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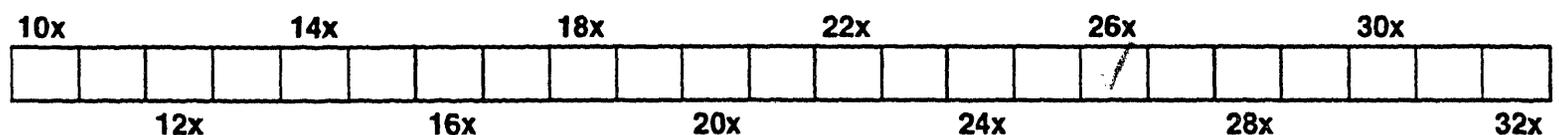
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THE
STATUTES AT LARGE,

PASSED IN THE SEVERAL

GENERAL ASSEMBLIES,

HELD IN

HIS MAJESTY'S

PROVINCE OF NOVA-SCOTIA:

FROM

THE YEAR 1817, TO THE YEAR 1826, INCLUSIVE,

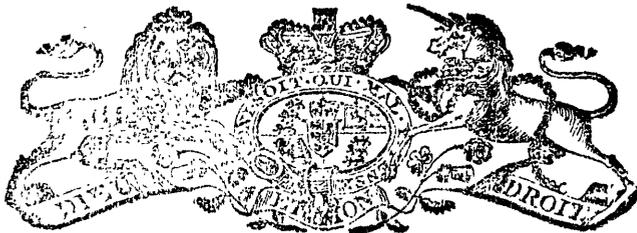
With an INDEX and TABLE of the LAWS, expired, repealed, executed, and disallowed, during the above period.

PUBLISHED BY ORDER OF THE GOVERNOR, COUNCIL, AND HOUSE OF ASSEMBLY.

VOL. III.

BY

WILLIAM HILL, and W. B. BLISS, Esquires.



HALIFAX:

PRINTED by JOHN HOWE & SON, Printers to the KING'S

Most EXCELLENT MAJESTY.

1827.

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ERRATA

—0—

The Acts of 53th Geo. 3, Cap. 23, page 33; and 59th, Geo. 3, Cap. 28, page 64, are printed by mistake.—The former being repealed by 3 Geo. 4, Cap. 32, and the latter by Geo. 4, Cap. 6.

At the **GENERAL ASSEMBLY** of the Province of Nova-Scotia, begun and holden at Halifax, on Thursday, the 6th day of February, 1812, and continued by several Prorogations to Thursday, the Thirteenth day of February, 1817, in the Fifty-seventh year of the Reign of our Sovereign Lord **GEORGE** the Third, by the Grace of God, of the United Kingdom of Great-Britain and Ireland, **KING**, Defender of the Faith, &c. &c. &c. being the Seventh Session of the Tenth General Assembly convened in the said Province.*

* In the time of the Right Honorable **GEORGE**, Earl of Dalhousie, Knight Grand Cross of the Most Honorable Military Order of the Bath, Lieutenant-Governor; S. S. Blowers, Chief Justice, and President of Council; Simon Bradstreet Robie, Speaker of the Assembly; Rupert D. George, Secretary of the Council; and James B. Franklin, Clerk of Assembly.

CAP. I.

An Act for the more effectual Relief of Insolvent Debtors.

WHEREAS, the Acts now in force for the relief of Insolvent Debtors have been found, in some cases, insufficient; for remedy thereof—

I. Be it enacted by the Lieutenant-Governor, Council and Assembly, That whenever there shall not be two Justices of the Supreme Court within twenty miles of any County or District Gaol, within this Province, in which any person or persons shall be charged in execution upon any Judgment of the Supreme Court, for any sum or sums of money, that it shall and may be lawful for the person or persons so charged in execution in such Gaol, to exhibit a petition to any two Justices of the Inferior Court for such County or District, in the same manner as it is directed by an Act, passed in the third and fourth years of His present Majesty's reign, entitled, An Act for the relief of Insolvent Debtors, that such petition shall be exhibited by any two Justices of the Court from whence the process issued; and the Justices of the Inferior Court to whom such petition shall be presented, are hereby empowered and directed to proceed upon such petition in the same manner that any two Justices of the Court from whence the process issued, are, in and by the said Act, and by the Act in addition to and amendment thereof, made and passed in the fifty-third year of His present Majesty's reign, directed to proceed, and shall make a record of the Judgment which they shall pronounce upon such petition; and return the same into the Court from whence the process on which such prisoner was taken in execution issued, to be kept among the records of the said Court. *Provided always*, That if either the Plaintiff or Defendant be dissatisfied with the order or judgment of the Justices of the Inferior Court upon such petition, the party so dissatisfied may appeal to the Supreme Court, at its next Sittings, in the said County or District, or to any two Justices of the said Court in vacation; and the said Supreme Court, or the said Justices, may examine the record of the proceedings

Preamble

In the absence of Justices of Supreme Court, two Justices of Inferior Court may decide on Petitions of Insolvent Debtors.

Appeal from decision of the Justices of Inferior Court.

ceedings returned by the Justices of the Inferior Court, and if they shall see fit, may again examine the prisoner touching the truth of the said petition, and may either confirm or reverse the order made upon the said petition by the said two Justices of the Inferior Court. *Provided also, That, pending the said appeal, the Plaintiff shall be bound to continue the supply of bread to which the prisoner may be entitled under the order of the Justices to whom such petition was in the first instance presented.*

Bread to be supplied to Prisoner pending the appeal

And to prevent Persons who may be charged in execution, from lying in prison until they have spent their substance; wherewith they should satisfy their Creditors, and afterwards taking the benefit of the Acts for the relief of Insolvent Debtors—

Time for Petitioning limited

II. *It is hereby enacted, That no person who shall hereafter be charged in execution, shall be allowed or permitted to exhibit a Petition to any of the Courts of Law in this Province, or to any of the said two Justices of the said Courts as is hereby before provided, unless such Petition be exhibited, if before the Court, within the first term of the Court which shall be held in the County or District next after such person shall be so charged in execution; and if before the said two Justices, within forty days after such person shall be so charged in execution, unless the person or persons exhibiting such Petition satisfy the Court, or the said Justices, that they have not remained in Gaol for the purpose of defrauding their creditors. *Provided always, That each and every person now confined under execution as aforesaid, shall be allowed to apply by Petition as aforesaid, at any time within forty days after the publication of this Act.**

Debtors defrauding Creditors

Debtors now confined in Jail

And Whereas, doubts have arisen as to the time and nature of the Notice to be given to the Creditor or Creditors under the beforementioned Act—

Notice to Creditors

III. *Be it enacted, That the prisoner, or some person on his behalf, shall give two days notice to the creditor or creditors at whose suit or suits the prisoner is charged in execution, or to his or their Attorney or Agent, of the time and place appointed by the Court, or by the said Justices, to consider the said Petition; and if the said creditor or creditors do not reside within ten miles of the place so appointed for the consideration of the said Petition, the prisoner shall give, or cause to be given, an additional day's notice for every twenty miles from the place of the said meeting to the residence of the creditor or creditors, or of his or their Attorney or Agent.*

Period within which Debtors may be relieved

IV. *And be it further enacted, That any person imprisoned for Debt upon any process issuing from any Court in this Province, against whom judgment has been or shall be recovered, shall be entitled to the relief provided by this Act, after the expiration of thirty days from the time such judgment has been or shall be recovered, though the creditor shall not within that time, sue out his execution and charge the Debtor therewith.*

Benefit of Act extended to all persons imprisoned for Debt

V. *And be it further enacted, That the benefit of this Act shall be extended to all persons imprisoned for Debt, notwithstanding the Debts for which they are so imprisoned shall exceed the sum of five hundred pounds. *Provided always, That nothing in this Act contained shall extend, or be construed to extend, to the relief of persons imprisoned for Debts contracted with Merchants residing in the United Kingdom of Great-Britain and Ireland.**

And Whereas, Debtors of the Crown, by the provisions contained in the said Insolvent Debtors' Acts, are precluded from taking the benefit thereof, which, in some instances, has proved oppressive to distressed persons—

Debtors of the Crown, how relieved

VI. *Be it therefore enacted, That in case any person may hereafter be imprisoned for debt, at the suit of the Crown, it shall be lawful for any two of the Judges of His Majesty's*

Majesty's Supreme Court, to examine any such person or persons on oath, and by all lawful ways and means to ascertain whether such person or persons be insolvent or not, and if it shall appear to said Judges that the person or persons so imprisoned at the suit of the Crown, be unable to pay the debt or debts so due, it shall be lawful for such Judges to certify the same, together with an inventory of such property as it may appear that such insolvent Debtor or Debtors may be possessed of, to the Governor, Lieutenant-Governor, or Commander in Chief, for the time being; and it shall be lawful for such Governor, Lieutenant-Governor, or Commander in Chief, if he shall think proper, by and with the advice of His Majesty's Council, by warrant under his hand and seal, to order His Majesty's Attorney-General to assent, on behalf of the King, to the discharge of such Insolvent Debtor or Debtors, any thing in the said Acts contained to the contrary notwithstanding.

CAP. II.

An Act in amendment of an Act, passed in the twenty-eighth year of His Majesty's reign, entitled, An Act to prevent the circulation of base and counterfeit Half-pence, and other Copper Coin, and to establish the current value of English Crowns, Half Crowns and Shillings, in this Province.

This Act disapproved of by His Majesty

WHEREAS, notwithstanding the provisions contained in said recited Act, many ignorant and evil disposed persons still continue to import and circulate, as Half-pence, large quantities of base Copper Coin. And Whereas, experience has proved that a sufficient quantity of Copper Coin, or Half-pence, such as do legally pass current in Great-Britain and Ireland, cannot be obtained in this Province, whereby the trade of the same suffers great injury and inconvenience: for remedy whereof—

Preamble

I. Be it enacted, by the Lieutenant-Governor, Council and Assembly, That immediate measures shall be taken to obtain a quantity of good and proper Copper Half-pence, sufficient for the trade and circulation of this Province, and calculated not to be under the weight of five penny weight and twelve grains for each Half-penny; for which purpose one or more fit and proper persons, not exceeding three, shall be nominated and appointed by the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, by and with the advice and consent of His Majesty's Council, for the time being, to act as Commissioner or Commissioners in this behalf; and it shall be lawful for such Commissioner or Commissioners, when so appointed, to cause a quantity of Copper, such as is generally used for the Copper Coin issued from the Mint, to be coined and stamped in England; each piece of copper, when so coined and stamped off, to be of the weight of five penny weight twelve grains, at least; and the device of the die to be used, in stamping and coining such copper, shall be taken from the Great Seal appointed by His Majesty for the use of this Province—the Arms of the United Kingdom to be on the one side, and the Provincial Badge of Distinction, by Royal Authority appointed, for the reverse of said Great Seal, to be on the other side of such

Copper Halfpence to be procured

Weight of each Copper

Commissioners to be appointed to procure them

Die

Copper

C. III. IV. Anno quinquagesimo septimo GEORGI III. 1817.

Copper Coin, with such suitable Legend or Inscription as the Governor, Lieutenant-Governor, or Commander in Chief for the time being, with the advice of His Majesty's Council, shall appoint and direct.

Amount

II. *And be it further enacted*, That the Copper Half-pence, so to be provided and imported, shall be of a value not exceeding Two Thousand Pounds of the Provincial Currency : and the said Commissioner or Commissioners shall cause the same, when

Place of Deposit
and of Issue

so imported, to be deposited in the Treasury of the Province, and shall take care that the die or stamp used for such coinage, shall be deposited in such place and in such manner for safe keeping in England, as the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, by and with the advice of His Majesty's Council, shall appoint and direct.

III. *And be it further enacted*, That as soon as conveniently may be after such Half-pence shall have been so lodged in the Provincial Treasury, it shall be lawful for the Governor, Lieutenant-Governor, or Commander in Chief, by and with the advice of His Majesty's Council, by Proclamation, to order such Half-pence to be issued and circulated from the Treasury ; and also to appoint a time when all other kind of copper, coined or uncoined, except the copper coin issued under the authority of this Act, and those enumerated and made lawful in the Act of which this is an amendment, and such as shall be issued by Royal Authority, for the use of the United Kingdom of Great-Britain and Ireland, since the first day of January one thousand eight hundred, shall cease to be used, and shall no longer be tendered or received as Half-pence in this Province, under the penalty of incurring the forfeiture and fine imposed by the Act of which this is an amendment.

When to be issued

Base Copper Coin

Counterfeiting
Provincial Copper
Coin

IV. *And be it further enacted*, That any person convicted of counterfeiting or impairing any of said Copper Coin, or of uttering any counterfeited or impaired Copper Coin, knowing the same to be so counterfeited or impaired, shall suffer the same fines and penalties which any person or persons convicted of counterfeiting or impairing any Foreign Coins current in this Province, are liable to suffer by the Laws or Statutes of the Province in such case made and provided.

CAP. III.

Enacted

An Act for the Importation of certain kinds of Grain, Flour and Meal, and for furnishing the same to such Settlers within the Province as are in indigent circumstances, owing to the failure of Crops.

CAP. IV.

Expired

An Act to continue the several Acts of the General Assembly, for granting to His Majesty certain Duties on Wine, Brandy, Gin, Rum, and other Distilled Spirituous Liquors, Molasses, Coffee, and Brown Sugar, for the support of His Majesty's Government, and for promoting the Agriculture, Commerce and Fisheries of this Province.

CAP,

1817. Anno quinquagesimo septimo GEORGII III. C.V.VI.VII.

CAP. V.

An Act to alter and continue an Act, imposing a Duty on Articles to be imported from the United States of America, and for appropriating the same. Expired

CAP. VI.

An Act to continue the several Acts of the General Assembly for the further increase of the Revenue, by raising a Duty of Excise on all Goods, Wares, and Merchandize, imported into this Province. Expired

CAP. VII.

An Act for regulating Elections of Representatives to serve in General Assembly.

