excepted, are hereby respectively continued for One year, and thence to the end of the then next Session of the General Assembly.

Acts 2d Wm. 4th,  
except 12th clause,  
3rd & 5th Wm. 4,  
continued.

CAP. LXXXII.

**An Act to continue the Act to Regulate the Public Landing at Windsor.**

*(Passed the 8th day of March, A. D. 1849.)*

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act passed in the First year of the Reign of Her present Majesty Queen Victoria, entitled, An Act to repeal the Act to Regulate the Public Landing at Windsor, and to substitute other provisions in lieu thereof; and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for One year, and thence to the end of the then next Session of the General Assembly.

Act 1st Victoria,  
continued.

CAP. LXXXIII.

**An Act to continue the Act to prevent Injuries to the Fisheries within the County of Lunenburg by Mill Dams, or any other Obstruction.**

*(Passed the 8th day of March, A. D. 1849.)*

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act passed in the First year of Her present Majesty's Reign, entitled, An Act to prevent Injuries to the Fisheries within the County of Lunenburg, by Mill Dams, or

Act 1st Victoria,  
continued.

any other Obstructions; and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for One year, and thence to the end of the then next Session of the General Assembly.

## CAP. LXXXIV.

### An Act to continue the Act to prevent Damage to the Nets of Fishermen by Coasting Vessels.

(Passed the 8th day of March, A. D. 1849.)

Act 5th Wm. IV  
continued.

**BE** it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act passed in the Fifth year of the Reign of His late Majesty King William the Fourth, entitled, An Act to prevent damage to the Nets of Fishermen, by Coasting Vessels; and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and thence to the end of the then next Session of the General Assembly.

## CAP. LXXXV.

### An Act to continue the Act for the Regulation of the Fisheries in the County of Richmond.

(Passed the 8th day of March, A. D. 1849.)

Act 4th Victoria  
continued.

**BE** it enacted by the Lieutenant-Governor, Council and Assembly, That the Act passed in the Fourth year of Her present Majesty's Reign entitled, An Act for the Regulation of the Fisheries in the County of Richmond, and every matter, clause, and thing therein contained, shall be continued; and the same are hereby continued for One year, and thence to the end of the then next Session of the General Assembly.

## CAP. LXXXVI.

### An Act to continue the Act for the Regulation of the Fisheries at Chedabucto Bay.

(Passed the 8th day of March, A. D. 1849.)

Act 2d Victoria  
continued.

**BE** it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act passed in the Second year of the Reign of Her present Majesty Queen Victoria, entitled, An Act for the Regulation of the Fisheries at Chedabucto Bay; and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for One year, and thence to the end of the then next Session of the General Assembly.

## CAP. LXXXVII.

**An Act to continue the Acts for Regulating the Fishery  
in the River Shubenacadie.***(Passed the 8th day of March, A. D. 1849.)*

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act passed in the Fourth year of the Reign of His late Majesty King William the Fourth, entitled, An Act for Regulating the Fishery in the River Shubenacadie, except as altered or amended by the Act hereinafter mentioned; and also the Act passed in the Ninth year of Her present Majesty's Reign to continue and amend the said first mentioned Act, shall be continued; and the said Acts, and every matter, clause, and thing therein contained, except as before excepted, are hereby continued for One year, and thence to the end of the then next Session of the General Assembly

Acts 4th, Wm. 4th,  
& 9th Victoria  
continued.

## CAP. LXXXVIII.

**An Act to continue the Act to Preserve and Regulate  
the Navigation of the Harbour of Antigonish.***(Passed the 31st day of March, A. D. 1849.)*

**B**E it enacted by the Lieutenant-Governor, Council and Assembly, That the Act passed in the Eighth year of Her present Majesty's Reign, entitled, An Act to Preserve and Regulate the Navigation of the Harbor of Antigonish, and every matter, clause and thing, therein contained, shall be continued; and the same are hereby continued for One year, and thence to the end of the then next Session of the General Assembly.

Act 8th Victoria  
continued.

## CAP. LXXXIX.

**An Act to continue the Acts to Regulate the Pilotage  
of Vessels at Sydney, Cape-Breton.***(Passed the 31st day of March, A. D. 1849.)*

**B**E it enacted by the Lieutenant-Governor, Council and Assembly, That the Act passed in the First year of the Reign of His late Majesty King William the Fourth, entitled, An Act to Regulate the Pilotage of Vessels at the Port of Sydney, in the Island of Cape Breton, except as altered or amended by the Acts hereinafter mentioned; also the Act passed in the Fifth year of Her present Majesty's Reign, entitled, An Act to continue and amend the Act to Regulate the Pilotage of Vessels at the Port of Sydney, in the Island of Cape Breton, and to repeal certain Acts relative thereto, except the Third clause or section thereof; and also except as altered or amended by the Act hereinafter mentioned; and also the Act passed in the Tenth Year of Her present Majesty's Reign, entitled, An Act to amend the Acts to Regulate the Pilotage of Vessels at Sydney, Cape Breton, shall be continued; and the said several Acts, and every matter, clause and thing therein contained, except as before excepted, are hereby continued for One year, and thence to the end of the then next Session of the General Assembly.

Acts 1st and 5th Wm  
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## CAP. XC.

**An Act to continue the Acts to make provision for a Harbour Master at Spanish River, Cape-Breton.**

*(Passed the 31st day of March A. D. 1849.)*

Acts 8th & 11th  
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tinued.

**B**E it enacted by the Lieutenant-Governor, Council and Assembly, That the Act passed in the Eighth year of Her present Majesty's Reign, entitled, An Act to make provision for a Harbour Master at Spanish River, in the County of Cape Breton, except as altered or amended by the Act hereinafter mentioned; and also the Act passed in the Eleventh year of Her Majesty's Reign to amend the said Act, shall be continued; and the said Acts, and every matter, clause and thing, therein contained, except as aforesaid, are hereby continued for One year, and thence to the end of the then next Session of the General Assembly.

## CAP. XCI.

**An Act to continue the Act for establishing a Harbour Master at Bridgeport, in the Island of Cape-Breton.**

*(Passed the 31st day of March, A. D. 1849.)*

Act 2d Victoria  
continued.

**B**E it enacted by the Lieutenant-Governor, Council, and Assembly, That the Act passed in the Second year of the Reign of Her present Majesty Queen Victoria, entitled, An Act for establishing a Harbour Master at Bridgeport, in the Island of Cape Breton, and every matter, clause and thing, therein contained, shall be continued; and the same are hereby continued for One year, and thence to the end of the then next Session of the General Assembly.

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TO

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OF THE

PROVINCE OF NOVA-SCOTIA.

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ANNO DUODECIMO VICTORIÆ REGINÆ.

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