

Prince Edward Island, laws, statutes, etc.
Session laws

8

Rev 4

THE

ACTS

OF THE

GENERAL ASSEMBLY

OF

PRINCE EDWARD ISLAND,

ANNO SEPTIMO VICTORIÆ REGINÆ.



CHARLOTTETOWN:

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1844.

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ANNO SEPTIMO
VICTORIÆ REGINÆ.

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

1844.

Sir HENRY
V. HUNTLEY,
Lt. Governor.

R. HODGSON,
President of
Council.

JOSEPH POPE,
Speaker.

And from thence continued by several Prorogations, to the Twenty-first day of December, 1844, and in the Seventh Year of Her said Majesty's Reign; being the Second Session of the Sixteenth General Assembly convened in the said Island.

CAP. I.

An ACT to amend certain Errors in Two several Acts therein mentioned, relating to Commissioners of Highways and Commissioners for recovery of Small Debts.

[Passed *December 23d*, 1843.]

WHEREAS, by two several Acts, passed in the Sixth year of the Reign of Her present Majesty, the one, intituled *An Act to consolidate and amend the Laws relating to Statute Labour, and the expenditure of Public Moneys on the High-*

ways, and the other, intituled '*An Act to provide for the Summary Trial of Small Debts, and to regulate proceedings in cases of Summary Capias,*' certain Offices therein and thereby constituted; that is to say, the Office of Commissioner of Highways by the first Act, and the Office of Commissioner for the recovery of Small Debts, by the last mentioned Act, are placed in the gift of His Excellency the Lieutenant Governor of this Island, with the advice of Her Majesty's Council: And whereas, by the Twenty-eighth Section of the first mentioned Act, and also by the Thirty-ninth Section of the last mentioned Act, it is enacted, that the provisions of a certain Act, passed in the Fifth year of the reign of His late Majesty King William the Fourth, intituled '*An Act for vacating the Seats of Members of the Assembly in certain cases therein mentioned,*' shall not extend, or be construed to extend, to vacate the Seat of any Member of the then, and present House of Assembly, who should be re-appointed a Commissioner, either of Highways or for the recovery of Small Debts, by virtue of the said two first mentioned Acts respectively: And whereas in reciting the Title of the said Act for vacating Seats of Members, in each of the hereinbefore enumerated Sections of the two first mentioned Acts, reference by mistake is made to an Act passed in the Fifth year of the Reign of His late Majesty, intituled '*An Act for vacating the seats of Members of the Assembly, in certain cases therein mentioned,*' which had then been previously repealed, instead of to an Act made and passed in the Seventh year of the reign of His said late Majesty, intituled '*An Act for vacating the Seats of Members of the Assembly, in certain cases therein mentioned, and to repeal a certain Act heretofore passed for that purpose.*' Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That in the hereinbefore enumerated Sections of the two several Acts, intituled as follows, viz:—*An Act to consolidate and amend the Laws relating to Statute Labour, and the expenditure of*

29th Section of the Act of 6 Victoria, cap. 1, and 39th section of Act of 6th Victoria, cap. 24.

Public Moneys on the Highways, also, An Act to provide for the Summary Trial of Small Debts, and to regulate proceedings in cases of Summary Capias, the reference made to the aforesaid Act, intituled An Act for vacating the Seats of Members of the Assembly in certain cases therein mentioned, shall, to all intents and purposes, be held construed and deemed to apply, to the said Act passed in the Seventh year of His said late Majesty's Reign, intituled An Act for vacating the seats of Members of the Assembly, in certain cases therein mentioned, and to repeal a certain Act heretofore passed for that purpose, and to no other Act, any thing in the two first hereinbefore mentioned Acts to the contrary thereof notwithstanding.

to apply to the Act of the 7th William 4th, cap. 13.

II. And be it enacted, That no Seat of any Member of the present House of Assembly, who may have accepted the Office of Commissioner of Roads, or of Small Debts, or of either of them, by virtue of either of the first hereinbefore mentioned Acts, and which would not have been vacated by the operation of the said Act, passed in the Seventh year of the Reign of His late Majesty, intituled *An Act for vacating the Seats of Members of the Assembly, in certain cases therein mentioned, and to repeal a certain Act heretofore passed for that purpose*, had the mistake hereinbefore mentioned not occurred, shall be deemed in any manner to be, or to have been invalidated or affected by such mistake, in reciting the Title of the Act so repealed, as aforesaid, but such Members shall, and are hereby declared to be confirmed in their Seats, any Law to the contrary notwithstanding.

Seats of Members of present House of Assembly, who may have accepted offices of Commissioner of Roads, or offices of Commissioners for the recovery of Small Debts, not to be vacated or invalidated by reason of mistake in reciting title of Act of the 5, William 4th, cap. 1, instead of Act of the 7th William 4th, cap. 13.

C A P. II.

AN ACT relating to the Recovery of SMALL DEBTS, and to repeal certain Acts therein mentioned.

[Passed February 24th, 1844.]

BE it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, the several Acts hereinafter mentioned, shall be, and the same are hereby repealed, that is to say: An Act passed in the Second year of His late Majesty, King William the Fourth, intituled *An Act to consolidate and amend the several Acts of the General Assembly therein mentioned, relating to the recovery of Small Debts:*

Repeals Act of the 2d William the 4th, cap. 1.

Also Act of 2d William 4th, cap. 5.

An Act passed in the same year of the same Reign, intituled *An Act to authorize Justices of the Peace and Commissioners under the Small Debt Act, to issue Writs of Summary Capias against persons about to leave this Island:*

Also Act of the 3d William 4th, cap. 11.

An Act passed in the Third year of the same Reign, intituled *An Act to amend an Act, made and passed in the Second year of his present Majesty's Reign, intituled 'An Act to consolidate and amend the several Acts of the General Assembly therein mentioned, relating to the recovery of Small Debts,' and to repeal Two other Acts hereinafter mentioned:*

Also Act of the 6th William 4th cap. 4.

An Act passed in the Sixth year of the same Reign, intituled *An Act in further amendment of an Act of the Second year of His present Majesty for consolidating and amending the Acts relating to Small Debts:*

Also Act of the 7th William 4th cap. 11.

An Act passed in the Seventh year of the same Reign, intituled *An Act to amend the several Acts of this Island relating to Small Debts: and*

And also Act of the 3d Victoria, cap. 15.

An Act passed in the Third year of the Reign of her present Majesty, intituled *An Act to enable Commissioners under the Small Debt Act, and*

Justices of the Peace throughout this Island, to appoint Clerks.

II. And be it enacted, That it shall and may be lawful, to and for the Lieutenant Governor for the time being, by and with the advice and consent of Her Majesty's Council, to constitute within each County of this Island, as many Courts as may appear necessary and expedient for the recovery of Small Debts, and to appoint to each Court three Commissioners to adjudicate therein; each Court to have jurisdiction only within the County in which it is held, except in the cases hereinafter mentioned: Provided always, That in the event of any Commissioner being absent by reason of sickness, or other unavoidable cause on any day appointed for the hearing of causes in the said Court of Commissioners, it shall and may be lawful for the two Commissioners present to adjudicate upon all causes to be heard wherein the parties thereto shall so consent, and every necessary adjournment of the said Court shall and may be made, by any Commissioner or Commissioners present, where one or more shall be absent by reason of any such cause as aforesaid.

Lieut. Governor, &c., with advice of Council to constitute within each County, as many Small Debts Courts as necessary.

Three Commissioners to be appointed for each Court, to act within their respective Counties only; except in certain cases.

In the event of the absence of one Commissioner on the day of hearing, the other two Commissioners may adjudicate in any case wherein both parties assent.

Every necessary adjournment to be made by any Commissioner or Commissioners present.

III. And be it enacted, That each Commissioner of Small Debts to be appointed under the authority of this Act, shall before he shall exercise any of the duties belonging to his office take the Oath following before one of the Judges of the Supreme Court:

Each Commissioner before exercising the duties of his office, to take the oath following.

“I *A. B.* do swear that I will, to the best of my judgment, faithfully discharge the Duties of a Commissioner of Small Debts for the time I may be continued in office, according to Law and Equity, without fear, favour or affection.

Form of Commissioner's oath.

So help me God.”

Confirms in office, Commissioners appointed under Act of the 6th Victoria, cap. 24, said Commissioners not required to take the oath set forth in this Act.

IV. Provided always, and be it enacted, That none of the Commissioners who have been appointed, and have duly qualified themselves to act as such, under and by virtue of an Act passed in the Sixth year of the Reign of Her present Majesty, intituled *An Act to provide for the Summary Trial of Small Debts, and to regulate proceedings in cases of Summary Capias*, which Act hath been lately disallowed by Her Majesty, shall be required to take the said Oath, or qualify under this Act, and their said appointments and qualifications are hereby continued and confirmed, and shall be deemed and taken to have the same force and effect to all intents and purposes whatsoever, as if the same had been made and taken under this present Act.

Authorizes Commissioners to appoint Clerks for their respective Courts. Commissioners to be responsible for such Clerks.

Clerks to be sworn. Powers and Duty of Clerks.

Fees payable to Clerks.

Further duty of Clerks.

Penalty on Clerks neglecting to keep books.

V. And be it enacted, That each Court of Commissioners is authorized, and hereby required to appoint a Clerk, to assist in the management of the business thereof; for whose acts in the discharge of his duty, the Commissioners making the appointment, shall at all times be responsible; which Clerk, when duly appointed and sworn into office, shall have full power and authority under the directions of the said Court, to issue Processes, administer Oaths, and execute Papers of Appeal, Recognizances, and such other papers as may be required to carry out the intentions of this Act, in all matters appertaining to the Court to which he may have been appointed, and for his services he shall be allowed such Fees as are set forth in the Table of Fees to this Act annexed, and that each Clerk so appointed, shall, and is hereby required, to keep a Book for the sole use and purpose of entering and recording the names of the parties Plaintiff and Defendant in each suit before the said Court, as also the several Orders and Judgments, that the said Court shall or may make thereon, in pursuance of this Act, and each and every Clerk as aforesaid, neglecting to keep such Book, shall forfeit the sum of Five Pounds to the person who

shall be thereby aggrieved, the same to be recovered in Her Majesty's Supreme Court of Judicature.

VI. And be it enacted, That if the said Court shall see fit at any time to revoke such appointment, it shall be authorized to do so, and the Book so to be kept by the Clerk as aforesaid, shall be handed over on his going out of office, to the Commissioners constituting said Court, and upon his neglect or refusal to deliver up the said Book when demanded, he shall forfeit and pay for such offence, a sum not exceeding Twenty Pounds, to be recovered with Costs in the Supreme Court of Judicature of this Island, and applied to and for the use of Her Majesty's Government.

Court of Commissioners may revoke appointment of Clerks.

Clerk to hand over book to Commissioners on going out of office, &c.

Penalty on Clerk neglecting or refusing so to do.

Mode of recovery thereof.

Appropriation of penalty.

VII. And be it enacted, That the said Courts shall be held only (except for the hearing of Cases of Summary Capias hereinafter mentioned, and in cases of adjourned hearings) on the First or Second Monday, First or Second Tuesday, First or Second Wednesday, or First or Second Thursday in each Month, and for as many days thereafter by adjournment as may be necessary to judge and finally determine the actions therein pending, and that the several Courts in each County shall be held on different days to be agreed upon by the mutual consent of the Commissioners.

Days on which Courts of Commissioners are to be held.

Courts in different districts of same County, to be held on different days.

VIII. And be it enacted, That the said Courts shall have Jurisdiction in matters of Debt and Trover for the recovery of Sums not exceeding Eight Pounds, exclusive of any Interest that may have become due on the principal Debt, not exceeding Six years' Interest, but not in any Actions brought for the recovery of any sum arising upon any contract or case where the Title to Real Estate or Boundary Lines must be adjudicated upon, nor to any sum won by means of any Wager or Gaming, nor to any penalty incurred by any Act of this Island, unless so directed by any such Act, nor to any Debt whereof there has not been a

Jurisdiction of Courts limited to £8. and interest in cases of Debt and Trover.

Cases which Courts are prohibited from entertaining.

contract, undertaking, or promise to pay within Six years before the commencement of the Action, if in the last mentioned case the Defendant shall plead the same.

Actions before said Courts to commence by Summons.

Form of Summons.

Summons to state Debt and Interest claimed separately.

Form of proceeding.

By whom to be served.

Time of service.

Mode of service of Summons.

IX. And be it enacted, That in all actions brought before any Court as aforesaid, the proceedings shall commence by Summons according to the form in the Schedule to this Act annexed, marked (A), in which shall be stated separately the original debt, as the immediate cause of Action and the amount of Interest (if any) sought to be recovered therewith, under the hand and seal of the Clerk, which Summons shall be served by any Constable of the County wherein the Defendant may reside or may be found, Eight days before the day named for Trial, (exclusive of the day of service) and such service shall be by delivering the same to the Defendant in person, or in case he cannot be found, then to the wife, child, or other person belonging to him, at his known place of abode, provided such child or other person, be sixteen years old, or upwards, and at the time of delivering the said Summons shall inform him, or her, to whom it shall be delivered, of the meaning or purport thereof; and if the Defendant be an inmate or lodger and cannot be found, or shall endeavour to evade service, the service of the Summons shall be valid by delivering it to any person of discretion as aforesaid, at the house or place where the Defendant lodges or resides, and at the same time telling him or her, the meaning or purport thereof.

Mode of compelling attendance of witnesses before Court of Commissioners.

Form of Subpoena.

X. And be it enacted, That if any person residing in this Island, shall be served with a Subpoena, in the form in the Schedule to this Act annexed marked (B), under the hand and seal of the Clerk of any Court constituted under the authority and by virtue of this Act, requiring him at a certain time therein mentioned, to give evidence between the parties in any suit, in any of the said Courts, and at the same time being informed that

his expenses and loss of time shall be duly satisfied agreeably to the order of the Court before whom said suit shall be heard, and shall neglect or refuse to appear as therein required, and due proof having been made of the service thereof and of the truth of such information, and no cause of absence having been shown to the satisfaction of the Court, and oath having been made before it by the party at whose instance the said Subpœna issued, that the person served therewith was a material Witness in the suit, and it being also proved to the satisfaction of the Court that damage had been sustained, from the non-attendance of such Witness, then it shall and may be lawful for the said Court to give Judgment against such person so neglecting or refusing to attend as aforesaid, for the amount of damages so sustained, not exceeding Eight Pounds together with Costs, and to order Execution against the said offender, as in other cases after Judgment as hereinafter directed, which Damages when recovered shall be paid over to the party aggrieved by the said neglect or refusal.

Court may give judgment against witness for damage sustained by party in consequence of his non attendance, for any sum not exceeding £8, and also for Costs.

Mode of recovery thereof.

XI. And be it enacted, That for the better discovery of the truth, and for the more solemn determination of all matters and causes pending in any Court under this Act, it shall and may be lawful for the said Court, and it is hereby empowered upon the hearing of any suit therein, to administer or cause to be administered, an Oath to either or both of the parties to the suit, touching the matter in question, as also to any Witness produced by either party, and also to any other person whose evidence shall be deemed necessary to the just determination of the said suit, or to the making any order or Judgment therein, or for any other purpose requisite for the execution of this Act, and if the said Court shall for the better administration of Justice, deem it proper to defer the hearing of any cause, it is hereby authorized so to defer the same to such other day as may be appointed by the said Court.

Court may examine either or both parties to a suit.

as also any witness produced.

And may defer hearing to any other day.

Clerk of any Court after issue of summons authorized to receive confession from Defendant.

XII. And be it enacted, That after the issuing of any Summons, the Clerk issuing the same shall have full power and authority, to receive or take from the Defendant, a confession of the Debt or Demand for which he may have been sued, which said confession entered in writing and signed by the Clerk, shall be conclusive against the said Defendant, and be made a Judgment of the Court.

Defendant not appearing or making sufficient excuse, Court may hear the cause on the part of Plaintiff, and give judgment.

XIII. And be it enacted, That if any Defendant duly Summoned as aforesaid, do not appear before the Court at the time and place required by the said Summons, without some just cause to be allowed by the said Court, and if the Plaintiff shall duly appear, then it shall and may be lawful for the said Court, after proof of the due service of the said Summons upon oath of the Constable who shall have served the same, to hear the cause on the part of the Plaintiff only, and to make such order or Judgment together with costs, as to it shall seem most agreeable to Law, Equity, and good conscience, as if the Defendant had duly appeared.

Plaintiff not appearing on day of hearing or being non-suit, Defendant to be allowed costs and travelling fees.

XIV. And be it enacted, That if upon the day of the return of the Summons, the Plaintiff shall not appear without some just cause to be allowed by the Court, or upon appearing shall not make proof of his demand to the satisfaction of the Court, but shall become nonsuit, it shall and may be lawful for the said Court to award to the Defendant and his witnesses, costs and travelling expences as allowed by this Act, and to issue Execution against the Plaintiff for the recovery of the same in the manner hereinafter prescribed; Provided nevertheless that in all cases of adjourned hearings where Judgment shall be ultimately given against the Plaintiff, the Defendant shall be entitled to receive the same costs for travelling, and for each attendance if more than once, as are by this Act allowed to Witnesses.

Mode of recovery thereof.

Provido as to adjourned hearings.

XV. And be it enacted, That it shall be lawful for the said Courts to order and direct, that the costs and charges of Witnesses shall be paid by either party, or apportioned as in their discretion shall deem just and equitable.

Court may apportion costs of witnesses, between parties in its discretion.

XVI. And be it enacted, That if on the hearing of any Suit before any Court as aforesaid, it shall be proved that the Defendant had never before the issuing of the Summons, been furnished with an account of the Plaintiff's demand, and that the said account had been by the Defendant demanded of the Plaintiff at his place of residence, but that the action was vexatiously brought, then it shall and may be lawful for the said Court in its discretion, to apportion the costs as it shall see fit, or to order the Plaintiff to pay the whole of the said costs or any part thereof, and to give Judgment only for such sum as is sufficiently proved to be due on either side.

If Defendant had never been furnished with an account of the Debt sued for, after demand made, Court to apportion costs in its discretion.

Or to order the Plaintiff to pay the same.

XVII. And be it enacted, That in any case where wages not exceeding the sum of Eight Pounds, shall be due to any domestic or other Servant under the age of Twenty-one years, neither of whose parents reside within this Island, it shall be lawful for the said Servant to sue for and recover the said wages, before any of the said Courts, in the same manner as if he or she were of full age, and the said Courts are hereby fully authorized and required to take cognizance of and proceed concerning the same, in the same manner in regard thereto as if the Plaintiff were of full age.

Wages due to any servant under age, neither of whose parents reside in this Island, not exceeding £8, may be recovered before Court of Commissioners.

XVIII. And be it enacted, That on any trial the Defendant shall be allowed to set-off any account or demand not exceeding Eight Pounds, which he may have against the Plaintiff, and if the said Court shall find that the Plaintiff is indebted to the Defendant, Judgment shall be rendered in favour of the Defendant, for the sum found due with costs.

Defendant may make set-off, and if allowed, Court to give judgment in favor of Defendant for sum due and costs.

Neither party to prove his own account, by his own oath, beyond £5.

XIX. And be it enacted, That in every instance where the amount of account advanced by either Plaintiff or Defendant shall exceed Five Pounds, it shall not be competent for either party to prove by his own Oath any greater part of such account than Five Pounds.

Defendant refusing or neglecting to make set-off on trial, to be precluded from suing for the same.

XX. And be it enacted, That if any Defendant refuse or neglect to bring forward his set-off [*if any such there be*] against the Plaintiff, at the time of trial, he shall ever after be precluded from recovering the same, and if any suit for the recovery thereof be brought, it shall be a sufficient defence on the trial thereof, that the demand sued for could have been on a former trial set-off or recovered. Provided always, nothing herein contained shall extend, or be construed to extend, to prevent any Defendant from sustaining his action when it shall be made to appear to the satisfaction of the Court that from some unavoidable circumstance he was precluded from proving his set-off upon the former trial.

Except where precluded from so doing by unavoidable circumstances.

XXI. And be it enacted, That if any Defendant against whom any Judgment shall be given, shall appear to the Court who shall have given the same to be deserving of indulgence, then and in such case, the said Court is hereby empowered to grant such time for the payment of the Judgment as shall seem reasonable, provided the time so granted shall not exceed Two Months, in cases where the Judgment shall not exceed Five Pounds; and Three Months, in cases where the Judgment shall exceed Five Pounds; said indulgence to be computed from the day of the Return of the Summons; and provided also, that the said Defendant so indulged, shall within such time as the Court may order, give sufficient Security by Recognizance, in the form prescribed in the Schedule to this Act annexed marked (C.) to pay the amount of the Judgment within the time limited therefor.

Court empowered to grant time to Defendants, to satisfy judgment on giving security by Recognizance.

Time to be so given.

Form of Recognizance.

XXII. And be it enacted, That if the amount of the Judgment shall not be paid at the expiration of the time so granted, then the party entitled to recover, shall have Execution against the principal named, and sureties in such Recognizance as in other cases after Judgment.

Mode of recovery of recognizance so given.

XXIII. And be it enacted, That if any person shall consider himself aggrieved by any Order or Judgment of any of the said Courts, he shall be at liberty to appeal to the then next sitting of Her Majesty's Supreme Court of Judicature; provided always, that such Appeal shall be applied for within two clear days next after the day of giving the said order or Judgment, and the Clerk on application is hereby required to enter such application; and provided also, that the party applying for the same, shall before the expiration of the said two days, enter into Recognizance with two sufficient Sureties in the form in the Schedule to this Act annexed marked (D) to abide the determination or Judgment of the Chief Justice, or other Justices of the said Supreme Court, and shall make and subscribe an Affidavit in the form prescribed in the Schedule to this Act annexed marked (E) in the presence of said Clerk.

Gives an appeal to Supreme Court, against judgment of Court of Commissioners.

Appeal to be applied for within two days after judgment.

Not to be allowed unless security be given by recognizance before expiration of two days.

Form of Recognizance.

Form of Affidavit to be made before appeal granted.

XXIV. And be it enacted, That before the taking of such Recognizance the Clerk before whom the same shall be taken, is hereby required to repeat distinctly to the parties thereto, the condition in the form prescribed in the Schedule to this Act annexed, marked (F).

Clerk of Court to repeat condition of recognizance to the parties before taking the same.

XXV. And be it enacted, That the Appellant shall also cause to be duly served upon the party Respondent, Six clear days at least before the sitting of the Supreme Court, at which the said Appeal shall be heard, a written notice of Appeal in the form prescribed in the Schedule to this Act annexed, marked (G).

Appellant to give six days notice of appeal before sitting of Supreme Court.

Form of notice of appeal.

Affidavit to be filed with recognizance and other appeal papers,

and transmitted to clerk of Supreme Court's office.

Penalty on clerk for neglecting to transmit papers, and how recoverable.

Power and duty of Supreme Court in cases of appeal.

Judgment how to be given by Supreme Court, and costs awarded.

XXVI. And be it enacted, That the said Clerk is hereby required, to file the said Affidavit with the Recognizance and other papers connected with the said Appeal, and to transmit the same into the Clerk's office of the said Supreme Court, within the County wherein the case may have been heard, at least Two days before the sitting thereof, under a penalty for each and every neglect, of the sum of Five Pounds, to the person aggrieved thereby, to be recovered in the said Supreme Court.

XXVII. And be it enacted, That the Chief Justice, or other Justices for the time being, of Her Majesty's Supreme Court of Judicature, be, and is hereby empowered and required upon any Appeal made as aforesaid, to the said Supreme Court, to cause all defects of form, that may appear in the original order or Judgment to be rectified and amended, without costs or expense to the party concerned, and after such amendment shall have been made, to proceed to hear, examine, and consider the truth and merits of all matters concerning the said Appeal, and the original Order or Judgment appealed from, and likewise to examine the Witnesses upon Oath, [being only such Witnesses as were sworn, or offered to be sworn, or were Subpœnaed to give evidence, and from some unavoidable cause were prevented from attending before the Court below,] and to hear all other proofs relating thereto, and to make such final determination thereupon as shall appear just and reasonable; and if by the consideration of the said Supreme Court, the original Order or Judgment shall be affirmed, and the Appeal therefrom dismissed, if against the original Defendant, then the said Supreme Court shall adjudge the sum or sums awarded to the original Plaintiff to be paid to him, together with the Costs allowed by the Court of Commissioners, as also the full Costs of defending against the said Appeal; and in case the said Supreme Court shall affirm the Order or Judgment when against the

original Plaintiff, and dismiss his Appeal, then the said Supreme Court shall adjudge the sum or sums so awarded to the original Defendant, to be paid to him, together with the full Costs for defending against the Appeal; and if the said Chief Justice or other Justices upon a full hearing of any such Appeal, shall set aside the Order or Judgment of the Court of Commissioners, then it shall and may be lawful for the said Chief Justice or other Justices to adjudge and order Costs to the Appellant, and upon all final determinations or Judgments, Execution is hereby directed to be issued from the said Supreme Court, for the sum or sums so recovered, and in case such final determination or Judgment of the Supreme Court, shall happen to be in favour of the Respondent, then he may have Execution against the Appellant or his Sureties, or any of them, or any of their Goods and Chattels, provided that Execution shall not in any case issue against the persons or property of any such Sureties, until the amount of the Judgment and Costs shall have been demanded of them, by some person duly authorized, at least Thirty days before the issuing of such Execution against them, nor until the Affidavit of such demand having been duly made, shall be filed with the Prothonotary of the said Supreme Court; and in case Execution shall issue against any such Sureties or their Goods and Chattels, the party at whose instance the same shall be issued, shall be entitled to levy thereunder the same Mileage to give the aforesaid notice, as Constables may by this Act receive, together with Two Shillings and Sixpence for making and filing the said Affidavit of such Notice having been duly given.

Execution in appeal cases, to issue out of Supreme Court.

If decision of Supreme Court be in favor of respondent he may have execution against appellant or sureties.

Provided demand be first made of sureties 30 days before issue of Execution against them.

Mileage to be allowed for making demand and to be levied under execution.

XXVIII. And be it enacted, That in case there be no application for an Appeal as aforesaid, or that the party applying for the same shall not enter into the Recognizance, and make the said Affidavit as before directed, within the time aforesaid, or that there be no indulgence granted as aforesaid, then it shall be lawful for the Clerk of the Court who

If no appeal is applied for, or recognizance entered into for appeal, or time granted for payment, execution to issue against goods and chattels of party, &c.

Form of Execution, and how obtained.

Mode of levy thereof.

Term of imprisonment for Debtors under this Act.

Executions issued, to run in all Counties where debtors reside, or goods, &c., may be found.

Debtors to be committed to Jail of County in which they are found unless they elect to be imprisoned in Jail of County where execution issues.

gave the Judgment to issue Execution in the form prescribed in the Schedule to this Act annexed, marked (H) upon the request either verbally or in writing of the party entitled to the same, and the Constable who shall be by him entrusted with the Execution, shall be, and is hereby authorized and required after having given at least Six days' notice, in at least three public places, to levy by distress and public sale of the Goods and Chattels of the Debtor, the sum of money mentioned in the Writ of Execution with Poundage and other fees allowed by this Act in such cases; and for want of sufficient Goods and Chattels whereon to levy, then and in such case only, the said Constable is hereby authorized and required to arrest the Body of the Debtor, and to take him to the Common Jail in the County wherein he shall be arrested, there to remain if the amount of levy shall not exceed Forty Shillings, for the space of one Month; and if above Forty Shillings, and not exceeding Three Pounds for the space of three Months; and if above Three Pounds and not exceeding Five Pounds for the space of five Months; and if above Five Pounds, for the space of six Months, and after any of the said imprisonments, the said Debtor shall be freed and discharged therefrom, and also from the Debt and Costs for which such imprisonment had taken place.

XXIX. And be it enacted, That it shall and may be lawful for the usual writ of Execution, for the recovery of Small Debts, issued in one County, to run into another County, where the Debtor may reside, or where his Goods and Chattels may be found, and it shall be lawful for the Constable to execute such Execution within such County, and he is hereby authorized to commit the Debtor to the Jail of the County in which he may be found [unless the Debtor shall elect to be imprisoned in the Jail of the County in which the Execution issues,] and the Keeper of the Jail of such County, is hereby authorized and required to receive

and take the body of such Debtor into his custody, anything in this Act contained to the contrary there of notwithstanding.

XXX. And be it enacted, That if any party who may have obtained a Judgment, in any of the Courts by this Act constituted, shall suffer one year to elapse without having sued out Execution, he shall be required to make an Affidavit before the Clerk of the said Court, stating if any, and what, sum or sums have been paid on said Judgment, after which he shall be at liberty to sue out Execution, for the amount then remaining due and unpaid thereon.

Mode of proceeding to revive judgment where a year has elapsed without Execution issued.

XXXI. And be it enacted, That a party obtaining Judgment in any of the said Courts as aforesaid, and having reason to believe that the person against whom the same has been given, is about to leave this Island, before the expiration of Forty-eight hours thereafter, may demand Execution forthwith, on an affidavit being made, in the the form in the Schedule to this Act annexed, marked (I).

Party obtaining judgment may have Execution before expiration of forty-eight hours, on making affidavit of belief that Debtor is about to abscond.

Form of Affidavit.

XXXII. And be it enacted, That if any Constable shall suffer any Prisoner in his custody, by virtue of an Execution issued under the authority of this Act, to escape either voluntarily or negligently, or shall refuse or neglect to pay over to the party entitled to receive the same, any sum or sums of money levied or received thereon, on demand made, after Thirty days from the date of the Execution, then he shall be liable in a penalty to the full amount of the sum for which such Prisoner so escaping was taken in Execution, and for the sum or sums of money so received by him, to be recovered before the Court by whom the said Execution was issued, in case the said sums do not exceed Eight Pounds, by Warrant of Distress of the said Constable's Goods and Chattels; and if

Constables suffering prisoners to escape, or failing to pay over money on demand made after 30 days, from date of Execution to be liable to pay full amount of levy.

Mode of recovery thereof.

For want of Goods and Chattels to answer amount, Constable to be imprisoned for a period not exceeding Six months; where amount exceeds £8, to be recovered in Supreme Court.

no sufficient Distress can be found, then the said Court is hereby authorized to commit the said Constable to the Common Jail, for a period not exceeding Six Months; the said penalty, if recovered, to be paid to the party aggrieved, and in case said sum or sums of money do exceed Eight Pounds, then to be recovered by action in Her Majesty's Supreme Court of Judicature together with costs of Suit.

Penalty on Constable refusing or neglecting to make return of Execution or process.

XXXIII. And be it enacted, That if any Constable who shall be charged with the service of any Process issued by any Court constituted by this Act, and made returnable within a certain and defined period of time, shall neglect to serve or execute such service, or shall refuse or neglect to make due return thereof within the period prescribed therefor, it shall and may be lawful for the said Court to impose on said Constable a penalty, not exceeding Twenty Shillings for the first offence, and a penalty not exceeding Forty Shillings for the second, and every subsequent offence together with costs, and shall also be liable to the party aggrieved for the amount of any loss sustained, by such neglect or refusal.

Mode of recovery of penalty, and amount thereof.

No privilege to exempt any person from being sued under this Act.

No Attorney or Counsel allowed to be heard on behalf of any party.

Not to prevent any person not being an Attorney of Supreme Court from representing any corporate Body in Court of Commissioners.

XXXIV. And be it enacted, That no privilege or pretended privilege, shall be allowed to exempt any person whatsoever from being proceeded against by virtue of this Act, nor shall any Attorney or Counsel of the Supreme Court, be allowed to speak in behalf of any Plaintiff or Defendant, in any Court constituted by this Act; Provided always, that nothing herein contained shall prevent or be construed to prevent any person duly authorized other than an Attorney of said Supreme Court, from appearing on behalf of any Corporate body, in any cause or matter before any Court constituted by this Act, in which such Corporate body may be concerned, either as Plaintiff or Defendant.

XXXV. And be it enacted, That when it shall so happen, that any Witness who may be considered necessary to be produced on the trial of any cause, under the provisions of this Act is obliged to leave this Island, it shall and may be lawful for any Commissioner after due notice in writing to the adverse party to be present, if he shall see fit, to take the deposition of such person obliged to leave this Island as aforesaid, and such deposition so taken and certified under the hand and seal of the said Commissioner, and directed to the Court wherein such suit or action may be pending, shall be received as legal evidence in said suit; Provided that proof shall be first made on Oath, that due written notice was given to the adverse party, of the time and place of taking such deposition at least Three days previous to the day appointed for taking such evidence; and provided also, that if such Witness shall, at the time of the Trial of the suit, be on this Island and able to travel, he shall be required to give his testimony, *viva voce*, at said trial, in the same manner as if the deposition had not been taken.

When witness is about to leave the Island. his deposition in writing may be taken and given in evidence in any cause.

Notice to be first given to adverse party.

Provided that oath be made before the same is used in evidence that due notice was given to adverse party, of time and place of taking deposition;

period of notice. Deposition not to be used in evidence if witness be within the Island at the time of trial.

XXXVI. Whereas it is necessary to give to the Courts to be constituted by this Act, the power of adjudicating when the Debtor has absconded: Be it enacted, That it shall and may be lawful for the Clerk of any of the said Courts, upon application made to him on Oath, in the form prescribed in the Schedule to this Act annexed, marked, (K) in cases where the Debt shall not exceed Eight Pounds, to issue a Summons, in the form prescribed in the Schedule to this Act annexed marked (L), to cause the Wife, Agent, or other person having the custody of the absconding Debtor's Goods and Chattels, to appear before the said Court to answer the Plaintiff, and the said Court shall proceed to try the cause, give Judgment and issue Execution, against such Goods and Chattels, in the mode pointed out and prescribed by this Act; Provided always, that

Gives power to Courts to adjudicate to the extent of £3, where debtor is absent from the Island.

Form of oath of Creditor in such cases.

Form of Summons, and mode of proceeding.

Proviso that when monies, &c., are disco-

vered in hands of Wife, Agent, &c., or valuable securities not by law saleable, Court may make such order touching disposal thereof to satisfy debt as it may deem proper.

Any person against whom judgment is given, in his absence, entitled to a rehearing within Twelve months thereafter.

Plaintiff to give security for repayment of moneys levied in case of judgment reversed on rehearing.

Form of security to be so given.

No sum due on any Contract not amounting to £5 if recoverable under this Act to be sued for in any Court of Record in this Island.

If verdict be obtained by any Plaintiff in any Court of Record for a less sum than £5, on certificate of Judge of reasonable or probable cause of action over that sum, he may nevertheless recover his costs in said Court.

Courts constituted by this Act to have power to punish by fine or

when any moneys shall be discovered, in the hands or power of such Wife, Agent, or other person as aforesaid, or any valuable securities, or effects, and not by Law saleable under Execution, then it shall and may be lawful for such Court of Commissioners, to make and enforce such Order touching the disposal of such Moneys, Securities or effects, for or towards satisfaction of the Debt and costs sued for, as to such Court shall be deemed just and reasonable; Provided also, and be it enacted, that any absconding person against whom judgment shall or may be awarded, shall be entitled to a rehearing of the cause at any time within Twelve months next after Judgment, and the Plaintiff in such Action shall, before he shall be entitled to his Execution give sufficient security, to the satisfaction of the Court in the form prescribed, in the Schedule to this Act annexed marked (M), for repayment of all such moneys as shall be levied by the said Execution, in case the Judgment be reversed on such rehearing as aforesaid, any thing in this Act contained to the contrary notwithstanding.

XXXVII. And be it enacted, That no action or suit for any sum, due upon any Contract not amounting to the value of Five Pounds, and being recoverable by virtue of this Act, shall be commenced in any Court of Record within this Island; Provided always, and be it enacted, That when the Plaintiff shall, upon any such action or suit brought in any Court of Record obtain a Verdict there for less than Five Pounds; then if the Chief Justice or other Justice before whom the same cause may have been tried, shall certify a reasonable or probable cause of action for more than Five Pounds, then and in such case the Plaintiff shall not be liable to pay costs, but may recover his costs of suit, as if this Act had not been made.

XXXVIII. And be it enacted, That all Courts established by virtue of this Act, shall have power to punish by fine or imprisonment

or both, any person guilty of contempt of Court or riotous and disorderly conduct thereat; Provided always, that no fine to be imposed by virtue of this clause shall exceed Forty Shillings, nor any imprisonment exceed the term of Thirty days.

imprisonment, or both for contempts.

Fine in such cases not exceed £2, nor imprisonment 30 days.

XXXIX. And be it enacted, That any Clerk to be appointed under this Act, issuing any Summons without the Fee thereon being first paid, shall not be entitled to recover the same by any process of Law.

Clerk issuing Summons without receiving fee therefor, not entitled to recover the same.

XL. And be it enacted, That all Fees properly belonging to the Commissioners, arising out of any Summons or proceeding whatsoever under this Act, shall be divided equally between the Commissioners present at each sitting of the Court and no other—all such Fees to be entered and settled at every such sitting, together with the costs of all proceedings had or taken since the last previous sitting of the Court; Provided always, that no Commissioners other than those usually sitting in any Commissioners' Court, shall take upon themselves to hear or determine any cause pending therein, unless he shall be requested by some of the Commissioners usually sitting therein so to do, and that no greater number than three Commissioners shall hear or determine any cause triable under this Act.

Fees payable to Commissioners, how to be apportioned amongst them.

No other Commissioner than those usually sitting in same Court, to hear any case therein, unless requested by some Commissioner of said Court.

No greater number than three Commissioners, to hear any cause.

XLI. Whereas it is necessary to give to Justices of the Peace, and to the Commissioners appointed under this Act, a power to issue Bailable Process in cases of Small Debts where the Debtor is about to leave this Island: Be it therefore enacted, That it shall and may be lawful for any Justice of the Peace, or any Commissioner appointed under this Act, or the Clerk of any Court constituted under this Act, upon application made to him in all cases where the Debt shall not exceed Eight Pounds and on Affidavit being made in writing, which Affidavit shall be in the form in the Schedule to this Act

On Affidavit that a debtor is about to leave the Island, Justice of the Peace or a Commissioner or Clerk, to any Court of Commissioners, may issue a Capias in cases not exceeding £8 in amount.

Form of Affidavit

Form of Capias.

Mode of proceeding in case of Capias so issued by Justice of the Peace, or Commissioner or Clerk of Court, of Commissioners.

Form of Recognizance to be taken for appearance of Defendant.

Mode of proceeding if Defendant does not appear on recognizance.

Form of Execution to be issued against Defendant and his bail, on Recognizance,

when Bail is not tendered and amount of debt does not exceed £5, Justice who has issued Capias, or one Commissioner may try same instance.

Form of Execution in such case.

If amount of debt is over £5, and not exceeding £8, and Capias is issued by a Justice of the Peace, he with another Justice of the Peace to hear the cause, or two Commissioners may hear the same.

Form of Execution.

annexed, marked (N), to issue a Capias, which Capias shall be in the form in the Schedule to this Act annexed, marked (O), to arrest the Body of the Debtor in whatsoever County he may be found, and to bring him before him, and upon the appearance of the Defendant, if he shall tender good and sufficient Bail that he will appear and answer the Suit at any sitting of the Commissioner's Court, for the District within Three months next after issuing of such Capias, it shall be lawful for the said Justice, Commissioner or Clerk, to take a Recognizance for the said appearance in the form in the Schedule to this Act annexed, marked (P), and if the Defendant do not appear and answer to the Plaintiff's suit on the day named in the said Recognizance, the said Court shall proceed to try the same in the absence of the Defendant, and if Judgment be given in favour of the Plaintiff, Execution shall be awarded as well against the Goods and Chattels of the Defendant as against the Goods and Chattels of the said Bail, in the form in the Schedule to this Act annexed, marked (Q), for the amount of the Judgment and Costs: Provided always, and be it enacted, That if the Defendant do not tender Bail as aforesaid, and the amount of the Plaintiff's claim do not exceed Five Pounds, it shall be lawful for the Justice who issued the Capias, or one Commissioner by whose authority it was issued, forthwith to try the Cause, give Judgment, and issue Execution in the form in the Schedule to this Act annexed, marked (R), according to the mode pointed out in and by this Act, and if the amount of the Plaintiff's claim shall be above Five Pounds, it shall be lawful for the Justice of the Peace who issued the Capias, together with another Justice of the Peace, acting in and for same County, or for Two Commissioners forthwith to hear and determine the said Cause, and issue Execution in the form herein last referred to: Provided also, and be it enacted, That if the Defendant shall, upon his appearance, deposit with the Justice, Commissioner, or Clerk, before whom he

is brought, the amount of the sum sworn to, with a reasonable sum for Costs, he shall not be required to enter into Recognizance as above stated, but the Suit shall notwithstanding be heard and determined, in the usual way, and the money deposited shall abide the event of the trial.

Defendant may deposit amount of debt with Justice, &c., to abide the event of trial.

XLII. And be it enacted, That the Judgment of the said Justice or Justices, or Commissioner or Commissioners of the said Court may be appealed from, on the party Appellant entering into the Security and complying with the other conditions of this Act, in cases of Appeal.

Gives the right of appeal to parties in such cases.

XLIII. And whereas it is necessary in the last mentioned case to make provision for the custody of the Defendant after Judgment shall have been given, until the expiration of the time allowed for perfecting Appeals: Be it enacted, that the Defendant shall be discharged from custody, upon entering into a Recognizance in the form in the Schedule to this Act annexed, marked (S), with two sufficient securities, and in case he shall refuse to give such security, Execution shall issue for the amount of Judgment and Costs as hereinbefore pointed out.

Defendant on entering into Recognizance to be discharged from custody.

Form of Recognizance.

If Defendant refuses to enter into Recognizance, Execution to issue.

XLIV. And whereas it is expedient to extend to Justices of the Peace, and to Commissioners under this Act the power of issuing Bailable Process in cases of Debts above Eight Pounds, and not exceeding Ten Pounds where the Debtor is about to leave the Island: Be it enacted, That it shall be lawful for any Justice of the Peace or Commissioner acting under this Act, upon application made to him in such cases, and on an affidavit being made in writing before him, in the form in the Schedule to this Act annexed, marked (N), to issue a Capias which shall be in the form in the Schedule to this Act annexed, marked (T), to arrest the body of the Debtor in whatsoever County he may be found, and upon his appearance

In cases of debt above £8, and not exceeding £10, where debtor is about to leave the Island, Justice of Peace or Commissioner, may issue a Capias to arrest him on Affidavit.

Form of Affidavit.

Form of Capias.