Altered and amended by 58th Geo. 3 Cap 29, and by 4th & 5th Geo. 4, Cap 22,

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the publication hereof, every Sheriff or other Officer to whom any Writ for electing a Member or Members to serve in General Assembly of this Province shall be directed, upon the receipt thereof shall indorse upon the back thereof the day he received the same, and shall forthwith give public notice of the day and place of Election, by putting up advertisements at least ten days before the time of such Election, at five of the most public places in the County or Town; and shall, at the time appointed, at the County Court House, if the election be held for the County, and at the most central and convenient place if held for a Township, between the hours of ten and twelve in the morning, proceed by reading his Writ, and shall appoint two Freeholders as his Assistants or Clerks in conducting the election, who shall be sworn to the faithful and impartial discharge of their duty; and the Sheriff shall not declare the choice upon the view, nor adjourn from that to any other place without the consent of the Candidates, nor by any unnecessary adjournment delay the election; but, if a Poll be required, fairly and impartially proceed from day to day to take the Poll, until all the Electors then and there present be polled; and before the Sheriff shall close the Poll so opened, unless with the consent of the Candidates, he shall make proclamation for the Freeholders to come forward and give their Votes; and if, after such proclamation made, no Freeholder shall appear to Vote for the space of one hour, the Poll shall be closed, and the Sheriff at the close of the Poll, shall declare the person or persons having the majority of Votes, to be duly elected; and in case a scrutiny shall be demanded, the Sheriff shall grant the same, and shall, with his two assistants, proceed in such scrutiny, if the party demanding shall persist in his demand, the day following the close of the Poll, and shall, if required by any Candidate, scrutinize all Votes that have been objected to, whether by the said Candidate or by any other Candidate.

Write

Notice of Day and Place of Election

Opening Poll

Sheriff assisted by two Freeholders

Declaring Choice

Scrutiny

Provide

Provided always, That no Vote shall be scrutinized but such Vote or Votes as were objected to at the time such Vote was given and marked as such on the Poll Book by the

repealed by 3 acts

Return of proceedings on scrutiny

the Sheriff or his assistants; and the Sheriff shall return his proceeding on such scrutiny to the House of Assembly, to be adjudged on and determined. And the Sheriff or other Officer is hereby directed and commanded, to appoint one Clerk and one Inspector for each Candidate, who shall be nominated by the Candidates respectively; which Clerk shall be sworn by the Sheriff to take the Poll fairly and impartially by setting down the names of the Electors and the place of their abode, and the name of the Candidate or Candidates they give their Vote for, and the Sheriff shall give a copy of the Poll to each of the Candidates that shall desire the same. And if any Elector be questioned as to his qualification by any Candidate, the Sheriff shall administer to him the following Oath:—

Elector's Oath

I, A. B. do swear, that I am by Law entitled to Vote in the County or Town of _____ in the Province of Nova Scotia; and that the Lands, Tenements, or Hereditaments, for which I claim a right to Vote, consists of _____, and are situate, lying, and being in _____, and the same hath or have not been made or granted to me fraudulently on purpose to qualify me to give my Vote; and that I have not received, or had by myself or any person whatever in trust for me, or for my use and benefit, directly or indirectly, any sum or sums of money, office, place, or employment, gift, or reward, or any promise or security for any money, office, employment, or gift, in order to give my Vote at this Election, and that I have not before been Polled at this Election, and that the place of my abode is at _____ So help me God.—Or if Quakers, the test or affirmation to the same effect; and all fraudulent conveyances of Land, for the purpose of multiplying Votes, or to qualify Voters at Elections, subject to an agreement to re-convey the same, shall be taken against the Grantors as free and absolute, and all collateral securities for defeating such Estate, shall be void; and the person making such conveyances, or voting by colour thereof, shall forfeit ten pounds to any person that will sue for the same, in any Court of Record in this Province; one half part to the person or persons, who shall prosecute the same to effect; and the other half to and for the use of the Poor of the County or Town concerned in such Election; and if any Elector shall, being thereunto required, refuse or neglect to take the said Oath, or to affirm the effect thereof as aforesaid, that the Poll or Vote of such person neglecting, or refusing, shall be, and is hereby declared to be, null and void, and as such shall be rejected.

Affirmation

Fraudulent conveyance of Lands

Electors refusing to take the Oath

Qualification of Members and Electors

II. *And be it further enacted*, That each person hereafter to be chosen a Member of Assembly, and each Elector, at the time of giving his Vote in any Election, hereafter to be held in this Province, shall actually have an income of Forty Shillings per annum, in Freehold Estate, or shall have, within the County or Town for which he shall Vote, or be Elected, in his own right, in fee simple, a Dwelling House, with the Ground on which the same stands, or One Hundred Acres of Land, whereof Five at least shall be under cultivation; such person or persons possessing any one of the beforementioned interests, shall be entitled to Vote, or be Elected for the County or Town wherein the same shall be situate. *Provided always*, That no person shall be entitled to Vote in any Election, to be hereafter held in this Province, or shall be eligible to serve as a Member of Assembly, who shall not have had the Grant or Conveyance, under which he holds as aforesaid, registered six months before the test of the Writ, for holding the Election. *Provided also*, That nothing in this Act contained, shall be construed to extend to any person or persons, holding by descent, or devise, of the yearly value aforesaid.

III. *And be it further enacted,* That if any Candidate be questioned as to his qualification by any Elector, at the commencement of the Poll, such Candidate shall state to the Sheriff or other Officer, where the Lands, Tenements, or Hereditaments do lie, whereby he makes out his qualification, declaring his having an actual Income of Forty Shillings per annum, in Freehold Estate, or otherwise qualified as the Law directs, which statement and declaration of such Candidate, shall, by the Sheriff or other Officer, be marked down at the same time in the Poll Book, and such Candidate, shall, if required, take and subscribe the following Oath:—

I, A. B. do swear that I am by Law qualified to be Elected for the Town or County of _____, and that the Lands, Tenements and Hereditaments, for which I claim a right to be Elected, consists of _____, and are situate and lying in _____, and the same hath or have not been made or granted to me fraudulently, on purpose to qualify me to be Elected: So help me God. Candidate's Oath

IV. *And be it further enacted,* That every Sheriff, or other Officer, to whom the execution of any Writ for the Electing any Member or Members, to serve in the General Assembly of this Province shall be directed, and that act contrary or otherwise than by this is directed, or shall return any person or persons, not duly elected by the majority of the Freeholders, every such Sheriff or other Officer shall forfeit the sum of Two Hundred Pounds, one third part thereof to the King, His Heirs and Successors, one third part to the Poor of the County or Town in which such Election is held, and the remaining third thereof to the party aggrieved that will sue for the same, with costs of suit, to be recovered in any Court of Record within this Province, by action of debt, bill, plaint or information. Sheriffs liable to Penalty

V. *And be it further enacted,* That any person or persons, who shall, at the request of any Candidate, at any future Election, furnish any meat, drink, or entertainment of any kind, during such Candidate's Election, to any Freeholder, or body of Freeholders, or to any other description of people, such person or persons so furnishing the same, shall be totally disabled and prevented from recovering from such Candidate, or from any of his friends, any reward or payment whatsoever, for such entertainment, or any part thereof; and if any person or persons shall sue any Candidate, or any of his friends, for the whole or any part of the expenses of such entertainment, it shall and may be lawful for the Judge of the Court, wherein such suit shall be brought, (on due proof being made, that such demand arises for, and on account of the entertainment of the Freeholders, at, or during, any Election, in this Province,) to order the party bringing such suit, to be non-suited, and to enter Judgment accordingly. *Provided always,* That nothing herein contained, shall extend to prevent any person or persons from recovering from any individual person, the value of such entertainment, as he or they may, during any Election, furnish or provide for such individual person, for his own use, and at his own special instance and request. Entertainment of Freeholders
Provide

VI. *And be it further enacted,* That any person or persons, who shall bribe or corrupt any Freeholder or Freeholders, at any Election within this Province, such person or persons, so offending, shall suffer all the penalties prescribed by the Laws of England, for such offences. Bribery

VII. *And be it further enacted,* That the Sheriff or other Officer, at the opening the Poll each day, shall read this Act; and no other Oath, save as herein before directed, shall be required from any Voter at any Election within this Province, nor shall any Religious Test be required from such Voter: liberty of conscience being one amongst This Act to be read daily during Election

amongst many other blessings conferred on this Province by Our Most Gracious Sovereign.

Continuance of Poll

VIII. *And be it further enacted,* That the Poll for any one Election, shall not be kept open more than six days, (unless such Poll shall be removed as hereinafter directed,) after which time it shall and may be lawful for the Sheriff or other Officer to close it, and return the Candidate or Candidates, who shall then have the majority of Votes; and that for each day the Poll shall be kept open, the Sheriff or other Officer shall be entitled to receive from each Candidate, the sum of Ten Shillings; and if a scrutiny is demanded, Ten Shillings for his attendance on it each day, to be paid by the Candidate or Candidates demanding it, or whose Votes may be scrutinized on such scrutiny.

Payment of Cash

Allowance to Sheriff

Removing Poll

IX. *And be it further enacted,* That it shall and may be lawful (on application of either of the Candidates, or of any Freeholder on their behalf,) on the day the Poll is first opened, for every Sheriff or other Officer, of the Counties hereinafter named, to whom any Writ for electing a Member or Members for such Counties, to serve in General Assembly of this Province, shall be directed, after having opened a Poll at the County Court-House, if demanded, and having received the Votes of the Freeholders of such County, in manner and form as is directed in and by this Act, to remove or adjourn the Poll (held as aforesaid,) in each of the Counties hereinafter named, and to the respective places following, that is to say:—In the County of Halifax, on application as aforesaid, the Poll to be adjourned to the Court-House in Truro, and to the Court-House of Pictou. In the County of Annapolis, to Scissabou, opposite to the Town Plot of New Edinburgh. In the County of King's, to the Town Plot of Parrsborough. In the County of Shelburne, to the Court-House, and to the French Meeting-House in the Township of Argyle. In the County of Sydney, to Country-Harbour, and Antigonishe. In the County of Cumberland, to Remsheg, at or near the Meeting-House. In the County of Queen's, to Brookfield, on the Annapolis Road.

Application for, and notice of removing Poll.

X. *And be it further enacted,* That the application aforesaid, for the removal or adjournment of the Poll, shall be made on the day on which the Poll is opened at the County Court-House, and that the Sheriff or other Officer, shall, on application duly made, forthwith notify the Freeholders of the County of the said adjournment, by putting up advertisements at the Court-House where the Poll is then held, and at two of the most public places in the District to which it is to be adjourned, that he will, on the twelfth day from the opening of the Poll, continue the same within the County or District to which it is adjourned, and that he will, then and there, proceed, for the space of four days, to take the Poll, or until the Electors then and there present be polled; and the Sheriff or other Officer, on opening the Poll at the second place of holding the same, shall give the like notice of holding a Poll in the third place, in such Counties where the Poll shall or may be removed to such third place, as before directed by this Act; and in case the Poll shall be removed from one place to another, in any of the before-named Counties, it shall and may be lawful for the said Sheriff or other Officer, if he shall think proper, to appoint two other Assistants within such District or place to which the Poll is removed, in the place of the two first Assistants, who shall in like manner be sworn to the faithful performance of their duty, as the first Assistants were.

Property of Members

XI. *And be it further enacted,* That every person who shall be hereafter Elected to serve in the General Assembly of this Province, shall, (if thereto required by the Order of the House) before he presumes to Vote in the Assembly, or sit there during any debate in the said Assembly, after their Speaker is chosen, produce and deliver in to the

Clerk

Clerk of the said House, at the Table, (and whilst the House is there duly sitting with the Speaker in the Chair,) a Paper or Schedule, signed by every such Member, containing the name or names of the County or Township in which the Lands, Tenements or Hereditaments do lie, whereby he makes out his qualification to sit as a Member of such Assembly; and the said Paper or Schedule, so signed and delivered in to the said Clerk as aforesaid, shall be filed and carefully kept by him.

XII. *And be it further enacted*, That an Act, passed in the twenty-ninth year of His present Majesty's Reign, entitled, An Act for the better regulation of Elections; also, An Act, passed in the thirty-second year of His said Majesty's Reign, entitled, An Act in amendment of an Act for the better regulation of Elections: also, an Act, passed in the thirty-seventh year of His said Majesty's Reign, entitled, An Act in amendment of the Act, passed in the twenty-ninth year of His said Majesty's Reign, entitled, An Act for the better regulation of Elections; and every clause, matter, and thing, contained in either of the said above recited Acts, be, and the same is hereby repealed.

Act 29 Geo. 3
Cap 1, 32 Geo. 3
Cap 8 and 37,
Geo. 3 Cap 3,
repealed

CAP. VIII.

An Act to continue the several Acts of the General Assembly, for raising a Revenue to repair the Roads throughout the Province, by laying a Duty on Persons hereafter to be Licenced to keep Public Houses and Shops, for the retail of Spirituous Liquors.

Expired

CAP. IX.

An Act in amendment of an Act, passed in the tenth year of His Majesty's Reign, entitled, An Act for the settlement of the Poor, in the several Townships within this Province.

WHEREAS, doubts have arisen in the construction of that part of the first Section of the said Act which relates to the service which shall entitle a Pauper to a Settlement—for remedy thereof,

Preamble

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly*, That, to entitle a Pauper of that description to a Settlement, he or she shall have lived as an hired Servant for one whole year under an agreement to serve one whole year next before such person's application for relief.

Paupers entitled to a Settlement

CAP. X.

An Act to alter and amend the several Acts of this Province, relative to Town, County and Poor Rates.

Repealed, except so far as relates to the Town of Halifax by 4. Geo. 4, Cap 6

WHEREAS, Appeals from Assessments or Rates for the support of the Poor, and for County and Town Charges, are directed to be made to the Court of General or Quarter Sessions of the Peace in the several Counties and Districts within this Province, which, in many instances, has been attended with inconvenience, and occasioned great delay in the collection of the same—for remedy whereof,

Preamble

Appeal

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the publication of this Act, it shall and may be lawful for the Justices of the Peace in the several Counties and Districts within this Province, to hold Courts of Special Session, if they shall deem it expedient, for the purpose of hearing and determining Appeals, and enforcing the assessment and collection of the Rates; of the holding of which Sessions, eight days' notice shall be given; which Court of Special Session shall have the same power and authority that Courts of General or Quarter Session possess, to hear and determine any appeal made by any person or persons against any Rate or Assessment to which he, she, or they, may be rated or assessed.*

Assessment

II. *And be it further enacted, That in the Township of Halifax, the Assessors shall be allowed a period of thirty days, instead of twenty days, after they shall be sworn into office, to make their assessment.*

Return of Assessment

III. *And be it further enacted, That if the said Assessors of Rates and Taxes in the several Counties and Districts in this Province, shall neglect or refuse to return the assessments within ten days after the same shall have been made for County and Town Charges and Poor Rates, to the Clerk of the Peace for the respective Counties, and to deliver copies of the same to the Collectors for collection, said Assessors shall be, and each of them are hereby, made liable to the same penalties as they are now subject to for not making the assessment: to be recovered and applied in like manner.*

Collector's Appointment,

IV. *And be it further enacted, That the Justices of the Town of Halifax, either in General or Special Sessions, shall, and they are hereby authorised, from time to time, and at any time, to appoint one, or such other number of Collectors, of the said Rates, as the said Justices may see fit; and, so often as they may deem proper, may dismiss the same, and appoint one or more persons in their stead; and each and every the said Collector, or Collectors, shall render an account to such Justices, in such their Sessions, or to any single or other Magistrates, by the said Justices in Sessions appointed for that purpose when and so often as he or they may be required so to do, by him or them, of all Monies by the said Collector or Collectors received from time to time for any Rate, Rates or Assessments, made and collected within the said Township of Halifax.*

Collector to render accounts

Allowance to Collector

And Whereas, *the Commissions by Law allowed to Collectors may, in some cases, be too great:*

V. *Be it further enacted, That the Court of General Sessions of the Peace shall, and they are hereby authorised, to establish the rate of Commissions to be allowed to the Collector of the said Rates, the same however not to exceed five pounds for every hundred pounds by him collected.*

Expired in 1818, revived with amendments by 3 Geo. 4, Cap 35 and confined to the Township of Halifax. Expired again in 1824, and referred to by 4 & 5 Geo. 4, Cap. 36

Preamble

Summary Courts-

CAP. XI.

An Act for the Summary Trial of Actions.

WHEREAS *experience has proved that the Trial of Causes in a Summary Way has been beneficial to the Inhabitants of this Province, in as much as the same is attended with but little expense:*

I. *Be it further enacted, by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, to appoint five fit and proper persons in each County or District within*

within this Province, which five fit and proper Persons so appointed, or any three of them, shall be a Court for the purposes of this Act.

II. *And be it further enacted,* That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, to grant Commissions to such Persons, giving all necessary power, and declaring therein who shall preside at any meeting of the said Court, in whose name all Writs and process shall be tested. Persons appointed to hold them

III. *And be it further enacted,* That three or more of the Persons to be appointed as aforesaid, after being sworn before some one of the Justices of the Court of Common Pleas, for the faithful discharge of their duty, shall meet on the first Monday in every Month, within the County or District for which they shall be appointed, and are hereby empowered, in all Actions not exceeding Ten Pounds, to proceed in a Summary Way, to try the same by examining the parties, and witnesses, on oath, and to determine the same with the least possible delay, and to give Judgment thereon. Trials

IV. *And be it further enacted,* That when the sum for which Judgment is given, shall exceed five pounds, either party may appeal to the Supreme Court, and Execution shall be stayed, if the party appealing shall give sufficient security to abide by the Judgment of the Supreme Court had therein; and the Supreme Court shall try the Cause over again in a Summary Way, or by a Jury, if the Court think it necessary. Appeal

V. *And be it further enacted,* That the said Court may give Judgment on the verbal or written confession of any defendant, made before them, in open Court, and entered by their Clerk, for any sum not exceeding ten pounds. Judgments

VI. *And be it further enacted,* That the said Court shall appoint a Clerk, who shall issue Writs of Summons, Capias, Attachments, and Executions, according to such forms as shall be established by the Supreme Court, which Court, shall have power to change the said forms whenever it may be thought expedient; and the said Clerk shall be sworn to the due execution of his office, and shall faithfully record all proceedings. Clerk
Writs

VII. *And be it further enacted,* That persons imprisoned under the process of the said Court, shall be entitled to their discharge, according to the provisions of the several Acts of this Province, relating to Insolvent Debtors. Insolvent Debtors

VIII. *And be it further enacted,* That no Action shall be brought in the Supreme Court, or in any Inferior Court of Common Pleas, where the whole dealing or cause of action shall not exceed ten pounds. Jurisdiction of Court limited

IX. *And be it further enacted,* That the said Court, to be constituted as aforesaid, shall not try or give Judgment on any Action, in which the Title of Lands are in question; but all Actions of Trover, of Assault and Battery, Trespass on Lances, where the Title is not in question and, Replevin; and also Special Actions on the case for Slander, or any other personal Action, if sued before them, may be tried, and Judgment given thereon; *provided,* the damage demanded shall not exceed five pounds; *also, provided,* the Defendant shall not, before trial commences, object to the jurisdiction of the said Court, but if in any of the causes last above described, the defendant shall object to the jurisdiction of the said Court, the cause shall be discontinued, and no further proceeded in by the said Court. Suits which may be brought

X. *And be it further enacted,* That the following Fees and no other, shall be taken by the respective Officers and persons after named, that is— Fees

CLERK.

For every Summons, two shillings and six pence.

For

For every Affidavit and Capias, three shillings and six pence.

For every Affidavit and Attachment, three shillings and six pence.

For all other Proceedings to Judgment, one shilling.

For witnesses, each one shilling.

For Writ and Execution, one shilling.

Judges, whole Court, Trial and Judgment, five shillings.

SHERIFF OR CONSTABLE.

Service of Writ or Summons, one shilling.

Service of Capias or Attachment, one shilling.

Bail Bond, two shillings.

Poundage, if the Money is paid, three pence per pound.

Poundage, when property is taken and sold, six pence in the pound.

And if any of the persons before named shall ask, demand, or receive, any other or greater Fees than are herein allowed, he shall forfeit and pay a fine of five pounds, together with costs, to be recovered in any action or suit by him or them that will sue for the same, either in the said Court, or in His Majesty's Supreme Court, where the same shall be tried and determined in a summary way.

XI. *And be it further enacted,* That if the Inferior Court of Common Pleas, for any County within the Province, is by Law obliged to sit in more than one place within the same County, it shall and may be lawful for the Lieutenant-Governor or Commander in Chief to appoint six Commissioners for such County, instead of five, as herein before mentioned.

XII. *And be it further enacted,* That the said Court shall be held at the usual places of the sitting of the Courts of Common Pleas, in the several Counties and Districts of this Province, and term shall not continue more than two days.

XIII. *And be it further enacted,* That this Act shall be and continue in force for one year from the publication thereof, and from thence to the end of the next Session of the General Assembly.

CAP. XII.

An ACT for applying certain Monies therein mentioned, for the Service of the Year of Our Lord One Thousand Eight Hundred and Seventeen; and for appropriating such part of the Supplies, granted in this Session of the General Assembly, as are not already appropriated by the Laws or Acts of the Province.

CAP. XIII.

An ACT to alter, amend and continue, an Act, passed in the fifty-second year of His present Majesty's reign, entitled, An Act to regulate the expenditure of Monies hereafter to be appropriated for the service of Roads and Bridges.

CAP. XIV.

An ACT to authorise the sale of the Old Jail, and the Lot of Land on which the same stands, at Windsor, in the County of Hants. Executed

CAP. XV.

An Act for the better supplying the Town of Halifax, with Fresh Water. Not carried into effect

WHEREAS, the Inhabitants of the Town of Halifax suffer great inconvenience for want of a proper supply of Fresh Water, and whereas, certain of the said Inhabitants have proposed to raise by subscription sufficient Monies to form a Reservoir for Fresh Water, on the Common of the said Town, and thence to convey such Water by Pipes through the several Streets thereof, provided the subscribers shall be incorporated for that purpose, and obtain an exclusive privilege with respect to the same for a limited time: Preamble

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly*, That, whenever twenty persons shall have associated themselves together, for the purposes mentioned in the preamble of this Act, and agreed to raise sufficient Monies to effect the same, it shall may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by Letters Patent under the Great Seal of this Province, to make, erect, and incorporate, all and singular the persons, who, from time to time, shall be adventurers in, or parties, to the said undertaking, and their assigns, into one Body Politick and Corporate, in Deed and in Name, under the title of The Halifax Water Company: And by that name to have succession, to sue and be sued, to continue for the term of twenty-five years, to have a Common Seal, and to possess and enjoy such powers, with respect to the choice of a President, and other officers, making Bye-Laws, and regulating the affairs of the said Company, and to be under and subject to such restrictions as shall be expressed in the same Letters Patent. Twenty Persons may be Incorporated, under the Title of the Halifax Water Company, for a Term of 25 years

II. *Provided always, and be it further enacted*, That before the said Letters Patent shall be granted, public notice shall be given, and inserted during six weeks, in the Royal Gazette, of the intention of the said persons to apply to the Governor, Lieutenant-Governor, or Commander in Chief, and in the said notice it shall be expressed that the Reservoir hereinafter mentioned has been made and completed; and all persons who have any cause to shew against granting the said Letters Patent, may apply to His Majesty's Council, for that purpose, and if no cause shall be shewn to His Majesty's Council, by petition or otherwise, against the granting of the said Letters Patent on or before the first day of September next, or if the reasons shewn shall not be such, as, in the opinion of His Majesty's Council, ought to prevent the granting of the said Letters Patent, the same may, at any time after the said first day of September next, be granted, pursuant to the directions and provisions of this Act. Notice of Intention to apply for Letters Patent to be given in the Gazette

III. *And be it further enacted*, That it shall and may be lawful for the persons so associated, and who intend to apply for the said Letters Patent, to make and dig a Reservoir or Bason for Water, upon such part of the Common of Halifax, north of the Bridge on the road leading from the Jail, as they shall deem most proper and convenient. Reservoir or Bason of Water—where to be formed

venient for the purpose, and to surround and secure such Reservoir or Bason with the necessary dykes and embankments for retaining the waters that may be collected therein, and also to enclose the parcel of Land whereon the said works shall be made, with such walls and fences as may from time to time be required. *Provided always; nevertheless,* That the ground so to be occupied and enclosed shall not exceed the space of five acres.

Water from the Reservoir, how and where to be conducted

IV. *And be it further enacted,* That the Waters from time to time collected in the said Reservoir, shall be conducted through Pipes into every possible part of the Town of Halifax, for the use of the Inhabitants thereof; and for that purpose it shall be lawful for the said Company, at a proper and convenient depth, under the surface of each and every of the Roads and Streets, leading into and through the said Town, and its Suburbs, to lay down, set and place, such and so many pipes, leaders and conducts, for the said Water, as they shall find to be necessary for conveying it to any or every Dwelling House in the said Town; and that from time to time, as often as the said Company shall think proper to lay down such pipes, leaders and conducts, or shall have occasion to alter, amend, or repair the same, it shall also be lawful for the said Company to break up and open any part whatsoever of the said Roads and Streets, or of the covering, pavement or side-walks thereof, and the same to keep open and uncovered, during the time necessary for their said purposes. *Provided always,* That before the said Company shall break up or open any such Road or Street, they shall give thirty days previous notice of their intention to do so, to the Commissioners of the Streets for the time being, and shall receive their permission in writing therefor, and not otherwise. *And provided also,* That the said Company shall and do, at their own proper costs and charges, and to the satisfaction of the said Commissioners, and without unnecessary delay, repair and amend the said Roads and Streets, in every part where they shall be so broken up and opened as aforesaid, and restore the covering, pavement and side walks, thereof respectively, to the condition in which they were before breaking up or opening the same.

Streets may be opened

Proviso

Streets opened left unrepai red

V. *And be it also enacted,* That if the said persons, so associated, shall not repair the said Streets, so broken up, to the satisfaction of the said Commissioners, it shall be lawful for the said Commissioners to cause the same to be repaired, and to sue for, and recover, the expense incurred therein, from the said persons so to be associated, or any of them, by any action, in any of His Majesty's Courts of Record within this Province, or before any Court, or persons appointed, or to be appointed, for trying causes in a summary way, in case the sum demanded shall be within the jurisdiction of such Court or persons.

Time allowed the Company to complete the Reservoir

VI. *And be it further enacted,* That in the Letters Patent, for incorporating the said Company, there shall be inserted and contained a condition for making the said Letters wholly void, unless the said Company do, and shall within three years from the date hereof, complete the Reservoir or Bason aforesaid, and lay down sufficient pipes to convey the water therefrom, into the said Town, to such distance and along such Streets thereof, as the Governor, Lieutenant-Governor, or Commander in Chief, by whom the said Letters Patent are granted, shall, with the advice of His Majesty's Council, express and direct in the said Letters Patent; and also, a further condition for making the same void, unless the said Company do and shall, in every Street through which the said pipes shall be laid, make and provide proper vents and openings for supplying Water, whenever Fires shall happen in the said Town, and do and shall place such vents and openings at such distances from each other, as, by the advice aforesaid, shall be likewise directed in the said Letters Patent.

CAP. XVI.

An ACT to empower the Lieutenant-Governor, or Commander in Chief for the time being, to appoint Commissioners to issue Treasury Notes.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the Lieutenant-Governor, or Commander in Chief for the time being, to appoint three fit and proper persons as Commissioners to issue Treasury Notes, to any amount not exceeding Five Thousand Pounds; the whole thereof to be Five Pound Notes; which Notes shall be of the same form, signed, counterfigured, and delivered, and shall be paid, received in payment in like manner, and again re-issued, under the rules, regulations, restrictions and provisions, as are mentioned, expressed and contained, in the Act, passed in the fifty-third year of His Majesty's Reign, entitled, An Act to authorise the Treasurer of the Province to call in and pay the Treasury Notes heretofore issued, and to empower the Lieutenant-Governor, or the Commander in Chief for the time being, to appoint Commissioners to issue other Treasury Notes.

Commissioners to be appointed

Amount

5l. Notes

Issue of Notes

Issue of Notes under Act 53d Geo. III.

II. And be it further enacted, That of the Notes that may, after the publication of this Act, be issued or re-issued under and in virtue of the said Act, passed in the fifty-third year of His Majesty's reign, entitled as aforesaid, two thousand eight hundred Two Pound Notes, and one thousand nine hundred One Pound Notes, shall bear date the thirtieth day of April, in the year of our Lord one thousand eight hundred and thirteen, and the remainder thereof, and all Notes that may be issued under and by virtue of this Act, shall bear date the thirtieth day of April, in the year of our Lord one thousand eight hundred and seventeen, any Law to the contrary notwithstanding.

Date of Notes issued under this Act

III. And be it further enacted, That if any person or persons whatsoever, shall counterfeit any of the Notes aforesaid, issued by virtue of this Act, or alter any of the same, so that they shall appear to be of greater value than when originally issued, or shall knowingly pass, or give in payment, any of the Notes aforesaid, so counterfeited or altered, every person convicted thereof shall be set in the Pillory for the space of one whole hour, and one of the Ears of such offender shall be nailed thereto, and such offender shall be publicly whipped through the streets of the Town or Place where such offence shall have been committed, and shall pay all charges of the prosecution.

Counterfeiting Notes

IV. And be it further enacted, That in case the Lieutenant-Governor, or Commander in Chief for the time being, shall, by his Warrant or Warrants, require the Treasurer of the Province to re-issue the Notes received in payment at the Treasury, or to require the Commissioners to issue other Notes in lieu of those so received, or any part thereof, it shall and may be lawful for the Treasurer to re-issue the said Notes, or the Commissioners to issue other Notes, agreeably to the said Warrants. *Provided*, the new Notes so to be re-issued, shall not exceed the amount of the Notes so from time to time received in payment at the Treasury.