Defendant may give bond before Justice or Commissioner for appearance at next Term of Supreme Court.
 Bond to be taken to Sheriff.
 Form of Bond.
 If Defendant does not enter into such bond, Justice or Commissioner to issue precept to Sheriff.
 Form of Precept.
 Requisites of Precept.
 Duty of Constables thereupon.
 Fee to Justice or Commissioner for taking bond.

before said Justice or Commissioner, if he do not tender good and sufficient sureties, that he will appear and answer the Plaintiff at the next term of the Supreme Court, and execute a Bond to the Sheriff of the County to that effect, in the form in the Schedule to this Act annexed, marked (V), the said Justice or Commissioner is hereby required to direct a precept, under his hand and seal to the Sheriff of the County, in the form in the Schedule to this Act annexed, marked (W), to receive the said Defendant, and detain him in his custody, until the next sitting of the said Supreme Court, and the Constable who shall have arrested the said Defendant, shall take the said Precept and said Defendant, and forthwith lodge him in the County Jail, and it shall be lawful for the Justice or Commissioner, if a sufficient Bail bond shall be tendered and executed, to demand from the Defendant, the sum of Two Shillings and Six Pence for the same.

Plaintiff in such case, eight days before sitting of Supreme Court to serve Defendant with a Declaration, &c.
 Form of Declaration.

XLV. And be it enacted, That when any person shall be so arrested, the Plaintiff shall at least Eight Days before the sitting of the said Court, serve the Defendant with a Declaration, wherein the cause or causes of action shall be set forth in the same manner as is usually done in Summary Writs, issued out of the Supreme Court, and the suit shall then proceed in the same manner as if it had originally commenced by Summary Writ out of the said Supreme Court, and in case the Defendant shall make default in appearing and putting in special Bail, the Plaintiff shall be entitled to demand an assignment of the Bail Bond, and to proceed thereon in his own name in the same manner as in other cases.

Mode of proceeding in such case in Supreme Court.

No person imprisoned under this Act entitled to benefit of Insolvent Debtors' Acts, or Limit Acts.

XLVI. And be it enacted, That no person confined in Jail under and by virtue of any Execution, issued under this Act, shall be entitled to the benefit of an Act made and passed in the Sixth year of the Reign of His late Majesty King William the Fourth, intituled "An Act to suspend an Act,

made and passed in the Twenty-sixth year of the Reign of His late Majesty King George the Third, intituled "An Act for the relief of Insolvent Debtors, and to make other provisions in lieu thereof," nor to the benefit of an Act made and passed in the First Year of the said Reign, intituled "An Act for consolidating and amending the Act, for the appointment of Limits and Rules for the Jail in Charlottetown," nor to the benefit of an Act, made and passed in the Fourth Year of the same Reign, intituled "An Act for regulating the Jails of King's and Prince Counties," nor to an Act passed this present Session, intituled "An Act to repeal certain Acts therein mentioned, and to consolidate and amend the Laws for the relief of Insolvent Debtors."

XLVII. And be it enacted, That if any Action or Suit shall be commenced against any person for any matter or thing done in pursuance of this Act, such Action or Suit shall be brought or commenced within Six Calendar Months, next after the cause of Action shall have arisen, and not afterwards, and the same shall be laid and brought in Her Majesty's Supreme Court of Judicature, and not elsewhere, and the Defendant in such Action or Suit, may plead the general issue thereto, and give this Act and the special matter in evidence at the trial thereof, and if the matter or thing for which such Suit or Action may be brought shall appear to have been done in pursuance of this Act, then the Jury shall find for the Defendant; and if the Plaintiff become nonsuited or discontinue his Action or Suit, or if upon Verdict or Demurer, Judgment shall be given against the Plaintiff, or if the said Action be brought in any other Court than the said Supreme Court, then, and in either of said cases, the Defendant shall and may recover full Costs, to be taxed as between Attorney and Client, and have such remedy for the same as any Defendant hath in any other case by Law.

Limitation of actions against persons acting under this Act.

Actions to be brought in Supreme Court. Defendant may plead general issue, &c.

In certain cases Defendant to be allowed full costs as between Attorney and Client.

Commissioners under former Small Debt Acts, empowered to adjudicate, &c., in all cases commenced by them.

XLVIII. And be it enacted, That nothing in this Act contained shall prevent the Commissioners of Small Debts heretofore appointed and acting under and by virtue of all or any of the Acts by this Act repealed, or under and by virtue of the said Act disallowed by Her Majesty, who may have issued any Summons or Summonses, from adjudicating thereon, or from issuing Execution for the Judgment or Judgments already given, or that may be given in any such cases, where Summonses have already been issued, or from perfecting and fulfilling all and singular the business commenced, under and by virtue of the powers vested in them by the said repealed Acts, and the Act so disallowed as aforesaid.

Re-appointment of any member of present House of Assembly, to office of Commissioner under this Act, not to vacate the seat of such Member.

XLIX. And be it enacted, That the re-appointment of any Member of the present House of Assembly, to the office of Commissioner of Small Debts under this Act, shall not extend or be construed to extend to vacate the seat of such Member, any Statute, usage, or custom to the contrary notwithstanding.

Mode of recovery of fines imposed by this Act.

L. And be it enacted, That all Fines and Penalties imposed by this Act, shall be recoverable with Costs on the Oath of one or more credible Witness or Witnesses, unless where otherwise directed before any Court constituted by this Act, where such Fine or Penalty shall not exceed the sum of Eight Pounds, and if above that sum by Action in Her Majesty's Supreme Court of Judicature, and unless where otherwise appropriated, they shall be paid into the Treasury of this Island, to and for the use of Her Majesty's Government.

Appropriation of fines not already herein appropriated.

Meaning of certain words in this Act.

LI. And be it enacted, That in the construction of this Act, the words in the singular number "Debtor" "Plaintiff" and "Defendant" may be deemed and taken to include more persons than

one, and that the Masculine Pronouns "he" "him" and "his" may be deemed and taken to refer as well to Females as to Males, and to the Plural number, as to the singular, where the construction shall so require it.

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

No person under this Act to take any greater or other fee than is herein prescribed.

TABLE OF FEES REFERRED TO IN THIS ACT.

COMMISSIONERS' FEES.

- For issuing every Capias, *Two Shillings and Sixpence*, if not above Five Pounds; and above Five Pounds, *Five Shillings*. Commissioner's Fees.
- For every Summons not above Two Pounds, *One Shilling and Sixpence*; from Two Pounds to Five Pounds, *Three Shillings*; and above Five Pounds, *Five Shillings*.
- For every Subpœna, *One Shilling*.
- For drawing and engrossing every Affidavit and Swearing, *One Shilling and Sixpence*.
- For every Recognizance *One Shilling and Sixpence*.
- For taking Depositions of Witnesses about to leave this Island, *Eight Pence* for every one hundred words.
- For every Notice to attend an examination of Witnesses, *One Shilling and Sixpence*.
- Trial and Judgment, *One Shilling*.

CLERK'S FEES.

- For every Summons or Capias *One Shilling and Sixpence*. Clerk's Fees.
- Every Execution, issued at the Plaintiff's request, *One Shilling*.

CONSTABLES' FEES.

- For service of every Summons, or other process, the sum of *One Shilling*. Constables' Fees.
- For levying Execution, *Two Shillings and Sixpence*.
- For every mile actually travelled to serve a Summons, Subpœna or other process, *Two Pence*.

For making arrest under Capias, *Two Shillings and Sixpence.*

For levying Execution at the rate of *One Shilling* in the Pound, (except where the party shall suffer the full term of imprisonment, as prescribed by this Act).

For Advertising Property taken in Execution *One Shilling and Sixpence.*

WITNESSES' FEES.

Witnesses' Fees. For each day's attendance, *Two Shillings.*

For every mile travelled, *Three Pence.*

In the event of Witnesses attending in more than one cause at the same time, then to be allowed only one half the above Fees in each cause.

SCHEDULES TO WHICH THIS ACT REFERS.

Schedule A.

SCHEDULE (A).—FORM OF SUMMONS.

Prince Edward Island, } In the Court of Commissioners
County. } for the recovery of Small Debts at
in said County.

Form of Summons. *A. B.* Plaintiff, }
C. D. Defendant, } You are hereby required to be
and appear before the said Court on _____ day the
day of _____ next, at the hour of _____ o'clock,
in the forenoon, to answer the Plaintiff, in an action for
the sum of _____ for (if in
Trover, say, in an action of Trover, for
being the value of _____ the property of the said
Plaintiff, detained by you, as is said;) and in default of
your appearance, you will be proceeded against as to jus-
tice shall appertain.

Given under my hand and seal this _____ day of 184

Clerk. (L.S.)

To the Defendant, *C. D.*

SCHEDULE (B).—FORM OF SUBPENA.

Schedule B.

Prince Edward Island, } By the Court of Commissioners
 County. } for the Recovery of Small Debts,
 at in the said County.

You are hereby required, personally, to be and appear
 before on day the day of
 next, at the hour of o'clock, in the
 forenoon, to testify the truth according to your knowledge,
 between *A. B.* Plaintiff, and *C. D.* Defendant, and herein
 you are not to fail on pain of being fined as the law directs.

Form of Sub-
pœna.

Given under my hand and seal this day of 184

Clerk of said Court. (*L. S.*)

To Mr.

SCHEDULE (C).

Schedule C.

RECOGNIZANCE FOR PAYMENT OF DEBT.

A. B. Plaintiff, }
C. D. Defendant, } We *E. F.* and *G. H.* do jointly
 and severally undertake, that if *C. D.* the Defendant shall
 not pay, or cause to be paid to *A. B.* the Plaintiff, the
 amount adjudged against him the said *C. D.* in this
 action, being for Debt and Costs, on or before the
 day of next ensuing, we, or one of us will
 do it for him.

Form of Recog-
nizance for pay-
ment of debt.

E. F.
G. H.

Taken and acknowledged before me }
 this day of 184 }
 Clerk.

SCHEDULE (D).—RECOGNIZANCE OF APPEAL.

Schedule D.

County.
C. D. in error, Plaintiff, } *C. D.* is delivered on Bail
A. B. in error, Defendant. } to prosecute his appeal at
 the next sitting of Her Majesty's Supreme Court of Judica-
 ture, which will be at on the day of
 next ensuing.

Form of Recog-
nizance of Ap-
peal.

To *E. F.* of in County, (occupation).
 " *G. H.* of in County, (occupation).

Taken and acknowledged before me,

Clerk.

Schedule E.

SCHEDULE (E).

FORM OF AFFIDAVIT OF APPELLANT.

Form of Affidavit for Appeal.

County.
 In the Court of Commissioners for the recovery of Small Debts, at _____ in the said County.
 C. D. maketh Oath and saith that on _____ the day of _____ instant, a Judgment was given against this Deponent, in the said Court, in an action wherein A. B. was _____ and this Deponent the _____ for the sum of _____ together with costs of suit, (or for costs of non-suit, as the case may be), and that this Deponent, considering himself aggrieved by the said Judgment intends to remove the same by Appeal into Her Majesty's Supreme Court of Judicature, to be held in _____ on the _____ day of _____ next ensuing, and then and there to cause the said Judgment and all proceedings thereon, to be examined in due course of Law. And this Deponent further saith, that he does not ask for the said Appeal, for the purpose of delaying the payment of the said Judgment, but for the purpose of having the case determined on its merits in the Supreme Court as aforesaid.

Sworn before me, this _____ day of _____ 184 _____ C. D. Clerk.

Schedule F.

SCHEDULE (F).

FORM OF CONDITION TO BE REPEATED TO SURETIES TAKING RECOGNIZANCE.

Form of condition of Recognizance, to be repeated to sureties.

You E. F. and G. H. do jointly and severally undertake that if C. D. the Appellant, be condemned in this action to pay the Appellee A. B., what has been ordered or adjudged for Debt and Costs, then you shall pay the same together with Costs and Condemnation Money, if adjudged by the Supreme Court of Judicature. This you severally acknowledge.

Schedule G.

SCHEDULE (G).—FORM OF NOTICE OF APPEAL.

Form of notice of Appeal.

County.
 In the Court of Commissioners for the recovery of Small Debts, at _____ in the said County.
 A. B. Plaintiff, }
 C. D. Defendant. } Take notice that I have appealed from the Judgment of this Court in this suit, to Her Majesty's Supreme Court of Judicature, at the next

sitting thereof, to wit: at _____ on the _____ day
of _____ and that it is my intention to have the said
appeal heard on that day, or as soon thereafter as counsel
can be heard.

Given under my hand the _____ day of _____ 184
C. D. or A. B.

To Mr. A. B. or C. D.

SCHEDULE (H).—FORM OF EXECUTION.

Schedule H.

Prince Edward Island, } In the Court of Commissioners
County. } for the recovery of Small Debts,
at _____ in said County.

To the Constables of _____ County, or to any of them, Form of Execu-
and to the Keeper of the Jail in the said County. tion.

Whereas on the _____ day of _____ 184
Judgment was awarded against C. D. in favour of A. B.
for the sum of _____ Debt and Cost of suit,
(*as the case may be*). These are to require and command
you the said Constables, or one of you, to levy of the
Goods and Chattels of the said C. D., the said sum by
sale of the said Goods and Chattels, and for want thereof
you are hereby commanded, to take the Body of the said
C. D. and him commit to the said Jail, and you the said
Jailer are hereby required to receive the body of the said
C. D., and him there to detain, until he satisfy the said
A. B. or be otherwise discharged in due course of Law,
and you the said Constables, are hereby required to make
due return of your doings hereunder to this Court,
within Thirty days from the date hereof.

Given under my hand and seal, this _____ day of _____ 184
Clerk, L. S.

Debt
Costs
Execution
Levy for £ _____

SCHEDULE (I).

Schedule I.

*Form of Affidavit of Party demanding Execution, in case of Debtor leaving
the Island, within 48 hours after Judgment :*

I A. B. do swear, that I have been informed and believe
that C. D. is about to depart from this Island forthwith,
and that unless Execution is granted me, I shall lose the
amount of the Judgment given against him.

*Form of Affidavit for Execution
before expiration
of 48 hours after
judgment.*

A. B.

Sworn before me, this _____ day of _____ 184 }
Clerk. }

Schedule K.

SCHEDULE (K).

FORM OF AFFIDAVIT TO OBTAIN SUMMONS AGAINST AGENT OF ABSCONDING DEBTOR.

Form of Affidavit to obtain Summons against Agent of absent Debtor.

County. I *A. B.* do swear that *C. D.* is justly and truly indebted to me in the sum of _____ lawful money of this Island, and that I have received information and verily believe, that he is absent from this Island, and that *E. F.* of _____ hath the custody of his Goods and Chattels, or that he is indebted to him the said *C. D.* So help me God.

A. B.

Sworn before me, this _____ day }
of _____ 184 _____ }

Clerk of C. C.

SCHEDULE (L).

Schedule L.

FORM OF SUMMONS AGAINST WIFE OR AGENT.

County.

Form of Summons against Wife or Agent.

A. B. Plaintiff, } In the Court of Commissioners for
C. D. Defendant. } the Recovery of Small Debts at
in the said County.

You are hereby required to be and appear before the said Court at _____ on the _____ day of _____ next, at the hour of _____ o'clock, in the forenoon, to discover on Oath, what Moneys, Goods, Chattels, and effects, (*if any*) of the above named Defendant you have in your custody, and on his behalf, to answer the Plaintiff in an action for the sum of _____ for _____ and herein you are not to fail at your peril.

Given under my hand and seal, this _____ day of 184

Clerk. (*L.S.*)To Mrs.
or Mr.Wife of said Defendant,
Agent, (*as the case may be*).

Schedule M.

SCHEDULE (M).

RECOGNIZANCE OF PLAINTIFF DEMANDING EXECUTION AGAINST ABSCONDING DEBTOR.

Form of Recognizance to obtain Execution against absent Debtor.

County.

A. B. Plaintiff, } In the Court of Commissioners for
C. D. Defendant. } the Recovery of Small Debts at
in said County.

Whereas Judgment hath been awarded in favour of the above named *A. B.* Plaintiff, against *C. D.* an absent or absconding Debtor, and he hath demanded Execution thereof against the Goods and Chattels of the said *C. D.* in the custody of *E. F.* Now we *A. B.*, *L. M.* and *S. T.* do hereby undertake, that if on a rehearing in this cause, within twelve months, the said *C. D.* obtain a Judgment in his favour, we will repay to the said *C. D.* the amount thereof, and all Costs that may be adjudged to him on such rehearing.

X in loan case

A. B., *L. M.*, *S. T.*

Taken and acknowledged before me }
 this day of 184 }
 Clerk.

SCHEDULE (N).

Schedule N.

FORM OF AFFIDAVIT TO OBTAIN CAPIAS.

County.

I *A. B.* do swear that *C. D.* is justly and truly indebted to me, in the sum of _____ of lawful money of Prince Edward Island, for _____ and that I have been informed and believe that the said *C. D.* is about to depart from this Island, and that unless a Capias is granted to me, I shall loose the said Debt of _____

Form of Affidavit to obtain Capias.

Sworn before me the _____ day of _____ *A. B.* *A. D.* 184

E. F. J. P., Commissioner, or Clerk.

SCHEDULE (O.)

Schedule O.

FORM OF CAPIAS.

To either of the Constables of _____

You are hereby commanded to take *C. D.* of _____ in whatsoever County he may be found, and bring him before _____ to answer to *A. B.* in an action for _____ Hereof fail not.

Form of Capias.

Given under my hand and seal this _____ day of _____ 18

E. F., *J. P.*, or Commissioner, or Clerk, (*L. S.*)

Schedule P.

SCHEDULE (P.)

RECOGNIZANCE AFTER CAPIAS.

Form of Recognizance for appearance of Defendant on Capias.

A. B. Plaintiff, }
C. D. Defendant, } We *E. F.* and *G. H.*, do jointly and severally undertake to produce the body of the said *C. D.*, at the sitting of the Court of Commissioners at _____ in this County on _____ day of _____ next, to answer the Plaintiff in the action which he hath commenced, and in default thereof, we or one of us will pay to the said Plaintiff what shall be then and there adjudged to him for Debt and Costs.

*E. F.**G. H.*

Taken and acknowledged before me }
 this _____ day of _____ 18 _____ }

I. K., J. P. Commissioner or Clerk.

Schedule Q.

SCHEDULE (Q.)

FORM OF EXECUTION AGAINST BAIL.

Form of Execution against bail.

Whereas Judgment hath been awarded in favour of *A. B.*, as well against *C. D.*, for the sum of _____ debt and _____ Costs of Suit as against *E. F.* and *G. H.*, who failed to produce the body of the said *C. D.*, as they had undertaken to do. These are therefore to command you that you levy from the Goods and Chattels of the said *C. D.*, *E. F.*, and *G. H.*, the sum of _____ and for want thereof to take the bodies of the said *C. D.*, *E. F.*, and *G. H.*, and them commit to the Jail of _____ there to remain until they pay the same, or be discharged by *A. B.*, or otherwise by order of Law.

Given under my Hand and Seal, this _____ day of _____

I. K., J. P., or Clerk, (*L. S.*)

Schedule R.

SCHEDULE (R.)

FORM OF CAPIAS EXECUTION.

To the Constable of _____

Form of Capias Execution.

Whereas Judgment hath been awarded against *C. D.*, at the suit of *A. B.* for _____ and _____ for _____ Costs, making in all the sum of _____ These are to command you to take the body of the said *C. D.* and him commit to Her Majesty's Jail in _____ there to remain until he pay the same or be discharged by *A. B.* the Creditor, or otherwise by order of Law.

Given under my Hand and Seal this _____ day of _____

E. F. Clerk, J. P. or Commissioner, (*L. S.*)

SCHEDULE (S.)

Schedule S.

FORM OF RECOGNIZANCE TO BE GIVEN IN CASES OF APPEAL
AFTER CAPIAS.

A. B. Plaintiff }
C. D. Defendant } We *E. F.* and *G. H.* do jointly and severally undertake, that if the said *C. D.* shall not cause to be given a Recognizance for Appeal in this case, in manner and form and within the time by law prescribed or duly render himself to the custody of *I. K.* (here insert the name of the Justice of the Peace or Commissioner before whom the cause was tried,) we or one of us will pay the amount of Judgment and Costs awarded in this suit.

Form of Recognizance on Appeal after Capias.

E. F.

G. H.

Taken and acknowledged before me this day of

I. K., J. P., or Commissioner.

SCHEDULE (T.)

Schedule T.

FORM OF CAPIAS WHEN THE DEBT EXCEEDS EIGHT POUNDS.

To either of the Constables of

You are hereby commanded to take *A. B.* of in whatsoever County he may be found, and bring him before me, that he may give Security for his appearance at the next term of Her Majesty's Supreme Court, to answer to *C. D.*, in an action for

Form of Capias where debt exceeds £8.

Hereof fail not.

Given under my hand and Seal, at this day of

E. F., J. P., Commissioner, or Clerk, (*L. S.*)

SCHEDULE (V.)

Schedule V.

FORM OF BAIL BOND.

Know all men by these presents, that we are held, and firmly bound to of Prince Edward Island, to be paid to the said Sheriff, or his certain Attorney, Executors, Administrators or Assigns, for which payment well and truly to be made, we bind ourselves, and each of us for himself, our and every of our

Esq., Sheriff lawful money

Form of Bail Bond to Sheriff.

Heirs, Executors and Administrators, firmly by these presents sealed with our seals, dated the day of in the year of the Reign of our Sovereign Lady Queen Victoria, and the year of our Lord One Thousand Eight Hundred and

The condition of this obligation is such that if the above bounden do appear before Her Majesty's Supreme Court of Judicature, to be held at on the day of to answer of a plea and also to a Bill of the said to be exhibited against the said on promises then this obligation to be void, otherwise to be and remain in full force and virtue.

Sealed and delivered in the presence of

Schedule W.

SCHEDULE (W.)

FORM OF PRECEPT TO SHERIFF.

To the Sheriff of County.

Form of Precept
to Sheriff.

You are hereby commanded to receive herewith into your custody, the body of *C. D.* and him safely keep, so that you have him before Her Majesty's Supreme Court of Judicature, on the day of next coming, to answer *A. B.* in a plea, as by his Bill hereafter to be filed shall appear.

Hereof fail you not.

Given under my hand and seal, this day of

E. F., J. P., or Commissioner, (*L. S.*)

By Oath for the sum of

CAP. III.

An ACT to repeal certain Acts therein mentioned, and to consolidate and amend the Laws for the relief of insolvent Debtors.

[Passed February 26th, 1844.]

WHEREAS it is deemed necessary to repeal two certain Acts, and to consolidate and amend two other Laws now in force for the relief of Insolvent Debtors :

Be it enacted, by the Lieutenant Governor, Council and Assembly, That an Act passed in the Twenty-sixth year of the Reign of His late Majesty King George the Third, intituled *An Act for the relief of Insolvent Debtors*, and an Act made and passed in the Sixth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to suspend an Act made and passed in the Twenty-sixth year of the Reign of his late Majesty King George the Third, intituled An Act for the relief of Insolvent Debtors*, be, and the same are hereby respectively repealed.

Repeals Act of the 26th Geo. 3d, cap. 2.

Also, Act of the 6th William 4th, cap. 9.

II. And be it enacted, that whenever any person may be confined within any Jail, or the Limits thereof, within this Island, for any Debt, Damages or Costs, whether on Mesne or final process, (except such persons as may be so confined by virtue of Mesne or final process, issued under any Act or Acts made for the recovery of Small Debts,) and such persons so confined, shall be unable to provide or obtain his or her necessary support, it shall and may be lawful for such person to make application to any two Judges of the Supreme Court of this Island, or to the said Court in Term time, or to any Three Commissioners (Two of whom shall be a quorum,) to be appointed as hereinafter mentioned, for a weekly support or maintenance, and such Judges, Court or Commissioners, (after fourteen

Any prisoner for debt, not able to support himself, (except persons confined under Small Debt Acts.)

may apply to two Judges of Supreme Court, or to the Court in Term time, or to any two Commissioners appointed under this Act; and such Judges, Court, or Commissioners, after

notice to Creditor shall examine such Prisoner on oath. and if found unable, &c.

days' previous notice to the Plaintiff or person at whose suit such person may be confined, his or her Attorney) shall examine on Oath, such person so confined, as to his or her ability to support him or herself, and if on Examination to be taken in writing, on Oath as aforesaid, to be filed in the Office of the Clerk or Prothonotary of the Supreme Court aforesaid, it shall appear to such Judges, Court or Commissioners, that such person is utterly unable to support him or herself, and has no property whatever, Real or Personal of what nature or kind soever, (except necessary Bedding, Wearing Apparel, Kitchen Utensils, and necessary Tools of his or her Trade or occupation, not exceeding in value in the whole Fifteen Pounds,) and that such confined person hath not at any time, since he or she was served with the first or Mesne process, in the suit in which he or she may have been confined, or since he, or she, had notice of the said suit having been commenced, made over, assigned, transferred, or put out of his or her possession or power, either directly, or indirectly, any property whatsoever, whether Real or Personal, for the purpose of defrauding such Plaintiff, or giving any undue preference to any other Plaintiff or Creditor, that then it shall be lawful for such Judges, Court or Commissioners, to make an order for the party at whose suit such person may be confined, to pay a weekly sum to be applied for the Support of such person, which sum shall be paid weekly, and the first payment be made at the time such Judges, Court or Commissioners may in such order direct, and shall be paid weekly thereafter, on such day as such order shall direct, and from the first day of November until the last day of March, shall be Five Shillings per week, and the remainder of the year, Four Shillings per week, and after such order made, it shall be the duty of such party, without any further notice, to pay such weekly support, agreeably to such order, such allowance to be paid to the Jaile of the County in which such Debtor may be confined, at any time during the day (between sun-ris-

to order detaining Creditor, to pay a weekly sum for his support,

from 1st November to the last day of March 5s. per week, and 4s. per week, for the remainder of the year,

and sun-set,) such allowance becomes due, for the use and support of such confined Debtor; and in case of failure thereof, it shall and may be lawful for such Judges, Court or Commissioners, on such failure being made known to them, on affidavit of the Debtor and the Jailer of the County, in which such Debtor may be confined, to make an order under their hands, directed to the Sheriff or Jailer, or by Rule of Court, to discharge the said person out of confinement by reason of such suit: Provided, that nothing in this Act shall prevent any Plaintiff from prosecuting his or her suit, if on Mesne process to final Judgment, or from taking out *Fieri Facias*, or Statute Execution, against the Goods and Chattels, Lands and Tenements of such Defendant, or from recovering in any other manner the amount of the Judgment obtained in the suit, so always that the person of any Debtor so discharged shall be freed from arrest in any proceeding or action upon such Judgment. Provided also, that when two or more Creditors shall detain any Debtor in Prison as aforesaid, the said weekly allowance shall be paid in the proportions following (that is to say,) when there are only two detaining Creditors, then each shall pay half of the said allowance, and when there shall be Three or more such Creditors, then each shall pay Two shillings per week; such payments to be made in like manner as payments may at the time be made from the Public Treasury of this Island, and in case any such detaining Creditor or Creditors shall not make due payment of his, her, or their proportions of such allowance, then the Debtor upon proof thereof, made on Oath, before any Judge or other person by this Act having authority for that purpose, shall be discharged, on Oath being made by the Debtor and Jailer as hereinbefore prescribed by this Section, by order of such Judge or other person, from further imprisonment at the suit of such detaining Creditor or Creditors, so making default in payment of the allowance as aforesaid, but such

in default of payment, debtor to be discharged.

Creditor not barred by default and discharge of Debtor, from proceeding against Debtor's Estate and effects, &c.

Weekly allowance how to be paid, when there are two or more detaining Creditors.

In what money allowance is payable.

In default of payment by any Creditor of his proportion of weekly allowance, Debtor to be discharged from custody at suit of such Creditor,

not to effect the right of other

detaining Creditors unless they neglect to pay, &c.

discharge shall not affect the right of any other detaining Creditor or Creditors, to continue such Debtor in Prison, unless such other Creditor shall after Eight days notice in writing, to each of them, or their authorized Agents or Attorneys, of such default having been proved, and order of discharge thereon made as aforesaid, neglect duly to pay their proportion of such allowance, or the whole thereof, as is required by this Act.

Mode of appointment of Commissioners under Act,

3 in King's County, and 3 in Prince County.

Powers of Commissioners.

III. And be it enacted, That within One Calendar Month after the passing of this Act, the Justices of Her Majesty's said Supreme Court of Judicature, or any two of them, of whom the Chief Justice to be one, shall and they are hereby required, to commission and appoint Three fit and proper persons, two of whom shall be a Quorum, in each of the Counties, of King's County and Prince County, for the purposes hereinafter mentioned, and who shall reside within Twelve Miles of the respective Court Houses in the said Counties, and the said Commissioners shall, by virtue of such appointment, have, and be invested with the same powers and authorities in every respect, within the Counties in which they shall reside, as are given and conferred by this Act, to and upon any two of the Justices of Her Majesty's said Supreme Court of Judicature.

On application, Judges, Court or Commissioners to make an order &c. to Sheriff or Jailer, to bring debtor before them.

Sheriff or Jailer not liable for an escape, &c., bringing up such debtor.

IV. And be it enacted, That upon the application of any person to the said Judges, Court or Commissioners, for such support, such Judges, Court or Commissioners are hereby authorized and required, to make an order under their hands, directed to the Sheriff or Jailer, or by Rule of Court, in whose custody such person may be confined, to bring up such person before them, at the time and place in such order or Rule of Court to be specified, for the purpose of being examined as provided in the second Section of this Act; and such Sheriff or Jailer, shall not be liable to any

action for escape or other suit, for or on account of obeying such order or Rule of Court, according to the true intent or meaning of this Act.

V. And be it enacted, That in any case where it shall be made to appear, to the satisfaction of the said Judges, Court or Commissioners, that such person has the means of providing his or her necessary support, whether from property possessed at the time, or since obtained, or by any other means, upon application made to them, such Judges, Court or Commissioners, shall be, and they are hereby authorized and empowered by Order or Rule, to suspend the payment of such support for a stated time, or until further Order or Rule is given in that behalf, by the said Judges, Court or Commissioners.

If after order for support, it shall appear that Debtor has the means of procuring support, Judges, &c. may by order suspend the payment thereof.

VI. And be it enacted, That if it shall at any time appear or be made out to the satisfaction of such Judges, Court or Commissioners, that the person so applying for or having support under this Act, and having the benefit of the Jail Limits, can either by labour or otherwise, earn or procure his or her necessary support and maintenance within such Limits, such Judges, Court or Commissioners shall and may refuse to make such order for support as aforesaid, or in case the same be made, to suspend the same.

Debtors having the limits, if able to earn their own support, not to be entitled to support from Creditors;

and if order has been made, it be may suspended.

VII. And be it enacted, That any person confined either under Mesne or final process as aforesaid, who may have received such weekly allowance for the space of One year, shall immediately thereafter, be entitled to his or her discharge from confinement, at the suit of the party who may have paid the same; and in such case the said Judges, Court or Commissioners are hereby authorized and required to discharge such person from custody at the suit of the party who may have paid the support: Provided always, that in case of such dis-

Debtor who may have received allowance for 1 year, entitled to discharge at the suit of Creditor, who has paid the same.

Creditor may nevertheless proceed to final judg-

ment, or have Execution against the Goods, &c.

charge, the party shall be entitled to the same remedy by proceeding to final Judgment, or taking out Execution against Goods, Chattels, Lands and Tenements, as is provided in the Second Section of this Act.

Judges, &c., may issue Subpœnas, &c., to compel attendance of Witnesses before them.

VIII. And be it enacted, That when any Plaintiff or Defendant shall have the occasion to compel the attendance of any Witness or Witnesses, to testify or give evidence before the said Judges, Court or Commissioners, to or beforewhom any application, examination, or other proceeding may be had under this Act, it shall and may be lawful for such Plaintiff or Defendant, to issue a Subpœna, or if need be a Subpœna *duces tecum* out of the said Supreme Court, commanding and requiring the attendance of such Witness, and the production of books and papers before the said Judges, Court or Commissioners, at the time and place in such Subpœna to be specified, which said Subpœna shall be served, and the Witness paid or tendered his expenses, in the same manner as if the Subpœna had issued from the said Supreme Court in the ordinary manner; and the Witness or the person served therewith, shall be subject to the same punishment by such Court, or liable to the like damages in all respects to the party injured, for wilfully refusing or neglecting to obey such Subpœna, as in any other case he would be liable or subject to.

Mode of service of Subpœna.

Duty of Witnesses;

punishment for not obeying Subpœna.

Debtor possessed of money or debts, who shall have offered to pay or assign the same to detaining Creditors, or if possessed of real or personal Estate, shall have offered to convey the same to such Creditor at a fair price.

IX. And be it enacted, That when any person so confined, shall be possessed of Money or Debts, at the time of his or her confinement or afterwards, and shall have offered to pay or assign the same to the party, at whose suit such person may be confined, or in case there be several parties, to them respectively in part payment, and in proportion to such demand or demands, or when such confined person shall be possessed of either Real or Personal property, (excepting nevertheless, Wearing Apparel, Bedding, and Tools to the value of Fif-

teen Pounds, as before excepted,) and shall have offered to convey or assign the same to the party or parties at whose suit or suits such person may be confined, at a fair price to be agreed upon, in part payment, and in proportion as aforesaid, and in case of disagreement as to the price or value of such property, shall have offered to pay in manner aforesaid, the proceeds arising from the sale of such property, which said property shall be sold at Public Auction by such confined person, after first having advertised the time and place of the sale thereof for the space of fourteen days, and given the party or parties respectively or their Attorneys, notice of such sale, and the said party or parties shall have refused to accept and receive the said payment or assignment, or the said proceeds, arising from the sale of the said property as aforesaid ; that then it shall and may be lawful for the said person so confined to assign or pay over the same to any other *bona fide* Creditor or Creditors.

After refusal of assignment or of proceeds of a sale thereof at public Auction,

may assign the same or pay over proceeds to any other *bona fide* Creditor.

X. And be it enacted, That when such party or parties may have received such assignment or payment, from such confined person as aforesaid, or when the confined person in case of refusal by such party or parties, may have assigned or paid the same, to the other *bona fide* Creditors as aforesaid, that then, in either of such cases, the said confined person shall be entitled to the benefit of this Act, in all respects the same as if such person had no such Debt or property at the time of confinement or application.

When Creditor receives assignment or payment, or in the event of his refusal, the same is made to or paid to some other *bona fide* Creditor, the Debtor to be entitled to the benefit of this Act.

XI. And whereas it is expedient that Creditors may have power to discharge Debtors, without losing the benefit of Judgments obtained against such Debtors: Be it enacted, That it shall and may be lawful for any Creditor or Creditors, at whose suit any Debtor or Debtors, is or are, or shall be in prison, and taken or charged in Execution, for any sum of money, by writing signed by such Creditor or Creditors, or by one of them, for

Detaining Creditor may discharge Debtor without losing the benefit of the judgment upon which Execution issued.

or in behalf of himself or herself, and the others of them (being Complainants in the same Action,) or by his, her or their Attorney, to signify or declare his, her, or their consent to the discharge of such Debtor or Debtors, from the prison in which he, she or they, is, are, or shall be confined in Execution, at the Suit of such Creditor or Creditors, without losing the benefit of the Judgment upon which such Execution issued, except as is hereinafter provided, and that notwithstanding the discharge of any Debtor or Debtors, in pursuance of such consent as aforesaid, the Judgment upon which such Debtor or Debtors was or were taken or charged in Execution, shall continue and remain in full force to all intents and purposes, except as is hereinafter provided; and it shall be lawful for such Creditor or Creditors, at any time to take out Execution on any such Judgment, against the Lands, Tenements, Hereditaments, Goods and Chattels of such Debtor or Debtors, or any of them, (other than except the necessary Apparel and Bedding, of him, her, or them, or his, her or their families, and the necessary Tools, of his, her or their trade or occupation, not exceeding the value of Fifteen Pounds in the whole,) or to bring any Action or Actions on every such Judgment, or to bring any Action, or to use any remedy for the recovery of his, her or their demands, against any other person or persons liable to satisfy the same, in such and the same manner as such Creditor or Creditors could or might have had or done, in case such Debtor or Debtors had never been taken or charged in Execution upon such Judgment: Provided always, that no Debtor or Debtors who shall be discharged in pursuance of this Act, shall at any time afterwards, be taken or charged in Execution or convicted upon any Judgment hereinbefore declared, to continue and remain in full force, or in any action which may be brought on any such Judgment, and that no proceeding by *Scire Facias* action or otherwise, shall be had against any Bail in the Action on which such Judgment was obtained.

And such Creditor may sue out Execution against the lands, &c. of such debtor,

or bring any action on such judgment, &c.

Person of such Debtor never again to be taken in Execution on such judgment.

XII. And be it enacted, That the Executors and Administrators of any such Creditor as aforesaid, shall and may consent to the discharge of any Debtor or Debtors, to their testator or intestate, in such and the same manner, and with the same advantages and consequences in all respects, as such Creditors, if living, might or could have done in pursuance of this Act; and such Executors and Administrators respectively, shall not by reason of any such discharge in pursuance of this Act, be deemed guilty of *devastavit*, or be chargeable with the debt due from the person or persons so discharged.

Executors, &c. of Creditor may consent to discharge of Debtor with the same advantages, &c.

and not be guilty of *devastavit* &c.

XIII. And be it enacted, That every Sheriff, Jailer or Keeper, in whose prison, Jail or custody, any Debtor or Debtors is, are, or shall be confined or detained in Execution, shall and every of them is hereby required, within Twenty-four hours next after such consent in writing of any Creditor or Creditors, his, her, or their Attorney or Executors or Administrators, as is hereinbefore mentioned, shall have been produced to, and left with such Sheriff, Jailer or Keeper, or his Deputy or Agent, at such prison or Jail, (the hand writing or mark of such Creditor or Creditors, his, her or their Executors or Administrators, or the hand writing of his, her or their Attorney, to such consent in writing being duly proved by Affidavit, of some credible person to be thereunto annexed, and to be sworn before one of the Judges or Commissioners aforesaid, or before the said Supreme Court, or a Commissioner duly authorized to take Affidavits in the County where such Debtor or Debtors shall be confined), to discharge and set at liberty the Debtor or Debtors to whose discharge such consent shall be signified or declared as aforesaid, if he, she, or they, are in custody only upon the Execution issued, at the suit of the Creditor or Creditors signifying such consent.

Sheriff, &c., to discharge Debtor within 24 hours after consent in writing of Creditor shall be produced.

Mode of attestation of such discharge.

No Writ of Fieri Facias or Statute Execution, to be levied on apparel or bedding of Debtor,

if the same shall not exceed £15 in value.

Mode of ascertaining value.

XIV. And be it enacted, That in all cases where a Writ of *Fieri Facias* or Statute Execution shall be issued, upon any Judgment obtained or to be obtained, in the said Supreme Court, it shall not be lawful for the Sheriff or other Officer executing such Writ, to seize or levy upon the necessary Apparel and Bedding of the Debtor or Debtors, against whom such Judgment shall be obtained, or of his, her, or their family or families, or the necessary Tools of his, her, or their trade or occupation, in satisfaction of such Judgment: Provided always, That such Apparel, Bedding and Tools so to be exempted from being seized or levied upon as aforesaid, shall not exceed the value of Fifteen Pounds in the whole, to any one Debtor, which value shall be ascertained by the Oath of Three disinterested Freeholders in the County, to be appointed by such Sheriff, or other Officer to appraise the same, which Oath the said Sheriff, or other Officer, is hereby authorized and empowered to administer.

Any person confined in Jail or Limits for one year, may apply to Supreme Court in Term time, for relief or discharge,

and Court if satisfied that such person has no property, &c.,

XV. And whereas it is expedient in certain cases, to authorize and empower the Supreme Court of Judicature of this Island, to grant relief to, or discharge confined Debtors, who by the strict provisions of the foregoing Sections of this Act, may not be entitled to the benefit thereof: Be it therefore enacted, That when any person may, or have been confined in any Jail or Limits thereof, in this Island, for the space of one year, at the suit of any person, for either Debt, Costs or damages, such confined person may apply to the said Supreme Court in Term time, on Affidavit of the circumstances, for relief or discharge, which said Court on Notice having been given of such application to the adverse party or his Attorney, may enquire into the matter on Affidavit or otherwise; and if it shall thereupon appear to said Court, that the person so confined has no property whatever Real or Personal, within his possession, power or controul, wherewith he can satisfy such

demand, or any part thereof, or support himself in custody, such Court may in its discretion, make an order either for the maintenance or discharge of such person so confined, in the same manner as any Judges of such Court, or any of the Commissioners aforesaid, may now do by virtue of this Act, and which order or discharge, shall in all respects have the like force and effect as any order or discharge made by any Judges or Commissioners, pursuant to the foregoing directions of this Act.

may order him a maintenance or discharge him.

XVI. And be it enacted, That every person who shall be convicted of making or taking a false Oath, to any of the matters hereinbefore described or required to be sworn to, shall be deemed guilty of perjury, and shall be liable to all the pains and penalties to which persons are liable for wilful and corrupt perjury.

False oath under this Act, to be perjury, and punishable accordingly.

XVII. And be it enacted, That in case any confined person may have been discharged in consequence of the weekly support, ordered agreeably to the provisions of this Act, not having been paid, or after Twelve Months' confinement agreeably to this Act, all persons whatsoever shall be indemnified, and are hereby freed and discharged against and from all Suits, Actions, Prosecutions, Informations or Judgments whatsoever, that may be had, moved, prosecuted or adjudged against them, or any of them, for or by reason or on account of such person having been discharged as aforesaid.

Indemnifies all persons against any actions, &c. to be brought by reason of the discharge of any Debtor under the provisions of this Act.

XVIII. And be it enacted, That there shall be paid to each of the said Commissioners by the party applying to them for any order, the following Fees, and no more, for any matters done under the authority of this Act:—

Commissioners' Fees.

For each mile necessarily travelled, to attend any hearing, inquiry or examination required by this Act, *Six-pence*.

For every order made, *Two Shillings*.

CAP. IV.

An ACT to incorporate certain persons therein mentioned, and others, to carry on a Fishery.

[Passed *March* 19th, 1844.]