Re-issue of Notes from the Treasury

Proviso

V. And be it further enacted, That if, after the thirty-first day of December next ensuing, all the Treasury Notes which shall be issued and re-issued under and in virtue of this Act, and which shall be hereafter issued and re-issued under and in virtue of the said Act, passed in the fifty-third year of His Majesty's reign, entitled as aforesaid, shall not have been received in payment of Duties by the Collectors of Im-

Payment of Notes in Gold or Silver at the Treasury

post

post and Excise and paid into the Treasury, it shall and may be lawful for the holders of any such Treasury Notes to present the same for payment at the Office of the Treasurer of the Province, and the Treasurer is hereby directed and required to pay all such Treasury Notes on demand, in Gold and Silver.

Certificates

VI. *And be it further enacted,* That if any person, at any quarterly period after the thirty-first day of December next,—That is to say—at the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, and the thirty-first day of December, in any succeeding year, shall tender for payment at the Treasury, any number of Treasury Notes issued or re-issued under and in virtue of this Act, or which shall hereafter be issued and re-issued under and in virtue of the said Act, passed in the fifty-third year of His Majesty's reign, entitled, An Act to authorise the Treasurer of the Province to call in and pay the Treasury Notes heretofore issued, and empower the Lieutenant-Governor, or Commander in Chief for the time being, to appoint Commissioners to issue other Treasury Notes, amounting in value to one hundred pounds or upwards, in case the Treasurer shall not be able to pay the same in gold and silver, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by and with the advice of His Majesty's Council, by Warrant under his hand and seal, to direct the Commissioners aforesaid to fund such sum or sums of Treasury Notes as shall be so tendered for payment from time to time as aforesaid, and to grant Certificates to the amount thereof on interest, and the said Commissioners shall deliver the said Notes so funded to the Treasurer of the Province, and take his receipt for the same, and the Treasurer shall be charged with, and accountable for the same, and the said Notes shall not be again issued from the Treasury, or put in circulation, any Law to the contrary notwithstanding.

Act of 53 Geo. 3
Cap 15 repealed
in part

VII. *And be it further enacted,* That so much of the said Act, passed in the fifty-third year of His Majesty's Reign, entitled as aforesaid, as respects the funding of Notes which may hereafter be issued or re-issued under and in virtue of the said Act, shall be, and the same is hereby repealed.

CAP. XVII.

Expired

An ACT in amendment of the Act, passed in the thirty-fourth year of His present Majesty's Reign, entitled, An Act for the preservation of Partridges and Blue-winged Ducks.

CAP. XVIII.

Repealed by 1 Geo.
4. Cap. 2

An ACT to revive, alter and continue, the several Acts of the General Assembly now in force relating to a Militia.

CAP. XIX.

An ACT to regulate the Summary Trial of Actions in the Supreme Court, and Inferior Courts of Common Pleas. Expred.

CAP. XX.

An ACT to regulate the manner of taking the Bonds of Sheriffs, Collectors of Impost and Excise, and of the Treasurer of the Province.

WHEREAS, many of the Collectors of Impost and Excise now hold their Office without having given Bonds as prescribed by Law, and some of the Sheriffs have received their Commissions without having given Security since their appointment to the Office. And whereas, also, it is necessary and highly expedient that all Bonds which shall be given, as well by Sheriffs and Collectors of Impost and Excise, as other Public Officers, should be registered, that in case of accident or loss of the Original Bonds or Securities, the evidence of such Bonds or Securities may remain :

I. Be it therefore enacted by the Lieutenant-Governor, Council and Assembly, That all such Collectors of Impost and Excise, as shall not, within two months from and after the publication hereof, give security for the faithful performance of their Office, pursuant to the provisions of the Act, passed in the forty-sixth year of His Majesty's Reign, entitled, An Act to regulate the appointment of Collectors of Impost and Excise, shall be considered as acting without authority ; and it shall be lawful for the Lieutenant-Governor, or Commander in Chief for the time being, to appoint fit and proper persons to be Collectors of Impost and Excise, in the place and stead of the persons so failing to give security as aforesaid.

II. And be it further enacted, That the person who shall have acted as a Collector of Impost and Excise, and be superceded, shall forthwith, after such new appointment, deliver over to the new Collector for the District, all Bonds, and other Securities for Money, which may be in his hands, and shall immediately make up his Accounts, and render them to the Auditor of Public Accounts, and shall pay over to the Treasurer of the Province all such sum or sums of Money as shall remain in his hands, or shall be due from him as Collector aforesaid ; and in case such Collector shall neglect or fail to account as aforesaid, or pay over the money in his hands, (if any), or such balance as may be due from him as aforesaid, for the space of three months thereafter, he shall be subject to a fine of two hundred pounds for such neglect, to be recovered by bill, plaint or information, in His Majesty's Supreme Court in the County or District, to be applied to the use of His Majesty's Government in this Province, and no transfer of the Real or Personal Estate of such delinquent Collector shall be good and valid, until such Collector shall have complied with the provisions of this Act, and obtained his discharge for any debt or debts which he may owe as Collector of Impost and Excise.

III. And be it further enacted, That all persons holding the Office of Sheriff in the several Counties in this Province, shall, within two months after publication of this Act, give security (in case the same shall not have been given) for the faithful execution of their Office, that is to say, the principal in the sum of one thousand pounds, with two sureties (Freeholders,) each in the sum of five hundred pounds ; the Bonds to be made in other respects according to the usual form in such cases. And in case any such Sheriff shall fail to give security according to the provisions of this Act, he shall

*As regards the
Sec. Notes on 47 &
C. 16. This act
amended as to the
Principle Sec 4. C. 33
As regards the
Sec. Notes on 35 &
C. 1.*

Collectors of Impost and Excise to give security within two months

x The act 47 Geo C 16 must be here intended

Collectors superceded—Money, Bonds and Securities in their hands

*3 & 4 Geo
of this act
repealed
by 10 Geo 4
C. 33.*

Sheriffs to give security within two months.

Amount of Security.

Sheriffs superced-
ed

be removed from Office, and be subject to the same penalty as persons who refuse to take upon them the Office of Sheriff are subject to, to be recovered and applied in like manner; and it shall and may be lawful for the Lieutenant-Governor or Commander in Chief, for the time being, to appoint, from the list returned by the Chief-Justice, one other person to be Sheriff for such County, instead of the person so removed, who shall give security in like manner, before he shall receive his Commission as Sheriff.

Sheriff's security
when given

IV. *And be it further enacted,* That in future no Commission shall be given to any person to act as Sheriff, until Security shall be given pursuant to the provisions of this Act.

Responsibility of
Sheriffs

V. *And be it further enacted,* That nothing herein contained shall prevent, or be construed to prevent, the person or persons who shall have acted as Sheriff from being responsible for all acts done by him as Sheriff, in the same manner as if he had continued in Office.

Preamble

And whereas, the removal from the Province of one, and the death of another, of the persons who had become bound with the Treasurer of the Province, for the performance of his Office, as well as the great increase of the Revenue, has rendered it expedient that other and greater security should be given by the Treasurer :

Treasurer of the
Province to give
security within
two months

VI. *Be it therefore enacted,* That, from and after the publication thereof, the Treasurer of the Province shall, with four Sureties, (Freeholders resident within this Province,) become bound to our Sovereign Lord the King, His Heirs and Successors, himself in four thousand pounds, the Sureties in one thousand pounds each, for the faithful performance of the Office of Treasurer of the Province, which Bond, in other respects, shall be according to the usual form of Bonds given by the Treasurer of this Province; and in case the said Treasurer shall not, within two months after the publication of this Act, give security according to the provisions of this Act, it shall and may be lawful for the Lieutenant-Governor, or Commander in Chief, to remove the said Treasurer from Office, and to appoint one other fit and proper person, being a Freeholder, resident within this Province, to be Treasurer of the Province, in his place and stead, and the person so to be appointed shall, previous to his taking upon himself the said Office, give security as herein directed.

In case of the
death of the Treas-
urer

VII. *And be it further enacted,* That in case of the death of the said Treasurer, the accounts of receipts and payments of money, to and by him as Treasurer, shall be made up by his Executors, or Administrators, and shall be settled with his Successor in Office, within three months thereafter; and all Monies, Bonds, Notes, or Securities for Monies, which belong to the Province, shall be delivered over to his Successor in Office before any distribution of the Estate of such deceased Treasurer shall be made.

Securities of Col-
lectors of Impost
and Excise,
Sheriffs, and Treas-
urer, to be regis-
tered in the Secre-
tary's Office

VIII. *And be it further enacted,* That all Bonds or Securities now given, or which shall hereafter be given, by the Collectors of Impost and Excise, and by Sheriffs, also the Bonds which hath and shall be given by the Treasurer of the Province, shall be registered at full length, with the Secretary of the Province, on the Oath of one of the subscribing witnesses to such Bonds, in a Book to be kept by him for that purpose, and in case of the loss of such Bonds, or of any of them, and on proof thereof being made, a copy of such Bond taken from the Record thereof, and compared, and certified, by the Secretary of the Province, under his hand and seal, to be a correct Copy, shall be received in Evidence, and admitted to be used in Evidence in the same manner as if the original Bond had been produced or read in Evidence.

Death or removal
from the Province
of Sureties

IX. *And be it further enacted,* That in case of the death, or removal from the Province, of any of the persons who shall have become bound as Sureties for the Collectors of Impost and Excise, it shall be lawful for the Commissioners of the Revenue to require the Collector for whom such person was bound, to give a new Bond, with other persons as Sureties, according to the provisions of this Act.

X. *And be it further enacted,* That the Collectors of Impost and Excise, and all other Public Accountants, shall make Oath that such accounts are just and true, and shall render their Accounts to the Auditor of Public Accounts, quarterly, in each and every year. Public Accountants to render accounts quarterly

CAP. XXI.

An ACT to continue in force the several Acts therein mentioned. Expired

CAP. XXII.

An ACT to prohibit the exportation of Corn and Potatoes, out of this Province. Expired

CAP. XXIII.

An ACT for granting a Drawback of the Duties on Brown or Raw Sugar, used in the Manufacture of Refined Sugars within the Province, and for regulating the mode of obtaining the same. Expired, and revived by 6 Geo. 4, Cap 33, and continued by 7-Geo. 4, Cap. 35

WHEREAS, the consumption of Brown or Raw Sugar in the Manufacture of Refined Sugars in this Province, tends to the encouragement of the Trade of the Province, and is otherwise beneficial to its interests: Preamble

I. *Be it therefore enacted by the Lieutenant-Governor, Council and Assembly,* That any person or persons who shall carry on the manufacturing of refined Sugars within this Province, shall be entitled to the same drawback of the duties paid or payable on all Brown or Raw Sugar actually used or employed in such manufacture, as is or shall be granted or allowed on the exportation of the like article out of the Province. Drawback of Duties on Raw Sugar allowed

II. *Provided always, and be it further enacted,* That previous to removing any brown or raw Sugar to the place where the same shall be manufactured as aforesaid, such person or persons shall procure a permit for the removal of the same, from the Collector of Impost and Excise. *And provided also,* That such person or persons shall make a particular account in writing, of the brown or raw Sugar which shall have been consumed, or employed, by him or them, in the manufacture of refined Sugars, during the three months immediately preceding, and deliver the same, together with the permits granted for the removal of the said brown or raw Sugar as aforesaid, to the Collector of Impost and Excise. *And also provided,* That one of the persons concerned in such manufacture, or having the management thereof, shall make Oath before such Collector, of the truth of such account, and that all the brown or raw Sugar in such account mentioned to have been consumed or used in the manufacture of refined Sugars as aforesaid, was actually within the times in such account mentioned, so consumed or employed. Removal of Raw Sugars

III. *And be it further enacted,* That after such account and permits shall have been rendered to the Collector, and the said Oath made, the amount of the drawback of the duties paid or payable on all such brown or raw Sugar, granted by this Act, shall be paid to the said person or persons, or credited on the bond or bonds, or other securities Return upon oath of raw Sugars consumed in the manufacture of refined Sugars

Payment of drawback

ties

ties given for securing the said duties, in the same manner as is provided and practised in the case of the exportation of the like article out of this Province.

Refined Sugars, &c. not to be removed from the Manufactory without a permit

IV. *And be it further enacted,* That no refined Sugars, Syrup or Molasses, manufactured or made in this Province, shall be removed from the place where the same shall be so manufactured or made, without a permit for such removal first obtained from the Collector of Impost and Excise.

Collector of Impost and Excise may examine Sugar Manufactories

V. *And be it further enacted,* That it shall and may be lawful for the Collector of Impost and Excise, to enter into all houses, or other places, where the refining of Sugar shall be conducted, to examine the quantities of raw or refined Sugars, in such house or place.

To administer Oaths required under this Act

VI. *And be it further enacted,* That all and every the Collector or Collectors of Impost and Excise, shall be and they hereby are authorised to administer the Oath by this Act appointed to be taken and made; and if any person or persons shall make Oath to any false account, or shall falsely swear to any matter or thing hereby required to be verified on Oath, before such Collector or Collectors, the person or persons so offending, shall be deemed guilty of wilful and corrupt perjury, and shall, on conviction thereof, be liable to, and suffer, all the pains and penalties by Law inflicted on persons guilty of wilful and corrupt perjury.

Perjury

Drawback on raw Sugars, from what period allowed

VII. *And be it further enacted,* That all person or persons, who at any time before the passing of this Act, and within five months past, shall have been engaged in the manufacturing of refined Sugars in this Province, shall be entitled to, and allowed, a like drawback of the duties paid or payable on all the brown or raw Sugar, consumed or employed in such manufacture, and in the same manner as is hereby granted of the duties on such brown or raw Sugar, as shall hereafter be so consumed or used. *Provided,* That within three months an account of the brown or raw Sugar so consumed, and such affidavit of the truth thereof, as is by this Act required, be given to, and made before, the Collector of Impost and Excise.

Provide

Forfeiture of refined Sugars, &c. removed from Manufactory without a permit

VIII. *And be it further enacted,* That in case of the removal of any of the brown or raw Sugars to the manufactory, or of any of the refined Sugars, Syrup or Molasses, above the value of five pounds, from the manufactory, without a permit first had and obtained for that purpose, such article or articles shall be forfeited and liable to seizure, and condemnation, as in case of removal of other dutiable articles without a permit, where a permit is required.

Continued until 8th March, 1818

IX. *And be it further enacted,* That this Act shall be and continue in force until the eighteenth day of March, which will be in the year of our Lord one thousand eight hundred and eighteen, and no longer.

CAP. XXIV.

An ACT for the better regulating the manner of holding the Inferior Court of Common Pleas and General Sessions of the Peace, in the District of Yarmouth and Argyle, in the County of Shelburne.

Preamble

WHEREAS, from the extent of the District of Yarmouth and Argyle in the County of Shelburne, and from the want of accommodation for the Members of the Court and for the Inhabitants who have occasion to attend the same, it is found inconvenient for the Court of Common Pleas and General Sessions of the Peace, to be held at Tusket Village only:

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the ensuing Session, which will be on the first Tuesday of April next, the Inferior Court of Common Pleas and General Sessions of the Peace in the said District, shall be held twice in each and every year, but instead of being held twice in each year at the Court-House in Tuskett Village, shall be held only once at the said Court-House annually, to wit, on the first Tuesday of March, instead of the first Tuesday of April, and once at the Harbour of Cape Forshu, in Yarmouth, annually, to wit, on the last Tuesday of October.

Courts held at Tuskett and Yarmouth

a II. And be it further enacted, That it shall and may be lawful for the Justices of the said Court of Common Pleas and General Sessions of the Peace, to excuse the Inhabitants of the Eastern part of the said District, living in the Township of Argyle, from being drawn as Petit Jurors to serve at the said Court, to be held at the Harbour of Cape Forshu; and so in like manner to excuse the Inhabitants of the Western part of said District living in Yarmouth, from being drawn as Petit Jurors to serve at the Courts to be held at the Court-House at Tuskett Village, as aforesaid.

Petit Jurors

III. And be it further enacted, That the presentation of Money hereafter to be assessed or appropriated within the said District by the Grand Jury thereof, as also the presentation and appointment of County and Town Officers, shall continue to be made at the General Sessions of the Peace, held annually in March, at the Court-House in Tuskett Village, and not otherwise.

Money Presentments

Appointment of Town Officers

CAP. XXV.

An ACT to alter and amend an Act, passed in the twenty-eighth year of His Majesty's Reign, entitled, An Act to amend, render more effectual, and reduce into one Act, the several Acts, made by the General Assembly of the Province, concerning Bail.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That it shall not be lawful for the Sheriff or his Deputy, or Coroner, or other Officer, to attach or take upon any Writ of Mesne Process, or Execution, the necessary wearing apparel or bedding of any person or persons, or of their children, against whom such Writ shall be issued, nor the tools, or Implements of his Trade, of any Mechanic, necessary for his, and ordinarily used by such Mechanic in his Trade, and Business; nor the cow of any person unless he or she shall have more than one, in which case it shall be lawful to attach or take all over and above one.

Articles exempted from execution

CAP. XXVI.

An ACT in amendment of an Act, passed in the present Session of General Assembly, entitled, An Act for the more effectual relief of Insolvent Debtors.

Executed

C.I.II.III. Anno quinquagesimo octavo GEORGE III. 1818.

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on Thursday, the Sixth day of February, 1812, and continued by several Prorogations to Thursday, the Fifth day of February, 1818, in the Fifty-Eighth year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of the United Kingdom of Great-Britain and Ireland, KING, Defender of the Faith, &c. &c. &c. being the Eighth Session of the Tenth General Assembly, convened in the said Province.*

* In the time of the Right Honourable George, Earl of Dalhousie, Knight Grand Cross of the Most Honourable Military Order of the Bath, Lieutenant-Governor; S. S. Blowers, Chief Justice and President of Council; Simon Bradstreet Robie, Speaker of the Assembly; H. H. Cogswell, Acting-Secretary of the Council; and James B. Franchlin, Clerk of Assembly.

CAP. I.

Expired

An ACT to continue and amend the several Acts of the General Assembly, for the further increase of the Revenue, by raising a duty of Excise on all Goods, Wares and Merchandise, imported into this Province.

CAP. II.

Expired

An ACT to continue the several Acts of the General Assembly for raising a Revenue to repair the Roads throughout the Province, by laying a Duty on Persons hereafter to be licensed to keep Public Houses and Shops for the retail of Spirituous Liquors.

CAP. III.

Expired

An ACT to continue an Act for granting a Drawback of the Duties on Brown or Raw Sugar, used in the manufacture of Refined Sugar within the Province, and for regulating the mode of obtaining the same.

CAP,

CAP. IV.

An ACT to amend and continue the several Acts, imposing a Duty on Articles to be imported from the United States of America, and for appropriating the same. Expired

CAP. V.

An ACT to continue and amend the several Acts of the General Assembly, for granting to His Majesty certain Duties on Wine, Brandy, Gin, Rum, and other distilled Spirituous Liquors, Molasses, Coffee and Brown Sugar, for the support of His Majesty's Government, and for promoting the Agriculture, Commerce and Fisheries, of this Province. Expired

CAP. VI.

An ACT to continue an Act, passed in the fifty-first year of His present Majesty's Reign, entitled, An Act to amend an Act, passed in the fourteenth year of His Majesty's Reign, entitled, An Act for establishing a Public School in the Town of Halifax. Expired

CAP. VII.

An Act in amendment of an Act, passed in the fifty-seventh year of His Majesty's Reign, entitled, An Act for the better-regulating the manner of holding the Inferior Court of Common Pleas and General Sessions of the Peace, in the District of Yarmouth and Argyle, in the County of Shelburne.

WHEREAS it is necessary that the Grand Jurors should have power to present all such sum or sums of Money as may be necessary to defray such charges as arise in the District of Yarmouth and Argyle, at Cape Forchu and Tusket Village, in the County of Shelburne, at the sittings of the Court of General Sessions of the Peace at either place, twice in the year instead of once. Preamble

BE it therefore enacted, That the Grand Jury shall have the same power to present Money for defraying the District Charges at the Session at Cape Forchu, in the same manner as at Tusket Village, under the provisions of the Act of which this is an amendment, and the Court of Session shall have the same power as to the raising and applying the Money so presented at one Court as well as the other, any thing in the said Act to the contrary notwithstanding. Provisions of the Act 57th Geo. III Cap 24, extended to Cape Forchu

CAP. VIII.

An ACT to repeal the Act, passed in the fifty-sixth year of His Majesty's Reign, entitled, An Act for the encouragement of the Trade of this Province in Plaister of Paris, otherwise called Gypsum.

Preamble

Act 56th Geo. III.
Cap. 10 repealed

WHEREAS *it is expedient that the said Act be repealed :*

BE it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the fifty-sixth year of His present Majesty's reign, entitled, An Act for the encouragement of the Trade of this Province in Plaister of Paris, otherwise called Gypsum, and every clause, matter and thing, therein contained, be, and the same is hereby, repealed.

CAP. IX.

An ACT to extend an Act, passed in the forty-fourth year of His Majesty's Reign, so far as the same respects the carriage of Plaister of Paris on the Roads in and about the Township of Windsor, to every Township and Settlement within the Province.

Statute Labour to
be performed by
persons employed
in transporting
Plaister of Paris.

BE *it enacted, by the Lieutenant-Governor, Council and Assembly, That in every Township and Settlement within the Province, where Plaister of Paris shall be carried on any Cart, Truck or Waggon, or other Wheel Carriage, on the Public Highways or Roads, within the said Township or Settlement, the additional Statute Labour of two days for each and every Cart, Truck, Waggon or Wheel Carriage, shall be performed, by the Person or Persons owning such Cart, Truck or Waggon, or other Wheel Carriage, subject to the same penalties for neglect or refusal thereof as is directed in and by the said Act, within the Township of Windsor.*

CAP. X.

Expired.

An ACT for the Summary Trial of Actions.

CAP. XI.

An ACT for new Executions to be sued against Persons who shall hereafter be delivered out of Execution by privilege of either House of the General Assembly, and for discharge of them out of whose custody such Persons shall be delivered.

Preamble

FORASMUCH *as heretofore doubt hath been made if any Person being arrested in Execution, and by privilege of either of the Houses of the General Assembly of*

of this Province, set at liberty, whether the party at whose suit such execution was pursued, be forever after barred and disabled to sue forth a new writ of Execution in that case; for the avoiding of all further doubts and trouble which in like cases may hereafter ensue:

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly, That, from henceforth, the Party, at or by whose suit such Writ of Execution was pursued, his executors or administrators, after such time as the privilege of that Session of the General Assembly, in which such privilege shall be so granted, shall cease, may sue forth, and execute, a new writ or writs of Execution, in such manner and form as by law he or they might have done if no such former Execution had been taken forth or served. And that, from henceforth, no Sheriff, Bailiff or other Officer, from whose arrest or custody any such person so arrested in execution shall be delivered by any such privilege, shall be charged, or chargeable, with or by any action whatsoever, for delivering out of execution any such privileged person so as is aforesaid by such privilege set at liberty: any law, custom or privilege, heretofore, to the contrary notwithstanding.*

Execution may be issued after privilege ceases

II. *Provided always, That this Act, or any thing therein contained, shall not extend to the diminishing of any punishment, to be hereafter, by censure, in either House of General Assembly, inflicted upon any person who shall hereafter make, or procure to be made, any such arrest as is aforesaid.*

Proviso

CAP. XII.

An ACT for the better preservation of the property of the Inhabitants of the Town of Halifax, by providing for a sufficient Watch at Night.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That, at all times after the publication of this Act, when it shall be deemed expedient to establish a Nightly Watch and Ward for the preservation of the Town of Halifax, and for the peace and safety of the Inhabitants thereof; and the Justices in Sessions, General or Special, shall represent the same in writing, to the Lieutenant-Governor or Commander in Chief for the time being, and the Lieutenant-Governor or Commander in Chief, may, by and with the consent of His Majesty's Council, by an order to be published in the Halifax Gazette, direct such Watch, and Ward, to be immediately established for such time as may be deemed expedient, and the said Justices in Sessions shall thereupon order and direct such of the Inhabitants as they may deem proper to form a Watch, to be established in the Town of Halifax, for the protection of the property of its Inhabitants, and they shall have full power and authority to make such rules, regulations and orders, for the better government of the said Watch, as by them may be thought expedient, and shall impose a fine not exceeding ten shillings, on any person who shall refuse to serve, or who shall transgress any of the rules, regulations or orders, so made by the Sessions as aforesaid.

Watching and Warding, if necessary

Measures to be taken for establishing a Watch

Government of the Watch

II. *And be it further enacted, That every person so appointed to watch, shall, during all the time he shall be so appointed to watch, possess all the power and authority of a Constable; and all insults, opposition or resistance, offered to any person or persons so appointed, during the time he shall be in the execution of the duty of a Watchman, shall be prosecuted and punished as offences committed against Constables in the execution of their Office.*

Authority of Watch

Expense of Watch
—how defrayed

III. *And be it further enacted*, That it shall and may be lawful for the Grand Jury of the County to present such sum or sums of money as may be necessary to support the necessary expenses of the said Watch, to be levied and collected in the same manner as other County Rates are levied and collected.

Disobedience of
Watchmen

IV. *And be it further enacted*, That all fines or forfeitures incurred for disobedience of this Act, or for transgressing the regulations of Sessions, made under and by virtue of this Act, shall and may be recovered before any one of His Majesty's Justices of the Peace in the Town of Halifax, and be applied towards defraying the expenses of the said Watch.

Continuation

V. *And be it further enacted*, That this Act shall be and continue in force for one year, from the publication thereof, and from thence to the end of the next Session of the General Assembly.

Continued by 7
Geo. 4 Cap 26

CAP. XIII.

Disallowed by
His Majesty

An ACT for the improvement of the Common of Halifax.

Preamble

WHEREAS, two hundred and forty acres of Land, were, on the twenty-third day of June, in the third year of His present Majesty's reign, granted to John Collier, Charles Morris, Richard Bulkely, William Nesbit, Charles Proctor, and William Best, the survivor of them, and the heirs of such survivor, for the use of the Inhabitants of the Town of Halifax as a Common: And whereas, owing to the death of the said Grantees, and the absence and minority of the Persons in whom the legal estate in the said Common may be now vested, it is expedient to appoint Trustees, in whom the legal estate in the said Common may be vested, for the more effectually carrying into execution the purposes of this Act:

Estate in the Com-
mon divested

I. *Be it therefore enacted by the Lieutenant-Governor, Council and Assembly*, That all the estate and interest of the heirs at law of the before named Grantees, be, and the same is hereby, divested and for ever determined.

Estate in the
Common reinvest-
ed

II. *And be it also enacted*, That the legal estate, title and interest, in the said two hundred and forty acres of land, and in all the Common of Halifax, be, and the same is hereby, vested in the Chief Justice, the Attorney-General, the Solicitor-General, and the Surveyor-General, of the Province, and their successors in office, for ever, for the use of the Inhabitants of the Town of Halifax.

Preamble

And whereas, it would be advantageous to the Town of Halifax, if part of the said Common, which is now waste and unproductive, were leased in convenient lots for the purpose of enabling persons whose occupations require the keeping of Horses and Cattle, to build thereon, and in order that part of the said Common may be gradually improved by inclosures and trees planted thereon:

Twenty-five
acres of the
Common to be
leased in lots

III. *Be it therefore enacted*, That it shall and may be lawful for the said Trustees to lease part of the said Common, not exceeding twenty-five acres, in lots of half an acre each, for the term of nine hundred and ninety-nine years; which leases shall be made of such parts of the said Common as are described in a plan submitted to the General Assembly in this present Session; which plan is signed by the President of His Majesty's Council and the Speaker of the Assembly.

Lots to be let at
Auction

IV. *And be it further enacted*, That the said lots shall be put up separately at Public Auction, by the Commissioners hereinafter named, excepting such lots or parcels of ground as are marked by a blue line in the said plan, which shall be reserved for Markets, or other public uses of the Town, and shall be leased to the best bidder; who shall covenant to perform the conditions of the lease; and the substance of all the several

several covenants, intended to be inserted in such lease, shall be publicly notified to the bidders at the time and place of holding such auction or auctions.

V. *And be it further enacted*, That in addition to the covenants usually inserted in leases, there shall be inserted these following:—That one year's rent shall be paid upon the lease being executed; that the rent shall, after the first year, be paid annually at the expiration of each year; that the lessee shall cause the lot to be enclosed with a good and sufficient fence, within one year after receiving possession, and shall plant and set out at least ten trees; that no steps, porches, windows, cellar doors or any other building, erection or incumbrance whatever, shall be placed or put outside of the lines and boundaries of the lot; it being the intention of this Act, that there shall be handsome and convenient side walks in front of the said lots.

Payment of rents

VI. *And be it further enacted*, That the several leases to be made and executed pursuant to this Act, by the before named Trustees, or any three of them, shall be good and valid, to all intents and purposes, to convey to the lessee or lessees a good and sufficient estate in the lands so leased for the said nine hundred and ninety-nine years.

Validity of the Leases

And, for the more immediate and better carrying into effect the purposes of this Act:

VII. *Be it enacted*, That Richard Tremain, John Liddell, and William Pryor, Esquires, be, and they are hereby, appointed Commissioners to mark and lay out the said lots of land, and the streets described in the said Plan, and to superintend and direct the planting trees, making the roads, and such other improvements, as are here-in contemplated.