WHEREAS the improvement and extension of the British Fishery, in the Gulf of St. Lawrence, Northumberland Straits, and other places adjacent to the Coasts of Prince Edward Island, are of great importance, not only to the said Island of Prince Edward, but to the British Empire: And whereas it is also of great importance to the said Island of Prince Edward, that the Fishery should be worked and brought into useful operation, and to accomplish this purpose, it is expedient to establish a Body Politic and Corporate, with the powers, rights and privileges hereinafter contained, and more particularly with power to the said Body Politic to hold Lands, Tenements and Hereditaments, necessary to the carrying on their business in the said Island of Prince Edward, British North America, to them and their Successors, either by acquisition from the Crown, or by purchase from individuals, and to hold and possess immoveable and moveable property of every description; And whereas *George Hammond Whalley*, of the Temple, in the City of London, *Edward Irving*, of Fenchurch Buildings, in the said City of London, and *Richard Rennie*, of Villiers Street, in the County of Middlesex, in that part of the United Kingdom of Great Britain and Ireland called England, Esquires, in order to carry the said Fishery into effect, have, by their Petition in this behalf, represented, that they are, on behalf of themselves and other persons, prepared to raise a Capital of One Hundred Thousand Pounds, Sterling, when they shall be duly authorised and protected in so doing, by an Act of Incorporation, passed by the Provincial

Legislature of Prince Edward Island, and by a Charter from the Crown: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, that the said *George Hammond Whalley*, *Edward Irving* and *Richard Rennie*, and such and so many other person or persons, Bodies Politic or Corporate, as have become, or shall at any time hereafter become, Subscribers or Shareholders, of or for the Capital Stock hereinafter mentioned, in manner hereinafter provided, and their respective Successors, Executors, Administrators and Assigns, or such other person or persons, Bodies Politic or Corporate, as shall, from time to time, be possessed of, or entitled to such shares as hereinafter provided, shall be a Body Politic or Corporate, in the said Island of Prince Edward, in Deed and in Name, and by the name of "The Prince Edward Island Fishery Company;" and by that name shall and may sue and be sued, implead and be impleaded, in all Courts of Law and Equity, in the said Island of Prince Edward, and shall during the continuance of this Act, have uninterrupted succession, with a common Seal, which may by them be changed or varied at their pleasure.

Names of persons incorporated.

Name of Corporation.

May by name of corporation sue and be sued, &c.

II. And be it enacted, That it shall be lawful for the said Company, to engage in and follow the occupation of carrying on the Fisheries, and such Trade as may be necessary for the carrying on the said Fisheries in the Gulf of Saint Lawrence, Northumberland Straits, and on the Coasts and other places adjacent to the said Island of Prince Edward, in British North America; and it shall be further, lawful for the said Company, their Agents and Servants, to land, saving always the rights of others, on any part of the said Island of Prince Edward, to salt, cure and dry the Fish, which they may catch or purchase, and to do all such other lawful and needful acts, as may be necessary, effectually to prepare and export the same for sale, to the different markets for which the said Fish may be intended.

Business and powers of Corporation.

Corporation may hold Lands, &c.

III. And be it enacted, That it shall be lawful for the said Company, to hold to them and their Successors, such Lands, Tenements, Hereditaments and immoveables, and moveable property of every description, as may be necessary to the carrying on of the business of the said Company, within the said Island of Prince Edward.

Capital or Joint Stock how to be applied.

IV. And be it enacted, That the Capital or Joint Stock of the said Company, shall be used and applied in establishing and carrying on the said Fishery, and that the Shares in the said advantages, and in the Profits and undertakings, shall be, and be deemed Personal Estate and moveable property in the said Island of Prince Edward, and as such Personal Estate and moveable property, shall be transmissible accordingly.

Shares, &c. to be deemed personal property.

Defines the amount of each share in capital or Joint Stock.

V. And be it enacted, That all and every person and persons, Bodies Politic or Corporate, by or from whom any subscription shall be made or accepted, or any payment made, pursuant to the provisions hereby contained for that purpose, for or towards the raising of the said Capital of One hundred thousand Pounds, Sterling, as aforesaid, his, her, or their Successors, or Executors or Administrators and Assigns respectively, no such subscription being less than Fifty Pounds, Sterling, shall have and be entitled to a share, of and in the said Capital, or Joint Stock of the said Company, in proportion to the moneys which he, she or they, shall have so contributed towards making up the same, and shall have and be entitled to a proportional share, of the profits and advantages attending the Capital of the said Company, and shall be admitted to be a Proprietor or Proprietors of and in the same.

Names of Shareholders, &c., to be entered in a book, &c.

VI. And be it enacted, That the said Company, or the Directors to be appointed by virtue of this Act, shall cause the names and designations of the several persons, Bodies Politic and

Corporate, who shall subscribe for, or at any time hereafter be entitled to a share or shares in the said Company, with the number of such share or shares in the said Company, and also, the proper number by which every share shall be distinguished, to be fairly and distinctly entered in a Book or Books, to be kept by their Clerk or Secretary.

By whom book is to be kept.

VII. And be it enacted, That the several persons, Bodies Politic or Corporate, who shall subscribe for and towards the said Capital, or shall at any time hereafter, have or hold any share or shares in the same, shall and they are hereby required, to pay the sum or sums of money by them respectively subscribed, or such part or portions thereof, as shall from time to time, be called for, pursuant to or by virtue of the provisions of this Act, at such times and places, to such person or persons, and in such manner as shall be ordered and directed, by the Directors for the time being of the said Company, or such of them as shall be present, and constitute a Board of Directors or the majority of them, and in case any person or persons, Bodies Politic or Corporate, shall neglect or refuse to pay any such sums of money, at such times, and in such manner, as shall be so ordered and directed as aforesaid, it shall be lawful for the said Company, to sue for and recover the same together with lawful interest, from such appointed time of payment, from such person or persons, Bodies Politic or Corporate, or in cases where Two or more persons, Bodies Politic and Corporate, shall have jointly subscribed for, or be jointly possessed of any one or more share or shares in the said Company, then from all, any, or either, of such persons, Bodies Politic or Corporate.

Mode of payment of Shares by the Shareholders.

VIII. And be it enacted, That whenever Two or more persons, Bodies Politic or Corporate, shall be jointly possessed of or entitled to any share or shares in the said Company, the person whose name shall stand first in the Book of the said Com-

Where 2 persons, &c., jointly possess any share or shares, the person first named in the corporation book for the purposes of this

Act, &c. to be deemed the owner of such share or shares, and all notices, &c. to be given to such first named person, &c.

Such person to vote in respect of such share, &c.

Mode of transfer of shares.

Transfer to be entered in a book kept for that purpose.
Fee for entering transfer.

pany as Proprietor thereof, shall, for all the purposes of the said Company and this Act, be deemed and taken to be Owner and Proprietor of such share or shares, and all notices required to be given to the Owner or Proprietor, of any share or shares in the said Company, shall and may be given to or served upon such person or body, whose name shall stand first in the Books of the said Company; and such service, upon such person or body, shall be deemed and taken to be a service upon all the Owners or Proprietors of such share or shares, for all the purposes for which such service is intended to be made, upon the Owners or Proprietors of such share or shares, and all such Owners or Proprietors shall be entitled, to give their vote or votes in respect thereof, by the person or body whose name shall stand first in the Books of the Company, as such Proprietor of such share or shares, and his vote shall on all occasions be deemed and allowed to be the vote, in respect of the whole property in such share or shares, without proof of the concurrence of the other Proprietor or Proprietors of such share or shares.

IX. And be it enacted, That it shall be lawful for the several Proprietors of the said Company, their Executors, Administrators, Successors, and Assigns, to sell and transfer any of their Share or Shares, and every transfer thereof may be in the form, and to the effect given in the Schedule to this Act, or in any other convenient form to be devised by the said Company, and every such transfer shall not only be under the hand or hands of the Member or Members transferring such Share or Shares, but of the person or persons, bodies Politic or Corporate, to whom the same shall be transferred, or some person by such transfer or transfers and transferee or transferees lawfully authorized, and which said transfer shall be made and entered in a book to be kept by the said Company for that purpose, for which a Fee shall be paid to and for the use of the Company, not exceeding Ten Shillings,

for each Share transferred, to be from time to time fixed by the Directors, or a majority of them, and that such transfer shall effectually transfer the whole Estate and Interest in such Share or Shares, of the person or persons so making or authorising the same, to the person or persons, bodies Politic or Corporate, so taking or accepting such transfer, for which such person or persons, bodies Politic or Corporate, shall henceforth become in all respects Members of the said Company, in respect of such Share or Shares, in the place of such person or persons so transferring the same, or authorizing the same to be transferred, and that until such transfer shall be made and entered in such Book in manner aforesaid, no person or persons claiming an interest in any such Share or Shares, by purchase or otherwise, shall be deemed the Proprietors thereof, or shall be entitled to any dividend or beneficial interest in the said Capital Stock in respect thereof, nor until Six Calendar Months after such transfer shall have been made, be entitled to vote at any Meeting or Meetings in respect of such Share or Shares; and a Copy of such transfer extracted from the said Book and signed by the Clerk, Secretary, or other officer of the said Company duly authorized thereto, shall be sufficient evidence of every such transfer, and be admitted and received as such in all Courts of Law.

No person to be deemed a Proprietor, &c., until transfer be so entered,

nor entitled to vote until six Calendar months after.

X. And be it enacted, That the Directors hereinafter mentioned, or the Directors for the time being, or such of them as shall be present at and constitute a Board of Directors, or the majority of them, shall have full power to make such call or calls for money from the several Subscribers and Proprietors for the time being, of the said Company, their respective Executors, Administrators, Successors and Assigns, not exceeding in the whole the sum of Fifty Pounds, Sterling, on each of the Shares held by him, her, or them respectively, as the said Board of Directors shall from time to time find wanting and necessary for the purpose of the

Powers and duties of Directors.

Amount of first call on shares. When £25,000 of capital is paid, no call to exceed £10 per share.

Period of notice to be given of calls and where payable.

Mode of giving notice of payment of calls.

Non-payment of calls for six months after notice to work a forfeiture of shares, &c.

said Company, so that the first call shall not exceed the sum of Twelve Pounds Ten Shillings Sterling on each Share, and that when and so soon as Twenty-five Thousand Pounds of the said Capital shall be paid in, that then no one subsequent call shall exceed the sum of Ten Pounds Sterling, for or in respect of any one Share of Fifty Pounds, and so that no call or calls be made for any instalment short of Three Months' Public Notice, and the sum or the several sums of money so to be called for, shall be paid to the Bankers of the said Company for the time being, or to such other person or persons, and at such time and place as shall be appointed by the said Board of Directors, of which time and place, Twenty Days' previous notice at least shall be given in the London Gazette, and in such Two or more of the Daily London Newspapers, and in the Gazette published by Authority, and in such Two or more of the Weekly or Daily Newspapers of the said Island of Prince Edward, as the Board of Directors shall direct: Provided always, That any person or persons may, if he or they think fit, pay down at any one time the full amount of their Subscription and Stock, who shall, in that case, be entitled to a proportion of the profits arising thereupon from the day of payment thereof.

XI. And be it enacted, That if any Proprietor or Proprietors of any Share or Shares in the said Company, his, her, or their Executors, Administrators, Successors or Assigns, shall neglect or refuse to pay any call or calls which shall be so made as aforesaid, during the space of Six Calendar months next after the time appointed for payment thereof, together with lawful Interest, from the appointed time of payment, then and in every such case, such person or persons, Bodies Politic or Corporate, so neglecting or refusing, shall absolutely forfeit all his, her, or their Share or Shares in the said Company, and all profits and advantages thereof advanced by him,

her, or them on account thereof, to and for the use and benefit of the said Company, and all Shares which shall or may be so forfeited, shall or may at any time or times thereafter, be sold at a Public Sale, for the most money that can be gotten for the same, and the produce thereof shall go to and make part of the Capital Stock of the said Company, and such Share or Shares so forfeited and sold, thall be assigned and transferred to the purchaser by an Instrument under the Common Seal of the said Company, in the manner required upon other transfers of any Share or Shares, but no advantage shall be taken of such forfeiture of any Share or Shares, until the same shall be declared to be forfeited at some General or Special Meeting of the said Proprietors, which shall be held not earlier than Six Calendar Months next after the said forfeiture shall happen, and that every such forfeiture so to be declared, shall be an absolute indemnification and discharge to and for the Proprietors or Proprietor, or his, her, or their Executors, Administrators, Successors, and Assigns, so forfeiting, against all Actions, Suits, and Prosecutions, and from all liability in respect thereof, and for any breach of contract or other agreement between such Proprietor or Proprietors, his, her, or their Executors, Administrators, and Assigns, and the said Company, in respect of such Share or Shares, with regard to the future carrying on and management of the said Company.

Forfeited Shares to be sold at Public Auction.

Mode of disposal of proceeds.

Mode of Assignment of shares so sold.

Indemnifies all Proprietors, &c. against actions, &c., brought against them in respect of shares so sold by former owners.

XII. And be it enacted, for the better ordering, managing, and governing the affairs of the said Company, and for making and establishing a continual succession of persons to be Directors and Auditors of the said Company, there shall be from time to time, constituted in manner hereinafter mentioned, and of the members of the said Company, a Chairman who shall also be a Director, and Five other Directors as hereinafter mentioned, and Five Auditors of the said Company, and a Secretary, which Chairman and other Directors,

Number and names of officers of Corporation.

Quorum of such officers.

or any Three of them; shall constitute a Board of Directors for the ordering, managing, and directing in the manner and under the provisions hereinafter contained, the affairs of the said Company.

Gives power to Shareholders to choose Directors, &c., and make bye laws, &c.

Notice of Meeting for such purpose how to be given.

Further powers of Shareholders.

Defines number of votes to be given by Shareholders.

XIII. And be it enacted, That it shall and may be lawful for all and every the Members or Shareholders of the said Company, from time to time, to assemble and meet together at any convenient place or places in London, for the choice of a Chairman and other Directors and Auditors, and for the making of Bye-Laws, Rules, Orders, and Regulations for the government of the said Company, and for other affairs or business concerning the same, Six Weeks' previous notice thereof being given by advertisement in the London Gazette, and in Two or more of the daily London Newspapers, and in the Gazette published by Authority, and Two or more of the Newspapers printed in the said Island of Prince Edward, and that such meeting being so duly assembled, shall with the assent of the majority of Proprietors so assembled, have power to adjourn, from time to time, as shall be convenient, and that on some day or days within Two years from and after the passing of this Act, and in every succeeding year, there shall be yearly and successively chosen all succeeding Chairmen, Directors and Auditors of the said Company, in General Meeting assembled, as shall be personally present, and of all Bodies Politic and Corporate, who may vote by deputation under their Common Seal at such meetings, who shall be entitled to vote in respect of their share in the said Capital Stock of the said Company, in the proportions following, that is to say, that every holder of Five and less than Ten Shares in the said Capital Stock shall be entitled to one vote, every holder of Ten and less than Twenty Shares to two votes, every holder of Twenty and less than Twenty-five Shares to three votes, and every holder of Twenty-five Shares and upwards to four votes, and no more: Provided

always, and it is hereby enacted, that if any Member Shareholder of the said Company shall be unable to attend the said General Meeting or Meetings, by reason of his permanent residence in the Island of Prince Edward, or elsewhere, out of the United Kingdom, it shall be lawful for every such Member or Shareholder to vote by proxy at such General Meetings, and the vote by proxy of such Member or Shareholder shall be as effectual and valid, and shall be subject to the same Rules, Regulations and Directions, as if the said Member or Shareholder attended to vote in person, and the election of such Chairman, Directors, and Auditors, at the annual and other elections, shall take place by Ballot or in such other mode as shall be determined by any Bye-Law of the Company to be made as herein provided.

Shareholders in certain cases may vote by proxy.

Mode of election of Directors, &c.

XIV. And be it enacted, That no person shall at any time be capable of being chosen Chairman or other Director or Auditor of the said Company, unless he shall at the time of such election be a natural born or naturalized subject of the United Kingdom, and shall also have in his own name, and in his own right, Five Shares or more of the Capital Stock of the said Company, and that no Director or Auditor shall continue in office longer than the continuance of such his interest in such number of Shares in his own name and right, and to his own use, and in case any Chairman, other Director or Auditor shall be in any manner divested of or part with such of his Shares as to reduce the same to any lesser number than as aforesaid, then the Board of Directors for the time being, at their next meeting; when such fact shall be made to appear to them, shall proceed to declare the office of such Chairman or Director or Auditor so divested of or parted with his said Shares as aforesaid to be vacant, and the said vacancy or vacancies so declared shall be filled up in the same manner as in the case of other vacancies at the General Meeting of the said Company, which shall be duly held next after

Qualifications of Director, &c., for election.

What shall vacate the office of Chairman, Director or Auditor.

Mode of declaration of vacancy and how filled up.

In the event of death or resignation of Chairman, Director or Auditor, vacancy how filled up.

such declaration, and that in every case where any Chairman or other Director or Auditor shall happen to die or resign his office before the annual election of such officers, the major part of the members of the said Company, qualified as aforesaid, to be assembled in a General Meeting, shall and may elect and choose any other member or members of the said Company, qualified as aforesaid, into the office of such Chairman, other Director or Auditor that shall so die or resign, which person or persons so to be elected, shall continue in his or their said office, for such and the like period as the Chairman, Director, or Auditor had to serve in whose place or stead he shall be so elected.

Shareholders at a General Meeting, to grant salaries to Chairman, Directors, &c.

XV. And be it enacted, That it shall and may be lawful, for the said Company at any General Meeting, to grant such salaries and allowances, to be paid to the said Chairman and other Directors and Auditors, and Secretary of the said Company, as may be deemed expedient.

Mode of proceeding to procure special General Meeting of Shareholders.

XVI. And be it enacted, That upon the requisition in writing, of any Two or more of the Members of the said Company, each having not less than Five Shares in the said Capital Stock, the Board of Directors shall within Six weeks, after such requisition, and of which such notice shall be given as hereinbefore directed, summon and call a Special General Meeting, either for general or special purposes, to be held of the Members of the said Company, qualified to vote at elections as aforesaid, and in default of the Board of Directors to summon and call such Meeting, it shall be lawful for the said two or more Members having such Shares as aforesaid, upon Six weeks' previous notice by advertisement, under their hands in the London Gazette, and in two or more of the daily London Newspapers, and in the Gazette, and two or more of the Newspapers published in the said Island of Prince Edward, to summon and hold a Special General Meeting in London, and there to consider

Powers of such special General Meeting.

and debate upon any business, relating to the government or affairs of the said Company, and in case such Special General Meeting, shall have been convened for any special purpose, then to proceed in such special matter, and to come to any determination, or to dispatch any business belonging to such special purposes, or otherwise to come to any resolution or resolutions, for the further examination into the matters relating to the affairs and government of the said Company, and that it shall and may be lawful, in pursuance of any resolution by the majority of Members composing such Special General Meeting, to adjourn the same to a day then to be fixed upon, and so from time to time, and that such Special General or adjourned General Meeting, composed of Members qualified as aforesaid, shall be holden finally to determine by the majority of their voices, upon all resolutions relating to the affairs and government of the said Company: Provided always, that in every such case, the requisition and summons for a General Meeting shall express the purpose thereof.

XVII. And be it enacted, That it shall and may be lawful, to and for all and every the Members of the said Company, qualified to vote as aforesaid in a General Meeting duly assembled, by the majority of votes of those there present, to make and constitute such Bye-Laws, Rules, Orders and Regulations, for and relating to the affairs and government of the said Company, so that such Bye-Laws, Rules, Orders and Regulations be not repugnant to the Laws and Statutes of this Island, nor repugnant to any of the enactments herein contained: Provided always, that such Bye-Laws, Rules, Orders and Regulations, be duly recorded in the public Book or Books of the said Company, so that the same may be at all seasonable times accessible to the Members of the said Company, and others whom it may concern.

Shareholders at
General Meeting
authorized to
make bye-laws,
&c.

Bye-Laws &c.
to be recorded in
a book.

XVIII. And be it enacted, That the Chairman of the Board of Directors, shall act as Chairman of

Duty of Chair-
man at General
Meeting.

When not attending a General Meeting, a Chairman may be appointed to preside.

the said General Meetings, and if it shall so happen that at any meeting of the said Directors, or at any General Meeting of the said Company, the said Chairman shall not attend, it shall be lawful for the majority of the Directors then present to appoint a Chairman for that occasion, and in case no Director shall be present at a General Meeting of the said Company, or in case the Director or Directors present shall not appoint a Chairman for such occasion, it shall be lawful for the Members of the said Company then present or a majority of them, to appoint a person to preside at any such Meeting, and the Chairman of the Board of Directors or other person presiding at any such Meeting, shall in case of an equality of votes have a second or casting vote.

What shall constitute Joint Stock.

XIX. And be it enacted, That all sums of money paid and received in respect of the Shares of the said Company, together with all acquisitions or investments whatsoever, whether real or personal, immoveable or moveable, or wheresoever lying, being and situated, whether vested in the said Company, in their own name, or in the names of Trustees, or in what manner soever the same shall be vested, shall form and constitute the Joint or Capital Stock of the said Company and their Successors, and shall be liable and answerable for the Debts, Liabilities and Engagements of the said Company, and no Shareholder of the Company shall be liable for, or charged with the payment of any debt or demand due from the Company beyond the extent of his or her Share in the Capital of the Company not then paid up.

No Shareholder to be liable beyond his share or interest in stock.

General Meeting of Shareholders may increase capital Stock beyond £100,000.

XX. And be it enacted, That in case the said sum of One Hundred Thousand pounds Sterling, shall be found insufficient in the Court of Directors of the said Company to carry into full effect the beneficial purposes aforesaid, then, and in such case, it shall be lawful for the Members of the said

Company, for the time being, in pursuance of any resolution adopted and confirmed at a subsequent General Meeting, to raise and contribute amongst themselves in such shares and proportions as they shall think proper, or by the admission of new Subscribers, any further or other sum of money not exceeding the sum of One Hundred Thousand pounds Sterling, and every subscriber towards raising such further sum of money, shall be a Proprietor of and in the Capital of the said Company, and shall have a like vote in respect to his or her shares of the said additional sum so to be raised, and be liable to such forfeitures, and stand interested in all the rights, profits and advantages of the said Company, in proportion to the sum, he, she or they shall subscribe to the said Capital so extended, to all intents and purposes, as if such further or other sum hereby allowed to be subscribed for or raised, had been originally part of the Capital of the said Company, any thing hereinbefore contained to the contrary in any wise notwithstanding.

Privileges and powers of Shareholders of increased Stock.

XXI. And be it enacted, That the said Chairman and other Directors, for the time being, or any three or more of them, shall and may, from time to time, and at all convenient times, and when and as often as they shall think fit, assemble and meet together at any place or places in London for the direction and management of the affairs of the said Company, and being so assembled, shall in all respects, conform themselves to the Bye-Laws, Rules, Orders and Regulations of the said Company, and be subject to all such Bye-Laws, Rules, Orders, and Regulations, shall have the direction and management of the affairs of the said Company, and of all traffic, commerce and dealings relating thereto, and also the disposition and investment of all Cash, Bills, Notes, and other Securities belonging to the Company, and also full power and authority to enter into all contracts, whether under Seal or otherwise, on behalf of the

Duties of Chairman, and Directors.

Company, and to make and execute all assignments, conveyances, and all other Acts to which the Corporate Seal is required to be affixed, and to appoint a Counsel, Secretary, and Solicitor, and all Clerks and Agents, Servants or other officers which shall, from time to time, be considered necessary to be employed in the affairs and business of the said Company, and to allow and pay them such reasonable salaries and allowances, and to displace or remove them, or any of them, as they shall see cause, and generally to do and act in all matters and things whatsoever which they shall judge necessary for the well ordering and managing of the said Company and the affairs thereof, and to do, enforce, perform, and execute all the powers and authorities, provisions, acts and things in relation to the said Company, and to bind the said Company as if the same were done by the whole Corporation: Provided also, that in no case shall the Corporate Seal of the said Company be affixed to any Instrument whatever, except by order in writing of the Board of Directors, and in the presence of at least two of the Directors, who shall attest by their signatures such sealing, and that the same was done by order of the Board of Directors, which attestation shall be evidence of the facts of such order.

This Act not to be in force until a Charter be obtained from Her Majesty.

XXII. And be it enacted, That this Act shall not be in force nor have effect, until the said Company shall have obtained a Charter from Her Majesty, her Heirs or Successors, in conformity to the provisions thereof, in so far as regards matters to be transacted, or things to be done out of, or beyond the limits of this Island.

An Office or Counting-House to be opened in this Island.

XXIII. And be it enacted, That the said Company shall, when, and so soon, as the same, pursuant to this Act, shall be operative in this Island, open an Office or Counting House in the said Island of Prince Edward, for the transaction of their business.

XXIV. And be it enacted, That in case of actions or suits or demands against the said Corporation, in any of the Law Courts of this Island, service of the Summons, Writ or Process of Court issuing in any such action, suit or demand, at the ordinary Office or Counting House therein of the said Company, shall suffice to hold the said Company to appear and plead to the action, suit or demand against the said Company.

In actions brought against Company in this Island, process to be served at such Office or Counting-House.

XXV. And be it enacted, That before this Act shall have its full effect, and the said Corporation be operative in this Island, evidence satisfactory to the Governor or person administering the Government thereof for the time being, shall be laid before him that the requirements of this Act have *bona fide* been complied with, and that one-half, or one-fourth at least, of the said Capital sum of One Hundred Thousand pounds Sterling, has actually been paid up by the Subscribers or Stockholders of the said Company, and at the disposal of the Directors thereof, for the purposes of the Company, in accordance with this Act, and notice thereof given by Proclamation or otherwise, in such manner as His Excellency shall deem advisable, whereupon the said Company and Corporation shall be operative in this Island.

This Act not to have effect until Lieut. Governor shall be satisfied that one-half or one-fourth part of Capital is paid up.

XXVI. And be it enacted, That it shall be the duty of the said Corporation, and of the person or persons entrusted with the chief question of its affairs in this Island, to lay annually before the Three branches of the Legislature thereof, in the course of the first Fifteen days after the opening of the Session, a general statement upon the oath of the Manager, Agent or Chief Clerk of the said Company in this Island, before any of the Justices of the Court of King's Bench, Queen's Bench, or other superior Court of Civil Jurisdiction, of the affairs of the said Company, shewing as well the amount of its liabilities, as the assets or means of meeting the same in this Island, in moveable pro-

Corporation to lay annually before Lieut. Governor, &c., a statement of its affairs upon oath of manager, &c.

perty or effects, and Estate real or immoveable, and such Manager, Agent or Chief Clerk being charged before any competent Court of Criminal Jurisdiction, of false swearing in the matter of the said statement, shall be tried, and if found guilty, shall be punished in like manner as if he had been charged and convicted of the crime of wilful and corrupt perjury.

This Act to be deemed a public Act.

XXVII. And be it enacted, That this Act shall be deemed a Public Act, and as such, judicially be noticed by all Judges, Justices, and others whom it shall concern, without being specially pleaded.

Not to affect the rights of Her Majesty, or any Body Politic or Corporate.

XXVIII. And be it enacted, That nothing in this Act contained, shall in any manner derogate from or affect the Rights of Her Majesty, her Heirs or Successors, or of any person or persons, Body Politic or Corporate, except in so far as the same may be specially derogated from or affected by the provisions of this Act, nor shall the same extend, or be construed to extend, to confer upon the said Company any right of property in Ores or Minerals, in, upon, or under the surface of the said lands and tenements and hereditaments of the said Company, beyond such as may be conferred by the title of the said Company to the said lands, tenements, or hereditaments, or by Laws in force in the said Island of Prince Edward, in which the same shall or may be situate.

Nor to confer the property in ores or minerals in lands belonging to Corporation, to it.

Limitation of Act.

XXIX. And be it enacted, That this Act shall be and remain in force until the First day of December, which will be in the year of our Lord One thousand eight hundred and seventy-four.

SCHEDULE.

Schedule.

I (or we) of in consideration
of paid to me (or us) by Of Form of transfer
do hereby bargain, sell, assign and of shares.
transfer unto the said the sum of
Capital Stock of and in the undertaking called the
Prince Edward Island Fishery Company, being
share (or shares) number (or numbers)
in the said undertaking, to hold to the said
Executors, Administrators or Assigns subject to
the same Rules, Orders and Regulations, and on
the same conditions that I (or we) held the same
or immediately before the execution
hereof, and I (or we) the said do
hereby agree to accept and take the said
(share or shares) subject to the same Rules,
Orders, Regulations and conditions.

As witness our hands and seals this
day of in the year of our Lord One
Thousand Eight hundred and

CAP. V.

An ACT to alter the Act relating to Statute
Labour.

[Passed March 30th, 1844.]

WHEREAS the rate of Ten Shillings for the
Owner of Two Horses or two Oxen and a
Cart, as also the rate of Eight Shillings for the
Owner of one Horse or Two Oxen without a Cart,
as imposed in and by the Thirty-second Section of
the Act passed in the Sixth Year of the Reign of
Her present Majesty, intituled *An Act to consoli-
date and amend the Laws relating to Statute
Labour and the expenditure of Public Moneys on
the Highways*, has been found too high, in propor-
tion to the other rates imposed by the said Act :

Rates payable by owners of Horses, Oxen, and Carts, within Charlottetown or Royalty, annually for Statute Labor.

Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, that from and after the passing hereof, every Owner of Two Horses or Two Oxen and a Cart, residing within Charlottetown or Royalty, shall pay, annually, to the Overseer of Statute Labour, the sum of Five Shillings, in lieu of the sum of Ten Shillings mentioned and imposed by the Thirty-second Clause of the said recited Act ; and every Owner of One Horse or Two Oxen without a Cart, shall pay, annually, the sum of Three Shillings, in lieu of the sum of Eight Shillings mentioned and imposed by the said Thirty-second Section ; any thing therein contained to the contrary thereof, notwithstanding.

Repair of Roads and Bridges within Charlottetown and Royalty, to be let at Auction.

II. And be it enacted, That it shall be the duty of the Justices of the Peace, appointed, or to be appointed, for the purposes mentioned in the said recited Act, to cause the repairs of Roads and Bridges to be let at Public Auction in all cases where the same may be deemed practicable, with due respect to the public interest.

Housekeepers within Charlottetown and Royalty, to make known names of persons resident in their houses, liable to Statute Labor.

Penalty on them for refusal.

Mode of recovery and appropriation thereof.

III. And be it enacted, That every Housekeeper within the said Town or Royalty shall, on request made, make known the names of all persons liable to perform Statute Labour living or lodging within his or her house, and shall be subject to the penalty mentioned in the Thirty-fifth Clause of the said recited Act, and to be recovered and applied as therein mentioned, in case of his or her refusal to give, or falsely giving such information.

CAP. VI.

An ACT for the better preventing Accidents by Fire, within Charlottetown.

[Passed March 30th, 1844.]

WHEREAS it is expedient to consolidate the several Acts, and parts of Acts, now in force, relating to the prevention of accidents by Fire within the Town of Charlottetown, and to make additional provisions thereto: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, the several Acts and parts of Acts hereinafter mentioned, shall be, and the same are hereby respectively repealed, that is to say: An Act passed in the Fifty-fourth year of the Reign of King George the Third intituled, *An Act for better preventing Accidents by Fire within Charlottetown, and the Suburbs thereof*; an Act passed in the Eleventh year of the Reign of King George the Fourth, intituled *An Act to amend and suspend certain parts of an Act made and passed in the Fifty-fourth year of His late Majesty's Reign, intituled an Act for better preventing Accidents by Fire within Charlottetown and the Suburbs thereof*; An Act passed in the Fourth year of the Reign of His late Majesty, King William the Fourth, intituled, *An Act for the better preventing Accidents by Fire within the Town of Charlottetown.*

Repeals Act of 54th Geo. 3d, cap. 1.

Also, Act of the 11th Geo. 4th, cap 6.

And also, Act of the 4th William 4th, cap. 10.

II. And be it enacted, That within One Calendar Month from and after the publication hereof, it shall and may be lawful for the Lieutenant Governor, or other Administrator of the Government for the time being, by and with the advice and consent of Her Majesty's Council, to appoint Sixteen persons within the Town of Charlottetown, to be Fire Wardens, which persons shall be sworn, faithfully to discharge their duty, and who shall remain in office during the continuance of this Act.

Lieut. Governor, &c., in Council to appoint 16 Fire Wardens,

who shall be sworn, &c.

Fire Wardens or any 9 of them to license Chimney Sweepers.

Chimney Sweepers to give bond, &c.

Penalty on Chimney Sweepers for neglect of duty.

No person to follow the occupation of Chimney Sweeper, unless licensed under a penalty of 40s.

Chimneys to be swept once in 2 months, between 1st May and 31st October;

and once a month from 31st October to 30th April.

Penalty on Chimney Sweeper, for neglect of duty.

Fire Wardens to fix the Rates for sweeping Chimneys,

and may vary the same.

III. And be it enacted, That it shall and may be lawful for the Fire Wardens, or any Nine of them, to license proper persons for the Sweeping of Chimneys, which persons shall enter into, and give Bond for the regular performance of their respective duties, and any neglect or violation in the performance of their duty, as hereafter to be specified by the Fire Wardens, shall subject the party to a fine not exceeding Five Shillings.

IV. And be it enacted, That no person or persons shall be permitted to follow the occupation of a Chimney Sweeper in the said Town, unless he or they shall have been first appointed and licensed by the Fire Wardens, as aforesaid, for that purpose, under the penalty of Forty Shillings.

V. And be it enacted, That every Chimney which shall or may be used in the Town of Charlottetown, shall be regularly swept once every Two Months, between the First day of *May*, and the Thirty-first day of *October*, and once a Month, from the last mentioned period, until the Thirtieth day of *April*, and if any licensed Chimney Sweeper shall, when required so to do, refuse or neglect to sweep any Chimney, or shall negligently or improperly do the same, he shall be liable to a penalty not exceeding Ten Shillings, for each and every offence.

VI. And be it enacted, That the said Chimney Sweeper, or Chimney Sweepers, so licensed as aforesaid, shall be entitled to receive for the sweeping of each and every Flue, such sum as a majority of the Fire Wardens shall deem just and reasonable, notice of which shall be inserted in the *Royal Gazette* Newspaper, at least Four successive weeks, next after they shall have fixed the same, and a majority of the Fire Wardens for the time being, may vary the amount to be paid for sweeping Chimneys, as often as they shall see proper, during the continuance of this Act.

VII. And be it enacted, That if the Chimney of any house in Charlottetown, shall take fire, and if the occupant or occupant of such house cannot produce sufficient evidence that the said Chimney had previously been swept by a licensed Chimney Sweeper, within the period prescribed by Law, the same having been occupied by such occupant, for such period, or that a licensed Chimney Sweeper had been duly requested, but had neglected to sweep the said Chimney, the said occupant or occupants shall incur a penalty of Ten Shillings.

Chimney taking fire, occupant of House to incur a penalty of 10s. if not regularly swept.

VIII. And be it enacted, That the tenant or occupant of every house in the said Town, of the yearly value of Ten Pounds and upwards, shall be provided with, and keep One leathern Bucket, to contain not less than Two gallons, on which the owner's name shall be painted, which Bucket shall be kept hung up in the passage or hall of such house, under the penalty of Five Shillings, for each and every time the said Bucket shall not be found so hung up in its proper place, as aforesaid, by the Fire Wardens, when they shall visit the said house, and within Three Months, from the time which any person or persons shall in future occupy any house within the said Town, such person or persons shall in like manner be provided with a Ladder or Ladders, the same to be ready for use at all times in case of Fire, and which Ladder or Ladders, shall be of a length corresponding to the height of the house, sufficient to enable water to be carried to any part of the same, in the event of Fire.

Occupant, &c., of House of yearly value of £10 and upwards, to keep a Leathern Bucket, &c., under a penalty of 5s. for each time such Bucket shall not be found hung up in passage, &c;

and also, be provided with a Ladder corresponding to height of his house.

IX. And be it enacted, That the occupier of any such house or houses, omitting to have the said Bucket and Ladder, or not having the same in sufficient repair, and fit for immediate use, shall incur a penalty of Twenty Shillings, for each and every such omission.

Penalty on occupant, &c. for not having Bucket or Ladder, or not keeping same in repair.

Expense of Ladders to be borne by owner of House,

of bucket by Tenant, &c.

X. And be it enacted, That the expense of providing and keeping in repair the said Ladders, shall be borne by the proprietors of the houses, and the expense of procuring and keeping in repair the said Buckets, shall be borne by the tenant or occupier of each house; and if any proprietor shall neglect or refuse to provide the said Ladders, the occupier shall procure the same, and deduct the value thereof from the rent: Provided, that no person shall be subject to be fined a second time by virtue of this Clause, if he shall provide or repair his Ladders or Bucket within Ten days, next after any Fine shall have been imposed thereunder and paid by him.

Fire Warden to visit each House within his Ward once in 3 months.

Penalty on Fire Warden for each neglect of this duty;

may visit once in each month, between the hours of 11 and 4 o'clock, in the day time.

Penalty on Housekeeper refusing to produce Buckets, &c.

Penalty on Housekeeper having Hay, Straw, or Flax, or Ashes in a wooden vessel, in House or Out-house;

such Hay, Straw, &c. to be also forfeited.

XI. And be it enacted, That each of the Fire Wardens, shall once in every Three Months visit each house within his Ward or District in the said Town, and inspect the Buckets and Ladders, under a Penalty of Five Shillings, for every house such Fire Wardens respectively shall neglect to visit, and it shall and may be lawful for the said Fire Wardens, or either of them, who shall think fit, to visit any house or houses in the said Town, once a Month, between the hours of Eleven in the forenoon, and Four in the afternoon, to inspect the Water Buckets and Ladders, and any Housekeeper refusing to produce the same, shall for every such refusal, incur a penalty of Five Shillings.

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

XIII. And be it enacted, That no lighted Candle, Fire or Firebrand, shall be carried from house to house, or place to place, within the Town of Charlottetown, unless such Fire or Firebrand, shall be properly enclosed or otherwise secured, so as to prevent accident; and any person carrying such lighted Candle, Fire or Firebrand, not secured as aforesaid, shall forfeit and pay a penalty of Five Shillings, for each and every such offence, and in the event of any Minor or Apprentice so offending, then and in every such case, the said fine or penalty shall be paid by the Parent, or by the Master, Mistress or Guardian, of such Minor or Apprentice.

Penalty on persons carrying lighted Candle, Fire or Firebrand, from House to House, unless properly secured.

Parents, &c., of minors, &c. so offending to be liable to penalty.

XIV. And be it enacted, That no person residing within the said Town shall keep, or permit to be kept, in any Dwelling House, Store, Shop, Stable, or Out-house, any greater quantity than Twenty-five pounds weight of Gunpowder, at any one time, nor shall any quantity of Gunpowder be so had or kept, unless the same be contained in a covered Copper, Lead, Tin, or Pewter Canister, or if in a covered Wooden Keg or Vessel, such Keg or Vessel, shall be secured in a leathern Bag, and all persons found offending herein, shall incur a penalty of Two Pounds for each offence, and it shall and may be lawful for any One of Her Majesty's Justices of the Peace, upon information on Oath being made before him, of a reasonable ground of suspicion, that any person in Charlottetown has a greater quantity of Gunpowder than Twenty-five Pounds weight in any place or places, contrary to the true intent and meaning of this Act, to issue a Warrant directed to any Constable of the District, to search such suspected place or places, along with one of the Fire Wardens, and on any greater quantity being found, a Penalty shall be incurred of Two Shillings for every pound weight of Gunpowder so found, above the quantity by this Act allowed to be kept: Provided always, that no person shall incur the penalties for having

Not more than 25 lbs of Gunpowder, to be kept in any House or Shop, at one time, and how to be secured.

Penalty on persons offending herein.

Justice of the Peace on information on oath,

to issue Search Warrant, and if more than 25 lbs. be found,

penalty of 2s. per lb. for all above 25 lbs. incurred.

No penalty to be incurred, unless there be a Magazine open to the Public for depositing Gunpowder.

Gunpowder in his or her keeping contrary to the intent and meaning of this Act, unless there shall be in Charlottetown, or the Suburbs thereof, a Magazine for the reception and security of Gunpowder, to which the public can have access.

No Stove Pipe to pass through or near any Wooden Partition, unless there be 5 inches clear between Pipe and Partition.

XV. And be it enacted, That no Stove-pipe within Charlottetown as aforesaid, shall be passed through or near any partition of Wood, or of Wood and Lime, or through a Wooden floor, or roof, unless there shall have been left Five inches clear between the Pipe and the Partition or Floor or Roof, and which Pipe shall be surrounded with Stone or Brick, or a Sheet of Iron, Tin, Lead or Copper, which shall be nailed or fastened to every such Partition, Floor or Roof; and close Stoves, shall be fixed and set up in such manner, as that in all cases, there shall be at least Eighteen inches, in every direction, except the bottom, from any Wainscot, Laths or Wooden Partition, through or alongside of which the same may be placed, or if at a less distance, then the Wall or Partition, shall be well and securely protected by Sheet Iron or Lead, to the satisfaction of the Fire Wardens; and any person offending in the Premises, shall incur a Penalty of Twenty Shillings, and the several persons to be appointed Fire Wardens in pursuance of this Act, are hereby required to pay due attention to this Clause, at the time of the different inspections or visitations hereinbefore mentioned.

Pipe to be surrounded with Stone, Brick, Sheet Iron, &c. Close Stoves to be 18 inches from any Wainscot, Laths, &c.;

penalty on persons offending herein.

Fire Wardens required to pay due attention to this clause.

In case of Fire, alarm Drum to be beat, and Bells of Churches, and Fire Bells to be rung.

Duty and Authority of Fire Wardens on such occasions.

XVI. And be it enacted, That on the discovery of the breaking out of any Fire, an alarm Drum shall be beat, and the different Church Bells, and Fire Bells shall be rung, and all the Inhabitants of the said Town, shall be bound to give their assistance to the said Fire Wardens, who are hereby jointly and severally empowered, to require the assistance of the said Inhabitants, for the purpose of securing or removing any Property, that it may be thought necessary or practicable to save, and

for extinguishing and putting out any such Fire, and also to require the assistance of the said Inhabitants, on any service calculated to stop or to prevent the further spreading of the Fire, and to suppress all tumults and disorder; and if any person or persons, shall wantonly and wilfully make any false alarm of Fire, and be thereof convicted on oath, before a Justice of the Peace, such person or persons shall for such offence forfeit and pay a sum not exceeding Five Pounds.

Pénalty on persons raising false alarm of Fire.

XVII. And be it enacted, That the said Fire Wardens shall each of them, have a Staff of Seven feet in length, painted red, and headed with Tin, Iron or Brass, and when any Fire shall break out as aforesaid, the Fire Wardens shall forthwith repair to the place where the Fire may be, and use every endeavour to regulate and direct the exertions of the Inhabitants, in the way that shall be most effectual to extinguish or to arrest the progress of the Fire, and the Inhabitants or hereby required to observe due obedience to the commands of the Fire Wardens on such service, and all persons guilty of disobedience or neglect of the same, shall respectively, upon information and conviction thereof, before any one or more of Her Majesty's Justices of the Peace, residing in the said Town, within One Week thereafter, forfeit and pay a sum not exceeding Twenty Shillings.