Commissioners

And whereas, owing to many persons having placed and put large quantities of manure, ashes, stones, bricks, broken glass, and other rubbish and substances, upon the said Common, the same is much encumbered, and rendered dangerous for cattle pasturing thereon:

Ashes, &c. placed on Common

VIII. *Be it enacted*, That the said Commissioners shall cause the same to be immediately removed, and take care of the said Common, and forbid all persons from taking or carrying therefrom any of the soil, sod, peat, mould, earth, or from laying thereon any manure, ashes, stones, rubbish, earth or other substances; and any person or persons, or the owner or owners of any cart or team, that shall carry away such sod, soil, peat, mould or earth, from the said Common, or shall lay thereon any manure, ashes, stones, rubbish or other substances, shall, for each offence, forfeit and pay a penalty of not more than forty shillings, nor less than five shillings; to be recovered, with costs of suit before any two Magistrates of the County of Halifax, who shall decide the amount of the penalty, which shall be paid to the Trustees, and applied by them to the use of the Common. *Provided always*, That nothing in this Act shall extend, or be construed to extend, to prevent the Commissioners as aforesaid, from permitting gravel, stones and earth, for repairing streets in the Town of Halifax, from being taken from such place and places, and in such manner, as they shall think fit.

Sod or soil taken from Common

Providing

IX. *And be it further enacted*, That the rents of the said lots for the first year, and such further time as may be necessary, shall be applied by the said Commissioners for improving the said Common, and the remainder of the said rents shall be applied either for the further improvement of the said Common, in lighting the streets of Halifax, or in making paved side-walks in the said streets of the Town of Halifax, as the Justices of the Peace in their General Sessions in the Town of Halifax, shall appoint and direct.

Application of Rents

X. *And be it also enacted*, That the Justices of the Peace for the County of Halifax, in their next June Sessions, shall make such Rules and Regulations for the said Common

Rules and Regulations for Common

Common, and also to prevent the same from being surcharged with cattle, as they shall deem expedient, and shall enforce the same under such penalties, not exceeding twenty shillings, as they shall think fit; and nothing herein contained shall prevent the said Justices from making such other Regulations, relative to the said Common, as they are authorised to do in and by an Act, passed in the tenth year of His present Majesty's Reign, entitled, An Act for regulating the Commons belonging to the several Townships in this Province.

Ten Acres of
Common allowed
for the use of
Bridewell

XI. *And be it further enacted*, That it shall and may be lawful for the said Trustees to lay out and mark off, in some convenient part of the said Common, a space not exceeding ten acres, for the use of the Bridewell or House of Correction in the Town of Halifax, which land shall be under the management of the Justices of the Peace of the County of Halifax, to be used for the purpose of raising Vegetables for the use of the House of Correction, and for no other purpose whatsoever.

CAP. XIV.

Executed

An ACT for rebuilding and repairing Cornwallis Bridge.

CAP. XV.

Executed

An ACT for applying certain Monies therein mentioned, for the service of the year of our Lord one thousand eight hundred and eighteen, and for appropriating such part of the Supplies granted in this Session of the General Assembly, as are not already appropriated by the Laws or Acts of the Province.

CAP. XVI.

Executed

An ACT to regulate the payment of the Monies due to the Province for Provisions supplied to the Inhabitants, and to apply the same to the service of Roads and Bridges.

CAP. XVII.

Repealed by 7
Geo. 4 Cap 3.

An ACT in addition to, and amendment of, an Act, passed in the forty-first year of His Majesty's Reign, entitled, An Act for the repairing, keeping in repair, cleaning and paving, the Streets in the Town and Peninsula of Halifax, and for removing obstructions therein; and also, to suspend the power and authority vested in the Surveyors of Highways, within the Town and Peninsula of Halifax, after the first day of August next, during the operation of this Act.

CAP.

CAP. XVIII.

An ACT to continue an Act, to establish Grammar Schools in the several Counties and Districts in this Province ; and also the Act, passed in the fifty-fourth year of His Majesty's reign, in amendment thereof. Expired

CAP. XIX.

An ACT to amend and continue an Act, passed in the fifty-first year of His Majesty's reign, entitled, An Act for the better regulation of Solicitors and Proctors, practising in the Courts of Law and Equity in this Province. Expired

CAP. XX.

An ACT to continue an Act, passed in the fifty-second year of His Majesty's reign, entitled, An Act in further addition to the Act, relating to Wills, Legacies and Executors, and for the settlement and distribution of the Estates of Intestates. Expired

CAP. XXI.

An ACT relating to Trespasses.

Repealed by S. Geo. 4 Cap 32

CAP. XXII.

An ACT to facilitate the opening and working His Majesty's Coal Mines, with as little injury as possible to the Proprietors of Lands in this Province.

WHEREAS in Grants or Patents of Land made in this Province, His Majesty has thought proper to reserve to Himself, His Heirs and Successors, all Coals, and other Mines and Minerals ; and His Majesty, in compliance with the wishes of very many of his Subjects, has been pleased to allow, that his Coal Mines in this Province, under certain regulations, may be opened and worked ; and as the opening and working Coal Mines will add much to the increasing prosperity of the Country, it is expedient that such rules and regulations may be established, as will secure the Grantees of Land against any unnecessary waste or trespass that may be committed by those who may be authorized by the Crown, under such general reservation, to open and work Mines of Coal : Preamble

I. BE it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That whenever it has been, or may hereafter be, deemed expedient by His Majesty's Government to open and work, or cause to be opened and worked, any Mine or Mines Opening of Mines
—preparatory
measures to be
adopted
of

of Coal, within any lands of any person or persons, for the purpose of raising and taking away Coal which has been or may be found and discovered within the same, it shall and may be lawful for the Justices in their General or Special Sessions of the Peace for the County or District within which such lands lie, on the application in writing of any person or persons, who may be licensed and authorised by the authority aforesaid, to open and work any such Mine or Mines, to cause the Clerk of the Sessions to make out a list of the names of all the freeholders within at least two of the Townships in the said County or District next adjacent to the Township in which any such lands are situated; the names of which freeholders shall then be written on distinct and similar slips or pieces of paper, which shall be rolled up and put together into a box provided for that purpose; from which box the said Clerk shall then and there, in the presence of the said Justices, draw the names of twenty-four of such freeholders, who shall be persons having no interest in or claim to such lands, and not of kin to any person or persons having such interest or claim, and not being of kin to the person or persons licensed as aforesaid, and applying for the opening and working of such Mine or Mines; and the said Justices shall then and there direct and cause the said Clerk to make out and issue a Precept in writing, directed to the Sheriff of such County or District, or his Deputy, to which shall be annexed a list of the names of the freeholders drawn as aforesaid; in and by which precept the said Sheriff or his Deputy shall be commanded to summon the persons whose names are contained in the said annexed list, to appear at some convenient place upon or near to the said lands, upon a certain day in the said Precept mentioned, which shall be at least fourteen days after the issuing thereof; which Precept shall be made returnable in the Court of General Sessions of the Peace in and for the said County or District which shall be held next after the day appointed in and by the said Precept for the meeting of the said freeholders; of the issuing of which Precept, upon whose application, and also of the time and place of meeting of the said Freeholders, and for what purpose, notices in writing shall be forthwith made out and signed by the said Clerk; one of which notices shall, with all reasonable dispatch, be posted up in one of the most public places in each and every Township within the said County or District; and in case the owner or proprietor of such lands does not reside within such County or District, then a notice to the same effect shall also be inserted in one of the Public Newspapers published in this Province.

A Jury to be called to lay out the part of the Mine to be worked, &c.

II. *And be it further enacted,* That upon the day appointed in and by the said Precept for the appearance of the said freeholders, the said Sheriff or his Deputy, shall call over the said list of freeholders, and of those in attendance; the twelve whose names appear first upon the said list shall then and there be sworn as a Jury by the said Sheriff or his Deputy, to the faithful discharge of the duties required of them by this Act; and the said Jury shall and may then proceed and lay out and set off at the place opened, or intended to be opened, within lands of any person or persons, so much thereof as in their opinion will be sufficient to sink a proper shaft, or pit, to come at the vein or veins of Coals, and also sufficient for lodging and depositing whatever may be raised from such Mine or Mines, and whatever may be necessary to bring to such Mine or Mines for the purpose of opening and working the same to advantage; and the said freeholders shall, at the same time, lay out and mark so much of such lands adjoining to, or contiguous to, such shaft or pit, as in their judgment will be necessary to pass through for the purpose of making a sufficient drain or sough to draw off and carry away any water that may be found in such Mine or Mines, and also so much of such land as may be needful and necessary to use, make and open, as a road or way to carry all matters and things needful and necessary, for advantageously opening and making

making a road or way to or from the respective shafts or pits of any such Mine or Mines, to the nearest navigable sea water, navigable river, or public highway, which ever may be most convenient and useful for such Mine or Mines; and the said Jury shall also assess such damages to the owner or owners, tenant or tenants, of such lands, according to their several interests therein, as the said Jury shall think reasonable, and as such owner or tenant ought to receive for being deprived of the use and benefit of the lands laid off as aforesaid, and for the injury that may be done thereto, as also for the expense which may be imposed upon such owner or tenant for making fences or ditches for the purpose of separating all the lands laid off as aforesaid from other parts of the tract or tracts of land within which the lands so laid off are contained; and shall also fix and ascertain what may be a reasonable annual rent for the use and occupation of the lands laid off as aforesaid.

III. *And be it further enacted,* That a list or pannel of the names of the said Jury shall be made out and annexed to the said Precept; and that the verdict or finding of the said Jury, ascertaining or fixing the said damages and rent, and expressing by, and to whom, the same are to be respectively paid, and at what time or times, shall be written and entered at the foot of the said list or pannel, and shall be signed by each and every of the said Jurors; and the said Precept, with the said pannel and verdict of the Jury annexed thereto, shall be returned by the said Sheriff or his Deputy, into the said Court of General Sessions at the time at which the said Precept is made returnable; and the said Court of General Sessions, upon the application of either of the parties interested in the said verdict or finding of the Jury; shall and may confirm the same; and the said Precept, and the verdict or finding of the Jury thereupon, shall be filed of Record in the said Court; and when and so soon as the said person or persons, who shall be liable in and by the said verdict to pay the damages and annual rent fixed and ascertained therein, and shall enter into a bond or bonds to the person or persons respectively to whom the said annual rent is to be paid, for such sum, and with such sureties as the said Court of General Sessions for such County or District shall approve, conditioned to pay yearly and every year the rent so fixed and established, so long as he or they shall continue to work such Mine or Mines, then, and in such case, the said Court of General Sessions shall make an order authorizing such person or persons to take possession of the lands set off as aforesaid, with the power to hold the same so long as he or they shall continue to work such Mine or Mines, and pay the stipulated annual rents.

Verdict or finding
of the Jury

IV. *And be it further enacted,* That it shall not be lawful for any person or persons to use all or any part of such lands so set off, for any other use or purpose whatsoever, except such only as shall be needful and necessary for making roads, opening drains, and building and erecting necessary works, and all other purposes necessarily connected with opening and working such Mine or Mines to the most profit and advantage; and that the person or persons so authorised as aforesaid, and all other persons employed in and about such Mine or Mines, shall use the said lands so set off as necessary to be used for the purposes aforesaid, in such way and manner as will be least injurious to the owner or occupant, owners or occupants, of the said lands, or any other lands adjoining and contiguous thereto.

Restrictions

V. *And be it further enacted,* That it shall be lawful for the person or persons to whom possession of any lands shall be given under this Act, to make and repair the road and way laid out to and from such Mine or Mines, and to build and erect thereon railways, or any other contrivances needful to facilitate the transportation of the articles necessary to be carried to and from the same; and also to build and erect on the ground set off for the use of the shaft, houses, sheds and buildings, to shelter and cover the workmen, and any articles needful and necessary to be used in and about the premises.

Roads to Mines

Buildings erected
near Mines

VI. *And be it further enacted,* That the person or persons erecting or building any engine, machine, railway, house, shed or other buildings, on the lands, or any part thereof, which may be set off to him or them as aforesaid, shall be at liberty during his or their occupancy thereof, to take down the same, and to remove the materials thereof, if he or they shall think proper, notwithstanding such buildings and erections may be considered in law as attached to the freehold; and the owner or owners of all the lands set off under the authority of this Act, for the use and accommodation of any Mine or Mines, shall be entitled to take possession of all such lands, so set off, in case the working of the Mine, for the use of which such lands may have been appropriated, shall have ceased for a period of six months next before the taking such possession, unless the working thereof shall have received any temporary interruption from any unforeseen accident; and it shall be lawful for such owner or owners to hold such lands so taken possession of, as in his or their first or former estate, any thing in this Act to the contrary thereof notwithstanding. *Provided always,* that before any such possession be taken, reasonable notice be given, and time allowed, to the person or persons working any such Mine or Mines, to remove all his or their effects and materials of every kind from off the premises.

Working of Mines
recommenced

VII. *And be it further enacted,* That in case it may be found expedient to recommence working any Mine after the lands set off for the use thereof shall have been taken possession of by the owner or owners as aforesaid, or in case it may be found necessary to alter, change or add to, the quantity of land set off under the authority of this Act for the use of any Mine or Mines, in either case the same course of proceedings shall be adopted and followed that is directed by this Act to be observed in the first instance.

Change of Persons
authorized to
work Mines

VIII. *And be it further enacted,* That in case of any change of the persons authorized to work any Mine or Mines, may from time to time take place, or any failure of the sureties joined in any bond or bonds directed to be taken as aforesaid, may happen, it shall and may be lawful for the Justices in Sessions as aforesaid, if they shall see just cause and sufficient reason so to do, on the application of either party, to order other bonds to be entered into, it being the intent and meaning of this Act, that the owner of the soil, while kept out of possession, shall be regularly paid the compensation allowed him by this Act, and if the party required to give such bond, shall neglect or refuse to give the same at the time appointed, it shall and may be lawful for the said Justices to order, that possession should be restored to the original owner or owners of such lands, who are at liberty after such order to sue for the possession, together with whatever compensation may be due for the time possession of any such land may be held, after such bond or bonds ought to have been given.

Failure of sure-
ties, &c.

Expences

IX. *And be it further enacted,* That all cost and expence attending the carrying this Act, or any part thereof, into effect, shall be paid by the party authorized as aforesaid, to open and work any Mine or Mines.

Right of the
Crown

X. *Provided always,* That nothing in this Act contained, shall extend, or be construed so as to exchange, alter, take away, or diminish, any right, title, or interest, which is now vested in the Crown, under and by virtue of any reservation or reservations heretofore made, or which hereafter may be made, in any Grant or Grants, Patent or Patents of land, whereby all Coals, Gold and Silver, and other Mines and Minerals, are reserved to the King, his Heirs, and Successors; and it shall be lawful notwithstanding this Act, or any thing herein contained, for the King, his Heirs and Successors, and for all persons having lawful authority under him or them, whether as tenants or otherwise, to sue for, prosecute, maintain and defend, by all lawful ways and means, the title, rights and interest of the Crown, under and by virtue of such reservations, in the same way, and by the same ways and means, that the same might or could have been done previous to the passing of this Act.