Fire Wardens to have a Staff.

Duty of Fire Wardens, on Fire breaking out.

Inhabitants to obey Fire Wardens.

Penalty on persons guilty of disobedience of orders of Fire Warden, and mode of recovery.

XVIII. And be it enacted, That the Constables of Charlottetown shall, upon all occasions of Fire, be ready to attend with their Staves, and enforce the commands and directions of the Fire Wardens, to prevent Theft, and for other necessary purposes, and every such Constable or Constables, who shall hereafter neglect to attend at the time of such Fire, or alarm of Fire, or shall refuse or neglect to obey the orders of any Fire Wardens, such Constable or Constables, on conviction thereof,

Duty of Constables in case of Fires.

Penalty on Constables for neglect of attendance or duty.

before any one of Her Majesty's Justices of the Peace, shall forfeit and pay a Fine not exceeding Ten Shillings, and every such Constable for the Town of Charlottetown, if called on by any Justice of the Peace, after any Fire, or alarm of Fire, shall prove by Certificate from one or more of said Firewardens, that he or they duly attended and did his or their duty at such Fire, or shall otherwise shew some good and sufficient cause to the satisfaction of the said Justice, that prevented him or them from attending at such Fire or Alarm, and every one of said Constables, who shall when called upon as aforesaid, neglect or refuse to produce such Certificate, or other good excuse as aforesaid, shall be liable for each and every such neglect, to be fined as last aforesaid, and those who may administer the Oaths of Office to any Constables for the Town of Charlottetown, shall likewise read to them this Clause.

Persons administering oath of office to Constables, to read this clause to them.

Clergymen, &c., exempt from serving as Fire Wardens.

Penalty on persons refusing to serve as Fire Wardens.

XIX. And be it enacted, That no Clergyman, Physician, or Surgeon, shall be obliged to serve as Fire Warden, and that any person refusing to accept the Office of Fire Warden, after having been nominated thereto as aforesaid, shall forfeit the sum of Forty Shillings.

Parents and Masters, &c., to be liable for penalties imposed on their Children or Apprentices.

XX. And be it enacted, That the Parent or Parents of any Child or Children under age, who shall be found transgressing any of the Regulations, so to be made by the Fire Wardens or others, as aforesaid, and the Master or Masters, Mistress or Mistresses, of any Apprentice or Apprentices, who shall be found transgressing any of the said Regulations, shall be subject and liable to a Fine not exceeding Five Shillings, to be levied of their Goods and Chattels.

Penalty for which they shall be so liable.

Town to be divided into 8 Wards.

2 Fire Wardens for each Ward.

XXI. And be it enacted, That the said Town shall be divided into Eight Wards or Districts, and two Fire Wardens shall be appointed to each Ward, and the same shall be numbered and bounded

as mentioned and described, in the Schedule at the end of this Act, and in case of the removal of any Fire Warden, by death, resignation or otherwise, it shall be lawful for the Administrator of the Government for the time being, and he is hereby required, within Thirty Days after notice in writing from any Fire Warden, shall be given to him, of such vacancy, if by death or removal from the said Town, to appoint another Fire Warden in the place and stead of him who is so removed.

Removal, death, &c., of Fire Warden, how provided for.

XXII. And be it enacted, That when any Fire shall break out in the said Town of Charlottetown, a majority of the Fire Wardens of the said Town who may be present, (or in their absence, any Two of Her Majesty's Justices of the Peace, resident in the said Town,) shall and may, and are hereby empowered, to give directions for pulling down any such house or houses, as shall by them be adjudged meet to be pulled down, for the stopping or preventing the further spreading of the Fire, and if it shall so happen that the pulling down of any such house or houses, by the direction aforesaid, shall be the occasion of stopping the said Fire, or that the said Fire shall stop before it come to the same, that then, all and every Owner of such house or houses shall receive reasonable satisfaction, and be paid for the same, by the Owners of houses in the said Town, whose houses shall not have been burned in the manner hereinafter prescribed, that is to say, the Owner or Owners of such house or houses so pulled down, and entitled as aforesaid, shall as soon as may be, make application to a Meeting of the said Fire Wardens and the Assessors in Office, who may have been appointed under and by virtue of the Law for making and keeping in repair the Pumps and Wells of Charlottetown, and the majority of persons attending such Meeting, being satisfied by such proof, as shall be made or brought, of the justice of the claims made, they shall then issue an Order, for the valuation of the damages so sustained, to be made by Five indifferent

A majority of Fire Wardens present at any Fire, or in their absence, any 2 Justices of the Peace, may order Houses to be pulled down.

Mode of recovering Compensation, for Houses pulled down in order to stop Fire.

persons to be therein named, Three of whom shall be a quorum, and who shall make a return of their proceedings upon Oath, to another like meeting, on the day which may be affixed in such Order for the same to take place, whereupon the majority of the meeting last mentioned, shall appoint Two or more Assessors, who shall tax the houses of the said Inhabitants that have not been burnt, at such rate or rates, as shall by them be thought just, in proportion to the value of the houses that are to be so taxed, for paying the said damages and charges of valuation, taxation and collection, and all other reasonable and necessary charges and expenses attending the same, to be ascertained, fixed and settled, before the making of such assessment, and the said last mentioned Assessors are to report their proceedings also upon oath, to another such meeting as aforesaid, at a time to be appointed at the last previous meeting, and such assessment and rate being made, the meeting shall proceed to appoint a Collector of the said Tax, and in case of non-payment of the same, shall be levied *ex officio* by such Collector, by Warrant of Distress, to be obtained from any one of Her Majesty's Justices of the Peace, residing near to the said Town, and not being interested in the payment of the said Tax or Assessment, and as soon as the assessments and charges are collected, the parties claiming shall be paid according to a report to be made and approved of, by a majority of the persons who may attend such meeting as last aforesaid: Provided, that if the house where the Fire began or broke out, shall be adjudged to be pulled down, to prevent the increase and further spreading of the Fire, that then the owner of such house shall receive no manner of compensation therefor, any thing herein contained to the contrary notwithstanding, and provided also, that if it shall appear to the majority of the persons being Fire Wardens and Assessors, who may attend at the first meeting mentioned in the last foregoing Clause, that any house or building which may be pulled down as aforesaid, must

No Compensation to be made for pulling down the House, where the fire began;

Nor if it appear that any House so pulled down must have been inevitably burnt.

inevitably have been burnt down, by the Fire which existed, when it was pulled down, then the Owner or Owners of such house, shall receive no compensation for the same, nor shall the Owner or Owners of any house which may be so pulled down as aforesaid, receive any greater sum than shall be allowed by a majority of such Assessors and Fire Wardens, at some of their meetings, mentioned in the said last mentioned Clause of this Act, who shall in their discretion, regulate and fix the amount of such compensation, according to the greater or less risk there was, that such house would or would not have been burnt if left standing, or if it had not been pulled down.

XXIII. And be it enacted, That all Fines and Forfeitures imposed by this Act, shall be recovered with Costs, if not exceeding Eight Pounds exclusive of Costs, before Two Justices of the Peace, or a Court of Commissioners for the recovery of Small Debts, in like manner in all respects as Small Debts of the same amount may now be recovered, but without any right of Appeal to any party, and if such Fines and Penalties shall exceed Eight Pounds exclusive of Costs, the same shall be sued for and recovered with costs, by due course of Law in Her Majesty's Supreme Court of Judicature of this Island, and the said Fines, Penalties and Forfeitures, when recovered, shall be paid over to the Treasurer for the time being appointed, or to be appointed under and by virtue of any Act, for making and keeping in repair the Pumps and Wells of Charlottetown, to be, by the Assessors for the time being, under such Act applied towards the making or repairing of Pumps and Wells in the said Town, or for the better prevention of Fires within the said Town, as to the said Assessors shall appear most proper.

Mode of recovery of fines and forfeitures imposed by this Act.

Appropriation of fines and forfeitures.

Schedule.

SCHEDULE TO WHICH THIS ACT REFERS.

Wards.

- No. 1.—The East side of Cumberland Street and all to the Eastward thereof.
- No. 2.—From the East side of Weymouth Street to the Western side of Cumberland Street.
- No. 3.—From the East side of Hillsborough Street to the Western side of Weymouth Street.
- No. 4.—From the East side of Prince's Street to the Western side of Hillsborough Street.
- No. 5.—All South of Queen's Square.
- No. 6.—All North of Queen's Square.
- No. 7.—From East side of Pownal Street to West side of Queen's Street.
- No. 8.—All the rest of the Town West of Pownal Street.

C A P. VII.

An ACT for regulating the size and quality of Fish Barrels and Tierces, and the weight of Fish made up therein, and for the appointment of Fish Inspectors; also to regulate the Inspection of Pickled Fish.

[Passed *March* 30th, 1844.]

WHEREAS it is desirable that there shall be an uniformity in the size and quality of Barrels, Half-barrels and Tierces, in which Pickled Fish shall be packed either for exportation, or home consumption, and that the weight of Fish the same shall contain should be regulated: Be it enacted, by the Lieutenant Governor, Council, and Assembly, That all Barrels, Half-barrels and Tierces in which Pickled Fish, either for exportation or home consumption shall be packed for sale, shall be made of sound well seasoned timber, free from sap, and constructed of Staves of the thickness of

Barrels, half-barrels, and Tierces, contain Pickled Fish for Exportation or Sale; how to be made.

not less than half an inch in the thinnest part, if made of hardwood, or three-fourths of an inch if made of Softwood with Heading well seasoned and planed and free from sap; the Barrels, Half-barrels and Tierces, to be well Hooped, having at least Three Hoops on each Chime, and Three on each Bilge; the Barrel Staves to be Twenty-eight inches in length, and the Heads to be Seventeen inches between the Chimes, and to contain not less than Twenty-nine nor over Thirty Gallons; the Half-barrel to contain not less than Fifteen Gallons, and the Tierces to contain not less than Forty-five nor more than Forty-six Gallons; and all Barrels to be used for exportation shall have the Bung Stave made of hard wood.

II. And be it enacted, That every Barrel of Pickled Fish shall contain Two Hundred Pounds weight of Fish, and in the same proportion for Half-barrels and Tierces.

Weight of fish to be packed in Barrels, half-barrels and Tierces.

III. And be it enacted, That any person or persons who shall or may sell, or cause to be sold, any Pickled Fish in Barrels, Half-barrels or Tierces, of a less size or weight than is prescribed by this Act, shall for each and every Barrel, Half-barrel or Tierce, so sold, forfeit and pay to Her Majesty a Fine of Five Shillings, the same to be recovered, with costs, on the Oath of one or more credible Witness or Witnesses.

Penalty on persons selling, &c. pickled fish in barrels, &c. of less size or weight than prescribed in this Act.

Mode of recovery.

IV. And whereas frauds and impositions to a serious extent are frequently perpetrated upon individuals, by the importing and vending within this Island, and the exporting therefrom, Pickled Fish of an inferior and unwholesome quality: Be it therefore enacted, That from and after the passing of this Act, it shall and may be lawful to and for the Lieutenant Governor or other Administrator of the Government for the time being, to appoint, in each of the different Towns, Ports, Harbours and Settlements in this Island, or in such one or more thereof, as he

Lieut. Governor, &c., to appoint Fish Inspectors in the different Towns, Ports, &c. of this Island.

Inspectors to be sworn.

Form of oath of Inspectors.

By whom Sworn.

Duty of Inspectors.

Brands for different qualities of Fish.

Penalty on persons who shall intermix, take out, or replace fish inspected, with fish of a worse quality, &c.

shall think fit and proper, an Inspector or Inspectors who shall be duly sworn, in the form prescribed in the Schedule to this Act annexed marked (A), to the faithful discharge of the duties enjoined by this Act, before any Justice of the Peace residing within or near the District for which such Inspector or Inspectors shall be appointed, whose duty it shall be, within their several Districts, to inspect all Barrels, Half-barrels and Tierces, as to their being of the size and quality prescribed in this Act, and also to inspect and weigh all Salted or Pickled Fish made up for Sale in any Barrel, Half-barrel or Tierce; and the same, in all cases wherein the Fish so made up shall be found good and merchantable and of the weight required by Law, after inspection, to Brand in plain and legible Letters, on the head of each and every Cask in which such Fish shall be packed or re-packed, the Initials of the Christian Name, or Names of the Inspector or Inspectors examining the same, with his or their Surname or Surnames in full, the year in which they are inspected at large, and the Letters "P. E. I." for Prince Edward Island, with the addition of the mark "No. 1", where the Fish on such inspection, shall appear of the First or best quality, and the mark "No. 2," where the Fish shall appear of the Second quality, and the mark "No. 3," where the Fish shall be of a quality fit for consumption, but inferior to the Second quality; and that on all Barrels or Casks of Fish, so branded, shall also be marked the kind or denomination of Fish, as also the Weight thereof contained in each Barrel or Cask, together with the date of such inspection; and all Casks so inspected shall be filled with Fish of one and the same kind and quality; and if any person or persons shall intermix, take out, or replace with Fish of worse quality, any inspected Fish, which shall or may be packed in any Barrel, Half-barrel or Tierce, branded as aforesaid, or put therein any other Fish for sale or exportation, contrary to the true intent and meaning of this Act, each and every person so offending,

shall forfeit and pay the sum of Five Pounds for each and every Barrel, Half-barrel or Tierce of Fish that shall or may be so intermixed, or out of which the whole or any part thereof shall or may be taken or exchanged as aforesaid.

V. And be it enacted, That if any Inspector or Inspectors of Salted or Pickled Fish, shall brand any Barrel Half-barrel, or Tierce, the contents of which shall not have been first inspected and weighed by him or them, according to the true intent and meaning of this Act; or if he or they shall permit any other person or persons to use his or their Brands in violation or evasion of this Act; or if he or they shall brand or cause or shall knowingly suffer to be branded, any Barrel, Half-barrel or Tierce, before the Fish shall have been packed therein, each and every Inspector so offending, shall forfeit and pay the sum of Two Pounds, Currency, for every Barrel, Half-barrel or Tierce so branded, and shall also be liable to be removed from Office; said fine to be recovered with costs, on the Oath or Oaths of one or more credible Witness or Witnesses, by any person who shall sue for the same.

Penalty on Inspectors for corrupt practices in their offices.

*Also, liable to be removed from office.
Mode of recovery of penalty.*

VI. And be it enacted, That if any person or persons shall be found guilty of counterfeiting any Inspectors Brand or Mark, or who shall use the same with the intention to evade the provisions of this Act; each and every such person shall be liable to pay a Fine or Penalty of Ten Pounds for every such offence.

Penalty on persons guilty of counterfeiting Inspector's Brands.

VII. And be it enacted, That in all cases where the person or persons employing any Inspector shall neglect or refuse to furnish such assistance as may be necessary to enable the said Inspector to weigh and pack at least Twenty barrels of Fish per day, it shall and may be lawful for the said Inspector to employ such person or persons as he

Inspectors may employ assistance to pack fish where Owner neglects to furnish sufficient assistance, and charge 5d. per barrel therefor.

may require to weigh and pack such Fish, for which he shall be entitled to receive from the person or persons who shall employ him, over and above the charge for Inspection, the sum of Five-pence per Barrel for every Barrel so inspected, and a proportionate rate for Half-barrels and Tierces.

Condemned fish to be destroyed by Inspector.

VIII. And be it enacted, That when any Pickled Fish, upon the inspection thereof, shall not be found Merchantable, such Fish shall be condemned, and the same shall become forfeited, and shall be wholly destroyed by the Inspector who may have condemned the same.

Not to prevent imported fish found unsound, from being re-shipped by consignee, &c., upon bond being given to Inspector, &c.

IX. Provided always, and be it further enacted, That nothing in this Act contained shall be construed to prevent any Pickled Fish which shall hereafter be imported into this Island from any other Province or Country, and which, upon inspection, shall prove to be unsound from being re-shipped by the Consignee or Consignees, Owner or Owners thereof, without the same being branded or marked in this Island, if such Consignee or Consignees, Owner or Owners shall and do, within Forty-eight hours after the same shall have been inspected, execute to the Inspector thereof a Bond, with sufficient Surety or Sureties that the whole of the said Fish so inspected and found to be unsound, shall be returned to the Port or place from whence they were imported, the Penalty therein to be inserted to be determined by the number of Barrels, Half-barrels and Tierces of Fish so found to be unsound, at and after the rate of Thirty Shillings for each and every such Barrel, and in proportion for every Half-barrel or Tierce; and which Bond shall be in the form set forth in the Schedule to this Act annexed, marked (B.), and also shall and do pay to the said Inspector the sum of Four-pence for each and every Barrel, Half-barrel and Tierce of unsound Fish, for his trouble in examining the same, besides a Fee of

penalty of such bond.

Form of Bond.

Fee to Inspector for taking bond;

Three Shillings for the said Bond, then, and in all such cases, where a Bond shall have been given to any Fish Inspector as aforesaid, the Consignee or Consignees, Owner or Owners of the Fish, for the re-shipment and return of which the Bond shall be given, shall deliver or cause to be delivered to the said Inspector within Nine Months from the date of the said Bond, an Affidavit made by such Consignee or Consignees, Owner or Owners, or other credible person or persons, and duly sworn before, and attested by, a Justice of the Peace for any County of this Island, that the whole of the Fish mentioned in such Bond had been re-shipped, and that the vessel with the same on board, had duly cleared and sailed, or was about to sail, from this Island, for the Port or place from whence such Fish was originally imported, and which shall be in the form prescribed in the Schedule to this Act annexed, marked (C.) ; and in default of such Affidavit being made and delivered to the said Inspector, or his Successor in office, within such period as aforesaid from the date of the Bond, then and in every such case, the said Inspector or his Successor in office, is hereby authorized and required, upon the expiration of the said Nine Months, unless the sum secured by the said Bond shall have been previously paid to him, to sue for and recover the same, as hereinafter directed.

within 9 months after re-shipment Consignee, &c. to produce Affidavit on which Bond may be discharged.

Before whom to be sworn and requisites of Affidavit.

Form of Affidavit.

Bond to be forfeited and to be sued for, by Inspector, unless Affidavit be produced within 9 months.

X. Provided always, and be it enacted, That if any person or persons, in making such Affidavit as aforesaid, before a Justice of the Peace, shall forswear himself or themselves, and be thereof duly convicted, such person or persons shall be liable to the same Penalties as if the said Oath had been voluntarily and corruptly made in a cause depending in any of the Courts of Record in this Island.

Punishment on persons making false Affidavit.

XI. And be it enacted, That for every Barrel of Fish, inspected, weighed and branded by any Inspector, appointed by virtue of this Act, the sum

Allowance to Inspectors for Inspecting, Branding, &c.

of Eight-pence, and for every Barrel of Fish which shall be inspected only, the sum of Four-pence, shall be paid to such Inspector, by the person or persons for whom he inspected or branded the same, and the same in proportion for Half-barrels and Tierces.

No Inspector to brand his own fish.

Penalty on Inspector for so doing.

XII. And be it enacted. That it shall not be lawful for any Inspector to inspect or brand his own Fish, either for exportation or home consumption, and every such Inspector so inspecting or branding his own Fish, shall be subject and liable to the same Penalties and Forfeitures on the sale or exportation thereof, as if such Fish had not been inspected and branded, to be recovered and applied in way and manner pointed out by this Act.

Importers of Pickled Fish, to notify Inspector of intention to land same.

XIII. And be it enacted, That when and so often as any person or persons shall import and bring into this Island any Pickled Fish, in Barrels, Half-barrels, Tierces or Casks, of any description whatsoever, he or they shall, on entry thereof being made by him or them at the Custom House, for the Port or place for which the said Fish shall arrive, and before the landing or exposing for sale thereof, or of any part thereof, duly notify an Inspector of Fish for such port or place as aforesaid, of the intention of such person or persons so importing as aforesaid, to land such Fish so entered as aforesaid, or such quantity thereof as such person or persons shall be desirous of landing, and such person or persons shall, in no case, land or sell, or permit or suffer to be landed or sold, any such Fish, before the same shall be duly inspected, and every Inspector, upon receiving such notice as aforesaid, is hereby authorized and required to cause the said Fish, or such part thereof as shall be exposed for sale, to be duly inspected, and if any Pickled Fish shall hereafter be imported or brought into this Island either in Barrels, Half-barrels, Tierces or Casks, without the Owner or Owners thereof or the person or persons in charge

No fish to be landed, sold, &c. until Inspected.

Duty of Inspector on receiving notice, &c.

Any pickled fish landed before notification to Inspector, to be forfeited.

thereof, first making such notification or report as aforesaid, to the said Inspector or Inspectors, of his, her or their intention to land such Pickled Fish as aforesaid, at the port or place where the same shall or may be entered by them as aforesaid, then, and in every such case, every Barrel, Half-barrel, Tierce or Cask of such Pickled Fish being so imported, landed or disposed of by him or them, or any other person as aforesaid, shall become forfeited to Her Majesty; and the said Inspector or Inspectors are hereby authorized and empowered to sell and dispose of the same, and out of the moneys arising from the sale of such Pickled Fish so forfeited as aforesaid, to defray all necessary expenses attending the forfeiture and sale thereof, and to pay the residue of the moneys arising from any such sales as aforesaid, into the Treasury of this Island, to and for the use of Her Majesty's Government.

Inspector to sell same.

Appropriation of proceeds of sale of such fish.

XIV. And be it enacted, That every person who shall land or sell, or expose for sale, or shall permit or suffer to be landed or sold or exposed for sale, any Pickled Fish, by him imported or brought into this Island, and before the same shall be duly inspected in manner required by this Act, shall forfeit and pay, for every Barrel, Half-barrel, Tierce or Cask so landed, sold, or exposed for sale, the sum of Ten Shillings, and all such Fish shall become forfeited to Her Majesty; and after the same shall be sold, the proceeds thereof, deducting all necessary expenses, shall be paid into the Treasury of this Island, to and for the use of Her Majesty's Government.

Penalty on persons Landing, Selling, &c. pickled fish before inspection.

Fish also to be forfeited and sold.

Appropriation of proceeds.

XV. And be it enacted, That if any Master of a Vessel, or other person, shall put or receive on board any Vessel or Vessels, any Pickled Fish for the purpose of exporting the same from this Colony, either in Barrels or Half-barrels or Tierces, or otherwise, which shall not have been duly inspected and branded, he shall forfeit and pay, for each

Penalty on Master, &c., of Vessel receiving on board any pickled fish not inspected.

and every Barrel, Half-barrel, Tierce or Cask so put or received on board, as aforesaid, any sum not less than FiveShillings, nor more than TenShillings.

Fish imported and sold in bulk to be inspected on request of purchaser within 2 days after sale.

If unsound to be destroyed, and Vender to refund purchase money, &c.

Mode of recovery thereof.

Inspector not to receive reward, perquisite, &c., beyond legal charge for inspection, nor appropriate to his own use condemned fish.

Penalty on Inspector offending herein.

Mode of recovery of penalty.

Appropriation of penalty.

XVI. And be it enacted, That should any Herrings, Mackerel, Alewives or other Salted Fish, be imported in Bulk, or if any quantity thereof be sold or offered for sale in Bulk, in this Colony, it shall be lawful for the purchaser of the said Fish, to have the quantity thereof by him purchased, inspected within Two days after the sale of such Fish, and should the same, on inspection, be found unsound, they shall be destroyed, and the Vender or Venders of such Fish, shall be liable to the purchaser for the price thereof if paid for, and the charges thereon, to be recovered before any Commissioner or Commissioners for the recovery of Small Debts, in such manner as Small Debts may be recovered if not exceeding Eight Pounds, and if above that sum, then in Her Majesty's Supreme Court of Judicature, and in all cases with Costs of Suit.

XVII. And be it enacted, That no payment, reward, perquisite, or other valuable consideration, shall be charged or recoverable, directly or indirectly, by any Fish Inspector, for any commission, per centage, storage, or factorage, for, or relating to the same, care or management of such Fish by him inspected, nor shall any such Inspector, in any manner, appropriate to his own use or advantage, any Fish by him condemned as unsound, and which shall thereby be forfeited, and every Inspector of Fish, who shall have offended against the provisions of this Section, besides being liable to be removed from Office, shall forfeit and pay, for every such offence, any sum not less than One Pound nor more than Ten Pounds, the same to be recovered, with Costs of Suit, in Her Majesty's Supreme Court of Judicature, upon the oath of any one or more credible witness or witnessess, and to be appropriated to and for the use of Her Majesty's Government.

XVIII. And be it enacted, That in all Suits which may be brought in any Court of this Island by or against any Fish Inspector, for or in respect of any act or proceeding by him alledged to have been done, relative to his duty as Inspector, the *onus probandi* of the regular size and quality of any Barrels, Half-barrels, Tierce or other Casks, and of the proper weight, quality, branding, notice of importation and landing, and of the due compliance with all the other requisitions of this Act, shall be on the party asserting the same; any law, usage or custom, to the contrary thereof, notwithstanding.

In suits brought by or against Inspector *onus probandi* in certain cases to be on party asserting facts.

XIX. And be it enacted, That no Fish Inspector shall be allowed to enter upon the duties of his office until he shall, with Two sufficient Sureties, have made and duly executed a Bond, which shall be in the form prescribed in the Schedule to this Act annexed, marked (D), to Her Majesty, in the Penalty of Fifty Pounds conditioned for the honest, faithful and skilful discharge of his duty; and in case any Inspector appointed under this Act shall enter upon the duties of his office before having executed such Bond, he shall be liable to pay, for every such offence, the sum of Five Pounds, the same to be recovered, with Costs, upon the oath of one or more credible Witness or Witnesses, one moiety to be paid to the person prosecuting, and the other moiety into the Treasury of this Island, to and for the use of Her Majesty's Government; and it shall be part of said duty of every Fish Inspector, every Six Months, from and after the passing of this Act, to render to the Lieutenant Governor in Council, an Account, in writing, containing the full quantity and kind of Fish by him inspected, and also the quantity condemned or seized, with the names of the Owners or Importers and the place or places from whence such Fish shall have been imported, and also the amount of all moneys received by such Inspector, whether as fees, penalties, or otherwise.

Fish Inspector to give Bond before entering upon the duties of his office.

Form of Bond.

Penalty in Bond.

Penalty on Inspector for exercising office before Bond given;

mode of recovery.

Appropriation of penalty.

Inspector to render an account every 6 months to Lieut. Governor in Council, &c.

Mode of recovery of penalties not exceeding £8.

Mode of recovery if above £8.

Appropriation of penalties, &c., not hereinbefore appropriated.

Prosecutions to be commenced within 3 Calendar months after offence committed.

Fish Inspectors appointed before the passing of this Act, to remain in office, &c.

Continuance of Act.

XX. And be it enacted, That all Fines, Penalties and Forfeitures by this Act incurred, if not exceeding Eight Pounds, exclusive of costs, shall be sued for and recovered with Costs, before any one or more of Her Majesty's Justices of the Peace, or any one or more Commissioner of Small Debts within or near the District or place where the same shall have been incurred, by distress and sale of the Goods and Chattels of the offender or offenders; and if above Eight Pounds, shall be recovered, together with costs, by action in Her Majesty's Supreme Court of Judicature of this Island; and for want of Goods and Chattels whereon to make distress, the Offender or Offenders shall suffer not less than Seven Days nor more than Six Calendar Months' imprisonment; which Fines, Penalties and Forfeitures, not herein-before specially appropriated, shall be paid and applied, one-half into the Treasury of this Island, to and for the use of Her Majesty's Government, and the other half to the person who shall sue for the same: Provided, that all offences committed against the provisions of this Act shall be prosecuted within Three Calendar Months after the time the offence shall have been committed.

XXI. And be it enacted, That all Fish Inspectors in office at the passing of this Act, by virtue of any Act or Law heretofore in force, may continue in their offices, and no re-appointment to such office shall be necessary, but every such Fish Inspector shall be subject to all the provisions and enactments of this Act, as fully and in like manner as if they had been appointed thereunder after the passing thereof.

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

SCHEDULES TO WHICH THIS ACT REFERS.

SCHEDULE (A.)

Schedule A.

FORM OF INSPECTOR'S OATH ON TAKING OFFICE.

I *A. B.* do swear that I will faithfully, and without fear or partiality, execute and perform the duties of Fish Inspector, in pursuance of, and according to the manner required and prescribed by the Act of the General Assembly of this Island, in such case made and provided, and according to the best of my skill and ability.

Form of Inspector's oath.

So help me God.

A. B.

SCHEDULE (B.)

Schedule B.

FORM OF BOND FROM CONSIGNEE OR OWNER.

Know all men by these presents, that we are held and firmly bound unto *Inspector* of Fish, or to his Successor in Office, in the penal sum of _____ for which payment we hereby bind ourselves and each of us, by himself, our and each of our Heirs, Executors, and Administrators. Sealed with our Seals and dated this day of *184*

Form of Bond of Consignee, &c.

Whereas *Barrels (or Half-barrels or Tierces, as the case may be)* of Pickled Fish have recently been imported per _____ from _____ into _____ in the said Island, and which upon inspection by the above named _____ have been found to be unsound. Now the condition of this obligation is such, that if the whole of the said Fish shall be reshipped within Nine Months from the date hereof and conveyed back to the said _____ (the act of God only excepted), then the above obligation shall be void, otherwise shall remain in force.

Signed, Sealed and delivered }
in the presence of }

Schedule C.

SCHEDULE (C.)

FORM OF AFFIDAVIT.

Prince Edward Island, }
 County to wit, }

Form of Affidavit to discharge Consignee's Bond.

maketh Oath and saith, that the whole of the Barrels or Half-barrels or Tierces, (*as the case may be*), of imported into this Island [*here insert the name of the vessel in which the Fish was imported*] from and which, upon inspection, was considered unsound, have been reshipped on board the Schooner (*or &c., as the case may be*) without any intention of its being landed in this Island, which last mentioned vessel has duly cleared and sailed (*or is about to sail, as the case may be*) from the said Island, for the said Port of

A. B.

A. B. & C. D.

Sworn to at in the said Island, }
 this day of 18 before }
 me

E. F. Justice of the Peace.

Schedule D.

SCHEDULE (D.)

FORM OF BOND TO BE GIVEN BY INSPECTOR.

Form of Inspector's Bond.

Know all men by these presents, that we are jointly and severally held and firmly bound unto our Sovereign Lady Queen Victoria, her Heirs and Successors, in the penal sum of Pounds of good and lawful Money of the said Island, to be paid to our said Lady the Queen, her Heirs or Successors, for which payment, well and truly to

be made, we bind ourselves, and each of us by himself, our and each of our Heirs, Executors, and Administrators, firmly by these presents. Sealed with our Seals and dated this day of
in the year of our Lord One thousand eight hundred and forty

Whereas the above bounden hath been duly appointed an Inspector of Pickled Fish for the Port or Harbour of under and by virtue of an Act of the General Assembly of this Island relating to the Inspection of Pickled Fish: Now the condition of the above obligation is such, that if the above bounden as such Inspector of Pickled Fish as aforesaid, shall and do honestly, faithfully and skilfully demean and conduct himself in his said office, and in all things appertaining thereto, in terms of the said Act of the General Assembly of this Island relating to the said office of Inspector of Pickled Fish, then the above obligation to be void, otherwise to remain in full force and virtue.

Signed, Sealed and delivered }
in the presence of }

CAP. VIII.

An ACT imposing Duties for raising a Revenue.

[Passed March 30th, 1844.]

WHEREAS it is deemed expedient to continue further, with certain exceptions, and amend the hereinafter recited Act: Be it enacted, by the Lieutenant Governor, Council and Assembly, That an Act passed in the Fifth year of Her Majesty's Reign, intituled *An Act for the increase of the Revenue of this Island*, and continued for one year, with certain exceptions, by an Act passed in the Sixth year of the Reign of Her present Majesty, intituled *An Act for the increase of the Revenue of this Island*, be, and the same is hereby

Act of the 5th] Victoria, cap. 4, which is continued for 1 year, by Act of the 6th Victoria, cap. 7, further continued

for 1 year, from
3d May, 1844.

further continued for one year, and no longer, from and after the Third day of May next, except so much of the said recited Act as is repealed by the second Section of the last hereinbefore recited Act, and by this Act.

Exempts certain enumerated articles from *ad-valorem* duty imposed by this Act.

II. And be it enacted, That no *ad valorem* Duty whatever shall be levied or collected on the several Articles following, any thing hereinafter contained to the contrary notwithstanding (that is to say): Bibles, Testaments and Religious Tracts, imported by any Public Society, being for the promotion of Christian knowledge; Salt, Lime, Gypsum, Building Stone or Lime Stone, Wines, Rum, Brandy, Gin, or other Distilled Spirituous Liquors, Molasses, Porter, Ale, Tea, Tobacco, Fish, Fish Oil, Lumber, Staves, Pig Iron, Fire Engines, Barley, Oats, Oatmeal, Potatoes, Horses, Cattle, Fresh Meat, Raw Hides, Tallow, Burr Stones, Hemp, Flax, Teasles, or the Baggage of Emigrants, nor upon any Wheat or Grain, Garden and Grass Seed, Live Stock or Implements of Husbandry, which may be imported by any Agricultural Society, for the purpose of being sold or used by such Society within this Island, nor upon any Breeding Live Stock, imported by any private individual, nor upon any Sails, Rigging, Blocks, Cables and Anchors, which may have been used in taking any new Vessel from this Island to a market for Sale, if such Sails, Rigging, Blocks, Cables and Anchors shall be returned forthwith after the sale of the Vessel direct to this Island, by the Exporter thereof, and shall have previously paid or been charged with the Duty imposed thereon, by this or any former Act, on the first importation thereof into this Island.

Imposes a duty over and above duty imposed by Act of the 5th Victoria, cap. 4, and other

III. And be it enacted, That from and after the Third day of May next, and during the continuance of this Act, there shall be raised, levied, collected and paid an Impost Duty over and above the rates

and Duties imposed by the first hereinbefore recited Act, as further continued by this Act, and by the Acts passed previous to the passing of the said first hereinbefore recited Act, the several Rates and Duties as the same are respectively set forth in the following

Revenue Acts
previously passed
on certain enu-
merated articles.

TABLE OF DUTIES.

Wheat Flour, and Corn Meal, the barrel of 196lbs. - - -	0	5	0
Meat, salted or cured, the cwt. - - -	0	4	0
Lard, the cwt. - - -	0	5	0
Butter, the cwt. - - -	0	5	0
Cheese, the cwt. - - -	0	5	0
Coffee, the cwt. - - -	0	4	0
Bread, Biscuit and Crackers, the cwt.	0	5	0
Refined Sugar, the cwt. - - -	0	7	6

Table of Duties.

Stoves of all descriptions, Seven and a half per cent. *ad valorem*, Men's Boots Ten per cent. *ad valorem*, Sole Leather per lb. One penny; Harness Leather, per lb. Three half-pence; Upper Leather per lb. Three-pence; Manufactured Tobacco, except Cigars, per lb. Two-pence; Cigars Twenty per cent. *ad valorem*; Clocks and Clock Machinery, Twenty-five per cent. *ad valorem*. Articles manufactured of Wood, and such articles as Wood forms the principal part of, Fifteen per cent. *ad valorem*. Rum, per gallon, Nine-pence, other Spirits, and Cordials Nine-pence per gallon; Wine, whether bottled or not per gallon, Nine-pence.

IV. And be it enacted, That the several Rates and Duties imposed by the third Section of this Act, shall, on importation into this Island, be secured in manner and form, and subject in every respect to the enactments and regulations mentioned, expressed and prescribed in and by the said first hereinbefore recited Act.

Duties chargeable by this Act, to be secured as prescribed in Act of the 5th Victoria, cap. 4.

Repeals 9th,
34th, and 35th
Sections of Act
of 5th Victoria,
cap. 4.

V. And be it enacted, That the Eighth, Thirty-fourth and Thirty-fifth Sections of the said first hereinbefore recited Act, be, and the same are hereby respectively repealed.

Masters of Vessel, &c., having dutiable Goods on board, before breaking bulk and within 24 hours after arrival, to report upon oath to Collector of Impost, for the Harbour, of arrival.

Requisites of report.

VI. And be it enacted, That all Masters of Ships, Coasting, Fishing, and all other Vessels whatever, coming into any Harbour, Port, River, Creek, or any other part of the Coasts of this Island, having on board any Wines, Rum, Brandy, Gin, or other distilled Spirituous Liquors, Tea, Tobacco, Goods, Wares or Merchandize, shall, before breaking bulk, and in Twenty-four hours after their arrival, make report in writing upon Oath, to the Collector of Impost for the Harbour or District wherein such vessel shall have arrived or be, of all Wines, Gin, Brandy, Rum, or other distilled Spirituous Liquors, Tea, Tobacco, Goods, Wares or Merchandize on board any such Ship or Vessel, specifying therein the kinds of Casks, Packages, Parcels, Boxes, Trunks, Bales and all other manner of things in which they shall or may be contained, together with the marks and numbers thereof; and that they have not landed nor suffered to be landed, sold, bartered, or exchanged, any Wine, Gin, Brandy, Rum, or other distilled Spirituous Liquors, Tobacco, Tea, Goods, Wares or Merchandize, at any Port or place within this Island, or on the Coasts thereof, since their sailing from the Port or place where the same were laden on board any such Ship or Vessel for exportation, which Oath the said Collector is empowered to administer in the form following:—

Form of Master's Oath.

You *A. B.*, do swear that the Report which you have made, read, or heard read, and subscribed, contains a just and true account of all the Wines, Rum, Brandy, Gin, or other distilled Spirituous Liquors, Tea, Tobacco, Goods, Wares or Merchandize, laden on board the at the Port of or any other Port or Ports, or elsewhere, before or since your sailing from and that you have not landed, nor suffered to be

landed, sold or delivered, bartered or exchanged any Wine, Rum, Brandy, Gin, or other distilled Spirituous Liquors, Tea, Tobacco, Goods, Wares or Merchandize at any Port or place within this Island, or on the Coast thereof, since your sailing from

So help you God.

VII. And be it enacted, That all Masters of Ships, Coasting, Fishing, and all other Vessels whatsoever, coming into any Harbour, Port, River, Creek, or any part of the Coast of this Island, shall within Twenty-four hours after their arrival, make and subscribe a report in writing on Oath, to the Collector of Impost, appointed for the Harbour or District, where any such Vessels shall be, as mentioned in the last foregoing Section of this Act, of the lading or Cargo of such Vessel, or whether in Ballast or otherwise, as the case may be, and shall also make and subscribe a report on Oath, in the form prescribed by the said last foregoing Section: Provided nevertheless, that nothing in this Act contained, shall be construed to require or permit the Reporting or Entry of any Vessel belonging to any Foreign power or State, which is not legally entitled to make such Report and Entry, at the Custom House, by any Laws of the Imperial Parliament of Great Britain, now in force in this Colony.

Masters of Vessels, &c., whether loaded or in ballast, to make like report, within 24 hours after arrival.

Form of oath of Master in such case.

Not to be construed to permit the reporting of any Foreign Vessel not legally entitled by Imperial Acts to enter, &c.

VIII. And be it enacted, That if any such Master shall neglect or refuse to make such Report as herein directed, or shall make a false Report, such Master shall be liable to, and shall forfeit and pay for every such offence, a Fine not exceeding One hundred Pounds.

Penalty on Master neglecting or refusing to make report, or making false report.

IX. And be it enacted, That on any Ship or Vessel arriving at any Port or place, in this Island, having on board any Goods liable to Duty in this Colony, and where it is the intention of the Master of such Vessel to land in such Port or

Master of Vessel having on board dutiable Goods, &c.; and only landing a portion of them in this Island to make Affidavit,

Sec., at Excise
Office.

place, only a portion of such Goods, then, and in every such case, after landing such portion of Goods as aforesaid, he, the said Master, shall, and is hereby required to make and subscribe at the Office of Excise, for the District or Harbour, within which such Port shall be situate, the following Affidavit, that is to say :

Form of Affidavit of Master in such case.

I do swear that the following Goods, to wit : mentioned in the manifest of the Cargo of the made at this office, on the day of are now actually on board the said Vessel, and that no part of the same shall be landed on this Island, or the Territories thereof, with my knowledge or consent, unless the Duties on any such Goods shall previously be paid or secured.

So help me God.

And if any such Master shall neglect or refuse to make and subscribe such Affidavit, he shall be liable to forfeit and pay on conviction, a Fine not exceeding One hundred Pounds, the same to be recovered in the same way and manner, as is pointed out in the Thirty-sixth Section of the first hereinbefore recited Act.

When Owner or Consignee of Goods, does not pay or secure duties, Master of Vessel to deliver same to Collector of Excise.

X. And be it enacted, That it shall and may be lawful for the Master of any Ship or Vessel arriving in any Port or place in this Island, having on board any Goods, Wares, or Merchandize, and where the Owner or Consignee does not pay, or secure the Duties upon such Goods within a reasonable time after his arrival in the said Port or place, or where such Importer or Consignee is absent from such place, to deliver such Goods to the said Collector for the security of such Duties ; which said Collector is hereby empowered and directed to receive and keep the same, at the Owner's or Consignee's risk, until the Duties due thereon together with the charges have been paid, and if the Duties due and payable on such Goods shall not be paid or secured by the Owner, Owners or Consignee thereof, within Three months from the time

Duty of Collector of Excise in such case.

of the landing of such Goods, then, and in such case, the said Collector is hereby empowered to sell and dispose of so much thereof, as shall be sufficient to pay the Duties due thereon, and also the Freight, Charge of Custody, Storage and Expenses incurred by the sale thereof.

XI. And be it enacted, That on any person entering any Goods, Wares or Merchandize, for duty, at any Excise Office within this Island, at a less value than may appear to the Collector of Excise at any such Office, to be the real value thereof according to the true intent and meaning of the first hereinbefore recited Act, it shall and may be lawful for the said Collector to detain such Goods, Wares or Merchandize, within Five days after the landing thereof, and the said Collector at the Port at which the same have been entered, shall pay to the Importer or Proprietor on demand, the value declared in such aforesaid Entry, together with the Costs and Charges of Importation, and an addition of Ten Pounds per centum thereon, and also any Customs' Duties which shall have been paid thereon in this Colony, which shall be a full satisfaction for such Goods to the Importer or Owner thereof, and it shall be lawful for the said Collector, and he is hereby directed, to cause the said Goods to be publicly sold to the best advantage, and out of the proceeds thereof, the money so as aforesaid directed to be paid for such Goods, shall be reimbursed to such Collector, and after deducting from the overplus (if any), the expenses incurred for the detaining, securing and sale of such Goods, one moiety of the balance, shall be paid into the Treasury of this Island, and the other moiety shall go to and for the use of such Collector.