CAP. XXIII.

An ACT to extend the provisions of an Act, passed in the first year of His present Majesty's Reign, entitled, An Act in addition to, and amendment of, an Act, entitled, An Act for preventing Trespasses, to the town of Pictou, and the Town Plot of Dartmouth.

Sec. 3, Geo. IV.
Cap. 32, Sec. 8

WHEREAS, *it has been found necessary to provide some more effectual means for preventing Swine and Goats from going at large in the streets, lanes, and highways, of the said Towns :*

Pr eamble

I. Be it therefore enacted by the Lieutenant-Governor, Council and Assembly, That, from and after the publication hereof, the said Act, passed in the first year of His present Majesty's reign, entitled, An Act in addition to and amendment of an Act, entitled, An Act for preventing Trespasses, and all the several matters and things therein contained, shall be, and the same is hereby extended to the Town of Pictou, including all the streets, lanes, and highways, from David Patterson's East line on the West, to the West line of the lot formerly Alpin Grant's on the East of the said Town; and to the Town Plot of Dartmouth, bounded on the North by the Common, on the South and West by Halifax Harbour, and on the East by Mill Brook; and after the payment of the third part of the value of all such Swine or Goats as may be forfeited by the said Act to the prosecutor, the remainder shall be paid to and for the use of the Poor of the said Towns respectively, within the said limits.

Act 1st Geo. III.
extended to Pic-
tou and Dart-
mouth

CAP. XXIV.

An ACT to continue the several Acts of the General Assembly now in force, relating to the Militia.

Expired

CAP. XXV.

An ACT to continue an Act, passed in the fifty-first year of His present Majesty's Reign, entitled, An Act for the more easy recovery of Debts against Co-Partners and Joint Debtors.

Expired

CAP. XXVI.

An ACT to continue and amend an Act, passed in the thirty-eighth year of His present Majesty's Reign, entitled, An Act for regulating the exportation of Red or Smoked Herrings, and in amendment of an Act, passed in the second year of His present Majesty's Reign, entitled, An Act for regulating the exportation of Fish, and the assize of Barrels, Hoops, Boards, and all other kinds of Lumber, and for appointing Officers to survey the same.

Expired

CAP. XXVII.

An ACT to prevent the issue of Notes or Bills by any Corporate Body within this Province for the payment of money.

Preamble

WHEREAS, *it may become highly injurious to the Public, if the practice of issuing of Notes or Bills for the payment of money, and putting the same in circulation as current money, by Corporate Bodies not expressly authorised so to do :*

Corporate Bodies not allowed to issue Bills or Notes

I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That it shall not be lawful for any Corporate Body within this Province to issue any Bills or Notes for the payment of money, for the purpose of circulating or for supplying any want, or pretended want, of a medium in trade.

Violation of this Act

II. And be it further enacted, That if any Corporate Body within this Province shall, from and after the publication of this Act, issue any Bills or Notes for the payment of Money, for the purpose of circulating the same as Money, the Charter of such Company shall be, from the time of the issue of such Bill or Bills, *ipso facto* void and of no effect.

CAP. XXVIII.

Expired

An Act to continue in force the several Acts therein mentioned.

CAP. XXIX.

This Act alters and amends 57 Geo. III Cap 7

An ACT to alter and amend an Act, passed in the last Sessions of the General Assembly, entitled, An Act for regulating Elections of Representatives to serve in General Assembly.

Preamble

WHEREAS, *by the first section of the said Act, the Sheriff or other Officer conducting the Election for Representatives to serve in the General Assembly, is directed to open the Poll at the County Court-House ; and whereas, since the passing the said Act, the Grand Jury for the County of Cumberland have presented a sum of money for the purpose of building a County Court-House, at or near Duncan's Tavern, at the River Philip, which said presentment has been confirmed by the Judges of His Majesty's Supreme Court, which alteration of the Court-House from Amherst to the River Philip, will greatly inconvenience the Western part of said County as respects the Polling the Electors of that part of the said County, at any Election to be hereafter held, for remedy whereof :*

Election of Members in the County of Cumberland

BE it enacted by the Lieutenant-Governor, Council and Assembly, That hereafter, at any Election to be held in and for the County of Cumberland, for Members to serve in the General Assembly, the Sheriff or other Officer shall open the Poll at the Court-House at the River Philip, and shall continue the same for two days, or until all the Electors then and there present have been polled, and shall then adjourn or remove the Poll to Remsheg, at or near the Meeting House in said County, where it shall be held for the space of four days, or until all the Electors then and there present

tent be polled, and the Sheriff or other Officer shall then remove or adjourn the Poll to Amherst, at or near where the old Court-House now stands, and shall continue to take the votes of the Electors for the space of four days, or until all the Electors then and there present be polled, any thing in the before recited Act, passed in the last Sessions of the General Assembly, to the contrary notwithstanding.

CAP. XXX.

An ACT in addition to the Acts to prevent the forestalling Cord Wood.

Expired

CAP. XXXI.

An ACT to encourage Persons concerned in the Lumber Trade, and authorising Courts of Sessions to make regulations for preventing Obstructions in bringing the same, with other articles, down the several Rivers in this Province.

Made perpetual by
1 & 2 Geo. IV 18
Cap. 10

WHEREAS, *it is expedient to encourage persons concerned in the Timber and Lumber Trade of this Province, by making such enactments or regulations as will effectually remove and prevent the difficulties now experienced by them in bringing those articles down the Rivers, in this Province to market:*

Preamble

I. *Be it therefore enacted by the Lieutenant-Governor, Council and Assembly,* That it shall be lawful for any person or persons to bring down, on any of the Fresh Water Rivers in this Province, Logs, Timber and Lumber, of any kind, at such times and seasons of the year, as the Justices in their Sessions may appoint, taking care to do as little damage to the owner or owners of the soil adjoining such rivers as possible.

Timber, &c. may be brought down the Fresh Water Rivers in the Province

II. *And be it further enacted,* That it shall and may be lawful for such person or persons so concerned in the Timber and Lumber Trade, to remove, or cause to be removed, all obstructions of trees, stones, logs or rubbish, in such river or rivers, at such times and seasons as may be most convenient, under such rules and regulations as shall be established by the Court of General Sessions of the Peace, or by any Court of Special Session to be held for that purpose, in such County or District where such rivers are situate. *Provided always,* That nothing herein contained shall authorise the removal of any mill-dam or dams which may have been put or placed upon or across such rivers.

Fresh Water Rivers may be cleared of Obstructions

III. *And be it further enacted,* That it shall be lawful for the said Court of General or Special Session in and for each County or District in this Province, to make such rules and regulations respecting the bringing down the several rivers in such County or District, Timber, Lumber, and other articles, as may be necessary for that purpose, and to impose a penalty or penalties for the breach of such regulations, not less than five shillings, nor more than two pounds: to be recovered, by bill, plaint or information, in any of His Majesty's Courts of Record in this Province, on the oath of one credible witness: one moiety whereof to go to the informer, who shall sue and prosecute for the same, the other half to the repair of the roads and bridges in such County or District wherein the offence is committed.

Rules respecting Fresh Water Rivers used by Traders in Lumber

Violation of Rules

IV. *And be it further enacted*, That this Act shall be and continue, in force for the term of one year from the publication thereof, and from thence to the end of the next General Assembly, and no longer.

CAP. XXXII.

Continued one year

An ACT to empower the Lieutenant-Governor, or Commander in Chief for the time being, to appoint Commissioners to issue Treasury Notes.

Commissioners

BE it enacted by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the Lieutenant-Governor or Commander in Chief for the time being, to appoint three fit and proper persons as Commissioners to issue Treasury Notes to any amount not exceeding Fifteen Thousand Pounds; the said Notes so to be issued shall be of Five Pound Notes, Two Pound Notes, and One Pound Notes, and shall bear date the twentieth day of April, one thousand eight hundred and seventeen, and shall be of the same form, signed, countersigned, and delivered, and shall be paid and received in payment in like manner, and again re-issued under the rules, regulations, restrictions and provisions, as are mentioned, expressed, and contained, in the Act, passed in the fifty-third year of His Majesty's Reign, entitled, An Act to authorize the Treasurer of the Province to call in and pay the Treasury Notes heretofore issued, and to empower the Lieutenant-Governor, or Commander in Chief for the time being, to appoint Commissioners to issue other Treasury Notes.

Amount of Notes to be issued

Date of Notes

Notes funded— amount reissued

II. *And be it further enacted*, That if any Treasury Notes, heretofore issued, shall be at any time funded under, and in virtue of, the sixth section of the Act, passed in the fifty-seventh year of His Majesty's Reign, entitled, An Act to empower the Lieutenant-Governor, or Commander in Chief for the time being, to appoint Commissioners to issue Treasury Notes; it shall and may be lawful for the Lieutenant-Governor or Commander in Chief for the time being, by Warrant or Warrants, to require the said Commissioners to issue other Notes in lieu of those so funded as aforesaid, or any part thereof. *Provided always*, that the New Notes so to be issued under the said Warrant or Warrants, shall not exceed the amount of the Notes so from time to time funded as aforesaid.

Proviso

Notes issued in lieu of such as may be funded

III. *And be it further enacted*, That the said Treasury Notes, so to be issued in lieu of the Notes so to be funded as aforesaid, shall bear date the twentieth day of April, in the year one thousand eight hundred and seventeen; shall be of the same form, signed, countersigned, and delivered; and shall be paid, received in payment, in the manner, and again re-issued, under the rules, regulations, restrictions, and provisions as are mentioned and expressed, and contained, in the Act mentioned and described in the first section of this Act.

Counterfeiting Notes

IV. *And be it further enacted*, That if any person or persons whatsoever, shall counterfeit any of the Notes aforesaid, issued by virtue of this Act, or alter any of the same so that they shall appear to be of greater value than when originally issued, or shall knowingly pass or give in payment any of the Notes aforesaid, so counterfeited or altered. every person convicted thereof shall be set in the pillory for the space of one whole hour, and one of the ears of such offender shall be nailed thereto, and such offender shall be publicly whipped through the streets of the town or place where such offence shall have been committed, and shall pay all charges of the prosecution.

Notes received in payment may be re-issued

V. *And be it further enacted*, That in case the Lieutenant-Governor, or Commander in Chief for the time being, shall, by his Warrant or Warrants, require the Treasurer of

of the Province to re-issue the Notes received in payment at the Treasury, or to require the Commissioners to issue other Notes in lieu of those so received, or any part thereof, it shall and may be lawful for the Treasurer to re-issue the said Notes, or the Commissioners to issue other Notes agreeably to the said Warrants. *Provided*, The new Notes, so to be re-issued, shall not exceed the amount of the Notes so from time to time received in payment at the Treasury.

VI. *And be it further enacted*, That if, after the thirty-first day of December, in the year one thousand eight hundred and nineteen, all the Treasury Notes which shall be issued and re-issued under and in virtue of this Act, shall not have been received in payment of Duties by the Collectors of Impost and Excise, and paid into the Treasury, it shall and may be lawful for the holders of any such Treasury Notes to present the same for payment at the Office of the Treasurer of the Province, and the Treasurer is hereby directed and required to pay all such Treasury Notes on demand in gold and silver.

Treasurer directed to pay Notes presented to him after 31st Dec. 1819

VII. *Provided always, and be it further enacted*, That nothing herein contained shall extend, or be construed to extend, to authorise any issue or re-issue of Treasury Notes under this Act, or that may be issued or re-issued under any other Act heretofore made, so as to have in circulation at any one time a greater sum than Forty Thousand Pounds.

Proviso

VIII. *And be it further enacted*, That it shall and may be lawful for the Treasurer, and he is hereby directed, from and after the publication hereof, when and as soon as he shall receive a sum of money in Gold and Silver sufficient to pay and discharge the amount principal, and interest, due upon any Certificate granted under the sixth section of the Act mentioned and described in the second section of this Act, he shall give sixty days notice of his intention to pay such Certificate, and fix a day for the payment thereof, and as Gold and Silver shall be received into the Treasury to pay the principal and interest due upon any other certificate or certificates granted as aforesaid, he shall give the same notice and shall continue to do so until the whole of the principal and interest due upon the Certificates granted as aforesaid shall be fully paid and satisfied; and on the person or persons holding such Certificate or Certificates failing to attend and produce the same at the time respectively limited, all future interest on the same shall cease, and no other or greater amount of interest shall be paid on such Certificates so called in than was due and payable at the time the same was required to be presented to the Treasury as aforesaid.

Payment of Certificates

IX. *And be it further enacted*, That it shall and may be lawful for the said Treasurer, and he is hereby directed, to pay to the person or persons duly authorised to receive the same, yearly and every year, the interest as the same may become due upon any Certificate or Certificates granted under the sixth section of the Act aforesaid, until the principal thereof shall be fully paid and discharged.

Payment of Interest

CAP. XXXIII.

An ACT in addition to and amendment of an Act, made in the second year of His present Majesty's Reign, entitled, An Act for the appointment of Firewards, ascertaining their duty, and for punishing Thefts and Disorders at the time of Fire.

Further amended by 60 Geo. III. Cap 7

WHEREAS, much injury has been done by persons breaking open Doors and Windows, and attempting to pull down Houses, at the time of fire, with-
out

Preamble

out lawful authority, and under pretence of Orders having been given by the proper Officers so to do:

Breaking open of
houses in time of
Fire

I. Be it enacted, by the Lieutenant-Governor, Council and Assembly, That it shall not be lawful for any person or persons at the time of fire, under any pretence whatsoever, to break open the doors or windows of any Dwelling House, Store, Shop or other Building, in the Town of Halifax, or to attempt to pull the same down, or to order others so to do, unless orders for so doing shall have been first given, either by the owner of the house, or by at least four Firewards or Magistrates of said Town; and any person or persons so doing shall severally forfeit and pay for every offence, each a fine of forty shillings, to be recovered as is directed in and by the second section of the Act of which this Act is an amendment; and the person or persons so offending shall jointly or severally be answerable for all damages done the same, to be recovered in an action or actions of trespass, to be brought against him by the person or persons injured.

Injuring or pulling
down houses at a
time of Fire

II. And be it further enacted, That the Town of Halifax shall not be called on, or be held liable, to pay for any damage done by breaking, injuring or pulling down, any Dwelling House, Store, Shop or other Building, in the said Town of Halifax, at the time of fire, unless positive orders shall have been previously given for such breaking, injuring or pulling down, by at least four Magistrates or Firewards of said Town.