Collector of Excise may detain Goods, &c., when Importer enters them lower than real value, on paying to Importer the value at which they are entered by him, the costs of Importation and £10 per centum on the whole.

Duty of Collector of Excise in case he detains such Goods, &c. Proceeds of such Goods, &c.,

how to be appropriated.

XII. And be it enacted, That this Act shall be and continue in force for one year, from and after the Third day of May next, and no longer.

Continuance of Act.

CAP. IX.

An ACT to alter Three several Acts, relating to the Prince Edward Island Steam Boat Company.

[Passed *March 30th*, 1844.]

WHEREAS Her Majesty's Government in the United Kingdom have contracted to run a Steam Vessel between Halifax and Newfoundland, touching at the Gut of Canso in the Island of Cape Breton, and to commence running once a Fortnight in the ensuing Spring, and in order to further advance and promote Commerce, and facilitate the communication by Steam, between this Colony and Halifax and Newfoundland, it is deemed advisable that the Steam Vessel or Vessels of the Prince Edward Island Steam Navigation Company, should meet such Government Steamer at the Gut of Canso at stated periods: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the Directors for the time being appointed, and to be appointed, under and by virtue of an Act passed in the Fifth year of the Reign of Her present Majesty, intituled, *An Act for the Incorporation of the Prince Edward Island Steam Navigation Company*; and other Acts made in addition to, and amendment thereof, be, and they are hereby authorized and empowered from time to time, during the continuance of this Act, to change or alter the several destinations or routes of any Steam Vessel or Vessels, which now is or are, or hereafter shall or may be placed under their controul or superintendance as such Directors, from that which had been before determined upon or agreed to, and to order and direct that such Vessel or Vessels or any of them, shall during the continuance of this Act, run at certain periods to the Gut of Canso or elsewhere, to meet the said Government Steamer, and to any other part or parts of the Gulf of Saint

Directors of Steam Navigation Company appointed under Act 5th Victoria, cap. 2, and other Acts in amendment thereof.

Authorized to alter routes of Steam Vessel or Vessels under their superintendance;

and to cause them to run to Gut of Canso, or elsewhere, to

Lawrence, which such Directors, or an acting Quorum of them, as mentioned and constituted in the said recited Acts, shall consider most beneficial and advantageous for the interests of this Colony, and of the Shareholders in the said Company; Provided nevertheless, that the said Steam Vessel shall continue to carry the Mails, Weekly, between this Island and Pictou.

meet Steamer from Newfoundland.

Steam Vessel to continue to carry the Mails weekly between this Island and Pictou in Nova Scotia.

II. And whereas the Commissioners appointed by the said recited Acts on behalf of the Government of this Island, are expressly restricted to vote in accordance with the provisions of the first hereinbefore recited Act, and it is necessary that their powers in this respect should be enlarged, as also those of all the Shareholders in the said Company: Be it therefore enacted, That such Commissioners and all Shareholders, in the said Prince Edward Island Steam Navigation Company, be, and they are hereby authorized and required to vote in accordance with the provisions of this Act, and also of the said hereinbefore recited Acts any thing in the said recited Acts contained to the contrary notwithstanding.

Commissioners for management of Government Shares in Steam Navigation Company and Shareholders authorized to vote in accordance with this Act, &c.

CAP. X.

An ACT to alter and amend an Act passed in the Seventh year of the Reign of His late Majesty King William the Fourth, intituled, *An Act for the appointment of Harbour and Ballast Masters, and for more effectually preventing the throwing of Ballast into Harbours and Navigable Rivers.*

[Passed March 30th, 1844.]

WHEREAS it is expedient to alter and amend the above mentioned Act, so far as relates to the Duties of Ballast and Harbour Masters, in order to provide against injuries that

may be sustained by Ships navigating the various Harbours of this Island, from Wrecks and other obstructions: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, that from and after the passing hereof, in addition to the duties enjoined upon all Ballast or Harbour Masters by and under the above recited Act, it shall be the duty of the said Harbour Masters, or Ballast Masters, to notify the Owner or Owners of any Wrecks or obstructions, or the person or persons by whose default such Wrecks or obstructions may be placed, or suffered to remain in situations that impede or hinder, or render dangerous, the Navigation of any of the said Harbours, to remove or cause to be removed, within Thirty Days, or within such less time as the Harbour or Ballast Master may direct, from the time of the service of the said Notice, and if the said Owner or Owners of the said Wrecks or obstructions, or the said person or persons shall refuse or neglect to remove the same within the period aforesaid, then it shall be the duty of the said Harbour Masters or Ballast Masters, to cause the same to be removed, and to prosecute and sue the said Owner or Owners, or the said person or persons, before any one of Her Majesty's Justices of the Peace, or Court of Commissioners for the recovery of Small Debts, for the County wherein the offence is committed, for the costs and expenses incurred in such removal, together with a penalty not exceeding Ten Pounds for each offence; and such Justice, or Court of Commissioners, is, and are hereby authorized to give judgment for the amount of such costs and expenses, and for such penalty, on the oath of one credible Witness, and also for the costs of prosecution, and to proceed for the recovery thereof in any respect as Small Debts are authorized to be recovered by any Act or Acts now in force, in this Island; one half of which penalty shall be paid into the Treasury, to and for the use of Her Majesty's Government, and the

Duty of Ballast or Harbour Masters appointed under Act of the 7th William 4th, cap. 12, in relation to wrecks, and obstructions in Harbours, &c.

30 days notice to be given to parties causing obstructions, &c., to remove same.

Mode of proceeding where Owner or person causing obstructions, neglect, &c. to remove same. Penalty of £10 and costs, and expenses of removal of obstructions, &c., incurred by owner, &c. neglecting to remove same after notice.

Proof required to authorize conviction.

Mode of recovery of penalty, &c.

Appropriation of penalty.

other half thereof be retained by the Harbour or Ballast Master, that may sue or prosecute for the same, to and for his own use and benefit.

II. And be it further enacted, That in the event of the Owner or Owners of such Wrecks or other obstructions not being known, it shall and may be lawful for the said Harbour Masters or Ballast Masters, after due public notice shall have been given, to cause the said Wrecks or other obstructions to be sold at Public Auction, one condition of which sale shall be, that the said Wrecks or other obstructions shall be removed at the expense of the Purchaser, within such time as the said Harbour or Ballast Masters may limit; and if the Purchaser shall neglect or refuse to remove the same within the time so limited, the said Harbour or Ballast Masters are hereby required to remove the same, and are hereby authorized to recover from the Purchaser thereof, the said expense by Action before any one of Her Majesty's Justices of the Peace, or Court of Commissioners of Small Debts, in the same way as Small Debts are recovered under any Act or Acts relating to the recovery of Small Debts now in force in this Island, and the proceeds of such Sales after deducting the expenses attendant upon the removal of such Wreck or obstruction, shall be paid into the Treasury of this Island, to and for the use of Her Majesty's Government.

Mode of proceeding where Owner or Persons causing obstruction, &c., is not known,

Purchaser of wreck, &c., sold at Auction by Ballast Master, not removing same agreeably to conditions of Sale, liable to expense of removing same.

Mode of recovery thereof.

Appropriation of proceeds of wrecks, &c., sold at Auction, when the owner, &c. is unknown.

III. Provided always, and be it further enacted, That nothing in this Act contained, shall prevent any Owner or Owners of Vessels, sustaining injury from any Wreck or obstruction as aforesaid, from having their remedy by Action at Law, for any damage that such Vessels or their cargoes, may sustain thereby.

Not to prevent owner of any Vessel, &c., sustaining damage from wrecks, &c., from action at law for recovery thereof.

CAP. XI.

An ACT relating to Treasury Warrants.

[Passed, March 30, 1844.]

WHEREAS it is expedient for the due maintenance of Public Credit, that Interest should be allowed on Warrants payable at the office of the Treasurer of this Island, and that the same should be made payable annually: Be it enacted, by the Lieutenant Governor, Council and Assembly, that when the payment of any Warrant on the Treasury may be demanded, by or on behalf of the person in whose favour the same is payable, and the same cannot be paid by the Treasurer under the provisions of this Act, then the said Treasurer shall endorse on such Warrant, a memorandum of such demand, agreeably to the Form in the subjoined Schedule, which said Warrant so endorsed, shall then bear lawful Interest until Ten days after Notice published in the *Royal Gazette*, unless sooner paid, that the money for the payment of such Warrant will be paid by the Treasurer on demand, with all Interest due thereon; and the Treasurer of this Island is hereby empowered and directed, from time to time, to pay in Gold or Silver, or in Treasury Notes of this Island, at their specified value, out of the Treasury at the option of the said Treasurer, annually, on all Treasury Warrants which shall have been or may be issued by the Government of this Island; the Interest due on such Warrants respectively, on the same being demanded by the holder or holders thereof, until Ten days after Notice has been given by the Treasurer, that unless sooner paid, he is prepared to pay any such Warrant with all Interest due thereon, and on every such Warrant, every such payment or payments of Interest, shall be endorsed by the Treasurer at the time of making the same.

Interest to be allowed on Treasury Warrants, if same cannot be paid when presented.

Duty of Treasurer on presentation of such Warrants for payment.

Period when Interest begins and ceases.

Interest on such Warrants, how payable and when.

Treasurer to endorse payment of Interest on such Warrants,

II. And be it enacted, That all Recognizances, Bonds, or other Securities, which shall hereafter be entered into, or taken and deposited with the Treasurer of this Island, and which shall be overdue for the period of Three Calendar Months, shall be handed by the said Treasurer to the Attorney General, or other Crown Officer, and shall immediately thereafter be put in suit or otherwise enforced; and the Treasurer as often as he shall neglect this duty, shall forfeit and pay for every Recognizance, Bond, or other Security, retained in his hands after the expiration of the said Three Months, the sum of Fifty Pounds, the same to be recovered with Costs of suit in the Supreme Court of Judicature, by Action of Debt, in the name of and for the use of Her Majesty.

Bonds, &c., in hands of Treasurer 3 months over due, to be handed to Attorney General, &c. for Collection.

Duty of Attorney General, &c.

Penalty on Treasurer for neglecting this duty.

Mode of recovery of penalty.

Appropriation of penalty.

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

Continuance of Act.

SCHEDULE TO WHICH THIS ACT REFERS

Schedule.

Treasurer's Office, 18
day of 18
Interest

Demanded
bearing

Form of Endorsement on Warrant for Interest.

A. B. Treasurer.

CAP. XII.

An ACT concerning Bail in Civil Cases, and to amend an Act made and passed in the Twenty-sixth year of the Reign of King George the Third, intituled *An Act to amend, render more effectual, and reduce into one Act, all the Acts made by the General Assembly of this Island concerning Bail, and to prevent frivolous and vexatious arrests.*

[Passed March 30th, 1844.]

Repeals 3d Section of Act of 26th Geo. 3d, cap. 10.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That the Third Section of an Act made and passed in the Twenty-sixth year of the Reign of King George the Third, intituled *An Act to amend, render more effectual, and reduce into one Act, all the Acts made by the General Assembly of this Island, concerning Bail, and to prevent frivolous and vexatious arrests,* be, and the same is hereby repealed.

Upon Bail given, Sheriff, &c. to allow Defendant to go at large.

II. And be it further enacted, That when any person be arrested by virtue of any Writ, Bill or Process, issuing out of the Supreme Court of this Island, at the suit of any private person, the Sheriff, Coroner, or either of their Deputies, (as the case may be), shall be obliged, and they are hereby respectively required, upon sufficient Bail being offered, to let the Defendant go at large, upon his first executing a Bond with two sufficient Sureties to the said Sheriff or Coroner, with a condition thereunder written, for the due appearance of the Defendant or Defendants, on the first day of the Court, to which such Writ is or may be returnable, and the Sheriff or Coroner, at the request and costs of the Plaintiff or Plaintiffs in such action or suit, or his lawful Attorney, shall assign to the Plaintiff or Plaintiffs in such action, the Bail Bond, or the security taken, from such Bail,

Condition of Bond to Sheriff, &c.

Sheriff, &c., to assign Bond to Plaintiff.

by endorsing the same, and attesting it under his Hand and Seal, in the presence of two or more credible Witnesses, which Assignment shall not prevent the Plaintiff from proceeding to final Judgment and Execution, in the same Court, against the Defendant in the said Action, as in cases where default is made; and if the said Bail Bond or Assignment, or other security taken for Bail, be forfeited, the Plaintiff in such action, after such Assignment made, may bring an action and suit thereupon, in his own name; and the Court, wherein the action is brought, may by Rule or Rules of the same Court, give such relief to the Plaintiff and Defendant in the original action, and to the Bail upon the said Bond, or other security taken from such Bail, as is agreeable to justice and reason, and that such Rule or Rules of the said Court, shall have the nature and effect of a Defeazance to such Bail Bond or other security for Bail; but whenever it shall so happen, that the said Defendant in the said action do appear according to the tenor of the condition of the said Bond, and give Bail at Bar to the satisfaction of the Court, to abide by the final issue and determination of the suit, or if the Defendant from some impediment shall not appear, but nevertheless two sufficient persons, to be approved of by the Court, shall offer to become Bail, in manner aforesaid, in such case, the Bail for appearance only shall be discharged.

How to be assigned.

Assignment not to prevent Plaintiff proceeding to judgment against Principal.

On forfeiture of Bond, &c., Plaintiff may bring action, &c. Action how to be brought;

power of Court in such action,

Upon Defendant's appearance, and giving Bail at Bar,

Bond to be discharged.

C A P. XIII.

An ACT in further amendment of the Laws, for making Lands and Tenements liable for the payment of Debts, and for other purposes.

[Passed *March* 30th, 1844.]

WHEREAS it is necessary to explain and amend the Fourth Section of the Act, made and passed in the Twenty-sixth year of the Reign of

His late Majesty King George the Third, intituled *An Act for more especially making Lands and Tenements liable for the payment of Debts, also to enable the holders of Mortgages to sell the Premises mortgaged to them, more speedily and at less expence than heretofore ; as also to repeal an Act made in the Twenty-first year of His present Majesty's Reign, intituled an Act making Lands and Tenements liable for the payment of Debts, so far as the same relates to the appraisement of Real Estate, before sale thereof under Execution, and also to further explain the manner of advertising for sale, all property whether Real or Personal, taken in Execution, or levied on by Sheriffs, Coroners, or other Officers in this Island, as hereinafter mentioned.*

Appraisement of real Estate under Execution and before sale to be made by 2 Appraisers, instead of 3 as heretofore.

How to be nominated and by whom sworn.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, all Sheriffs, Coroners, and other Officers, who shall levy any Execution on Real Estate in this Island, shall, before the sale thereof, cause such Estate to be appraised by Two proper and disinterested Appraisers instead of Three, as mentioned and required in the Fourth Section of the said recited Act, and who shall be nominated, appointed and sworn by such Sheriff or other Officer.

Notice of Sale of real Estate under Execution, how to be given.

II. And whereas the posting of Advertisements in Charlottetown, for the sale of Real Estate, when the same shall be situate in Prince or King's County, as required by the said first recited Act, has been found inconvenient and expensive : Be it therefore enacted, That a Notice published for Three Weeks successively in the *Royal Gazette*, and One Advertisement posted on the Land seized, also Three others, one at each of Three public places within the County, wherein such Land may be situate, shall be sufficient notice of such seizure, and intended sale, any thing in the said recited Act to the contrary notwithstanding :

Provided always, that nothing herein contained, shall limit, or be construed to limit, the time prescribed for the sale of Lands and Tenements or Leasehold Estates, in and by any of the Acts of the General Assembly of this Island, of which this Act is an amendment.

Not to limit the time prescribed for sale of Lands or leasehold Estates.

III. And be it enacted, That from and after the passing of this Act, in all Advertisements for sale under Execution of any Property, Real or Personal, by Sheriffs or other Officers of Courts of Record in this Island, the amount of the levy or levies made thereon shall be plainly inserted.

Advertisements for sale of real or personal property under Execution to specify the amount of levy.

CAP. XIV.

An ACT to consolidate and extend the provisions of the Laws now in force, relating to the Fire Engine Companies of Charlottetown.

[Passed, *March* 30th, 1844.]

WHEREAS it is expedient to consolidate the several Acts, and parts of Acts, now in force, relating to the formation and regulation of Fire Engine Companies for the Town of Charlottetown, and to add to, and make certain alterations in the provisions thereof: Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, the several Acts, and parts of Acts hereinafter mentioned, shall be, and the same are hereby respectively repealed, that is to say: An Act passed in the Eighth year of the Reign of His late Majesty King George the Fourth, intituled *An Act to authorize the formation of a Fire Engine Company for the Town of Charlottetown;* so much of an Act passed in the Second year of the Reign of Her present Majesty, intituled *An Act to continue for a limited period, Three several Acts therein mentioned,* as relates to the above

Repeals Act of the 5th Geo. the 4th, cap. 8.

Also part of Act of 2d Victoria, cap. 3.

Also, part of Act
of 6th William
4th, cap. 10.

And also, Act of
the 5th Victoria,
cap. 18.

Capt. Benjamin
Davies's Fire
Engine Com-
pany, may elect
8 additional
members for such
Company.

Number of per-
sons of which
such Company
shall consist.
Designation of
such Company.

Designation of
Capt. James
Watts's Fire
Engine Com-
pany.

Administrator of
Government
when necessary
may appoint a
Captain for any
additional Fire
Engine Com-
pany.

Captain so ap-
pointed to nomi-
nate 1st and 2d
Lieutenants for
such Company.

Captain and
Lieutenants to

recited Act, to authorize the formation of a Fire Engine Company for the Town of Charlottetown; so much of an Act passed in the Sixth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to impose a Tax on Dogs, with certain exceptions, and relating to other matters connected with them*, as relates to the appointment and regulation of a Fire Engine Company for the Town of Charlottetown. An Act passed in the Fifth year of the Reign of Her present Majesty, intituled *An Act to amend the Acts now in force relating to a Fire Engine Company and accidents by Fire within Charlottetown*.

II. And be it enacted, That from, and immediately after the passing of this Act, it shall be lawful for the Fire Engine Company at present commanded by Captain *Benjamin Davies*, and they or the major part of them, are hereby required to proceed to elect Eight additional men to such Company, being fit and proper persons residing in Charlottetown, so that in place of Thirty-two persons such Company shall hereafter consist of Forty persons exclusive of Officers, and shall be distinguished as Number Two, and the Company at present commanded by Captain *James Watts* shall be distinguished as Number One.

III. And be it enacted, That it shall and may be lawful for the Administrator of the Government for the time being, when and so often as an additional Fire Engine Company shall become necessary in Charlottetown, to appoint a fit and proper person resident in the said Town to be Captain, of such Company which said person so appointed shall immediately after being notified of such appointment, nominate and appoint Two fit and proper persons resident in Charlottetown, one to be First Lieutenant and the other to be Second Lieutenant of such Company, and the said Captain and Lieutenants shall proceed to choose such number of fit and proper persons resi-

dents in the said Town, not exceeding Forty in number, as shall be ordered by the said Administrator of the Government, which persons, together with the said Officers, shall form and constitute a Company under such name or number as shall be ordered by such Administrator of the Government.

choose 40 persons to form such Company.

Such Company how to be designated, &c.

IV. And be it enacted, That all vacancies in the Office of Captain which may occur in any of the Companies in this Act mentioned, shall be filled by appointment of the Administrator of the Government for the time being, and all other vacancies shall be filled up by the choice of the Company wherein the same shall occur, or the major part of the persons composing it, as often as any such vacancy as aforesaid shall occur by death, resignation, continued absence from the Colony, inability to serve, or otherwise.

Vacancy of Captain in any Fire Engine Company, to be filled up by Administrator of Government;

mode of filling up other vacancies.

V. And be it enacted, That every Company shall be obliged to keep the Fire Engine for the said Town, placed in their care and custody, and the Hose, Buckets, and other materials appertaining and belonging thereto in good order, and fit for service on all occasions.

Every Company to keep Fire Engine, &c. committed to their charge in good order, &c.

VI. And be it enacted, That the Members of the said Company Number One, heretofore appointed, and who shall be in Office at the passing of this Act, shall be exempted, while such Members, from serving the office of Constable, unless with their own consent, and that all Members of each of the said Companies, whether now or hereafter to be appointed, shall be exempted from the performance of Statute Labour on the Highways, for themselves or their Teams, or any Tax, Rate, or Duty required in lieu of such Labour, during their continuance in the said office, and faithfully discharging the duties thereof, any Law, Usage or Custom, to the contrary thereof, notwithstanding.

Members of Company No. 1, exempted from serving office of Constable.

And members of that Company, and members of every other Fire Engine Company, exempted from performance of Statute Labor, &c.

Non-attendance at 3 successive training days, renders absentee liable to be discharged.

Mode of discharge.

Every Company to choose its own Clerk and Treasurer.

Also to fix its own training days.

Number of training days in the year.

Penalty on non-attendance or disobedience of orders.

Each member of Company to be provided with a Leatheren Cap with the words "Fire Engine, No. " (as the case may be), painted thereon, and a Leatheren Cape,

to be worn at Fires and trainings.

Penalty for not wearing same.

VII. And be it enacted, That every Member of any Fire Engine Company who shall neglect to attend Three successive Days of training, as appointed by such Company, without sufficient excuse arising from sickness or other unavoidable cause, shall be liable to be discharged from such Company, by an Order to be made by the said Company, or the major part thereof.

VIII. And be it enacted, That it shall and may be lawful for every such Company, or the major part thereof, to choose from their own number a fit and proper person to be Clerk and Treasurer to the said Company, and also to fix and appoint the days of training in each year, Four to be during the Summer season, and Four during the Winter season, and if any person or persons shall neglect or refuse to attend on the said days of training, without a sufficient excuse to be allowed by the Captain of his or their Company, or in his absence the Lieutenant commanding, or shall be guilty of disobedience of the Orders of the Captain of the said Company, or in his absence of the Lieutenant commanding the same, he, or they shall, for every such offence, forfeit and pay the sum of Five Shillings.

IX. And be it enacted, That every Member of every such Company, shall be obliged to provide himself with a strong Leatheren Cap of such shape and form as the majority of the persons composing the Company to which he shall belong shall appoint, on which shall be painted or marked in Roman Letters, the words "Fire Engine," Number One (or Two, as the case may be) to which Cap shall be attached a Cape or Tippet of Leather of not less than Eighteen Inches in breadth, which said Cap and Tippet shall be worn at all Fires and times of training, under a penalty of Five Shillings, unless the person or persons offending herein, shall offer such excuse as the Captain of the said Company, or Officer commanding the same shall deem sufficient.

X. And be it enacted, That the Captain of every Fire Engine Company or other Officer commanding, shall once in every year publish in the *Royal Gazette* the names of all persons belonging to his Company, and also, on request by any Overseer of Roads for any Precinct in Charlottetown, or by the Commissioner of Roads for such District, furnish and deliver to the said Overseer or Commissioner a true and correct list of the said Company, with the date of the admission of each Member thereof, and if the said Captain, or other Officer commanding shall neglect or refuse to deliver such List, or shall deliver an erroneous List, such Captain or other other Officer commanding the said Company, shall, for every such offence forfeit and pay the sum of Twenty Shillings.

Captain of each Company, once in every year to publish in *Royal Gazette*, the names of persons belonging to his Company,

and give any Overseer of Roads, &c., or the Commissioner of the District, a true list of his Company. Requisites of List so to be given.

Penalty on Captain, &c., refusing to give list, or giving erroneous list.

XI. And be it enacted, That no person, now, or hereafter to be appointed an Officer or Member of any Fire Engine Company, shall be at liberty to resign or withdraw from the said Company (unless with permission of the Officer commanding the Company for the time being), until such person shall have served at least One year in the Company, and shall have given to such Commanding Officer, at least Three Months' previous notice in writing of such his intention to resign.

No person allowed to withdraw from Company, unless with permission of Officer Commanding, until after 1 year's service.

and after giving 3 months notice, &c.

XII. And be it enacted, That from and after the passing of this Act, it shall be lawful for the Administrator of the Government for the time being to appoint One fit and proper person as Captain of a Company of Firemen not to exceed Twelve in number, and to be prudent and discreet persons chosen by such Captain, and who shall have the charge of all such Hooks, Chains Ropes, Ladders, Axes, Shovels and Sacks as are provided for the use of said Company, and shall be obliged to keep them in good order and fit for service on all occasions, and the persons so appointed shall be exempted from serving the Office of Constable, so long as they shall perform this service, and all va-

Administrator of Government to appoint a Captain of Company of Firemen not to exceed 12 in number.

Captain to choose the men of such Company,

Duties of such Company.

Exempts Firemen from serving as Constables,

Mode of filling
up Vacancies in
Company.

cancies in every such Company shall be filled up in manner hereinbefore stated, with respect to the Fire Engine Company.

Duty of Firemen
on alarm of Fire.

XIII. And be it enacted, That at the time of any alarm, or breaking out of Fire, in the said Town of Charlottetown, the said Firemen shall, without delay, repair to the place where the said before mentioned Implements are kept and deposited, and shall bring the same to the place or places where the Fire shall have been discovered, and shall there diligently use and work with the same, under the direction of the Fire Wardens, in such way as shall be deemed most likely to extinguish such Fire.

Penalty on persons neglecting to return Fire Hooks, &c., or for using the same except at a Fire.

XIV. And be it enacted, That if any person or persons shall have in his, her, or their possession, any of the said Hooks, Chains, Ropes, Ladders, Axes, Shovels or Sacks, which belong to the said Firemen, and shall neglect to return them, for Twenty-four hours after such Fire, or shall be found using the same, except at the time of Fire or the alarm of Fire, he, she, or they shall be subject to the penalty of Five Shillings.

Firemen authorized to demand assistance in carrying Ladders, &c. to any Fire.

XV. And be it enacted, That each and every Fireman to be appointed in manner aforesaid shall have power, and he is hereby authorized to call to his necessary aid and assistance in carrying or conveying to any Fire any Ladder, Fire Hook, Tub, Bucket, Grapnel or other Implement or material, all persons whomsoever not actually engaged at quenching any such Fire, or at any other unavoidable employment, excepting always such persons who by their office or employment are necessarily exempted by the provisions of this Act, or by any Law in force in this Colony, are expressly exempted from such manual employment, and each and every person so liable who shall refuse his aid and assistance when so called upon, shall forfeit and pay for every such offence any sum

Penalty on persons refusing aid to Firemen.

not exceeding Two Pounds, nor less than Five Shillings.

XVI. And whereas it may happen, that Officers or Men of Fire Engine Companies, or Firemen may through accident, sustain bodily injury while in the faithful discharge of their duty, at or by the alarm of any Fire, and it is just that provision to some extent be made towards compensation, for the loss they or their Families may sustain thereby: Be it therefore enacted, That when and so often as it shall happen, that any Officer or Member of any Fire Engine Company aforesaid, or any Fireman, while in the actual discharge of his duty at or upon the alarm of any Fire, shall by accident receive or sustain any bodily injury, every such person, or in the event of his death from such cause, the Wife or Children of every such person, shall be entitled to receive such amount of compensation towards the injury or loss by such person sustained thereby, as shall be fixed and allowed by a majority of the Fire Wardens of the said Town and the Officers composing the Fire Engine Company, to whom such person shall belong, or if a Fireman, then by a majority of such Fire Wardens, and the Officers of any such Company, formed by virtue of this Act or any other Act of the General Assembly of this Island, and present or employed upon the occasion of such accident. Provided always, that the sum to be fixed or allowed to any one such person, receiving injury as aforesaid, shall not in the whole exceed the sum of Eight Pounds, subject to be increased in manner hereinafter mentioned.

Compensation to members of Fire Engine Companies, or to Firemen when injured at Fires.

Mode of ascertaining compensation.

Compensation not to exceed £8 to one person, unless increased as hereinafter provided.

XVII. And be it enacted, That a Certificate of such sums of money so fixed and allowed, signed by the Captain, or in his absence the next superior Officer of the Company ascertaining the same, shall and may be delivered to the Treasurer for the time being, of the Assessment levied, or to be levied, by virtue of the Acts of the General Assem-

Compensation how and by whom payable.

bly of this Island, for keeping in repair the Pumps and Wells of Charlottetown ; and such amount, shall and may be assessed at the request, or on behalf of the person or persons, entitled to receive the same, on the Inhabitants and Landholders of Charlottetown, together with such further sum in addition thereto, as such Inhabitants and Landholders may allow and vote, at any Meeting, for the purpose of Assessment, which shall first be convened next after such amount of compensation shall be so ascertained, and the said Treasurer is hereby authorized and directed, to pay such amount out of the first Moneys of such Assessment, which shall be paid into his hands, under the peril of being prosecuted, as now by Law provided, for neglect of duty, on neglecting or refusing so to do.

Compensation may be increased, and mode of increase.

Under Assessment Acts for keeping in repair Pumps and Wells, &c.

Inhabitants may assess any sum necessary to purchase sites for Engine Houses, or to keep in repair Engines, &c.

or to purchase Engines, &c.

Mode of Assessment, and Collection of sums so assessed.

XVIII. And be it enacted, That when and so often as the Inhabitants of Charlottetown, shall meet under or by virtue of any Act of the General Assembly of this Island, for making and repairing the Pumps and Wells of the said Town, the majority of such Inhabitants present, at any such Meeting, may vote such sum or sums, as may at the time of voting, be considered necessary to be raised, for or towards purchasing or renting, a Site or Sites, within the said Town, for a House or Houses, wherein to keep in safety, one or more Fire Engine or Engines, with the requisite Implements and Appurtenances, and to enable the said Inhabitants, to erect and keep in repair, such Building or Buildings, and such Inhabitants may in like manner, vote such sum or sums, as may be considered necessary, for the purchase or repair of any Fire Engine or Engines, or any Apparatus for the same, or for providing any Implements to be used at Fires, and the same shall be assessed on the Inhabitants of the said Town, and collected in the same manner, as the sums voted for making and repairing the Pumps and Wells of the said Town, are now by Law assessed and collected.

XIX. And be it enacted, That all Fines and Penalties incurred, under or by virtue of this Act, shall and may be recovered, upon the Oath of any one credible Witness, and with Costs of Suit, before any one of Her Majesty's Justices of the Peace, residing in Charlottetown or the Common thereof, or before any Court of Commissioners, holden in Charlottetown, for the recovery of Small Debts, and shall and may be levied, by Warrant of Distress and sale of the Offender's Goods and Chattels, and if no Goods and Chattels can be found whereon to levy the same, it shall and may be lawful for the said Justice, or the said Court of Commissioners, to commit the party so offending, to the Jail of Queen's County, for any period not exceeding Two Months; and all Fines and Penalties so recovered, shall and may be applied, towards the keeping in repair the Fire Engines, or the Appendages or Implements thereof, belonging to the said Town.

Mode of recovery of Fines and Penalties imposed by this Act.

Appropriation of such Fines and Penalties.

CAP. XV.

An ACT for the regulation of the Public Wharf of Georgetown, and other Wharves.

[Passed *March 30th, 1844.*]

BE it enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Administrator of the Government, for the time being, and he is hereby authorized, by and with the advice of Her Majesty's Council, to appoint a fit and proper person, to act as Wharfinger for the Public Wharf of Georgetown, and each of the other Public Wharves in this Island.

Administrator of Government, &c. to appoint a Wharfinger, for Wharf at Georgetown, and Wharfingers for other public Wharfs.

II. And be it enacted, That it shall and may be lawful for the said Wharfinger, to ask, demand, take, and receive, for all Vessels, (except Her

Vessels liable to Wharfage.

Majesty's Ships,) whilst careening, loading, unloading or lying fast, to the said Wharf, the following rates *per diem*, (Sundays excepted,) that is to say :

Rates of Wharfage.

Vessels of Ten Tons, and under Thirty Tons, *Nine-pence*.

Vessels of Thirty Tons, and under Sixty Tons, *One Shilling*.

Vessels of Sixty Tons, and under One hundred Tons, *One Shilling and Six-pence*.

Vessels of One hundred Tons, and under One hundred and Fifty Tons, *Two Shillings*.

Vessels of One hundred and Fifty Tons, and under Two hundred Tons, *Two Shillings and Six-pence*.

Vessels of Two hundred Tons, and under Two hundred and Fifty Tons, *Three Shillings*.

Vessels of Two hundred and Fifty Tons, and under Three hundred Tons, *Three Shillings and Six-pence*.

Vessels of Three hundred Tons, and upwards, *Four Shillings and Six-pence*.

Lighters per Load, *Four-pence*.

During close of Navigation, no Wharfage to be paid.

Provided nevertheless, That no Vessel shall be subject to the payment of Wharfage, so long as the navigation shall remain closed by ice, except when undergoing repairs, in the Spring, as herein-after mentioned.

Vessels made fast to Wharf to be removed to make room, &c.

III. And be it enacted, That every Ship or Vessel, which shall at any time, only be fast to the aforesaid Wharf, and shall be in a condition, capable of being removed, shall be obliged to move off from thence, in order to make room for, and suffer any other Ship or Vessel, to load, unload, or careen thereat, and on refusal or failure so to do, after due notice and request thereof, to the Master or Commander, or to any one of the Owners of such Ship or Vessel, he or they shall forfeit and pay, to the Wharfinger, a sum not exceeding Five Pounds, for each and every neglect or refusal, upon due proof thereof, being made upon the Oath of the

Penalty on Master or Owner refusing to remove Vessel;

mode of recovery.

said Wharfinger, before any one of Her Majesty's Justices of the Peace.

IV. And be it enacted, That every Ship or other Vessel, that shall make fast to any other Ship or Vessel, that shall be fastened to the Wharf aforesaid, and shall continue so to be fastened, or shall there load, unload, or careen, or shall be undergoing repairs, prior to, or subsequent to the opening of the navigation, shall be subject and liable, to pay the one half of the rates that such Ship or other Vessel so fastened, should, and would have been liable to pay by this Act, in case of being fastened to the said Wharf, and there loaded, unloaded or careened.

Vessel made fast to another, or undergoing repairs whilst navigation is closed only liable for half Wharfage.

V. And be it enacted, That if the said Wharf, shall at any time, be so incumbered with Lumber, Coals, Bricks, or any other species of Goods or Ballast, or Rubbish, so as unnecessarily to incommode or obstruct the passing or repassing of any Carts or Carriages, employed for the purpose of loading or unloading any Ship or other Vessel, then, and in that case, the Wharfinger shall personally warn, or by notice in writing, to be left at the place of residence of the Owner or Owners of such Lumber, Coals, Bricks, or other Goods or Matter, their Agent or Agents, requiring him or them, to remove the same from thence, within a reasonable time, and if the same shall not be removed accordingly, the Wharfinger, by himself or his Agent or Agents, is and are hereby empowered, to remove the same, and keep them in his custody, until the whole charges attending the removal be paid by the Owner or Claimant of such Goods, and in case the Owner or Agent is not to be found, the Wharfinger may, and shall, at his discretion, remove the said Goods, as is hereinbefore directed.

Wharfinger to cause incumbrances to be removed from Wharf.

If owner, &c. neglects to remove the same after notice, &c.

VI. And be it enacted, That the said Wharfinger is hereby empowered to cause to be removed, all obstructions which may be placed on either side

Wharfinger to cause obstructions in the approach to wharf, to be removed

and to prevent stones or rubbish being thrown into the water.

of the Wharf, in a line with the Main Street, at the expense of the person causing such obstruction, and to prevent, to the utmost of his power, the Master or Owner of any Ship Vessel, Lighter, or Boat, or any other person, from throwing or unloading any Stones, Gravel, Ballast, Oyster-shells, Rubbish, or any other thing that will not float, into the water, within the limits aforesaid, and the said Wharfinger is hereby authorized and required to prosecute any person so offending, who shall, upon due proof thereof, before any one of Her Majesty's Justices of the Peace, forfeit and pay, for every such offence, a sum not exceeding Five Pounds, besides being liable to an Action for the damage that any Vessel or Cargo may sustain thereby.

Penalty on persons so offending, and mode of recovery thereof.

Wharfinger to demand Wharfage daily.

VII. And be it enacted, That it shall and may be lawful to, and for the said Wharfinger, during the time that any Ship or Vessel shall continue to use the said Wharf for the purposes aforesaid, daily and every day, to ask, demand, and recover, from the Master or Commander, Owner or Agent of the said Ship or Vessel, the several rates of Wharfage to which the said Ship or Vessel, shall or may be liable: Provided that such Agent or Agents of such Ship or Vessel shall be liable to pay the same, only when an account shall be delivered to, or in case of absence, left at his or their place of residence, and the money demanded of him or them, or his or their Clerk, before the sailing or departure of such Ship or Vessel from Port, and upon refusal of payment, such Wharfinger is hereby directed to sue for and recover such rates of Wharfage, before any one of Her Majesty's Justices of the Peace, or a Commissioner of Small Debts, which said Justice or Commissioner is hereby required, on Oath being made by such Wharfinger, of the amount being due, to cause a Capias to be issued for the recovery of the same, and immediately to proceed and adjudicate thereon; and to levy for the amount of such Judgment, together with

In what case Ship's Agent shall be liable for Wharfage.

Mode of recovery of Wharfage.

Costs, as provided for in the Eighth Section of this Act, any thing herein contained to the contrary notwithstanding.

VIII. And be it enacted, That the Wharfinger so to be appointed, is hereby required to furnish an account (on Oath if required) and pay over to the Road Commissioner of the Fifteenth District, quarterly in each and every year, all moneys that may come into his hands, either for Wharfage or Fines imposed by this Act (after deducting one moiety of the said Wharfage dues) under a penalty of Ten Pounds, for each and every neglect or refusal, the same to be recovered by Bill, Plaint, or information, in Her Majesty's Supreme Court of Judicature, of this Island, and shall also be liable to be displaced from his situation as Wharfinger, one half of which said Wharfage shall be retained as aforesaid, by the said Wharfinger for his services, and the other half of the Wharfage, together with the Fines and Penalties, shall be applied by the Wharfinger, towards the necessary repairs of the Wharf, under the superintendance and direction of the said Commissioner of Roads, and for each and every neglect of the other duties imposed on the Wharfinger by this Act, he shall forfeit and pay a sum not exceeding Five Pounds, to be recovered before any Two of Her Majesty's Justices of the Peace, to be applied as hereinbefore directed.

Wharfinger to furnish quarterly Accounts to Road Commissioners of 15th District, and pay over moneys, &c.

Penalty on Wharfinger neglecting so to do;

mode of recovery thereof.

Wharfage moneys how appropriated;

also Penalties.

Penalty on Wharfinger for any other neglect of duty.

Mode of recovery thereof.

IX. And be it enacted, That all Fines and Penalties, arising under or by virtue of this Act, except such as may be imposed upon the Wharfinger, shall be recovered together with Costs, upon the Oath of the said Wharfinger, or any other credible Witness, before any one of Her Majesty's Justices of the Peace, or a Commissioner of Small Debts, to be levied by Warrant of Distress, and sale of the offender's Goods and Chattles, and if no Goods and Chattels can be found whereon to levy the same, it shall and may be lawful for the said

Mode of recovery of other Penalties imposed by this Act.

Justice to commit the party so offending to the Jail of Georgetown, for a period not exceeding Two Calendar Months.

Penalty for encumbering Wharf contrary to directions of Wharfinger.

X. And be it enacted, That if any Lumber or other Goods, or Ballast, or Rubbish, shall be laid or left upon the Wharf, contrary to the directions, of the Wharfinger, for the time being, the party so offending, shall be liable to a Fine, not exceeding Two Pounds, with costs, to be recovered as last hereinbefore mentioned, over and above the charges of removing the same therefrom, in case the Wharfinger, shall cause the same to be removed, as he is hereinbefore authorized to do.

Wharfinger may direct booms of Vessels to be taken in, and yards to be peaked.

XI. And be it enacted, That the person in charge of any Vessel lying at the said Wharf, when directed by the Wharfinger so to do, shall cause the lower yards to be peaked, and the jib-boom and mainboom of such Vessel, or either of them, to be rigged in, or taken on board the said Vessel, under a penalty not exceeding Twenty Shillings, and if the Owner, Master or Person, in charge of any Vessel, shall allow such Vessel through neglect or otherwise, to injure the said Wharf, such person shall be liable for every such offence, to a Fine not exceeding Twenty Shillings, over and above the amount of damage thereby done to the said Wharf, the said Fine to be recovered, together with costs, before any one of Her Majesty's Justices of the Peace, and the damage so done to the Wharf, if exceeding Five Pounds, shall be recovered at the suit of the Wharfinger, by Action in Her Majesty's Supreme Court of Judicature of this Island, and if under that sum, then to be recovered before any one of Her Majesty's Justices of the Peace.

Penalty on persons in charge of Vessels refusing to comply with such directions.

Penalty for injury done to Wharf.

Mode of recovery thereof.

XII. And whereas it is deemed proper and expedient, that the foregoing Rates of Wharfage, and other provisions relating to the public Wharf at Georgetown, should be extended and applied to

other public Wharfs, within this Island, except as is hereinafter mentioned: Be it therefore enacted and declared, that no Wharf shall be considered a public Wharf, within the meaning of the following Sections of this Act, unless Vessels of the burthen of Ten Tons and upwards, can safely lay thereat, and that the rates, provisions and regulations hereinbefore enacted, in respect of and relative to, the public Wharf at Georgetown, except as hereinafter altered, shall henceforth be extended, and apply to all such public Wharfs, within this Island as are last above described, save and except, the Wharfs in Charlottetown called the Queen's Wharf, and the new Wharf now erecting, at the end of Pownal Street, in that Town, which are not to be affected by this Act.

What shall be deemed public Wharf, in meaning of subsequent sections of this Act.

Rates, provisions, &c., hereinbefore mentioned to apply to other public Wharfs, except as hereinafter altered, and excepting Queen's Wharf in Charlottetown and Pownal Street Wharf.

XIII. And be it enacted, that all the Wharfingers, for the said last mentioned Wharfs, to which this Act extends, shall be appointed in the same manner, as is provided in the first section of this Act, respecting the Wharfinger at Georgetown; and no such Wharfinger, shall be entitled to receive, as annual Salary or share of Wharfage dues, for his services yearly, more than the Sum of Ten Pounds, and not more than half such rates or dues, if the same shall amount to less than Twenty Pounds per annum, and each Wharfinger, shall annually, account for all such rates and dues for Wharfage, as he may receive, to the Commissioner of Highways, for the District in which the Wharf may be situate, and after deducting his Salary or share as aforesaid therefrom, shall pay, apply and expend, the residue thereof, under the direction and superintendance of such Commissioner.

Wharfingers for other public Wharfs how appointed.

Salaries to such Wharfingers.

Wharfingers to account for all rates, &c.

Appropriation of Wharfage rates after payment of Wharfinger.

XIV. And be it enacted, That all fines and penalties that may arise, under and by virtue of this Act, in respect of the said last mentioned Wharfs, shall be sued for, with costs, as mentioned in the ninth Section of this Act, and upon

Mode of recovery of penalties incurred in respect of last mentioned Wharfs.

non-payment and want of Goods and Chattels, whereon to levy the same, with Costs, the offender shall be committed to the Jail of the County, wherein the Wharf in respect of which such fine or penalty was incurred, shall be situate, for a period not exceeding Two Calendar Months.

Continuance of Act.

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

CAP. XVI.

An ACT for the protection of Sheep against vicious Dogs.

[Passed *March 30th, 1844.*]

The owner of any Dog killing or injuring any Sheep or Lamb, to make compensation therefor to extent of £5.

How to be recovered.

And to cause such Dog to be killed.

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

BE it enacted, by the Lieutenant Governor, Council, and Assembly, That if any Dog or Dogs, shall kill or injure any Sheep, Lamb or Lambs within this Island, the Owner of such Dog upon complaint and conviction thereof, before any Justice of the Peace, shall make compensation for such injury, to any extent not exceeding Five Pounds in the discretion of the said Justice, and shall cause such Dog to be immediately killed, and in case such Sheep, Lamb or Lambs shall be killed by such Dog, then the Owner thereof shall be liable to pay the Owner of such Sheep or Lamb so killed, the full value thereof, to be recovered before any one of Her Majesty's Justices of the Peace, in the County where such offence shall be committed, who is hereby authorized finally to determine the same, provided the sum so to be recovered does not exceed the sum of Five Pounds, and on non-payment thereof, within such time after Judgment as the Justice of the Peace shall deem proper, not exceeding one Month, to issue his Warrant to a Constable to distrain on so

much of the Offender's Goods and Chattels, as may be sufficient to discharge the same, with the charges arising thereby, and to sell such Goods at Public Auction, returning the overplus (if any there be), to the Owner or Owners thereof.

II. And be it enacted, That in every case where the Owner of a Dog shall neglect or refuse, to kill such Dog, so having killed or injured any Sheep, Lamb or Lambs as aforesaid, he shall be liable to a penalty of Five Pounds, to be recovered before any one of Her Majesty's Justices of the Peace, to be levied by Warrant of Distress on his Goods and Chattels, such fine to be paid one half to the informer, and the other half into the Public Treasury of this Island.

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

Mode of recovery.

Appropriation of penalty.

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

On proof, Justice of the Peace may order the owner of prowling Dog, to clog the same.

Mode of clogging such Dog.

Penalty on Owner neglecting, &c. to clog such Dog.

Mode of recovery and appropriation thereof.

And any person may destroy such Dog if seen prow-

ling unclogged
after notice to
Owner.

clogged, any time after the notice aforesaid having been sent to the Owner.

Offender not hav-
ing Goods, and
Chattels whereon
to levy penalty,
may be imprison-
ed for a period
not exceeding 3
months.

IV. And be it enacted, That in all cases where no Goods and Chattels shall be found, whereon to levy for the recovery of any penalty imposed by, or damages recoverable under this Act, then and in every such case, the Offender or Offenders shall suffer imprisonment, for a period not exceeding Three Months, at the discretion of the said Justice of the Peace.

Continuance of
Act.

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

C A P. XVII.

An Act for raising a Fund for the encouragement of Agriculture, to be expended in the erection of Lime Kilns, and the burning of Lime.

[Passed *March 30th, 1844.*]

WHEREAS the general introduction of Lime as a Manure would greatly tend to advance the Agricultural Interest of this Island, and promote its speedy settlement and improvement, and the want of Capital prevents the establishment of Lime Kilns: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, and during its continuance, there shall be paid annually into the hands of the Treasurer of this Island, in addition to any other Assessment or Tax, now imposed on the same, the sum of One Farthing per Acre, lawful Money of the Currency of the said Island, for all cultivated Land contained in the several Townships and Royalties of this Island, and in the several Islands belonging or adjacent thereto, and the sum of One Half-penny per Acre

Imposes an annual tax of one Farthing per acre, on cultivated land, and one halfpenny per acre on uncultivated land within Townships, Royalties, and Islands.

of like money for all uncultivated or wilderness Land within the same Townships, Royalties and Islands—the said several sums of Money to be paid as aforesaid, by the several and respective Owners, Proprietors, or occupiers thereof, within Six Months after her Majesty's Royal Allowance of this Act shall have been signified.

First annual payment to be made within 6 months after allowance of this Act.

II. And be it further enacted, That the said Tax or Assessment hereby imposed, shall be collected, levied, recovered and received in all respects under and subject to the same laws, regulations and proceedings as are now enacted and in force for the collecting, levying, recovering and receiving of Land Tax or Assessment on the several Townships and other Lands in this Island.

Mode of Collection and recovery thereof. 4

III. And be it further enacted, That the Moneys to be raised and levied under and by virtue of this Act, shall be divided and expended in equal proportions between, and in the Counties of Queen's County, King's County and Prince County in this Island, in the erection of Lime Kilns, providing Limestone and Fuel, and the burning of Lime, under and subject to such conditions, directions and regulations as may from time to time be given and made by the Central Agricultural Society at Charlottetown, in the said Island, with the approbation of the Administrator of the Government for the time being, and Her Majesty's Executive Council.

Division and appropriation of moneys raised under this Act.

IV. And be it further enacted, That the Administrator of the Government for the time being, by and with the advise of her Majesty's Council, be, and he is hereby empowered to draw Warrants on the Treasurer at the request of the said Central Agricultural Society, or of an acting Quorum thereof, for the sums appropriated by this Act, at such times, and in such proportions, as may be deemed necessary, according to the provisions thereof.

Administrator of Government to draw Warrants on Treasury, in favor of Central Agricultural Society for moneys herein appropriated.

Continuance of
Act.

V. And be it further enacted, That this Act shall continue and be in force for Two Years from the time that Her Majesty's Royal Allowance thereof shall be published, and from thence to the end of the then next Session of the General Assembly: Provided always, that nothing in this Act contained shall have any force or effect until Her Majesty's pleasure therein shall be known.

Suspending
clause.

CAP. XVIII.

An ACT to consolidate, amend, and continue the Acts relating to Merchant Seamen.

[Passed *March 30th*, 1844.]

WHEREAS the Act of the Imperial Parliament of Great Britain, passed in the Fifth and Sixth year of His late Majesty's Reign, intituled *An Act to amend and consolidate the Laws relating to the Merchant Seamen of the United Kingdom, and for forming and maintaining a Register of all the Men engaged in that service*, has repealed all former Acts of Parliament for the regulating of Merchant Seamen, and by the Fifty-fourth clause of the said Act, it is provided and enacted, that the said Act should not extend or apply to any Ship registered in, or belonging to any British Colony, having a Legislative Assembly, or to the Crew of any such Ship, while such Ship should be within the precincts of such Colony, any thing thereinbefore contained to the contrary, in anywise notwithstanding: And whereas it is consequently expedient to introduce certain necessary regulations for the government of Merchant Seamen in this Island: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That it shall not be lawful for any Master of any Ship or Vessel, registered in, and belonging to this Island, of the burthen of Sixty Tons or upwards, trading to parts beyond the Seas or out

Articles of Agreement to be entered into between Ship Masters and Seamen.

of this Island, to carry to sea on any voyage, either from this Island, or from any other place, any Seaman or other person, as one of his Crew or Complement (Apprentices excepted), without first entering into an Agreement in writing, with every such Seaman, specifying what Monthly or other Wages, each such Seaman is to be paid, the capacity in which he is to act, and the nature of the Voyage in which the Ship is intended to be employed, so that the Seaman may have some means of judging of the probable period for which he is likely to be engaged; and the said Agreement shall contain the day of the Month and Year in which the same shall be made, and shall be signed by the Master in the first instance, and by the Seamen respectively, at the Port or place where such Seamen shall be respectively shipped, and the Master shall cause the same to be, by, or in the presence of the party who is to attest their respective Signatures thereto, truly and distinctly read over to every such Seaman, before he shall be required to sign the same, in order that he may be enabled to understand the purport and meaning of the engagement he enters into, and the terms to which he is bound.

Particulars of such Agreements.

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

Form of such Agreement.

Articles of agreement to be deposited with Collector of Customs at Port of arrival.

III. And whereas it frequently happens, that Ships sailing from this Island, though departing on a particular designated Voyage, may in the course of such Voyage, be sent to a Port or Ports, where such Ships may be advantageously sold and disposed of, and in such cases, it is an ordinary practice to sell such Ships, or proceed on the Voyage, as the Owner or his Agent may deem it expedient, and it is expedient to provide for such contingencies: Be it therefore enacted, That it shall and may be lawful for the Master or Owner of any such Ship, so proceeding to a Port where it may be deemed advisable to sell the same, to insert, or cause to be inserted in the said Agreement, a Clause or Stipulation, providing for such Sale, at any designated Port or Ports, during the Voyage described in such Agreement, and for the discharge of the Crew at such Port or Ports, or either of them, upon such Sale taking place or being effected, which said Clause or Stipulation shall, however, distinctly and clearly express what amount of Wages shall be paid to the Seamen on board of such Ship upon the Sale thereof, at any and each of the said Port or Ports, whereat it is proposed or designed to sell the same, and whether any, and what increased rate of Wages is to be paid upon the sale of such Ship, and the discharge of the Crew.

In cases of sale of Vessels abroad.

Taking Seamen to sea without previous agreement.

Penalty on Master for so doing.

Penalty on Master for not causing agreement to be read to Seamen before execution, or depositing false copy, &c.

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

Collector of the Customs, a copy of the Agreement hereby required to be made and deposited as aforesaid, or shall wilfully deposit a false Copy of any such Agreement, he shall, for every such neglect or offence, forfeit and pay the sum of Five Pounds.

V. And be it enacted, That no Seaman, by entering into or signing such Agreement as aforesaid, shall forfeit his Lien upon the Ship, nor be deprived of any remedy for the recovery of his Wages, which Seamen are now lawfully entitled to, against either the Ship, the Master or Owners thereof, nor shall any Agreement made contrary to, or inconsistent with the provisions of this Act, or any clause whereby a Seaman shall consent to forego the right which the Maritime Law gives him to Wages, in the case of Freight earned by Ships subsequently lost, or containing any words to that effect, be valid or binding on any Seaman signing the same, and that in cases in which it may be necessary, that the Agreement should be produced, to sustain a claim on the part of a Seaman, no obligation shall lie upon the Seaman, to produce the same, nor shall any Seaman fail in any suit or proceeding for the recovery of his Wages, for want of the production of any such Agreement, or if any deposited Copy thereof as aforesaid, or for the want of any notice to produce the same, any law or usage to the contrary notwithstanding.

Wages of Seamen in cases of ships being lost.

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

VI. And be it enacted, That in case a Seaman shall at any time, after having signed an Agreement as hereinbefore mentioned, neglect or refuse to join the Ship on board of which he shall have engaged to serve, or shall refuse to proceed to sea in her, or shall absent himself therefrom, without leave, it shall be lawful for any Justice of the Peace in any part of this Island, near to the place where such ship shall happen to be, upon complaint of the fact made upon oath, by the master, mate or owner thereof, and such Justice is hereby required

Neglect of Seamen to join, or desertion from ship.

Remedy against Seamen in such cases.

by his Warrant, to cause such Seaman to be apprehended and brought before him, and in case such Seaman shall not give a reason to the satisfaction of such Justice, for his neglect, refusal or absence, as the case may be, upon due proof of such neglect, refusal or absence, it shall be lawful for any such Justice to commit such Seaman to the County or District Jail, or to the House of Correction, for a period not exceeding Thirty Days: Provided always, that in case such Seaman on being apprehended and brought before the said Justice, shall consent to join the ship and proceed on the voyage, for which he shall have agreed, it shall be lawful for the said Justice, at the request of the Master, instead of committing such Seaman, to cause him to be conveyed on board the said ship, or to be delivered to the Master for the purpose of proceeding on the voyage, and also to award to the Master such costs incurred in the apprehension of the Seaman, as to such Justice shall seem reasonable, not exceeding in any case, the sum of Two Pounds, exclusive of Jail Fees, which shall be chargeable against and may be abated from the wages to grow due to such Seaman.

Term of imprisonment of Seamen in such cases.

Seamen committed to Jail for desertion, may be returned to Master or Owner of Vessel, in order to proceed on Voyage.

VII. And be it enacted, That whenever any Seaman is committed to Jail for desertion, neglect or refusal of duty, under the Sixth Section of this Act, it shall and may be lawful for the Justice, who shall have committed such Seaman to Jail, on application being made to him by the Master, Mate or Owner, on whose oath the said Seaman may have been apprehended and committed to Jail, to order the Jailor of said Jail, to deliver up the said Seaman, on the Fees of the said Jailor being paid, at any time within the period for which the said Seaman may have been committed to Jail, in order that he may be safely taken on board the Vessel, to proceed on the voyage he had bound himself to perform.

VIII. And be it enacted, That if proof be made upon oath, by the Owner, Agent or Master of any ship or vessel, before any of Her Majesty's Justices of the Peace in this Island, that any Seaman or Mariner belonging to such ship or vessel, and who may have deserted or absented himself from the same, be kept or concealed on board of any other Ship or Vessel, within any of the Harbours of this Island, or in any Tavern, Pot-House, or other House or Place, within the County for which such Justice shall be appointed, or if oath be made, that such Owner, Agent or Master, hath good reason to suspect, and doth verily believe that such Seaman or Mariner is so concealed as aforesaid, it shall and may be lawful for such Justice, to issue his Warrant to any of the Constables or Peace Officers within the County, to make search on board such Ship or Vessel, or in such Tavern, Pot House, or other Place, and if such Seaman shall be found in such suspected place, that such Justice shall cause such Seaman to be brought before him, and upon conviction of his having so deserted or absented himself, shall cause such Seaman to be delivered over to the Owner or Master of the Ship or Vessel to which such Seaman shall belong, to be carried on board such Ship or Vessel, or to be committed to prison as directed in the Sixth Section of this Act; and any person or persons refusing to allow or in any way obstructing any Constable, or other Officer in the execution of his duty, in making a search for any Seaman, in any Vessel, House, or other Place, shall pay a fine not exceeding Fifty Pounds, to be sued for and recovered as directed in the Twenty-ninth Section of this Act.

Mode of proceeding where owner or master of Vessel believes seamen deserters to be harboured.

Duty of Justice of the Peace on complaint made. Duty of Constable on Warrant directed to him.

Duty of Justice on apprehension of Seamen deserters.

Penalty on persons obstructing Constable in searching for Deserters.

Mode of recovery of penalty.

IX. And be it enacted, That any Warrant issued for the apprehension of any Seaman for desertion, neglect or refusal of duty, in one County, may be executed in any other County in this Island, by the said Warrant being endorsed by any Justice of the Peace, residing within the

Warrant issued in one County to be endorsed by Justice of another County, and to be in force in such County.

County where such Seaman may be found, any Law or usage heretofore to the contrary notwithstanding, and which endorsement, the said Justice of the Peace, is hereby required to make, and such endorsement shall be in the form mentioned in Schedule marked (B), to this Act annexed, and such Constable shall be paid his usual and accustomed Fees.

Form of Endorsement on Warrant.

Seamen absenting themselves from their duty.

Forfeiture incurred by Seamen so absenting themselves.

No forfeiture to be so incurred unless an Entry be made in Ship's Log-book.

X. And be it enacted, That if any Seaman after having signed such agreement as aforesaid, or after the Ship on board which he shall have agreed to serve, shall have left her first Port of clearance, and before the period for which he shall have agreed to serve shall be completed, shall wilfully and without leave absent himself from the Ship or otherwise from his duty, he shall (in all cases not of absolute desertion, or not treated as such by the Master), forfeit out of his wages to the Master or Owner of such Ship the amount of Two Days' pay, for every Twenty-four hours of absence, and in like proportion for any less period of time, or at the option of the said Master the amount of such expenses as shall have been necessarily incurred in hiring a substitute to perform his work; and in case any Seaman while he shall belong to the Ship shall without sufficient cause, neglect to perform such his duty, as shall be reasonably required of him by the Master, or other person in command of the Ship, he shall be subject to a like forfeiture for every such offence, and of every Twenty-four hours continuance thereof, and in case any such Seaman after having signed such agreement or after the Ship's arrival at her Port of delivery, and before her cargo shall be discharged, shall quit the Ship without a previous discharge or leave from the Master thereof, he shall forfeit to the Master or Owner one Month's pay, out of his wages: Provided always, that no such forfeiture shall be incurred unless the fact of the Seaman's temporary absence, neglect of duty or quitting the Ship, shall be duly entered or recorded in the Ship's Log

Book, which entry shall specify truly the hour of the day at which the same shall have occurred, and the period during which the Seaman was absent, or neglected his duty, the truth of which entry it shall be incumbent on the Owner or Master, in all cases of dispute to substantiate by the evidence of the Mate or some other credible Witness.

XI. And be it enacted, That in all cases where the Seaman shall have contracted for wages, by the Voyage or by the Run, and not by the Month or other stated period of time, the amount of forfeiture to be incurred by Seamen under this Act, shall be ascertained in manner following (that is to say), if the whole time spent in the voyage, agreed upon shall exceed One Calendar Month, the forfeiture of One Month's pay expressed in this Act, shall be accounted and taken to be a forfeiture of a sum of money, bearing the same proportion to the whole wages, as a Calendar Month shall bear to the whole time spent in the voyage, and in like manner the forfeiture of Two Days' pay or less, shall be accounted and taken to be a forfeiture of a sum bearing the same proportion to the whole wages as the same period of time shall bear to the whole time spent in the voyage, and if the whole time spent in the voyage, shall not exceed One Calendar Month, the forfeiture of One Month's pay shall be accounted and taken to be a forfeiture of the whole wages contracted for, and if such time shall not exceed Two Days, the forfeiture of Two Days' pay, shall be accounted and taken to be a forfeiture of the whole wages contracted for, and the Master is hereby authorized to abate the amount of all forfeitures hereinbefore enacted out of the wages of any Seaman incurring the same.

Seamen contracting by voyage or run.

Amount of forfeiture incurred by Seamen absenting themselves, in such case how ascertained.

XII. And be it enacted, That every Seaman who shall absolutely desert the ship to which he shall belong, shall forfeit to the Owner or Master thereof, all his clothes and effects which he may

Forfeiture by Seamen absolutely deserting ship.

Entry of deser-
tion in Log-book.

leave on board, and all wages and emoluments to which he might otherwise be entitled, provided the circumstances attending such desertion be entered in the Log Book at the time, and certified by the signature of the Master and Mate, or other credible Witness, and that on absence of a Seaman from the ship for any time within the space of Twenty-four hours immediately preceeding the sailing of the ship, without permission of the Master thereof, or for any period however short, under circumstances plainly shewing that it was his intention not to return thereto, shall be deemed an absolute desertion, and in case any such desertion shall take place in parts beyond the seas, or out of this Island, and the Master of the Ship shall be under the necessity of engaging any Seaman as a substitute for the deserter at a higher rate of wages, than that stipulated in the agreement to be paid to the Seaman deserting, the Owner or Master of the Ship, shall be entitled to recover from the deserter, by summary proceedings in the same manner, as wages are by this Act made recoverable; any excess of wages which such Owner or Master shall pay to such substitute beyond the amount which would have been payable to the deserter in case he had duly performed his service, pursuant to his agreement.

Master may re-
cover from Sea-
man so deserting,
any greater
amount paid for
a substitute.

Mode of reco-
very thereof.

No debt exceed-
ing 5s. recovera-
ble from Seamen
if incurred after
signing articles.

No keeper of
Public House or
Lodging House,
to detain Sea-
man's chest, &c.

XIII. And be it enacted, That no debt exceeding in amount Five Shillings, incurred by any Seaman, after he shall have signed any such agreement, as aforesaid, shall be recoverable, until the voyage agreed for shall have been concluded, nor shall it be lawful for any keeper of a Public House, or of a Lodging House, for Seamen, to withhold or detain any Chest, Bed or Bedding, Clothes, Tools, or other Effects of any Seaman, for any pretended Debt, alleged to have been contracted by any such Seaman; and in case any such Chest, Bed, Bedding, Clothes, Tools or Effects as aforesaid, shall be withheld or detained contrary to this Act, it shall be lawful for any Justice of the Peace, in

any part of this Island, upon complaint upon oath to be made by any such Seaman, or on his behalf, to enquire into the matter, and if he shall see right by Warrant under his hand and seal, to cause any such property or effects so withheld or detained contrary to this Act, to be seized, and delivered over to the Seaman.

Mode of proceeding against keeper of Public House, &c., in such case.

XIV. And be it enacted, That if any person shall either on shipboard or on shore, harbour or secret a Seaman, who shall have signed an agreement to proceed on a voyage to parts beyond the seas, and shall have deserted or absented himself without leave from his ship, knowing or having reason to believe him to be a deserter, or to be absent without leave, every person so offending, shall for every Seaman so harboured or secreted, forfeit and pay the sum of Fifty Pounds, such Fine to be sued for and recovered, as directed in and by the Thirty-ninth Section of this Act.

Secreting Seamen.

Penalty on persons secreting Seamen.

Mode of recovery thereof.

XV. And be it enacted, That the Master or Owner of every ship, shall and he is hereby required to pay to every Seaman entering into such contract as aforesaid, his Wages if the same shall be demanded, within the respective periods following, that is to say: within Three Days after the Cargo shall have been delivered, or within Ten Days after the Seaman's discharge, which ever shall first happen, in either of which last mentioned cases of payment being delayed, the Seaman shall at the time of his discharge, be entitled to be paid on account, a sum equal to one-fourth part of the estimated balance due to him; and in case any Master or Owner shall neglect or refuse to make payment in manner aforesaid, he shall for every neglect or refusal, forfeit and pay to the Seaman, the amount of Two Days' pay, for each day not exceeding Ten days, during which payment shall without sufficient cause be delayed, beyond the period at which such wages or part of wages are hereby required to be paid as aforesaid, for the

Payment of Seaman's Wages.

Forfeiture incurred by Master or Owner not paying wages.

Mode of recovery thereof.

recovery of which forfeiture, the Seaman shall have the same remedies as he is by law entitled to, for the recovery of his wages: Provided always, that nothing in this clause contained, shall extend to the cases of ships employed on voyages for which Seamen by the terms of their agreement, are compensated by shares in the profits of the adventure.

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

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

Seamen entitled to certificate of service, on discharge.

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

Penalty on Master refusing certificate.

Payment of wages delayed.

XVIII. And be it enacted, That if after a Seaman shall have been discharged from any Ship or Vessel Three Days, he shall be desirous of proceeding to sea on another voyage, and in order thereto, shall require immediate payment of the wages due to him, it shall be lawful for any Justice of the Peace, in any part of this Island, on application from such Seaman, and on satisfactory proof that he would be prevented from employment by

Mode of recovery of wages in such case.

delay, to summon the Master or Owner of such Ship or Vessel before him, and to require cause to be shown why immediate payment of such wages should not be made, and if it shall appear to the satisfaction of such Justice, that there is no reasonable cause for delay, he shall order payment to be made forthwith, and in default of compliance with such order, such Master or Owner, shall forfeit and pay the sum of Five Pounds.

Penalty on Master or Owner not complying with order of Justice for payment.

XIX. And whereas, Seamen in cases of dispute, may be exposed to great inconvenience, expense and delay, in obtaining payment of their wages, for remedy thereof, be it enacted, That in all cases of wages, not exceeding Twenty Pounds, which shall be due and payable to a Seaman, for his service in any Ship as aforesaid, it shall be lawful for any Justice of the Peace, in any part of this Island, near to the place where the Ship shall have ended her Voyage, entered or cleared at the Custom House, or discharged her Cargo, or near to the place where the Master or Owner upon whom respectively the claim is made, shall be or reside, upon Complaint on Oath, to be made to such Justice, by any such Seaman, or on his behalf, to summon such Master or Owner to appear before himself and any other Justice having Jurisdiction therein, to answer such complaint, and upon the appearance of such Master or Owner, or in default thereof, on due proof of his having been so summoned, such Justices are hereby empowered to examine, upon the Oath of the Parties and their respective Witnesses, (if there be any,) touching the Complaint and the amount of Wages due, and to make such order for the payment thereof as shall to such Justices appear reasonable and just, and in case such order shall not be obeyed within two days next after the making thereof, it shall be lawful for such Justices, to issue their warrant to levy the amount of the wages awarded to be due, by distress and sale of the Goods and Chattels of

Wages claimed by Seamen and disputed.

Mode of recovery in such case.

the party, on whom such order for payment shall be made, rendering to such party the overplus, (if any shall remain of the produce of the sale,) after deducting thereout, all the charges and expenses incurred by the Seaman in making and hearing of the complaint, as well as those incurred by the Distress and levy, and in the enforcement of the Justices' Order, and in case sufficient Distress cannot be found, it shall be lawful for the said Justices, to cause the amount of the said wages and expenses, to be levied on the ship, in respect of the service on board which the wages are claimed, or the tackle and apparel thereof, and if such ship shall not be within the Jurisdiction of such Justices, then they are hereby empowered, to cause the party upon whom the order for payment shall be made, to be apprehended and committed to the common Jail of the County, there to remain without Bail, until payment shall be made of the amount of the wages so awarded, and of all costs and expenses attending the recovery thereof, and the award and decision of such Justices as aforesaid, shall be final and conclusive, as well on every such Seaman, as on the Owner and Master of the Ship: Provided always, that in case such Justices shall differ in opinion, as to the amount of or nature of the judgment to be given, in any such case, then the judgment of either of such Justices, made conjointly with any other Justice of the Peace, to be by them named, shall be binding and conclusive between the parties.

Decision of
Justice in such
case to be final.

Costs of prosecutions
for the
recovery of Seamen's
Wages.

XX. And be it enacted, That if any suit for the recovery of a Seaman's wages, shall be instituted against the Ship or the Master or Owner thereof, either in the Court of Vice Admiralty, or against the Master or Owner in any Court of Record in this Island, and it shall appear to the Judge in the course of such suit, that the Plaintiff might have had as effectual a remedy for the recovery of his wages by complaint to the Justices of the Peace

as herein before provided, then, in every such case, it shall be lawful for such Judge, and he is hereby required to certify to that effect, and thereupon no costs of suit shall be awarded to the Plaintiff.

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

Vessels to be provided with Medicines.

Expense of surgical and medical advice, by whom defrayed.

XXII. And be it enacted, That no Master of any Ship belonging to or owned in this Island, shall discharge any person of his crew, whether British subject or Foreigner, at any Port or Place in any of Her Majesty's Dominions out of this Island, without the previous sanction in writing of the Governor, Lieutenant Governor, Secretary or other Officer appointed in that behalf, by the Government there, or of the Principal Officer of the Customs, or of Two respectable Merchants, resident at, or nearest to the Port or Place where such Ship shall be, nor shall he discharge any such person, at any other place out of this Island, without the like previous sanction in writing of

Discharging Seamen abroad.

Her Majesty's Minister, Consul or Vice Consul there, or of Two respectable Merchants there, all which said several Functionaries and Merchants, are hereby authorized in a summary way, to inquire into the grounds of any such proposed discharge, by examination on oath, and thereupon to grant or refuse such sanction, according to their discretion, having regard to the objects of this Act.

Leaving Seamen
abroad.

XXIII. And be it enacted, That no such Master shall be at liberty, to leave behind at any place abroad, either on shore or at sea, any person of his crew as aforesaid, on the plea of such person not being in a condition to proceed on the voyage, or having deserted from the Ship, or otherwise disappeared; unless upon a previous certificate in writing, of one of such Functionaries or Merchants as aforesaid, if there be any such at or within a reasonable distance from the place where the Ship shall then be, if there be time to procure the same, certifying that such person is not in such condition, or has deserted or disappeared and cannot be brought back, and all such Functionaries and Merchants as aforesaid, are hereby authorized and required on the application of any such Master, to inquire, by examination on oath, into the circumstances, and to give or refuse such certificate according to the result of such examination.

In any suit, &c.
against Master
for leaving Sea-
men abroad,
proof of the ne-
cessity of such
leaving to be
given by Master.

XXIV. And be it enacted, That if any such Master shall leave behind any one of his crew as aforesaid, contrary to this Act, in any Suit, Action, Indictment or Proceeding, the proof of his having obtained such sanction or certificate as aforesaid, shall be upon him, it being the intention hereof, that except in the case of entering into Her Majesty's Naval Service, no person of the crew shall be discharged, either with or without his consent, in any place abroad where such Functionaries or Merchants can be found, unless he or they shall have given such sanction thereto.

XXV. And be it enacted, That every such Master who shall leave any person of his crew (as aforesaid, on shore, at any place abroad, under a certificate of his not being in a condition to proceed on the voyage, shall deliver to one of the said Functionaries, or if there be none such, to any Two respectable Merchants there, or if there be but one, then to such One Merchant, a just and true account of the wages due to such person, and pay the same to the Seaman, either in money or by a Bill drawn upon the Owner of his Ship, and if by Bill, then such Functionary or Merchant, according to the case, is hereby authorized and required by Certificate endorsed on such Bill, to testify that the same is drawn according to this Act, for money due on account of wages of a Seaman, or to that effect; and any such Master who shall deliver a false account, or refuse or neglect to deliver a just and true account of the wages due to such person, and to pay the amount thereof in money or by Bill as aforesaid, shall for every such offence, forfeit and pay in addition to the wages due, the penal sum of Twenty-five Pounds.

Duty of Master on leaving Seamen on shore abroad.

Penalty on Master delivering false account of wages, &c., due to Seamen so left abroad, or refusing to pay the same.

XXVI. Provided always, and be it further enacted, That nothing in this Act or in any agreement contained, shall be deemed to extend to prevent any Seaman or person belonging to any Merchant Ship whatever, from entering or being received into the Naval Service of Her Majesty, nor shall any such entry be deemed a desertion from the Merchant Ship, nor incur any penalty or forfeiture whatever, either of Wages, Clothes or Effects, or other matter or thing, notwithstanding any agreement made to the contrary thereof, and all Masters and Owners of Ships, are strictly prohibited from introducing into any Ship's Articles or Agreement with the Crew, any clause or matter, by which any penalty or forfeiture of any kind, is agreed to be incurred by a Seaman, upon his entry into Her Majesty's service.

Not to prevent Seamen entering Her Majesty's Naval service;

Such entry not to be deemed desertion.

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

Wages how to
be paid.

Penalty on Mas-
ter refusing to
deliver clothes or
pay wages, &c.

XXVII. And be it enacted, That when any Seaman shall quit a Merchant's Ship, in order to enter Her Majesty's Naval service, and shall thereupon be actually received into such service, not having previously committed any act amounting to, and treated by the Master as a total Desertion, he shall be entitled, immediately upon such entry, to the delivery up of all his Clothes and effects, on board such Merchant Ship, and (in case the Ship shall have earned Freight,) to receive from the Master, the payment of the proportionate amount of his Wages, up to the period of such entry, either in money or by a Bill on the Owner thereof, all which clothes, effects, money and Bill, such Master is hereby required to deliver up to him accordingly, under a Penalty of Twenty-five Pounds for every refusal or neglect: Provided always, that if no freight shall have been earned, at the time of such entry, then the Master shall, and he is hereby required, to give the Seaman so entering, a Bill upon the Owner for his wages, to the period of such entry, payable on the Ship's safe arrival at her destined Port, but in case the Master shall have no means of ascertaining the balance justly due, he shall make out and deliver to such Seaman, a Certificate of the period of his services, and the rate of wages he is entitled to, producing at the same time to the commanding or other Officers of Her Majesty's Ship, the agreement entered into with the the Seaman for the Voyage, and every such Master, upon the delivery up of such clothes and effects, and the settlement of such wages, in manner herein mentioned, shall be entitled to receive from the Officer in command of the Ship of Her Majesty, into which such Seaman shall have entered, a Certificate signed by the said Officer, which such Officer is hereby required to give, upon the request of the Master, testifying that such Seaman has entered into such Ship of Her Majesty, to serve as proof that the Master had not parted with the Seaman, contrary to the provisions of this Act.

XXVIII. And to avoid doubts in the construction of this Act, be it further enacted, That every person having the charge or command of any Ship, belonging to, or registered in this Island, shall, within the meaning and for the purposes of this Act, be deemed and taken to be the Master of such Ship, and that every person (Apprentices excepted) who shall be employed or engaged to serve in any capacity, on board the same, shall in like manner be deemed and taken to be a Seaman, within the meaning and for the purposes of this Act, and that the term "Ship," as used in this Act, shall be taken and understood to comprehend every description of vessels navigating on the sea, and that the term "Owner," as applied to a Ship, shall be understood to comprehend all the several persons, if more than one, to whom the Ship belongs, and that all Steam and other Vessels employed in carrying Passengers or Goods, shall be deemed trading Ships, within the meaning, and for the purposes of this Act.

Definition of
Terms in this
Act.

XXIX. And be it enacted, That all Penalties and Forfeitures imposed by this Act, and for the recovery whereof no specific mode is hereinbefore provided, shall and may be recovered with Costs of Suit, in manner following, that is to say, all Penalties and Forfeitures not exceeding Ten Pounds, shall be recoverable at the Suit of any person, by information and summary proceedings, before any Two Justices of the Peace in any part of this Island, for the County where the offence shall be committed, or where the Offender shall be, which Justices shall have power to levy the amount of any such Penalty or Forfeiture and Costs, by distress and sale of the Offender's Goods, or by commitment of the Offender for the non-payment of the amount, and all Penalties and Forfeitures exceeding Ten Pounds, shall and may be recovered with Costs of Suit, in any of Her Majesty's Courts of Record in this Island, at the Suit of Her Majesty's Attorney General, and that all Penalties and

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

Appropriation of penalties, &c. not specifically appropriated by this Act.

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

but not below one half.

Repeals part of Act of the 50th Geo. 3d, cap. 3;

Also, Act of the 59th Geo. 3d, cap. 8.

Forfeitures, mentioned in this Act, for which no specific application is hereinbefore provided, shall, when recovered, be paid and applied in manner following, that is to say: one moiety of every such Penalty shall be paid to the informer, or person upon whose discovery or information the same shall be recovered, and the residue, shall be paid over to the Treasury of this Island, to and for the use of Her Majesty's Government: Provided always, that it shall be lawful for the Court before which, or the Justice or Justices before whom any proceeding shall be instituted, for the recovery of any pecuniary Penalty, imposed by this Act, to mitigate or reduce such Penalty, as to such Court or Justices respectively shall appear just and reasonable, in such manner, however, that no such Penalty shall be reduced, below one half of its original amount, and provided also, that all proceedings so to be instituted, shall be commenced within Two years next after the commission of the offence, or within Three Calendar Months after the return of the offender, to this Island, if such offence shall have been committed without the limits thereof.

XXX. And be it enacted, That so much and such part of an Act of the General Assembly of this Island, made and passed in the Fiftieth year of the Reign of his late Majesty King George the Third, intituled *An Act to prevent the harbouring Deserters from His Majesty's Navy or Army, and for giving a reward for apprehending Deserters, and to prevent harbouring Deserters from Ships in the Merchant service, as relates to Merchant Seamen*, An Act made and passed in the Fifty-ninth Year of His said late Majesty's Reign, intituled, *An Act for the better regulation of Merchant Seamen, and to repeal part of an Act passed in the Fiftieth year of His present Majesty's Reign, intituled, 'An Act to prevent the harbouring Deserters from His Majesty's Navy or Army, and for giving a reward for apprehend-*

ing Deserters, and to prevent harbouring Deserters from Ships in the Merchant service; and an Act made and passed in the Seventh year of the Reign of His late Majesty King William the Fourth, intituled *An Act relating to Merchant Seamen of this Island*, be, and the same are hereby respectively repealed.

And also, Act of the 7th William the 4th, cap. 8.

SCHEDULE IN THIS ACT REFERRED TO.

SCHEDULE (A.)

Schedule A.

An Agreement made pursuant to the directions of an Act of the General Assembly of this Island, passed in the Seventh year of the Reign of Her present Majesty Queen Victoria, between the Master of the Ship _____ of the Port of _____ of the burden of _____ tons, and the several persons whose names are subscribed thereto, it is agreed by and on the part of the said persons, and they severally hereby engage to serve on board the said Ship, in the several capacities against their respective names expressed, on a voyage from the Port of _____ to _____ (here the intended voyage is to be described as nearly as can be done, and the places at which it is intended the Ship shall touch, or if that cannot be done, the nature of the voyage in which she is to be employed) and back to the Port of _____ and the said crew further engage to conduct themselves in an orderly, faithful, honest, careful and sober manner, and be at all times diligent in their respective duties and stations, and to be obedient to the lawful commands of the Master, in every thing relating to the said Ship, and the Materials, Stores, and Cargo thereof, whether on board such Ship, in boats or on Shore, (here may be inserted any other clause which the parties may think proper to be introduced into the agreement, provided that

Form of Articles of Agreement.

the same be not contrary to, and inconsistent with this Act,) in consideration of which services to be duly, honestly, carefully, and faithfully performed, the said Master doth hereby promise and agree to pay to the said Crew, by way of compensation or wages, the amount against their names respectively expressed.

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

SIGNATURES MENTIONED.

Place and time of Entry.	Mens' Names	Age	Place of Birth	Amount of Wages per Calendar Month, Share or Voyange.	Witness to Execution	Name of Ship in which Seaman last served.
Day. Month. Year.						

SCHEDULE (B.)

Schedule B.

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

Form of Endorsement on Warrant to run in another County.

Dated at the day of
One thousand eight hundred and

CAP. XIX.

An ACT to establish a reward for the destruction of Bears and Loupcerviers.

[Passed *March* 30th, 1844.]

BE it enacted, by the Lieutenant Governor, Council, and Assembly, That a reward of Fifteen Shillings, shall be given to each and every person who shall bring to the Treasurer of this Island, the Snout of any Bear killed within the same, after the passing of this Act, with a certificate from the nearest Justice of the Peace, (who is hereby required to grant the same,) that such Bear had been actually so killed, on the person so applying making Oath before the said Justice to that effect; and that the sum of Five Shillings shall be paid to any person or persons who shall bring to the said Treasurer, the Snout of any Loupcervier killed within the said Island, with a certificate to be granted on Oath as aforesaid.

Reward of 15s. to be paid on presenting the Snout of a Bear to Treasurer, with Certificate from a Justice of the Peace, &c.

And in like manner 5s. for Snout of a Loupcervier.

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

Continuance of Act.

CAP. XX.

An ACT to alter the Act authorizing the erection of an Asylum for Insane persons.

[Passed, March 30th, 1844.]

WHEREAS by an Act made and passed in the Third year of the Reign of Her present Majesty, intituled *An Act to authorize the erection of a building near Charlottetown, as an Asylum for Insane Persons, and other objects of Charity, and to provide for the future maintenance of the same*, it is enacted, that it shall and may be lawful for the Administrator of the Government of this Island, for the time being, by and with the advice and consent of Her Majesty's Council, to purchase a convenient Tract or Parcel of Ground, comprising an area of from Twenty to Fifty Acres, within or near to the Common of Charlottetown, for a site whereon to erect a building for an Asylum for Insane Persons, and other objects of Charity: And whereas an eligible and convenient site for the said Building and Grounds hath not yet been found or provided, and it is deemed proper and expedient to alter the said Act in respect of the quantity of Land to be purchased for the purpose aforesaid: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Administrator of the Government of this Island, for the time being, by and with the advice and consent of Her Majesty's Council, to purchase a convenient Tract or Parcel of Ground, comprising an area of not less than Ten Acres, within or near to the Common of Charlottetown aforesaid, for a site whereupon to erect a building for an Asylum for Insane Persons, and other objects of Charity, and to draw Warrants on the Treasury of this Island, for the payment of the same: Provided, That the sum so to be paid for the said Tract of Land, shall not exceed the sum which has already, or may hereafter be appropriated for that purpose.

Administrator of Government with advice, &c. of Council, authorized to purchase a tract of Land, to comprise Ten Acres, within or near Common of Charlottetown, for a site for a Lunatic Asylum.

Price of said tract of Land not to exceed sum already appropriated, or hereafter to be appropriated.

CAP. XXI.

An ACT to provide Salaries for Sub-Collectors of Customs at the several Out Ports therein mentioned.

[Passed, *March* 30th, 1844.]

WHEREAS it is necessary and expedient to provide Salaries for such persons as now are, or hereafter may be appointed Sub-Collectors of Her Majesty's Customs at the several Out Ports of this Island, hereinafter mentioned, that is to say, at Georgetown and Colville Bay, in King's County; and at or near Princetown, and at Bedeque, and at or near Cascumpeque in Prince County:

Be it enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Administrator of the Government, for the time being, in Council, to draw Warrants on the Treasury for the sum of Forty Pounds, to be paid to each Collector so appointed and duly commissioned, yearly, during the continuance of this Act, except the Collector at or near Cascumpeque, who shall be paid the sum of Twenty Pounds annually, and in case such Collector shall so long continue to discharge the duties of his Office.

£40 to be paid to each Sub-Collector of Customs at certain Ports.

£20 only payable to Sub-Collector at Cascumpeque.

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

Continuance of Act.

CAP. XXII.

An ACT to continue for a limited period, An Act passed in the Sixth Year of Her present Majesty's Reign, intituled *An Act for suspending for a limited period, certain parts of An Act passed in the Fourth Year of His late Majesty's Reign, intituled 'An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the duty of Surveyors, and to repeal a certain Act therein mentioned.'*

[Passed March 30th, 1844.]

Continues Act of the 6th Victoria, cap. 17, until the end of the next Session of General Assembly.

BE it enacted, by the Lieutenant Governor, Council and Assembly, that An Act passed in the Sixth Year of her present Majesty's Reign, intituled *An Act for suspending for a limited period certain parts of an Act, passed in the Fourth Year of His late Majesty's Reign, intituled 'An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the duty of Surveyors, and to repeal a certain Act therein mentioned,'* be, and the same is hereby further continued from the passing hereof, until the end of the next Session of the General Assembly, and no longer.

CAP. XXIII.

An ACT to regulate the manner of proceeding upon controverted Elections of Members to serve in the General Assembly.

[Passed *March 30th, 1844.*]

WHEREAS the Law now in force regulating the Trial of controverted Elections will shortly expire, and it is deemed necessary to re-enact the same: Be it enacted, by the Lieutenant Governor, Council and Assembly, That no Petition against the Election or the Return of any Member to serve in the House of Assembly shall be received after the expiration of Six Days after that appointed for the opening of the Colonial Parliament for the Despatch of Business, or after the expiration of Six days next after that on which the return of the Election of such Member shall have been notified to the House, nor unless it be signed by at least Six Electors (being duly qualified according to Law) of the County or Town and Royalty within this Island for which the contested Election or Return shall have been held or made, and the legal qualification of such Electors, shall be certified by them on Oath, before any Justice of the Peace, who is hereby authorized to administer such Oath in the form prescribed by Law of this Island, and a Certificate of the taking such Oath, under the Hand of such Justice of the Peace, shall be annexed to the Petition, which shall not be received, if this form be not observed, and every such petition shall set forth the allegations and reasons by which such petition is to be supported, and if the House of Assembly shall resolve that the said allegations and reasons, if well founded, are sufficient to render such Election or Return void, it shall appoint a day for taking the Petition into consideration, and the day shall be such as to afford sufficient time for the parties and Witnesses to attend before the House or Committee, accord-

No Petition against the return of a Member of Assembly, to be received after 6 days from the opening of the Session, &c.

Nor unless signed by 6 Electors.

Qualifications of such Electors to be certified on oath.

Certificate to be annexed to Petition.

Requisites of Petition.

ing to the distance of the place whence they are to come, and the same shall be notified by the Clerk of the House, as well to the sitting Member or Members whose election or return shall be contested, as to the Petitioners ; and the House of Assembly shall proceed to hear, try, and determine such contestation during the Session in which it shall be commenced, or during any subsequent Session of the same House, if it cannot be determined during that in which it is so commenced.

Mode of proceeding by Assembly to try the same. Petitioner to enter into a Bond before Speaker, or a Judge of Supreme Court. Penalty of principal in Bond.

Penalty of sureties in Bond.

Condition of Bond.

Sureties to justify.

Mode of justification of Sureties.

II. And be it enacted, That no such Petition shall be received, unless it be accompanied by a Bond in due form, entered into before the Speaker of the House of Assembly, or before one of the Judges of the Supreme Court of Judicature, by which Bond, the Petitioner or Petitioners shall bind himself, or themselves, under a penalty of One hundred Pounds, with two good and sufficient Sureties under a penalty of Fifty Pounds each, to appear and prosecute their complaint, and to pay such sum of money as the House of Assembly shall adjudge to the person or persons against whom such complaint shall have been made, if the Petitioner or Petitioners shall fail, and the said Sureties shall at the time of their signing the said Bond (which shall be in the form of the Schedule hereunto annexed) justify their sufficiency on Oath before the said Speaker (who is hereby authorized to administer such Oath) or before the said Judge who shall receive such Bond, and shall certify the whole under his hand.

Gives a remedy to surety against principal or co-surety.

III. And be it enacted, That any Surety who shall have paid any sum of money, by reason of the forfeiture of any such Bond, shall be entitled to have such sum reimbursed to him as well by his co-surety for his portion as by the Petitioner or Petitioners.

Petitioner and sitting Member

IV. And be it enacted, That the Petitioners shall, within a time to be fixed by the House, place

in the hands of the Clerk thereof, a list of the Witnesses whom they intend to call, and the opposite party shall do the like within the same time, and it shall be the duty of the Speaker to issue an order under his hand, addressed to the Sergeant at Arms attending the House of Assembly, or his Deputies, enjoining him or them, to summon the Witnesses named in such list, to appear on the day and at the hour fixed for the trial of the contestation, and if such Witnesses, after being duly summoned, do not appear, or give some sufficient excuse (of which the said House shall be judge), such of them as make default, shall incur a penalty which shall not exceed the sum of One Hundred Pounds, the same to be recovered by Bill, Plaint or Information in any Court of competent Jurisdiction, and to be paid into the Treasury of this Island, to and for the use of Her Majesty's Government: Provided always, That no Witness shall incur any penalty, if such Petitioner or the party summoning him, shall (being thereto required) have refused to advance him at the rate of Three-pence per mile, for each mile such Witness shall have to travel from his place of residence, to attend before the Committee and return back again: Provided also, that each party shall deposit in the hands of the Clerk of the House, the sum necessary to defray the expenses of summoning the Witnesses of such party, which shall be taxed by the Speaker of the House, saving to the House itself, the right of deciding finally which of the parties shall pay the whole amount of such expenses.

to furnish Clerk of Assembly with lists of their Witnesses.

Mode of Summoning Witnesses.

Penalty on Witnesses not obeying Summons. Mode of recovery of penalty. Appropriation of penalty.

Witness to be first tendered mileage.

Each party to deposit with Clerk of Assembly, a sum sufficient to defray the expense of summoning Witnesses to be taxed by Speaker.

V. And be it enacted, That when any Member shall have signified in writing, under his hand to the Speaker, that he does not intend to contest the Petition presented against his Return, he shall not be admitted as a party against such Petition at any time, or during the course of any subsequent proceedings, and shall not sit or vote in the House of Assembly, at any time before the final decision of such contestation.

Sitting member signifying in writing his intention not to contest Petition, not to be admitted a party against same, nor allowed to sit or vote before decision..

Parties to exchange lists of voters deemed objectionable.

VI. And be it enacted, That the parties shall, within the delay mentioned in the First Section, exchange lists of all the Voters, to whom either of them intend to object, before the said House, with the reasons of such objection, and a statement of all other things and incidents on which either of them intends to insist or to contest before the said House.

Mode of trial of contested Elections on Petition.

VII. And be it enacted, That in all contestations brought before the House of Assembly relative to Elections, the House shall refer the taking of the Inquest to a Committee of the whole House, out of which the Chairman shall be appointed, and the Chairman and Members shall be sworn by the Clerk of the House, who is hereby authorized to administer such Oath, and the Oath of the said Chairman and of the Members of the said Committee shall be, to enquire diligently and without favor or partiality into the facts relative to the order of reference, and to make a true and faithful Report of the Inquest by them taken, and of their opinion thereon.

Mode of examination of Witnesses in such cases.

VIII. And be it enacted, That the Witnesses shall remain outside of the House, and that when they shall be called in, they shall, before they are examined, be sworn at the Bar by the Clerk of the House: Provided always, that when any Member of the House shall be a Witness, he may be sworn and examined in his place.

Speaker's certificate of Costs to be evidence in any Court in favor of person to whom granted.

IX. And be it enacted, That after the House shall have decided the Controverted Election, it shall determine the amount of the Costs incurred in consequence of the same, and the Speaker shall certify the amount under his hand, and such Certificate shall be evidence of such Costs, in favour of those to whom they shall have been adjudged by the House, in any Court having authority to award Judgment and Execution for the same; Provided always, that if the Election of one or

more Members shall be declared void, by the said House, only by reason of facts which shall have happened without the knowledge, participation or consent of such Member or Members, he or they shall not be condemned to pay any part of the Costs.

Sitting member not to be condemned in costs, if Election be declared void in consequence of facts not within his knowledge.

X. And be it enacted, That every person who shall be guilty of wilful Perjury in giving any evidence, after being sworn under the authority of this Act, shall be liable to the Pains and Penalties attached by the Laws in force in this Colony, for the crime of wilful and corrupt Perjury.

Punishment of perjury under this Act.

XI. And be it enacted, That no question concerning any Election shall be agitated, discussed or decided, unless the number of Members, required by the Rules of the House, be then present.

No contested Election to be discussed, &c., unless the number of Members required by rules of House be present.

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

Continuance of Act.

CAP. XXIV.

An ACT to regulate the publishing of Notices and Advertisements relating to the Public Service.

[Passed, *March 30th*, 1844.]

WHEREAS by some of the Acts of Assembly of this Island, it is required that Notices or Advertisements of proceedings thereunder, connected with the public service, shall be inserted or published in more than one of the Island Newspapers, and it is deemed an unnecessary expenditure of the public money, that such Publications or any other Advertisements, or Notices, relating in any

Points out the mode of publishing Notices, &c. relating to the Public Service, or under any Act in force in this Colony.

Notices, &c. published as herein directed to have same effect as if published as prescribed in any Act in force.

Continuance of Act.

manner to the public service of the Island, should be made or inserted in more than one such Newspaper, except in such cases as are hereinafter mentioned, for remedy whereof: Be it enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, all Notices and Advertisements of every description in any manner relating to the public service of this Colony, whether directed to be made under or by virtue of any Act or Acts of Assembly of this Island, or otherwise, shall be inserted or published as often as may be requisite, only in the Gazette or Newspaper printed in the Island by the Queen's Printer, except in such cases as the Governor or the Administrator of the Government for the time being, may see fit to order the same to be published in some other paper; which cases, when they occur, as also the name or description of the Newspaper or Newspapers, to be used or employed, shall be made known to the Departments, Officers, or parties whence or from whom such Notices shall be required to issue, by the Administrator of the Government for the time being, in such manner as he may deem most proper, and all such Advertisements and Notices to be published as herein directed, shall have the same force and effect to all intents and purposes, as if they had been published under or by virtue of any Act or Acts of Assembly of this Colony, heretofore made, any thing in such Acts to the contrary in any wise notwithstanding.

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

C A P. XXV.

An ACT for the encouragement of the Seal and Cod Fisheries.

[Passed, *March 30th*, 1844.]

WHEREAS it is expedient to make provision to encourage the Seal and Cod Fisheries in this Colony: Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That from and out of the sum of Four hundred Pounds voted in this present Session for the encouragement of the Fisheries of this Island, there be appropriated and expended the sum of Two hundred Pounds as Bounties on the Seal Fishery of the Colony, in manner hereinafter provided: that is to say, that there be in the first place applied and paid the sum of Twenty Pounds as a premium or Bounty, to any person or persons who shall before the First day of May next after the passing of this Act, erect and make a suitable Vat within the Harbour of Charlottetown, not being within the said Town, nor within that part of the Common lying between West Street of said Town and Government Farm, such Vat to be at the least of the value of Forty Pounds, wherein to render the Oil from the catch of Seals in the present Spring, for the use of which Vat no charge shall be made to those who may require to use it for this Season. And that a Bounty of Ten Shillings per Register Ton, new measurement, shall be allowed to the fitter out from this Island of any Vessel or Vessels, properly equipped and manned from this Island, for the Seal Fishery during the current year; and such Vessel to proceed on her voyage on or before the Tenth day of April in this year, such Vessels to be fitted out and supplied by persons in this Colony: Provided that no person shall be entitled to any Tonnage Bounty on any Vessel, unless such Vessel shall have been fitted out for the purpose of the Seal Fishery, and shall have

Out of £400 voted in Session of 1844, for the encouragement of Fisheries.

£200 to be appropriated for bounties on Seal Fishery.

£20 to the person erecting a Vat, within Harbour of Charlottetown.

Value of Vat to entitle person to premium.

10s. per ton, to fitter out of any Vessel for Seal Fishery, proceeding on voyage before 10th April, 1844.

Vessels to be fitted out and supplied by persons in this Colony.

No person entitled to tonnage Bounty, unless vessel is fitted

out for Seal Fishery, and has been out at least 1 month, unless sooner returned with a cargo equal to 10 seals per ton.

Tonnage Bounties not to exceed £180.

If less than that sum is required, the difference to be paid to Owners of 3 vessels delivering greatest number of Seals.

Proportions in which the same is to be divided.

been at sea in the actual prosecution of the voyage for a period of not less than One Month, unless such Vessel shall sooner return with a catch of Seals, equal at least to Ten Seals for every Ton of Register Tonnage of such Vessel, or be prevented from prosecuting the voyage by unforeseen accidents, and which casualties shall be proved to the satisfaction of the Lieutenant Governor and Council: Provided also, that such last mentioned Tonnage Bounties do not exceed in the whole, the sum of One hundred and Eighty Pounds currency: And in case the same shall be less than that amount, then the difference to make up that sum shall be paid to and divided among the Owners of such Three Vessels as may have delivered the greatest number of Seals in this Island during the current year, in the proportions, and under and subject to the following conditions: That is to say, to the Owner of the Vessel delivering the greatest number of Seals, Seven Sixteenths of such amount aforesaid; for the next greatest number, Five Sixteenths, and for the the third greatest number Four Sixteenths of the amount.

Time of payment of Tonnage Bounty.

On production of Certificate of Inspector to be appointed, &c.

II. And be it enacted, That all Bounties on the Tonnage of Vessels shall be paid to the Fitter-out of every such Vessel, within Two Months after producing the Certificate of a Commissioner to be appointed as hereinafter directed, that the terms prescribed by this Act have been complied with, and that such person is entitled to the Bounty claimed.

£200 appropriated for bounties on Cod Fishery.

£50 to exporter to West Indies, &c., during current year of greatest quantity of Cod Fish.

III. And be it enacted, That from and out of the said sum of Four hundred Pounds, first herein mentioned, there shall be appropriated and expended, the sum of Two hundred Pounds, as Bounties on the Cod Fishery of the Colony, in manner hereinafter provided: that is to say, that in the first place, the sum of Fifty Pounds, part thereof be paid and applied, as a Premium or Bounty to the person or persons, who shall export from this Island

to the West Indies, or any Foreign Market, during the current year, the greatest quantity of Cod Fish, not being less than Seven hundred Quintals, the same being the catch and cure of any person or persons, inhabitants of this Colony, and the remaining One hundred and Fifty Pounds of the said last mentioned Two hundred Pounds, shall be appropriated and paid at the rate of Sixpence per Quintal, to such persons as shall export from this Island, during the current year, not less than Four hundred and Fifty Quintals each, of Cod-fish, being such catch and cure as aforesaid.

Not less than 700 quintals, the catch and cure of Inhabitants of this Colony.

£150 to be paid in bounty of 6d. per quintal to persons exporting not less than 450 quintals.

IV. And be it enacted, That all payments of Bounties, to be made under and by virtue of this Act, shall be at the Treasury by Warrant, under the Hand and Seal of the Administrator of the Government for the time being, with the advice of Her Majesty's Council, on the certificate of the proper officer, and on complying with the terms of this Act.

Mode of payment of Bounties under this Act.

V. And be it enacted, That the Lieutenant Governor, by and with the advice aforesaid, shall appoint for each Harbour in this Colony, where he may deem it necessary, one or more Commissioner or Inspector for settling claims, for such Bounties as aforesaid, and also to weigh the quantity of fish to be exported, as may be considered deserving of such Bounties.

Lt. Governor to appoint Inspectors for settling claims for Bounties.

VI. And be it enacted, That such Commissioners or Inspectors, shall be sworn to the faithful performance of their duties, and shall have power and authority to administer all oaths required by this Act, or by such further regulations as may be found necessary, to be adopted by the Lieutenant Governor for the time being, in furtherance of the objects of this Act; and the said Commissioners or Inspectors, shall be entitled to Ten Shillings per day, while employed weighing Codfish for export-

Inspectors to be sworn.

Powers of Inspectors.

Fee to Inspectors and by whom payable.

tation, the same to be paid by the Exporter or Exporters claiming such Bounty.

Applicant for
Bounty on ex-
port of Codfish
to make oath &c.

Form of oath.

VII. And be it enacted, That every such Shipper or Exporter of Codfish, applying for any Bounty on the exportation of such fish, under and by virtue of this Act shall take the following Oath:—

“ I of in Prince Edward Island, Exporter or shipper of fish, do swear that the quantity of Codfish, by me shipped for exportation on board the ship or vessel called the whereof is master, bound for was caught on the coast of British North America, by British subjects, and was cured to be the best of my knowledge and belief, within this Colony, or on a fishing voyage by some vessel fitted out therefrom, by some of the Inhabitants of the same, and that the said fish doth belong to me an Inhabitant thereof, (or to my employer or employers, as the case may be, carrying on trade therein), and that the said fish is not intended to be fraudulently re-landed in, or at any port or place within this Colony, or any of the territories thereunto belonging. So help me God,”

Persons know-
ingly swearing
falsely liable to
punishment as in
case of perjury.

And if any person shall knowingly swear falsely, in making such Affidavit, he shall be liable to the pains and penalties of such as commit wilful and corrupt perjury.

Bounty on Cod-
fish, when pay-
able.

Shipper or Ex-
porter to give
Bond.

Amount of Bond
and condition
thereof.

VIII. And be it further enacted, That the bounty on such Fish so exported, shall be paid to the Shipper or Exporter thereof, within five months next after the same shall have been exported, and the Shipper or Exporter, shall sign a Bond with one security to the Treasurer of this Island, in the full amount of the Bounty so paid, conditioned to deliver within twelve months after the time of such export, (dangers of the seas and enemies only excepted) a certificate from some one of the Officers of Her Majesty's Customs, if in the British Dominions, and if in Foreign Dominions from the British Consul or Vice Consul, or in the absence of such,

any other competent person, resident at or nearest to the Port to which the same shall be carried, expressing such quantity of Fish to have been actually landed at such Port or place.

IX. And be it enacted, That if any Cod-fish shall be fraudulently re-landed, in or at any Port or place in this Colony, after the same shall have been shipped for exportation, and on which a bounty had been claimed under and by virtue of this Act, the said Fish shall be forfeited, together with the Ship or Vessel out of which such Fish shall have been so fraudulently re-landed, and the Master of such Ship or Vessel shall be liable to a fine not exceeding One hundred Pounds, the same to be recovered with Costs of suit, by Bill, Plaint, or Information in Her Majesty's Supreme Court of Judicature of this Colony, one half thereof to be paid to the Informer who may sue for the same, and the other half into Her Majesty's Treasury to be applied in aid of the provisions of this Act.

Codfish on which Bounty is claimed, if re-landed to be forfeited.

And also Ship or Vessel, &c.

Penalty on Master of Ship or Vessel.

Mode of recovery thereof.

Appropriation of Penalty.

X. And be it enacted, That out of the monies which shall be in the hands of the public Treasurer of this Island, and granted in this Session for the use of the Fisheries thereof, there shall be appropriated and expended for the encouragement of the Seal and Cod Fisheries of this Island for the year One thousand eight hundred and forty-five, the sum of Five hundred Pounds of lawful Money of the said Island, and a like sum for the year One thousand eight hundred and forty-six, in manner hereinafter provided, that is to say, for the encouragement of the Seal Fishery of the Island, the sum of Three hundred Pounds shall be applied and paid as Bounties to the Owners of such Four Vessels as shall be fitted out, supplied, equipped and manned, as hereinbefore directed, and shall land the greatest number of Seals in this Colony, during the Seal Fishing Seasons, the years One thousand eight hundred and forty-five, and One

£500 appropriated for encouragement of Seal and Cod Fisheries for year 1845.

And a like sum for year 1846.

£300 part thereof for Seal Fishery, and how to be appropriated.

Proportions payable in each year.

No Bounty payable unless 700 Seals caught and landed.

Nor unless Vessels are ready for sea on or before 1st April in each year.

£200 in each year for years 1845 and 1846, for Bounties for Cod Fishery subject to rules, to be expressed in Act hereafter to be passed.

thousand eight hundred and forty-six, or either of them, and to be paid in the following proportions in each year, viz: to the Vessel bringing the largest quantity in one season, the sum of One hundred Pounds; to the Vessel having the next largest quantity, Eighty Pounds; to the next Seventy Pounds, and to the last Fifty Pounds. Provided that no Bounty shall be given or paid to the owner of any such Vessels not having caught and landed in this Island, at least Seven hundred of such Seals during the season, nor having been ready for sea on or before the First day of April in each year, and then proceeded on said voyage, wind and weather permitting. And for the encouragement of the Cod Fishery of this Island, in each of the said last mentioned years, there shall be expended and paid as Bounties, out of the said moneys, the sum of Two hundred Pounds currency, under and subject to such regulations, restrictions and limitations as may hereafter be enacted, provided or declared concerning the same, in and by any Act or Acts of the General Assembly of this Island.

CAP. XXVI.

An ACT to prevent the going at large, within the Town of Charlottetown, of Horses, Bulls, Cows, and other Neat Cattle.

[Passed *March* 30th, 1844.]

WHEREAS it is deemed necessary to prevent the running at large, within the Town of Charlottetown, of Horses and Bulls, at any season of the year, and of Cows and other Neat Cattle, between the Twentieth day of December, and the Fifteenth day of April: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That if any Horse or Bull shall be found going at large, within Charlottetown, at any

Prohibits the going at large of Horses and Bulls in Charlottetown at any season.

season of the year ; or any Cow, or other Neat Cattle, between the Twentieth day of December, and the Fifteenth day of April, in any year after the passing of this Act, the owner thereof shall be liable to pay a fine of Ten Shillings, for each time such Horse or Bull, Cow, or other Neat Cattle, shall be found so going at large in violation of this Act, to be recovered before any Justice of the Peace, on the oath of any credible Witness or Witnesses ; and in case the owner of such Horse, Bull, Cow, or other Neat Cattle, cannot be found, then it shall be lawful for any person or persons who may take up such Horse, Bull, Cow, or other Neat Cattle, after Ten days' notice, by posting up Notices in Four public places in said town, and also giving notice in the *Royal Gazette*, describing such animal, and the time and place of sale, to sell the same at Auction to the highest bidder, and after deducting the expenses of keeping such animal, and the charges of such sale, to pay over the proceeds of such sale into the hands of any of the Justices of the Peace, in Charlottetown, to be paid to the owner or owners thereof ; and the same, if not claimed within Thirty days thereafter, by the owner or owners, shall, after that period, be paid over by such Justice, to the Justices of the Peace having charge of the Streets of Charlottetown, to be by them expended in keeping in repair the said Streets.

And Cows between 20th December, and 15th April.

Fine on owner for Horse, Bull, or Cow at large, contrary to this Act.

Mode of recovery of Fine.

Mode of proceeding where owner cannot be found.

Appropriation of proceeds of Horse, &c., sold, the owner being unknown.

CAP. XXVII.

An ACT to establish an additional Term of the Supreme Court, and to extend the Hilary and Trinity Terms for Queen's County.

[Passed, *March 30th*, 1844.]

BE it enacted, by the Lieutenant Governor, Council and Assembly, That a Term of the Supreme Court shall be held in Charlottetown, in

Additional Term of Supreme Court in Charlottetown.

Name of such Term.

and for Queen's County, on the first Tuesday in May, in each and every year, and shall be called Easter Term, and shall continue for any time not exceeding Five Days, and no longer.

Not to be an Issuable Term.

No Jury to be summoned at such Term.

II. And be it enacted, That the said Easter Term shall not be an Issuable Term, nor shall any Jury be summoned, nor any Trial by Jury whatsoever take place during the said Term.

Days for return of Writs, &c., after end of Hilary and Trinity Terms.

III. And be it enacted, That it shall and may be lawful for the Chief Justice to appoint any day or days, within Fourteen days after the end of Hilary and Trinity Terms, respectively, for Queen's County, for the hearing of arguments, or doing any other matter or thing pertaining to the business of the said Court, in which a Jury shall not be required; and the said days, so to be appointed, shall be deemed and taken as part of and belonging to the immediately preceding Term, and Writs may be made returnable on any of the said last mentioned Fourteen days, or on any day in Easter Term.

Power of Court at Easter Term, and during return days after Hilary and Trinity Terms.

IV. And be it enacted, That it shall be lawful for the said Court, during the said Easter Term, or during the extension of the said Hilary and Trinity Terms, to hear and determine any matter or thing, upon points of Law reserved or relating to any suit or suits then pending in the Courts held for King's County, and Prince County, respectively.

Not to interfere with process already issued, or other proceeding now pending.

V. And be it enacted, That nothing in this Act contained shall, in any wise, interfere with or render irregular any Process already issued, or other Proceedings now pending in the said Supreme Court, but the same shall be, in all respects, as if this Act had not been made, subject, nevertheless, to any Order or Rule of the said Court relating to the same.

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

C A P . XXVIII.

An ACT relating to Schools and Education.

(Passed *March* 30th, 1844.)

WHEREAS the Act now in force for the encouragement and support of District and other Schools is about to expire, and it is expedient to make further, and in some respects, other provisions for these purposes : Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Administrator of the Government for the time being, by and with the advice and consent of Her Majesty's Council, to nominate and appoint Board of Education, how constituted Five fit and proper persons of whom Three shall be a quorum, which Five persons so appointed shall constitute a Board of Education, and shall meet When to meet. four times in each year, (that is to say) on the last Thursday in the Months of January, April, July and October respectively, and on such other and further days as the said Board shall deem necessary, and shall give notice of the place and hour of such Notice of meeting of Board. Quarterly Meetings, in the Public Newspapers of the Island, at least Thirty days previous to each Meeting.

II. And be it enacted, That the said Board, Board to appoint a Secretary. when so constituted, shall nominate and appoint one of their number as Secretary of the Board, and the said Secretary shall be paid the sum of Fifteen Allowance to Secretary and Board. Pounds annually for his services, and to reimburse him for Stationary and other contingent expenses, and each individual of the said Board, exclusive of

the Secretary, shall be paid the sum of Four Pounds for his services, subject to the deduction of Twenty Shillings each, for each of the aforesaid Quarterly days they shall be absent.

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

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

Candidates for Schools to undergo examination.

IV. And be it enacted, That any person who may be a Candidate for the situation of Schoolmaster for any District School in this Island, shall on one of the Days of the said Meeting, or on such other Day as any Three of the said Board shall appoint, present himself for, and submit to an examination of his qualifications in the Branches hereinafter mentioned ; and if the board be satisfied with the Candidate's qualifications, they shall give him a Certificate of having passed such examination.

And to produce certificate of moral character.

V. Provided always and be it further enacted, That the said Board shall in no case examine or grant a Certificate to any person whomsoever, who shall not have first produced to the said Board a satisfactory Certificate of good moral character.

To be in future 2 classes of District Schools,

Qualification of 1st or lowest class Teacher.

Qualification of 2d or highest class Teacher.

VI. And be it enacted, That there shall be in future only Two Classes of District Schoolmasters, who shall be licenced by this Act to teach in this Island ; that Teachers of the First Class shall possess a competent knowledge of, and be qualified to teach Book-keeping, English Grammar, Reading, Writing, and Arithmetic ; that Teachers of the Second Class, in addition to the above qualifications, shall be competent to teach the Latin Language, Geometry, Trigonometry, Mensuration, Land Surveying and Navigation, together with

Geography and the use of the Globes; and the Board of Education after having examined and ascertained the qualifications of such Candidates as may appear before them, shall specify in the Certificates to be given them, to what class of Teachers the said Candidates are duly entitled to belong.

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

Allowance to Teacher of National School in Charlottetown.

VIII. And be it enacted, That every School-house within the meaning of this Act, if erected for and used as such, before the passing thereof, shall be not less in clear area than One hundred and Sixty-eight square feet, and if erected after the passing of this Act, shall not be in clear area than Two hundred and Fifty-six square feet, and every such School-house shall be kept in thorough repair.

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

IX. And be it enacted, That no Schoolmaster or Teacher of the First or lowest Class shall be entitled to any allowance by virtue of this Act; excepting Teachers mentioned in the Nineteenth and Twenty-fifth Sections thereof, unless the Inhabitants of the District comprising his School shall have first provided a sufficient School-house to be exclusively used for that purpose, except as is hereinafter provided in and by the Thirteenth Section of this Act, and also that he shall have had under his tuition the number of Twenty Scholars, during the space of Twelve Months immediately preceding the period of his claiming such allowance, or where in default of such number of Scholars, the amount of tuition money raised by subscription, and the amount assessed on the Inhabitants shall together amount at least to Twenty Pounds, exclusive of Boarding and Lodging.

No Teacher of 1st or lowest class to receive allowance under this Act, (except as is provided in 19th and 25th Sections) unless a School House is provided, &c.

Allowance to be paid by Inhabitants to 1st or lowest class Teacher.

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

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

Mode of defining Bounds of School Districts.

XI. And whereas differences of opinion and difficulties may at times arise among the Inhabitants of Districts or Settlements, whereby the sites of School-houses as well as the extent and boundaries of School Districts, cannot be judiciously chosen and defined: Be it therefore enacted, That it shall and may be lawful for any one of the nearest of Her Majesty's Justices of the Peace, or Commissioner for the recovery of Small Debts, not being parties interested in the expense of such School-house, or of the salary and support of the Teacher to be employed therein, to fix and define the sites for School-houses, and the extent and boundaries of School Districts, and when and so often as the inhabitants of any Settlement, Township or District, cannot among themselves agree to any place as most eligible for the site of a School-house, or upon the requisite number of School-houses required by such Inhabitants, or upon the extent of or limits and bounds proper to comprise any School District, and any number of such Inhabitants being householders, not less than Five, shall make request in writing to any such Justice of the Peace or Commissioner as aforesaid, it shall be the duty of such Justice or Commissioner to attend at such place and there personally to make such enquiry in such manner and to such

Also the Sites and numbers of School Houses.

extent as to him shall be deemed requisite, and thereupon to fix and determine on the proper and most eligible site or sites for such School-house or School-houses, and the proper limits and boundaries to the District or Districts thereof, and his decision thereon made in writing under his hand, and returned to the Secretary of the Board of Education, shall be conclusive, unless the Inhabitants of the District comprising such School or Schools, and being interested therein, shall unanimously agree to alter or vary the same.

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

Allowance to Justice of the Peace or Commissioner of Small Debts, for defining Bounds of Districts.

XIII. And be it enacted, That any such School-house as aforesaid, may be used as a place of Public Worship, or for any other lawful Public Meeting, by and with the consent of the Majority of the Trustees thereof, when the same shall not interfere with the teaching of the Scholars therein, as is contemplated by this Act.

School House may be used as a place for Public Worship, &c., with consent of majority of Trustees.

XIV. And be it enacted, That the Inhabitants of any School District within this Island, who shall have provided a School-house therein as aforesaid, shall and may, and they are hereby required to nominate and appoint Five Trustees, Three of whom shall be a quorum, whose duty it shall be to examine the said School quarterly, and enquire into the order and direct the discipline and regulation of such School, and give to any such licensed

Inhabitants to appoint 5 Trustees, 3 to be a quorum.

Duties of Trustees.

Teacher who has had the management thereof, the necessary certificates required by this Act.

In any District where a School has ceased to be kept for twelve months, or where no School has at any time been kept and Inhabitants neglect to appoint Trustees. Visiter of Schools to call a meeting of Inhabitants.

Notice to be given of such meeting.

Duty of Visiter at such meeting.

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

XV. And be it enacted, That when and so often as it shall happen that, in any Settlement, Township or District, wherein no School shall at any time have been kept, or wherein the Public School or Schools established in such Settlement, Township, or District, shall have ceased to be kept and taught, for the space of Twelve Months, and the Inhabitants thereof, shall neglect to nominate and appoint Trustees for the establishment of, or continuance of a School or Schools, as prescribed by this Act, it shall be the duty of the Visiter of Schools, and he is hereby required to attend at some public place in such Settlement, Township or District, after having caused notice to be posted up, in Three of the most public places within such School District, at least Six days previous to the meeting of such Inhabitants, stating the time and place, and purpose of his attendance, and then and there to take the names of such Five, and any additional like number of persons, as shall be elected by the said interested inhabitants, then and there attending, as Trustees of a School or Schools to be kept therein, and in case any District for which such Trustees shall be so elected as aforesaid, shall have no School-house situated therein, then such Trustees shall cause a sufficient School-house to be erected, and completed for the District for which they shall be so elected as aforesaid, and such trustees shall be, and they are hereby further-empowered and directed, to assess the costs and expenses of erecting such School-house upon such District, and to apportion such costs and expenses, upon the respective Inhabitants of such District, being Householders, and having a Child or Children between the ages of Seven and Fourteen years, regard being had to the amount of property, and number of children of such Inhabitants, as such Trustees shall, in their discretion, think just and reasonable: Provided that no one

Inhabitant, shall be assessed in any sum exceeding Forty Shillings, for the cost and expence of erecting any such School-house, and such assessment shall be recoverable, in like manner as is expressed in the Seventeenth Section of this Act, and such Trustees shall also have such further powers, and be liable to such further duties and offices in all respects as other Trustees appointed under and by virtue of this Act.

Assessment for this purpose not to exceed £2 on any one Inhabitant.

Mode of recovery of assessment.

Duties and powers of Trustees so appointed.

XVI. And be it enacted, That Two of the Trustees of every School, appointed in pursuance of this Act, shall in rotation go out of office in each year, commencing with the two Members first nominated and appointed, and the Inhabitants of the District comprising such School, for which they shall have been appointed, shall from time to time appoint others in their stead, having the like powers and authority: Provided that in case such Inhabitants shall neglect to elect Two Trustees, in the room of such Trustees so to go out of office as aforesaid, then, and in that case, such Trustees shall not go out, but continue in office, until others shall be elected in their place.

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

Others how to be appointed.

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

XVII. And be it enacted, That in all cases, when the Trustees of any School, shall enter into an agreement with the Subscribers of the School, on behalf of the Master, they are hereby empowered either in their own names, or in the name of such one or more of them, or of such other person as a majority of them shall appoint, to sue for, and recover in the Supreme Court of Judicature, such sum or sums being above Eight Pounds, as the said Subscribers shall be liable for by virtue of such agreement, and when such sum shall be beneath or not exceeding Eight Pounds, and the same shall not be paid within Ten days after a demand thereof made upon, or at the residence of the debtor, and after an order for payment thereof made in writing, under the hands of a majority of said Trustees and produced to the said debtor, or

Further duties of Trustees.

Appeal to be allowed to party sued by Trustees before Commissioners' Court.

after the said order, or a copy thereof, shall have been left at his dwelling-house, that then, and in every such case; the said Trustees, or any one or more of them, or such other person as the majority of them may appoint, may sue and prosecute the said debtor, before any Court appointed for the recovery of Small Debts, within the County wherein such debtor may reside; provided, that the party defendant shall be entitled to an appeal, as is regulated by the twenty-third Section of an Act passed in the present year of Her Majesty's reign, intituled *An Act relating to the recovery of Small Debts; and to repeal certain Acts therein mentioned.*

Trustees may assess Inhabitants for repairs of School Houses and for fuel.

Mode of recovery of such assessment.

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

XIX. Whereas it sometimes happens, that certain Inhabitants of School Districts in this Island, although having Children of between the ages of seven and fourteen years, and being in circumstances of sufficient ability, to afford some one or more of such their Children considerable advancement in Education, nevertheless refuse to contribute any amount towards the support or establishment of any School, or to the erection of any School-house for such purpose, by which means the remaining Inhabitants of the same Settlement, Township or District otherwise inclined, are not of themselves numerous enough for the support of

a School: Be it therefore enacted, that in all School Districts, where the boundary thereof shall be defined under the provisions of this Act, or distinguished and agreed to by the mutual consent of the inhabitants within the same, such inhabitants being not less than five in number, and being persons having within their families respectively, any Child or Children between the ages of seven and fourteen years, when and so often as two-thirds in number at least of such inhabitants shall subscribe for and send from among themselves the number of Twenty Scholars, to any School within the same, or shall raise and subscribe two-thirds at least, of the amount of salary agreed to be received by a Teacher of either Class, for the tuition of at least Twenty Scholars, and also when and as often as a like proportion of such inhabitants shall raise and subscribe two-thirds, at least, of any amount, by them estimated or expended in the erection of a sufficient School-house for the District wherein they reside, that then and in every such case, such proportion of inhabitants are hereby empowered to assess the remaining part of such inhabitants to the extent or amount of one-third, or any less part of such third, not voluntarily subscribed, of the yearly salary or tuition money, agreed to be received by such Master, or to the extent of the remaining one-third, or any less part thereof not subscribed, of the amount estimated or expended in the erection of any School-house as aforesaid, in case such School-house shall be required, the said third, or less part thereof, to be apportioned, and levied on the respective inhabitants so to be assessed as aforesaid, in such proportion as, according to the number of his or her Children and ability in circumstances, such other two-thirds or more of such inhabitants may deem just and equitable: Provided always, that the sum to be assessed upon any one inhabitant in any one year, toward the yearly salary of any Master, shall not exceed the amount of tuition money actually payable by such inhabitant for his Child or Children, being

Two thirds of Inhabitants of any School District may assess remaining one third for the support of a Teacher of either class.

Limits the amount so to be assessed.

Notice to be given of meeting called to assess Inhabitants, &c.

between the ages of seven and fourteen years, and at the time of the imposing of such assessment, actually going to any other School, and after six days notice shall be posted up at three public places at the least, within such School District, specifying the time and place and purpose of a meeting of such inhabitants, when they shall proceed in order to apportion and levy such assessment, and if any person so assessed, shall, on demand made by the Trustees of the School for such District, or by such person as they, or the majority of them shall appoint, refuse or neglect to pay the amount so assessed upon him or her as aforesaid, for the space of ten days from the time of making such demand, then it shall and may be recovered before such Commissioners, and in like manner and subject to such forms and proceedings as Small Debts can there be recovered, and in the name of the Trustees of the School for such District, or of a majority of such Trustees, or in the name of any person appointed for that purpose by such majority.

Mode of recovery of assessment.

XX. And whereas there are certain Settlements situate in remote parts of the Island, and containing but few inhabitants, who, by the foregoing provisions of this Act, would be excluded the benefits thereof: Be it therefore enacted, that when in any remote Settlement of this Island, the respective inhabitants thereof, being at the extremes, within three miles of one another, and not within one and a half mile of any established School, within the foregoing provisions of this Act, and the Children of whom being between the ages of seven and fourteen years, together shall not amount to twenty in number, the Master of any School taught therein, shall be allowed, per year, at and after the rate of Eight Shillings for every Scholar by him taught in such School: Provided always, that no allowance to any Master within the meaning of this Clause shall be paid, unless it shall appear to the Secretary of the said Board of

In remote Districts where Inhabitants do not reside within 3 miles of each other, &c., or where the number of Scholars shall not amount to 20, 8s. per scholar to be paid to Teacher under this Act.

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

Education, upon the Affidavit of some one or more of the subscribers to the salary of such Master subscribed and sworn before some one of Her Majesty's Justices of the Peace, for any County of this Island, that such Master had taught a certain number of scholars, to be mentioned in such affidavit, in a good and sufficient School-house for the period of Twelve Months, for which he shall claim to be entitled to such allowance, and also that within Two Months after the establishment of any such School, a certificate in writing signed by at least Three of the subscribers thereto, specifying the local situation of such School, the number of subscribers thereto, the number of scholars, and the name of the Master engaged therefor, shall have been deposited with the Secretary of the Board of Education.

XXI. And be it enacted, That in the event of any dispute between any of the subscribers, or any of the Trustees and the Teacher, as to his conduct as Teacher, the subscriber or subscribers, trustee or trustees, intending to prosecute such complaint, with the view of removing him from the School, before the expiration of his engagement, shall be obliged to lodge in writing, with any one or more of the adjacent Magistrates or Commissioners of Small Debts, a statement of such complaint, and at the same time to send a copy thereof to the Teacher, and such Magistrate or Magistrates, Commissioner or Commissioners, may inquire into such complaint, and examine Witnesses on oath touching the same, and on such complaint being established, a majority of the Trustees, or of the subscribers, may in their discretion supersede such Teacher, and engage any other in his stead, to whom the subscribers shall be bound in equal liability, as they were to such superseded Teacher, for such term of his agreement as may be unexpired at his discharge; but all such subscribers shall nevertheless be bound to pay him the proportion of his salary, up to the period of such dismissal, and

Disputes between Subscribers to Schools, or Trustees of Schools and Teacher how to be settled.

neither such payment made, nor such proceedings taken, shall be deemed to affect any claim in the said Teacher, to the residue of such salary, on any grounds on the part of such subscribers to resist the payment of the said residue, which the parties respectively would have had in Law without the passing of this Clause.

Teachers to deposit with Secretary of Board of Education certain documents.

XXII. And be it enacted, That each and every Licensed Teacher, on depositing, or on their being deposited, on his behalf, with the Secretary of the said Board of Education, one part of the original agreement made by him, or on his behalf with the subscribers, or a true copy thereof attested on oath, with a certificate thereon endorsed, or thereto annexed, under the hands of the Trustees of his School, that the provisions of this Act shall have been duly complied with, and also certifying to the good conduct, attention and sobriety of such Master, during the time he shall have kept his School, pursuant to such agreement, which conduct shall thereon be also certified, by one Justice of the Peace, residing near such School ; the said Secretary by and with the concurrence of one other member of said Board, shall thereupon certify the class, to which such Teacher shall belong, and the amount to which by Law, and as shall satisfactorily appear by such certificate, the said Teacher shall be entitled, and on the production of such certificate last mentioned, such Teacher shall be entitled to receive from the Treasury of this Island the respective amounts following, that is to say : Teachers of the First Class the sum of Ten Pounds, and Teachers of the Second Class the sum of Fifteen Pounds, to be paid by Warrant, under the Hand and Seal of the Administrator of the Government, for the time being, by and with the advice and consent of Her Majesty's Council.

Duty of Secretary thereon.

£10 to be paid from Treasury to Teacher of 1st or lowest class, £15 to Teacher of 2d or highest class.

£10 to be paid to Teacher of one District School in Georgetown ;

XXIII. Provided always, and be it enacted, That the Teacher of one of the District Schools for Georgetown and Royalty, and the Teacher of one

of the District Schools in Princetown Royalty, being qualified as second class Teachers, shall severally be entitled to receive from the Colonial Treasury, the sum of Ten Pounds annually, in addition to the allowance to which they may be entitled, by the foregoing Section of this Act: And provided further, that the several District Schools in the Town and Royalty of Georgetown, and Princetown respectively, towards which any allowance of money shall be granted, by virtue of this Act, shall not exceed in either of the said Towns and Royalties, the number of Two.

and also to Teacher of one District School in Princetown Royalty, over and above said allowance as 2d or highest class Teachers.

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

Exempts Teachers of Schools from Statute Labour and Militia duty.

XXV. And be it enacted, That any female Teacher, who shall qualify for either class as directed by this Act, shall be entitled to the allowance herein provided for male Teachers, subject to all the regulations, and provisions contained herein, respecting other Schools, and saving always, that Schools taught by females, may be situate in any place, and not confined to a room used exclusively for that purpose: Provided that the said School shall be limited to the instruction of female Scholars, and to that of boys under the age of Ten years; and provided also, that there shall not be more than Two such Schools in Charlottetown, to be taught by those who shall first duly qualify for that purpose.

Allowance to Female Teachers under this Act.

Only to instruct Females or Boys under 10 years of age.

Two such Schools only in Charlottetown to receive allowance under this Act.

XXVI. And be it enacted, That every French Acadian Teacher, who shall teach in a School the children of that class of the Inhabitants of this Island, on his producing, or their being produced on his behalf, the certificates hereinbefore required as to his moral character, and of his having taught Twenty Scholars for Twelve Months in a suitable

Allowance to French Acadian Teachers.

building, shall be entitled to the sum of Five Pounds payable in manner aforesaid, out of the Treasury of this Island, although such Teacher may not have passed the said Board of Education, as duly qualified in other respects required by the foregoing provisions of this Act.

Schoolvacations.

XXVII. And be it enacted, That in all cases where the Schoolmaster and Trustees of any School, shall not otherwise mutually determine and agree, the vacations of such School shall be Three in number in each year, and at the respective periods following, that is to say, the First for One Week, commencing on the First Monday in June, the Second also for One Week commencing on the Second Monday in October, and the last, from the Twenty-fourth day of December to the First day of January, both inclusive, and no deduction shall be made from the salary agreed to be paid to such Schoolmaster, nor any time added to the period of his service on account of such vacations being allowed.

Each District Schoolmaster under this Act to instruct 4 pupils gratis for two years.

Such pupils how chosen.

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

Teachers under former School Act not out of employment for 2 years need not qualify under this Act.

XXIX. And be it enacted, That all Schoolmasters who have not been out of employment as Teachers for the space of Two years at the passing of this Act, and who have received Certificates of qualification from the Board of Education, constituted by virtue of an Act passed in the Seventh year of the Reign of His late Majesty King William the Fourth, intituled *An Act for the encouragement and support of District and other Schools, and to repeal the Act formerly passed*

for that purpose, shall be deemed qualified for the Classes for which they may have respectively been admitted by the said Board, and all such of the said Teachers as shall be engaged under any Agreement for the teaching of a School, entered into since the passing of the said recited Act, and which Agreement shall be subsisting at the period of the passing of this Act, shall be entitled to the same allowance from the Treasury of this Island, by virtue of said Agreements, as they respectively would if the said recited Act had continued in force until the execution and completion of such Agreements, any thing in this Act contained to the contrary thereof notwithstanding.

Agreements with Teachers under former Act subsisting at the passing of this Act to remain in force, and allowance under such agreement to be paid to them.

XXX. And be it enacted, That it shall and may be lawful, for the Administrator of the Government for the time being, by and with the advice and consent of Her Majesty's Council, to nominate and appoint annually, one fit and proper person, whose duty it shall be to visit and examine Twice in every Year, the different District Schools throughout the Island, and who shall have power, and is hereby directed to call meetings of the respective Trustees, connected with such Schools, and such Visiter shall make a Report of every such visit, to the Board of Education, of the state of every School, stating the method practised, the number of Scholars, the proficiency generally made by the Scholars, state and description of School-houses, and such other information as he may see it necessary to give, or that any branch of the Legislature may require, and such Reports shall be published in the *Royal Gazette* Newspaper, and be laid before the Legislature within Fourteen Days next after the opening of every Session, and such Visiter shall be allowed and paid, the sum of Seventy-five Pounds per annum, for his services, to be paid quarterly, the same to be drawn for by Warrant, under the Hand and Seal of the Administrator of the Government for the time being, upon the Treasurer of this Island.

Visiter of schools to be appointed annually, and how appointed.

Duty of Visiter.

Power of Visiter.

Further duty of Visiter.

Allowance to be paid Visiter.

When and how to be paid.

£75 per annum to be paid to Trustees of St. Andrew's College for benefit of that Institution.

XXXI. And be it further enacted, That the sum of Seventy-five Pounds, per annum, shall be paid during the continuance of this Act, to the Trustees of Saint Andrew's College, for the use and benefit of that Institution.

Allowance to Teachers instructing children of Micmac Indians.

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

Allowance under this Act only to extend to 4 first established Schools in Charlottetown, exclusive of National School, and Female Schools herein provided for.

XXXIII. And be it enacted, That the allowance to Teachers in the Town of Charlottetown, under the operation of this Act, shall extend to the four first established Schools, and no more, exclusive of the National School and Schools taught by Females.

£150 for the purchase of Books approved of by Board of Education for the use of District Schools.

XXXIV. And be it enacted, That there shall be placed at the disposal of the Administrator of the Government, for the time being, the sum of One hundred and fifty Pounds, for the purchase of such Books as may be approved of by the Board of Education, constituted by virtue of this Act, for the use of District Schools throughout this Island: Provided always, that one-third of the copies of all Books so purchased, shall be deposited in the hands of such persons, in each County of this Island, as the Administrator of the Government for the time being, shall see fit to appoint, not being less than four for each County, and so as each County has an equal share of the Books, the same to be sold at costs and charges, and the nature and prices thereof, and places of sale to be

One third for each County, and deposited there.

Books to be sold at cost and charges.

advertised, and the Moneys arising from such sales shall be paid into the Treasury of this Island quarterly, and may be annually expended hereafter in the purchase of Books as aforesaid.

Appropriation of moneys arising from sales.

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

Persons appointed to sell and distribute Books to account, &c.

To whom account or return is to be made.

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

Continuance of Act.

CAP. XXIX.

An ACT for the preservation of the Herring and Alewives Fisheries, in this Island.

[Passed *March 30th, 1844.*]

WHEREAS the Herring and Alewives Fisheries are of great benefit to this Island, and it being the opinion of many concerned therein that the leaving of Nets set in the day time is prejudicial to the said Fisheries: Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act no person or persons shall set any Net or Nets, in the day time, for the purpose of catching Herrings or Alewives, or shall leave any such Net or Nets set in any of the Bays, Harbours, Rivers or Creeks in this Island, between sunrise and sunset; and

Nets not to be set in the day time, nor left so set between sunrise and sunset.

Mode of obtaining removal of nets so set or left set.

Penalty on party offending herein.

Not to subject party to penalty if prevented removing same by stress of weather, &c.

Penalty on persons wilfully injuring nets.

Penalty on persons setting nets or seines across mouths, &c., of streams or other parts to prevent fish passing.

Mode of recovery of Penalties imposed by this Act.

any person or persons who may feel aggrieved thereby, may, and they are hereby required, to give notice to the Owner or Owners thereof, or to any other person or persons intrusted with or concerned in such Net or Nets, to remove the same forthwith, and on refusal or neglect, to proceed immediately to take up all such Nets, they shall be subject and liable to a penalty not exceeding Twenty Shillings for the first offence, and for the second and every future offence, shall be liable to a fine not exceeding Five Pounds, the said fines to be recovered and disposed of as hereinafter mentioned. Provided always, that this Act shall not subject any person to a fine or penalty when gales of wind or stress of weather shall render it impracticable or endanger the life of any person or persons to remove such Net or Nets in the day time as may have been previously set.

II. And be it enacted, That any person or persons who shall wilfully or designedly injure or destroy any Net or Nets set or placed for the purposes aforesaid; and properly buoyed or secured, shall, for every such offence, forfeit and pay to the party injured, a sum not exceeding Five Pounds, together with reasonable costs, to be recovered as hereinafter mentioned.

III. And be it enacted, That any person or persons who shall, at any time or season of the year, set any Nets or Seines across the Mouths or Outlets of any Streams in this Island, or across any other part of such Streams, so as to prevent Fish from passing into and up such Streams, shall be liable to a penalty not exceeding Five Pounds.

IV. And be it enacted, That all Fines and Penalties arising under or by virtue of this Act shall be recovered, with costs, on the oaths of two credible Witnesses, before any one of Her Majesty's Justices of the Peace, or a Commissioner for the recovery of Small Debts, being a Justice or Com-

missioner for the County or District wherein the offence shall have been committed, and shall be paid to the party who may sue for and recover the same, and if Goods and Chattels cannot be found whereon to levy such Fines and Costs, then the Offender shall be committed to the Jail of the County wherein the offence was committed, for a period not exceeding Sixty Days, there to remain, without being entitled to the benefit of any Act made for relief of Insolvent Debtors, or for granting the limits of Jails in this Island.

Appropriation of penalties.

Term of imprisonment when offender has no Goods or Chattels on which to levy penalty.

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

Continuance of Act.

CAP. XXX.

An ACT relating to Entire Horses.

[Passed, *March 30th, 1844.*]

BE it enacted, by the Lieutenant Governor, Council and Assembly, That no Entire Horse, being more than one year old, shall be used as such within the Town of Charlottetown except under such regulations as are hereinafter provided, that is to say, no such Horse shall be so used as aforesaid, in any uninclosed place whatsoever, but only within some permanent Building, having roofs and walls, and the doors of which shall be closed.

Entire Horses kept for covering within Charlottetown, how to be so used.

II. And be it enacted, That any owner or other person having charge of such Horse, who shall cause or permit the use of such Horse for the purposes aforesaid, otherwise than within such Building as aforesaid, shall, for every such offence, forfeit and pay a sum of not less than Ten Shillings or more than Two Pounds, which sum shall be

Penalty on owners using such horses contrary to provisions of this Act.

Appropriation of penalty. paid to the Overseer of Highways for the Precinct wherein such offence has been committed, and applied towards the repair of the Roads.

Mode of recovery of penalty.

III. And be it enacted, That such Fine, together with costs, shall be levied before any one of Her Majesty's Justices of the Peace or a Commissioner of Small Debts, within Charlottetown or the Royalty thereof, on the oath of one or more credible witness or witnesses, and in case such Fine shall not forthwith be paid, then it shall be levied by distress and sale of the goods and chattels of the offender; and in case no goods shall be found whereon to levy such distress, it shall be lawful for the said Justice to commit the said offender to the Jail of Charlottetown, for any period not exceeding Two Calendar Months, unless such fine and costs shall be sooner paid.

Imprisonment of offender having no Goods or Chattels on which to levy penalty.

CAP. XXXI.

An ACT to incorporate a Marine Insurance Company.

[Passed, March 30th, 1844.]

WHEREAS the Trade and Navigation of this Island will be benefited by the establishment of a 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: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That *James Peake, Charles Hensley, Daniel Brennan, Thomas H. Haviland, Andrew Duncan, Robert Longworth, Benjamin Davies, Samuel Mutch, John Davis, junior, Charles Hensley, junior, William W. Lord, Henry Palmer, James Yeo, Edward Palmer, Dennis Reddin, John Longworth, David Wilson, Thomas Pethick, James H. Peters,* and all and

Incorporates certain persons.

every such other person and persons as shall, from time to time, become Proprietors of 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 Prince Edward Island Marine Insurance Company*, and by that name shall have perpetual succession, and a Common Seal, with power the same Seal to change, alter, break and make new, as to the Company shall seem fit, and by that name also, shall and may sue and be sued, plead or be impleaded, at law or in equity, and shall and may prefer and prosecute any Bill or Bills of Indictment against any person or persons who shall commit any felony, misdemeanor or other offence by law indictable; and shall by that name be capable, authorized and empowered, to purchase, have, hold, receive, possess and enjoy, Lands, Messuages, Houses, Hereditaments, and Real Estates whatsoever, within this Island, either in *fee simple* or for terms of life, or lives, or years, or in any other manner, but not exceeding in value Five Thousand Pounds, and likewise Moneys, Securities for Money, Goods, Chattels, Effects and other things, of whatsoever kind or quality, and shall, by that name, and in their corporate capacity, be capable, authorized and empowered to give, grant, sell, assign, mortgage, demise absolute or conditionally, or otherwise dispose of all or any part of such real and personal Estate 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 Five hundred Pounds, unless to replace the same, or to repair damages sustained by the acci-

Name of Corporation.

Privileges and powers of Corporation.

Value of real estate to be held by Corporation.

May assign, mortgage, &c., real or personal estate.

Offices and buildings for business of Company not to exceed £500 in value.

dental destruction thereof, a larger expenditure shall become necessary.

Stock and number of shares, and amount of Shares.

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 Fifteen thousand Pounds, and at any future time, an additional Capital or Joint Stock of Ten thousand Pounds; and the same original Capital shall be divided into three 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 and 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 purposes 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.

Shares how vested.

Mode of distribution of nett profits on shares, &c.

Names of shareholders, &c., to be entered in

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 Books 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.

Book to be called "Registry of Shares," &c.

By whom book of Registry is to be kept.

Proprietor of shares entitled to certificate, &c.

Particulars of certificate.

Certificate to be evidence of ownership, &c.

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 of the said Company shall be provided.

Amount of shares when and how payable, &c.

Authorises company to sue for amount of shares subscribed and unpaid or declare the same forfeited.

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

Shares in original or increased capital to be deemed personal estate,

and assignable,
&c.

No share to be
divided into
parts.

Liabilities of
shareholders.

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 of, 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 call 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 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.

Joint Stock and
real and personal
estate of corporation
liable for its debts,
&c.

Liability of
shareholders.

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 or the Shares of the Stock held by such individual Member, except in the cases hereinafter provided for.

Shares how payable.

VII. And be it enacted, That the said original Capital of Fifteen 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 sum of Five Pounds, for and upon each and every Share subscribed for, shall be paid with-

in Thirty Days, after Public Notice is given by the Board of Directors, in one of the Island 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 the 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 one of the Island papers, Thirty days at the 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 received or paid at the Treasury of this Island.

Notice to be given of time of payment, &c.

VIII. And be it enacted, That every Subscriber to, 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 the usual Bond and Warrant of Attorney, to confess a Judgment in the Supreme Court, or 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.

Shareholders to give security by bond and warrant of Attorney, or mortgage on real estate or bond, with 2 sureties for amount of uncalled shares.

Conditions of such securities.

Bond or securities subject to approval of first 9 persons named in this Act until Board of Directors be chosen.

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

Shares of increased capital payable as Board of Directors may appoint.

Securities to be taken from Shareholders of increased Capital.

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.

Board of Directors, numbers &c.

Duty of Board of Directors, &c.

Numbers and names of officers of Company.

Powers and duties of President, Directors and other 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 Twelve Directors, and that the necessary officers of the said Company shall be, and at all times, except in case of vacancies arising from death, resignation, or otherwise, shall consist of One President, Twelve 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, as in and by this Act is, or by the Bye Laws of the said Company, shall hereafter be prescribed and established.

Qualification to render shareholders eligible as President or Directors.

XI. And be it enacted, That no Shareholder in the said Company shall be qualified to be elected or to sit or act as President, or one of the Directors of 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 Ten Shareholders, owning not less than Fifty 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 Three days 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 Company, shall be given by an Advertisement, published at least Ten days previous thereto, in one of the public Newspapers of the Island.

Annual meetings of Company.

Special meetings of Company, how summoned.

Meetings of Company where held.

Notice of meetings how to be given.

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 said 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,

Votes of shareholders at meetings.

Numbers of votes shareholders entitled unto.

Shareholders may vote by proxy.

Questions to be determined by majority of votes.

Majority of votes at meetings of Board of Directors to determine questions, &c.

President or Chairman at such meetings to have a casting vote in addition to his own personal vote, unless determined otherwise by bye laws.

Number of shareholders necessary to constitute an annual or special meeting of Company.

President or senior Director to preside at such meetings.

Meetings to be adjourned if sufficient number of shareholders do not attend, &c.

matter or thing, which shall be proposed, discussed, or considered, at any General or Special Meeting of the Company, shall be determined by a majority of the Votes and Proxies then given, and every question, matter or thing, which shall be proposed, discussed or considered, at any Meeting of the Board of Directors, shall be determined by the majority of Votes then given by the Directors then present, and in case it should happen, that at any General or Special Meeting of the Company or Meeting of the Board of Directors; the Votes shall be equal, then the President of the Company, or in his absence the Chairman of the Meeting, or of the Board, shall be entitled to a casting Vote, 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, at least Fifteen 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 meeting 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 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.

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, 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.

Orders and proceedings of general or special meetings to be entered in a book, &c.

And signed by President or Chairman, and be deemed the original order, &c.

XVI. And whereas Two hundred of 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 Ten Shares: Be it therefore enacted, That the Five persons first named in this Act, shall as soon as conveniently may be, after the passing hereof, by an advertisement, to be published in one of the Island Newspapers, give notice that 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 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 Five 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 Five persons shall receive the same, and the said Nine

Mode of proceeding and by whom to obtain subscriptions for shares in Company.

Shares so subscribed for to be entered, &c.

Limits the number of shares to be held by each shareholder.

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.

Mode of proceeding when 200 shares are subscribed for.

At first meeting of Company a Chairman to be chosen, and Secretary and Broker.

Election of Directors, and number, and Secretary, &c.

President of Board of Directors, how chosen.

All offices to be annual.

XVII. And be it enacted, That so soon as the number of Two hundred Shares, of the said original Capital of Fifteen thousand pounds shall have been subscribed, the said Five persons first named in this Act, shall by public advertisement, to be printed in one of the Island Newspapers 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, Broker or Brokers, the Company hereby incorporated shall be formed and organized, and go into operation under this Act, and the said subscribers then and there present or their proxies, shall and may forthwith in the manner in this Act prescribed, proceed to elect Thirteen Directors for the said Company, and a Secretary, Broker or Brokers, Auditors and such other officers as may be deemed expedient, for organizing the business thereof, and from and after such election, the persons so elected and chosen shall be, and become forthwith the Officers of the said 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, during which time, the said President shall remain in Office, unless by a vote of any General or Special Meeting of the Shareholders his Office 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 General Meeting in January. One thousand Eight hundred and Forty-five, 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.

XVIII. And be it enacted, That on the second Tuesday of January in each and every year, the Directors of the said Company for the then ensuing year, shall be elected by ballot in the following manner, viz: The Shareholders shall first elect Eight Directors for the then ensuing year, out of the Thirteen Directors who have served for the preceding year, and shall then elect five other Directors from the Shareholders of the Company, qualified to become Directors; Provided always, That it shall and may be lawful for the said Shareholders to re-elect the other five persons who were Directors the preceding year, or any of them, if they shall think proper so to do.

Mode of election of Directors annually, and time of election.

XIX. And be it enacted, That the Office of the President or Directors, Secretary, Broker or Brokers or Auditors of the said Company, shall become and may by the Board be declared vacant on the death, resignation, three months' absence or permanent removal of such Officer from the Island, 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 second Tuesday of January annually, 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 second Tuesday of January, in every year after the present year; Provided always, that any

What shall constitute a vacancy of office of President, Director, or other officers.

Vacancies how to be filled up.

Time when officers, &c. elected at annual meetings shall enter upon their duties.

Director or other Officer so going out of Office shall be capable of being re-elected by the Company.

When £1000 is paid up, Company may begin business.

Powers and duty of Directors.

Business of Company.

XX. And be it enacted, That when and so soon, as the sum of One 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 the 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 one of the Newspapers published in the Island, 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 their Office will be open for such business, and thereupon the said Company shall and may at the day so named, commence and carry on, in their office in Charlottetown or elsewhere in this Island, 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 and upon any voyages or adventures whatsoever, and for and upon all Goods, Merchandize, property and effects whatsoever, and all Money, 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 and 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 all claims and demands for losses, for or in respect of any such Insurances, or of any orders therefor to 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.

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 from the constitution of the said Company as aforesaid, no greater sum than Ten Pounds *per centum* upon the subscribed Capital of the Company shall be assured, and be at risk at any one time, upon any one Ship or Vessel, or upon any Goods,

What shall render orders, &c. obligatory on Company.

Time for payment of losses.

Limits amount to be insured at any one time by Company upon any one risk, &c.

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, for the time being, Ten *per centum* upon the subscribed Capital of the Company.

Affairs of Company how to be managed.

Quorum of Directors.

Power of Directors.

XXII. And be it further enacted, That the affairs and business of the said Company, shall be managed and transacted by the Board of Directors thereof, of whom Three Directors with the President, or in case of his death, sickness, or absence from any other cause, Four Directors, one of whom being Chairman of the Meeting, shall constitute a Meeting, and the same Board of Directors, for the time being, shall have full power and authority to meet and adjourn from time to time, and from place to place, as they shall see fit, and also to direct, manage and conduct, with the assistance of the Secretary, Broker or Brokers, all the affairs and business of the Company, and the taking and accepting orders for Insurance, fixing the premium therefor, executing, sealing, and delivering Policies of 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 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.

XXIII. And be it further enacted, That it shall be lawful for the said Board of Directors, to allow and pay to the Secretary, Broker or Brokers, and any other officers and servants of the Company, such compensation and allowances as may be reasonable and agreed upon, and to the President, such compensation as the Company at any General Meeting shall order for his services, but the said Directors and Auditors shall not be entitled to take or receive any payment or remuneration whatsoever, for their services respectively.

Allowance to Secretary and other officers of Company.

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 moneys received, shall be kept constantly invested on good Real or Personal Securities, to be taken by Instruments under Seal, or in the public Funds, at Interest in the name of the Company, but no part 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 on Mortgage 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, Mortgage of Real Estate or Personal Property, may be made to, and held by the Company; Provided also, that Mortgage Interests in Ships, Vessels or Goods, may be insured thereby, nor shall the said Funds be used or employed in merchandize, nor shall the Company Trade or carry on

Surplus funds to be invested.

Security on real or personal estate may be taken for stock or surplus funds.

Funds, &c., not to be used in merchandize, &c.

No Loan to be made to Director.

No Stockholder to whom a Loan is made eligible to be elected a Director.

Powers and duties of Directors.

any business as Merchants, or deal in buying and 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.

XXV. And be it further enacted, That the said Board of Directors, shall have power and authority, and they are hereby strictly required, to cause to be balanced the Books of the said Company, on the last day of December, One thousand Eight hundred and Forty-four, or at such other period as any General Meeting shall require, and the same being so balanced, shall be carefully examined and signed by the said Auditors, and approved by the Board of Directors, and an abstract of the said balance, 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 and Regulations 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 Island, for

the information of the Lieutenant Governor, and Her Majesty's Council, and of the General Assembly.

XXVI. And be it further 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 order 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, &c., to be open to inspection to members of Board of Directors.

XXVII. And be it further 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, 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 the securities taken for the premiums of Insurance undetermined and outstanding, on the last day of December, One thousand Eight hundred and Forty-four, and in each year thereafter, shall not be deemed to be part of such profits.

When, how, and by whom, Dividends are to be declared.

Disposal thereof.

Premiums on outstanding risks not to be deemed part of profit.

XXVIII. Provided always, and be it further enacted, That if at the Annual Meeting in Janu-

Disposal of nett profits when they exceed a certain sum per share.

ary, One thousand Eight hundred and Forty-five, 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 in 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.

Company to have power to make Rules, Bye-Laws, &c.

XXIX. And be it further enacted, That the said Company shall have full power and authority from time to time, at the first or ta 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 transactions 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 and 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

Such Rules, Bye-Laws, &c., to be written, &c., also signed

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 Island, or to the Laws in force within the same, or to the express directions or provisions of this Act.

by Chairman, &c., and sealed with seal of Company.

Not to be repugnant to laws of this Island or to this Act.

XXX. And be it further 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.

Books and accounts of Company to be open to examination of person or persons appointed by Lt. Governor, &c.

And securities taken for surplus capital stock to be approved of by Lt. Governor, &c, before any policy is issued.

XXXI. And be it further 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 therefor be signed or issued, after such knowledge of the 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

In certain cases President and Directors who may issue policies to be individually liable thereon.

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.

Company how dissolved.

XXXII. And be it further 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 on that day shall cease and determine, but the President and Board of Directors and Officers of the Company shall continue in office during such time as shall be required for winding up the affairs and business of the Company, and all corporate powers for this purpose 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.

Directors to take security from all persons entrusted with funds or

XXXIII. And be it enacted, That the Directors shall be, and they are hereby required to take security to such amount as may be necessary,

from all or any person entrusted with the custody or expenditure of any of the Funds or other effects of the said Company.

XXXIV. And be it enacted, That this Act shall continue for the term of Twenty-one years, and no longer, unless the same shall be determined in the manner before expressed.

effects of Com-
pany.
Continuance of
Act.

CAP. XXXII.

An ACT for appropriating certain Moneys therein mentioned, for the service of the year of our Lord One thousand eight hundred and Forty-four.

[Passed, *March* 30th, 1844.]

May it please your Excellency ;

WE Her Majesty's dutiful and loyal subjects, the House of Assembly of Prince Edward Island, towards appropriating the several Supplies raised for the exigencies of Her Majesty's Government, do humbly beseech that it may be enacted, and, be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That by or out of such Monies as from time to time, shall be and remain in the Public Treasury of this Island, there shall be allowed and paid, for the services herein mentioned the several sums following, that is to say :

A sum not exceeding Three thousand Four hundred Pounds, for the general service of Roads, Bridges and Wharfs, to be expended agreeably to the Report of the Committee of the House of Assembly, appointed for the consideration of all matters relating to Roads, Bridges and Wharfs, and that such sum be divided between each of the Three Counties, according to the following scale : Queen's County, One thousand Three hundred

£3,400 for
Roads and
Bridges for the
3 Counties.

Pounds; Prince County, One thousand and fifty Pounds; and King's County, One thousand and fifty Pounds.

£200 for new Roads under Road Compensation Act.

And a further sum of Two hundred Pounds, to be placed at the disposal of the Lieutenant Governor, to be expended in laying out and opening New Roads, under the Road Compensation Act, for the present year, should the same be required.

£150 for contingent expenses of Roads and Bridges.

And a further sum of One hundred and fifty Pounds, to defray the contingent expenses of Roads and Bridges for the present year, should the same be required, to be equally apportioned between each of the three Counties.

£500 to Treasurer for his salary.

And a further sum of Five hundred Pounds, to defray the salary of the Treasurer of this Island, for the present year.

£400 to Colonial Secretary & Clerk of Executive Council for his salary.

And a further sum of Four hundred Pounds, to defray the salary of the Colonial Secretary and Clerk of the Executive Council, for the present year.

£100 to Chief Justice for travelling charges.

And a further sum of One hundred Pounds, to defray the Travelling Charges of the Chief Justice, for the present year.

£260 to Collector of Excise for his salary.

And a further sum of Two hundred and sixty Pounds, to defray the salary of the Collector of Impost at Charlottetown, for the present year.

£180 for salaries for Sub-Collectors of Customs.

And a further sum of One hundred and eighty Pounds, to defray the salaries of five Sub-Collectors of Customs, for the present year.

£300 for salaries of Masters of Academy.

And a further sum of Three Hundred Pounds, to defray the salaries of the Masters of the Central Academy, for the present year.

£1200 for general Education.

And a further sum of One thousand two hundred Pounds, for the encouragement of general Education, as established by law.

£75 for salary of Adjutant General of Militia.

And a further sum of Seventy-five Pounds, to defray the salary of the Adjutant General of Militia, for the present year.

£250 for contingent expenses of Government.

And a further sum of Two hundred and fifty Pounds, to defray the contingent expenses of Government, for the present year.

And a further sum sufficient to defray the contingent expenses of the Legislative Council and House of Assembly, for the present year.

A sum sufficient for contingent expenses of Legislative Council and Assembly.

And a further sum of Thirty Pounds, to defray the salary of the Wharfinger of the public Wharf, at Charlottetown, for the present year.

£30 for salary of Wharfinger for Charlottetown.

And a further sum of One hundred and seventy Pounds, to defray the Salaries of Seventeen Road Commissioners, at Ten Pounds each, for the present year.

£170 for salaries of Road Commissioners.

And a further sum of Sixty Pounds, to defray the salaries of Three Sheriffs for King's, Queen's, and Prince Counties, for the present year.

£60 for salaries for Sheriffs of 3 Counties.

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

£25 for salary of Master of National School.

And a further sum of Forty Pounds, to defray the salary of the Market Clerk, in Charlottetown, for the present year.

£40 for salary of Market Clerk for Charlottetown.

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

£40 for Messenger of Council, Tipstaff in Chancery, and Crier of Supreme Court.

And a further sum of Forty Pounds, to defray the salary of the Jailer of Charlottetown Jail, for the present year.

£40 for salary of Jailer of Charlottetown Jail.

And a further sum of Sixty Pounds, to defray the salaries of the Jailers of King's and Prince Counties, for the present year.

£60 for salaries of Jailers of King's and Prince Counties.

And a further sum of Ten Pounds, to defray the salary of the Assayer of Weights and Measures in Charlottetown, for the present year.

£10 for salary of Assayer of Weights and Measures in Charlottetown.

And a further sum of Ten Pounds to the Medical Attendant of the Charlottetown Jail, for his services, and for Medicines, for the present year.

£10 to Medical Attendant of Charlottetown Jail.

And a further sum of Fifteen Pounds, to defray the allowance to the Matron of the Charlottetown Jail, for the present year.

£15 to Matron of Charlottetown Jail.

And a further sum of Thirty Pounds, to defray the salary of the Postmaster, for conducting the Inland Mails, for the present year.

£30 to Postmaster for conducting Inland Mails.

£40 for salary of Road Correspondent.

And a further sum of Forty Pounds, to defray the salary of the Road Correspondent, for the present year.

£20 for premiums for killing Bears and Loupcerviers.

And a further sum of Twenty Pounds, to defray the amount of Premiums for the destruction of Bears and Loupcerviers, for the present year.

£200 for expenses of Jails in 3 Counties.

And a further sum of Two hundred Pounds, to defray the Sheriffs' expenses for Jails in the three Counties, for the present year, should the same be required.

£100 for Fuel and Bread for Jails in 3 Counties.

And a further sum of One hundred Pounds, to provide Fuel and Bread for the Jails in the three Counties, for the present year.

£4 for Medical attendant to each Jail in King's and Prince Counties if required.

And a further sum of Four Pounds, to be placed at the disposal of the Lieutenant Governor, to each of the Jails of King's and Prince Counties, to provide Medical Attendance, for the present year, should the same be required.

£400 for Crown Prosecutions if required.

And a further sum of Four hundred Pounds, to defray Crown Officers' Fees, for the present year, should the same be required.

£50 for Crown Officer's fees for other services.

And a further sum of Fifty Pounds, or as much thereof as may be required, to defray Crown Officers' Fees for other services.

£350 for expense of conducting Inland Mail.

And a further sum of Three hundred and fifty Pounds, to defray the expense of conducting the Inland Mails, for the present year.

£150 for expense of conducting Winter Mail.

And a further sum of One hundred and fifty Pounds, to defray the expense of conducting the Winter Mails, for the present year.

£300 for public printing and stationary.

And a further sum of Three hundred Pounds, to defray the expense of Public Printing, and Stationary, for the present year.

£1000 for interest on Treasury Warrants.

And a further sum of One thousand Pounds to defray the Interest on Treasury Warrants, for the present year, should the same be required.

£20 for plans and estimates for public works.

And a further sum of Twenty Pounds, for Plans and Estimates of Public Works, for the present year, should the same be required.

£600 to Steam Navigation Company.

And a further sum of Six hundred Pounds, to defray the Grant of the Prince Edward Island

Steam Boat Company, for the conveyance of the Mails, for the present year.

And a further sum of Thirty Pounds for the encouragement of a Packet between this Island and Shediac; and a further sum of Seventy Pounds, for the encouragement of a Packet between Georgetown and Pictou, for the present year.

£30 for Shediac Packet.

£70 for Georgetown Packet.

And a further sum of Five Pounds, to Archibald M'Kenzie, Teacher, on his producing to the Colonial Secretary a Certificate from the Board of Education, that he has taught a School in conformity with the provisions of the Act of 4th Victoria, Cap. 6, for the period of Six Months.

£5 to Archibald M'Kenzie, schoolmaster.

And a further sum of Forty-eight Pounds Fourteen Shillings, to William M'Neill, Esquire, as compensation for law expenses incurred by him in defending an action for having authorized the closing up an old Road, in the year One thousand eight hundred and Twenty-five, as Commissioner of Roads.

£48 14s. to Wm. M'Neill to reimburse him for costs incurred by him in a prosecution against him as a Road Commissioner.

And a further sum of Fourteen Pounds, to defray the expense of Government Pews in Saint Paul's Church for the present year.

£14 for assessment on Government Pews in St. Paul's Church.

And a further sum of Six Pounds to the Trustees of Saint James's Church for the use of a Pew for the Legislature.

£6 for a pew in St. James's Church for Legislature.

And a further sum of Six Pounds, to the Trustees of the Wesleyan Chapel for the use of a Pew for the Legislature.

£6 for a pew in Wesleyan Chapel for Legislature.

And a further sum of Ten Pounds, to defray the salary of the Librarian to the Legislature, for the past year.

£10 for salary of Librarian to Legislature.

And a further sum of One hundred Pounds to defray the excess of expenditure in and about Government House, during the past and part of the present year.

£100 for expenditure about Government House for past and part of present year.

And a further sum of One hundred and fifty Pounds to the Joint Committee of the Legislative Council and House of Assembly, to defray the expense of necessary repairs in and about Government House, for the present year.

£150 for repairs about Government House.

£70 for Furniture for Government House.

And a further sum of Seventy Pounds, to the Joint Committee of the Legislative Council and House of Assembly, to defray the expense of procuring such articles of the Government Furniture, as may be necessary to be renewed the present year.

£25 for building a Boat for conveyance of Winter Mails.

And a further sum of Twenty-five Pounds, or as much thereof as may be necessary, to the Lieutenant Governor, to defray the expense of building a proper Boat for the conveyance of the Winter Mails across the Strait.

£20 for purchase of Guano from Bird Islands.

And a further sum of Twenty Pounds, at the disposal of the Agricultural Society, for the procuring, at the earliest opportunity during the ensuing Spring, any quantity of Guano, not being less than Two Tons, from the Bird Islands, or any other place in the Gulf of Saint Lawrence, to be sold or applied under the directions of such Committee for experimental purposes in Agriculture within this Colony.

£400 for Bounties for Cod and Seal Fisheries, for year 1814, and £500 per annum for years 1845 and 1846.

And a further sum of Four hundred Pounds, to be applied as a bounty for the encouragement of the Cod and Seal Fisheries, for the present year; and a further sum of Five hundred Pounds per annum for the Two following years, to be paid under the provisions of an Act to be passed for that purpose during the present Session.

£15 to Charlot-
teton Infant
School, and £5
to Teacher.

And a further sum of Fifteen Pounds, in aid of the funds of the Charlot-ton Infant School, for the present year, and the sum of Five Pounds as a gratuity to Mr. Hubbard, Teacher of the said School.

£33 to Ladies' Benevolent Society.

And a further sum of Thirty-five Pounds to the Ladies' Benevolent Society, in aid of the funds of that Institution.

£60 to Speaker, and £30 to each Member of Assembly, and also travelling charges.

And a further sum of Sixty Pounds, to the Speaker, and the sum of Thirty Pounds to each of the Members of the House of Assembly, together with travelling expenses, in twice coming to and returning from the present Session, to reimburse them for their expenses.

And a further sum of Four Pounds, at the disposal of the Lieutenant Governor, for the erection of a Beacon in the Harbour of Crapaud.

£4 for erection of a Beacon in Crapaud Harbour.

And a further sum of Four hundred and eighty Pounds, in addition to the sum of Six hundred Pounds voted last Session, and the sum of Four hundred and twenty Pounds individual subscription, to complete the contracts entered into for the building of the new Wharf at the end of Pownal Street, Charlottetown.

£480 to Pownal Street Wharf.

And a further sum of Five Pounds, to William M'Kay, Georgetown, for his services as Market Clerk, for the present year.

£5 to Clerk of Market House at Georgetown.

And a further sum of Thirty Pounds to George Birnie, as remission of Colonial Duty paid by him on articles imported for the use of the Phoenix Foundry.

£30 to George Birnie, return of Colonial Duty paid by him on articles for Phoenix Foundry.

And a further sum of Five Pounds, or as much thereof as may be required, to James Walsh, Lot Forty-eight, for putting an Iron Chamber in the Pump at the Hillsborough Ferry for public use, and for providing a Water Trough, the amount to be paid on producing a certificate from the Commissioner of Roads for the Tenth District, that such has been done.

£5 for Iron Chamber to pump at Hillsborough Ferry, and for a water trough.

And a further sum of Five Pounds, to John Arbuckle, allowed for the services of Mrs. Arbuckle teaching infant children in the Grammar School, Georgetown.

£5 to John Arbuckle for services of his wife in teaching infant children in grammar school, Georgetown.

And a further sum not exceeding Twenty Pounds, at the disposal of the Lieutenant Governor, to defray the necessary expense of a competent person or persons to be appointed by Government, to examine into and report upon the practicability and probable expense of making a passage for vessels to enter into and pass out of Surveyor's Inlet, near East Point, the same to be explored during the present year.

£20 for survey and report of Surveyor's Inlet, East Point.

And a further sum of Ten Pounds, to James Arthur, New Glasgow, for the relief of Robert Winter.

£10 for relief of Robert Winter.

£31 10s. to Edward Thornton, Esq., for relief of several persons.

And a further sum of Thirty-one Pounds Ten Shillings, to Edward Thornton, Esquire, for the relief of the following persons: Patrick Kiefe, Two Pounds Ten Shillings; John Rowan, Three Pounds; Sarah Rice, One Pound Ten Shillings; Henry East, Three Pounds Ten Shillings; Henry Prouse, Six Pounds; Mrs. Walsh, Three Pounds; John Griffin and Sisters, Five Pounds; Widow Ronald Crawford and Sister, Three Pounds; Edward Dooley, Two Pounds; and Thomas Sloane, Two Pounds.

£7 to Rev. Robert Douglas for relief of several persons.

And a further sum of Seven Pounds, to the Rev. Robert Douglas, for the relief of the following persons: Catharine Partridge, Two Pounds; John Smith, Three Pounds; and Mrs. Brown, Two Pounds.

£18 10s. to John M'Intosh, Esq., for relief of several persons.

And a further sum of Eighteen Pounds Ten Shillings to John M'Intosh, Esquire, for the relief of the following persons: Angus Wilson, Two Pounds; Thomas Devereux, Four Pounds; Victorie De Cost, Two Pounds; Richard Whelan, Two Pounds; Elizabeth Brow, Two Pounds Ten Shillings; John M'Millan, Two Pounds; Pierie Walsh, St. Peter's, Two Pounds; and Michael O'Neil, Two Pounds.

£13 10s. to Alex. M'Lean, Esq., for relief of several persons.

And a further sum of Thirteen Pounds Ten Shillings, to Alexander M'Lean, Esquire, for the relief of the following persons: Angus Gordon, Two Pounds; Charles M'Donald, Two Pounds; Sween Campbell, Two Pounds; Widow Nicholson, Two Pounds Ten Shillings; Alexander M'Leod, Two Pounds Ten Shillings; Mary M'Sween, Two Pounds Ten Shillings.

£46 10s. to Hon. John S. M'Donald for relief of several persons.

And a further sum of Forty-six Pounds Ten Shillings to the Hon. John Small M'Donald, for the relief of the following persons: John Ready, Three Pounds; Ann M'Lean, Five Pounds; Elizabeth Curran, Three Pounds; Elizabeth Lallow, Three Pounds; Philip Caudy, Two Pounds; Adelaide Murphy, Two Pounds Ten Shillings; Philip Coolen, Two Pounds; Jane Kier, Two Pounds Ten Shillings; Flora M'Phee, Two

Pounds ; James Conway, Four Pounds ; Widow M'Leod, Three Pounds ; Patrick M'Carren, Four Pounds ; Catharine M'Donald, Two Pounds Ten Shillings ; John M'Donald, Three Pounds ; Mary Brit, Three Pounds, and to James Cardiff, Seaman, at Nine Mile Creek, Two Pounds.

And a further sum of Thirty-six Pounds Ten Shillings to the Rev. John M'Lennan, for the relief of the following persons : James Maddox, Six Pounds ; Margaret Finlayson, towards the support of her son, Five Pounds ; Mary M'Aulay, towards the support of her son, Eight Pounds ; Ann M'Donald, Two Pounds Ten Shilling ; John M'Leod, One Pound Ten Shillings ; Donald Munn, One Pound Ten Shillings ; Flora M'Leod, Three Pounds ; Christy Curry, Three Pounds ; Widow Barret, Three Pounds, Thomas Pendergrass, Three Pounds.

£36 10s. to Rev. John M'Lennan for the relief of several persons.

And a further sum of Fifty-five Pounds Ten Shillings to the Benevolent Irish Society, for the relief of the following persons : John Macnamara, Seven Pounds Ten Shillings ; William Purcell, Ten Pounds ; Joannah Redmond, Three Pounds ; Widow Reiley, Two Pounds Ten Shillings ; John Hynes, Three Pounds ; Jeremiah Kehoe, Three Pounds ; Margaret M'Carty, Eight Pounds ; William Maher, Five Pounds ; Thomas Conner, Seven Pounds Ten Shillings, to pay his passage to his friends ; Patrick Corrigan, Four Pounds Ten Shillings, Three Pounds of the amount to pay his passage to his friends ; and John Walsh, the sum of One Pound Ten Shillings.

£55 10s. to Benevolent Irish Society for relief of several persons.

And a further sum of Thirty One Pounds to the Hon. the Speaker for the relief of the following persons : Mathew Flinn, Twelve Pounds ; Widow M'Kenna, Two Pounds Ten Shillings ; Elizabeth M'Donald, One Pound Ten Shillings ; Peter Reshar, Two Pounds ; Widow Young, Three Pounds ; Widow Duffee, Two Pounds Ten Shillings ; William M'Neil, Three Pounds ; Flora Nicholson, Lot Sixty Seven, Three Pounds ; and

£31 to Speaker of Assembly for relief of several persons.

to William Porter, One Pound Ten Shillings, to pay his passage to Nova Scotia.

£17 to James Simpson for 3 blind persons and another person.

And a further sum of Seventeen Pounds to James Simpson, for the relief of the following persons ; Three blind persons named M'Kay, Fifteen Pounds ; Henry Windsor, Two Pounds.

£6 to William Beairsto, Esq., for relief of several persons.

And a further sum of Six Pounds to William Beairsto, Esq., for the relief of the following persons : Daniel Quigley, One Pound ; James Gillis, Two Pounds ; Maurice Curran, Three Pounds.

£21 10s. to Jas. Yeo, Esq., for relief of several persons.

And a further sum of Twenty-one Pounds Ten Shillings to James Yeo, Esq., for the relief of the following persons : Ellen Moran, Eight Pounds ; George Murray, Lot Seven, Four Pounds ; Jane Cotton, Three Pounds ; Sally Francis, One Pound Ten Shillings ; John Gabriel, Two Pounds ; and to John Ruth and Wife, the sum of Three Pounds.

£8 10s. to Allan Fraser, Esq., for relief of several persons.

And a further sum of Eight Pounds Ten Shillings to Allan Fraser, Esq., for the relief of the following persons : Michael Lang, Two Pounds ; Mary Gallant, Three Pounds Ten Shillings ; and and to Thomas Conden, Three Pounds.

£3 to James M'Callum for Pierie Doucette.

And a further sum of Three Pounds to James M'Callum, Brackley Point for the relief of Pierie Doucette, Rustico.

E. J. M.
11/13/13