Compensation not
allowed for house
pulled down after
it has taken Fire

III. And be it further enacted, That no person shall be entitled to receive compensation from the said Town of Halifax, for any House pulled down or begun to be pulled down, in case the same shall be on fire at the time the orders are given for pulling the same down, or if the same shall take fire during the time of carrying such orders into execution.

Additional num-
ber of Fire-Engine
Men

IV. And be it further enacted, That it shall be lawful for the Justices of the Peace in their Sessions for the Town and County of Halifax, to appoint a further number, not exceeding fifteen, discreet and prudent persons as Engine Men, in addition to the number already appointed or to be appointed, under the Act or Acts whereof this is an amendment, and such persons shall be subject to the duties, and entitled to all the privileges and exemptions, imposed and granted by the said Acts to Fire-Engine Men.

CAP. XXXIV.

Made perpetual by
the 1 and 2 Geo.
IV Cap 7

An ACT in addition to an Act, passed in the thirty-fourth year of His late Majesty's reign, entitled, An Act for regulating the Common belonging to the Township of Lunenburg.

Preamble

WHEREAS it is become necessary that the original Boundary Lines of the several Tracts of Land, granted and set apart as a Public Common for the use of the Inhabitants of the said Township, should be ascertained, and the marks renewed, and that encroachments and settlements forcibly made and making since the date of the grant of confirmation thereof, into and upon the said Common, to the great detriment of the said Inhabitants, should be relinquished and prevented:

Common at Lu-
nenburg—expense
of ascertaining its
boundaries defray-
ed—encroachments
prevented

I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That, upon application of the Trustees of the said Common to the Inhabitants of the said Township, in their annual meetings, to make provision for their Poor, it shall and may be lawful for the said Inhabitants to vote such sum or sums of Money as they shall judge necessary and sufficient to be raised to defray the costs and expenses of running, ascer-
taining

taining and renewing, the marks of the original Boundary Lines of the said Common, when and so often as it shall be found requisite, and also for commencing, carrying on and prosecuting, any suits or actions to compel the relinquishment of encroachments and settlements made into and upon the said Common; which suits or actions the said Trustees of the said Common for the time being, or either of them, are hereby authorised and empowered to commence, carry on and prosecute, in their own names, and on behalf of the Inhabitants of the said Township; which said sum or sums of money so voted, and the sum voted at the same time for the support of the Poor, shall be added together, so as to make but one assessment of the whole, and the same assessed by the same Assessors, and collected by the same Collectors, in like manner as Poor Rates are by Law assessed and collected, and shall be paid to the said Trustees for the purposes herein before mentioned, who shall account for the expenditure thereof to such person or persons as the said Inhabitants shall, in any of their said Meetings, think proper to appoint to enquire into the same. *Provided always*, That no such Monies shall be voted by the Inhabitants of the said Township unless the Overseers of the Poor, in the notice now by Law required to be given for raising money for the support of the Poor, shall also state that application for a vote of money, to be raised for the purposes herein before specified, will be submitted at such Meeting; which notice shall be given by the said Overseers at the request of either of the said Trustees, and any five freeholders of the said Township.

II. *Be it further enacted*, That, from and after the publication of this Act, it shall and may be lawful for the Justices of the Peace for the said County of Lunenburg, at their General Sessions of the Peace, from time to time, to make such rules and regulations as they may deem necessary and expedient to be observed and followed by the Inhabitants of the said County, in collecting and taking away Eel Grass, or other sea manure, which may from time to time be driven by the sea and lodged upon the shore of the Common or Public Lands within the said County.

Regulations for
the Common

III. *Be it enacted*, That if any person or persons shall transgress any such of the rules or regulations, so to be made as aforesaid, or shall neglect or refuse to obey the same, such person or persons shall forfeit and pay a fine not exceeding forty shillings for every offence, to be recovered, with costs, before any one of the Justices of the Peace for the said County; one half thereof to the person complaining, and the other half to the use of the Poor of the Township where the offence shall be committed.

Violation of Re-
gulations

IV. *And be it further enacted*, That this Act shall continue in force three years from the publication hereof, and from thence to the end of the next Session of the General Assembly.

Continued three
Years

CAP. XXXV.

An ACT for the encouragement of the Cod and Scale Fisheries of the Province.

Executed

At the **GENERAL ASSEMBLY** of the Province of Nova-Scotia, begun and holden at Halifax, on Thursday, the Eleventh day of February, 1819, in the Fifty-Ninth year of the reign of our Sovereign Lord **GEORGE** the Third, by the Grace of God, of the United Kingdom of Great-Britain and Ireland, **KING**, Defender of the Faith, &c. &c. &c. being the First Session of the Eleventh General Assembly, convened in the said Province.*

* In the time of the Right Honourable George, Earl of Dalhousie, Knight Grand Cross of the Most Honourable Military Order of the Bath, Lieutenant-Governor; S. S. Blowers, Chief Justice and President of Council; Simon Bradstreet Robie, Speaker of the Assembly; Rupert D. George, Secretary of the Council; and James B. Franklin, Clerk of Assembly.

CAP. I.

39 Geo. III. Cap.
13, Sec. 1, expired

An ACT to continue the several Acts of the General Assembly, for raising a Revenue to repair the Roads throughout the Province, by laying a duty on Persons hereafter to be licensed to keep Public Houses for the retail of Spirituous Liquors.

40th Geo. III Cap
14 repealed

II. And be it further enacted, That an Act, passed in the fortieth year of His Majesty's reign, entitled, An Act to continue and amend an Act, made and passed in the thirty-ninth year of His present Majesty's reign, entitled, An Act for raising a Revenue to repair the Roads throughout the Province, by laying a duty on persons hereafter to be licensed to keep Public Houses and Shops for the retail of Spirituous Liquors, and for regulating such Public Houses and Shops, and every matter, clause and thing, therein contained, be, and the same are hereby, repealed.

CAP. II.

Expired

An ACT to continue the several Acts of the General Assembly for the further increase of the Revenue, by raising a Duty of Excise on all Goods, Wares and Merchandise, imported into this Province.

CAP. III.

Expired

An ACT to continue the several Acts imposing a Duty on Articles to be imported from the United States of America, and for appropriating the same.

CAP. IV.

An ACT to continue the several Acts of the General Assembly for granting to His Majesty certain Duties on Wine, Brandy, Gin, Rum, and other distilled Spirituous Liquors, Molasses, Coffee and Brown Sugar, for the support of His Majesty's Government, and for promoting the Agriculture, Commerce and Fisheries, of this Province. Expired

CAP. V.

An ACT to continue an Act for granting a Drawback of the Duties on Brown or Raw Sugar, used in the manufacture of Refined Sugar within the Province, and for regulating the mode of obtaining the same. Expired

CAP. VI.

An ACT to continue and amend an Act, passed in the fifty-eighth year of His Majesty's reign, entitled, An Act for regulating the exportation of Red or Smoked Herrings; and in amendment of an Act, passed in the second year of His present Majesty's reign, entitled, An Act for regulating the exportation of Fish, and the assize of Barrels, Hoops, Boards, and all other kinds of Lumber, and for appointing Officers to survey the same. Expired

CAP. VII.

An ACT to authorise a Drawback of certain Duties, and to regulate the manner of obtaining the same. Repealed by 4 Geo IV. Cap. 10

CAP. VIII.

An ACT for applying certain Monies, therein mentioned, for the service of the year of Our Lord One Thousand Eight Hundred and Nineteen, and for appropriating such part of the Supplies, granted in this Session of the General Assembly, as are not already appropriated by the Laws or Acts of the Province. Executed

CAP. IX.

An ACT for the appointment of Commissioners to issue Treasury Notes ; and to establish Loan Offices in the Counties of Annapolis and King's County.

Appointment of
Commissioners

Sum to be issued

Description of
Notes

BE it enacted by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the Lieutenant-Governor, or Commander in Chief for the time being, to appoint three fit and proper persons, as Commissioners, to issue Treasury Notes, to any amount not exceeding Ten Thousand Pounds : the said Notes so to be issued, shall be Five Pound Notes, Two Pound Notes and One Pound Notes, and shall bear date the first day of May, one thousand eight hundred and nineteen, and shall be of the same form, signed, and countersigned, and shall be received in payment in like manner, and again re-issued, under the rules, regulations and provisions, as are mentioned, expressed and contained, in the Act, passed in the fifty-third year of His Majesty's reign, entitled, An Act to authorize the Treasurer of the Province to call in and pay the Treasury Notes heretofore issued, and to empower the Lieutenant-Governor, or Commander in Chief for the time being, to appoint Commissioners to issue other Treasury Notes.

II. And be it further enacted, That the said Commissioners, so to be appointed as aforesaid, before they enter upon the duties imposed by this Act, shall respectively take and subscribe, before any one of His Majesty's Justices of the Peace, the following Oath :

Oath to be taken
by Commissioners

I, A. B. do swear, that I will well and faithfully do and perform what I am directed and empowered to do as a Commissioner to issue Treasury Notes, under an Act, entitled, An Act to authorise the Lieutenant-Governor, or Commander in Chief for the time being, to appoint Commissioners to issue Treasury Notes, and to establish Loan Offices in the Counties of Annapolis and King's County, and that I will not knowingly sign any more, or greater amount of Treasury Notes, than I am authorised to do under the said Act. So help me God : which Affidavit shall be filed in the Office of the Secretary of the Province.

Appointment of
Loan Officers

Bond to be given
by Loan Officers

Oath to be taken
by Loan Officers

III. And be it further enacted, That it shall and may be lawful for the Lieutenant-Governor, or Commander in Chief for the time being, by and with the advice of His Majesty's Council, to appoint two fit and proper persons in each of the Counties of Annapolis and King's County, and also two other fit and proper persons resident in the Town of Halifax, as Loan Officers for the same ; and the persons so appointed, before entering upon the duties of the said office, shall respectively give Bond to His Majesty His Heirs and Successors, in the sum of three thousand pounds, with such sufficient Sureties as shall be approved of by His Majesty's Attorney-General and Solicitor-General for the said Province, conditioned for the true and faithful performance of the duty imposed by this Act, without fear, favor or partiality ; and shall also take and subscribe before any of His Majesty's Justices of the Province, the following Oath :—**I, A. B.** do swear, that I will, to the best of my skill and knowledge, faithfully, impartially and truly, demean myself in discharge of the trust committed to me as one of the Loan Officers for _____ according to the true intent and meaning of the Act to authorise the Lieutenant-Governor, or Commander in Chief for the time being, to appoint Commissioners to issue Treasury Notes, and to establish Loan Offices in the Counties of Annapolis and King's County. So help me God. Which bond and affidavit, so made and subscribed, shall be delivered to the Secretary of the Province, to be by him recorded, and afterwards delivered to the Treasurer of the Province.

Notice of appointment
of Loan
Officers

IV. And be it further enacted, That the said Loan Officers, when appointed as aforesaid,

foresaid, shall, by advertisements set up in the most public places in the said Counties, respectively give sixty days notice of their appointment, and that applications, on a day to be therein named, will be received by such of them resident within each County, for borrowing the said Notes, to be lent under this Act; and the said Loan Officers are hereby directed to lend the same, to such persons as apply to borrow, and can give security to the said Loan Officers, by Mortgage on real estate, situate in the County where the application is made, as is required by this Act; and every person so applying shall receive Notes according to priority, if no reasonable objections be made against the title to the real estate offered in security, and the application is in other respects conformable to this Act, and satisfactory to the Loan Officers. *Provided always*, That if, upon the first day, so many borrowers do offer as to demand a larger sum than the said Loan Officers are authorised to lend, then, and in such case, every such applicant shall be abated in proportion to the sum required by him. *And provided always*, That no one person shall, at any time, receive from the said Loan Officers, any greater or larger sum than two hundred pounds, nor less than twenty-five pounds.

Application for Loans

Securities for Loans

Provide

Loans limited

V. *And be it further enacted*, That the said Loan Officers, resident in the said Counties respectively, shall transmit the said applications for borrowing the said Notes, with their observations thereon, to the Loan Officers resident in Halifax aforesaid; and as soon as the applications are agreed upon by all the Loan Officers for each of the said Counties, and the same are certified to His Excellency the Lieutenant-Governor, it shall and may be lawful for His Excellency, by Warrant under his hand and seal, to order and direct the said Commissioners and Treasurer to deliver the amount of the Notes, so agreed to be lent as aforesaid, to the Loan Officers for each County resident therein. *Provided always*, That the amount of Notes, so to be delivered to the Loan Officers for each County, shall not exceed five thousand pounds.

Payment of Loans

VI. *And be it further enacted*, That the said Loan Officers for the said Counties respectively, shall, and they are hereby directed, before they deliver any of the said Notes, and before they receive security on any real estate, to enquire into the title thereof, and ascertain that the same is good and sufficient, and that there are no encumbrances thereon, and shall enquire into, and ascertain by appraisalment under oath, the value of the soil, and improvements thereof, as the same description of real estate has been sold for within six months prior to the said appraisalment, or according to its real and intrinsic worth. *Provided always*, That no buildings or fences of any description shall be valued or considered in making the said appraisalment.

Titles and Description of Estates offered as Securities for Loans

VII. *And be it further enacted*, That the persons applying to borrow any of the said Treasury Notes, shall take and subscribe the following Oath, or Affirmation if a Quaker, which the said Loan Officers are authorised and directed to administer, to wit:—I, A. B. do swear, that I am, *bona fide*, seized in fee simple of the real estate by me now offered to be mortgaged for securing the payment of the sum of pounds and interest, to be received from the Loan Officers for the County of , in my own right, and to my own use, and the same was not conveyed to me in trust for the use of any person or persons whatsoever; and that the premises are free and clear from any other or former gift, grant, sale, mortgage, judgment or other incumbrance whatsoever, to my knowledge or belief, except the conditions of the original Grant. So help me God.

Oath to be taken by applicants for Loan

Interest on Loans

VIII. *And be it further enacted*, That the said Loan Officers for the said Counties respectively, shall let or lend the said Treasury Notes received by them as aforesaid, to the persons making application for the same and complying with the directions and provisions of this Act, at the interest of six per cent. per annum; to be paid and payable on the thirty-first day of December in each year; one third of the principal in three

three years from the thirty-first day of December next ensuing, another third thereof in six years, and the remainder in nine years after that period, and not otherwise.

Estates must be of treble the value of sum secured

IX. *And be it further enacted,* That the Real Estate so to be mortgaged to secure the payment of the principal lent, and the interest thereof, shall be at least treble the value of the sum secured, the value thereof to be fixed and ascertained in manner as aforesaid, and that the mortgage to be taken and received by the said Loan Officers, for securing the payment of the principal and interest, as aforesaid, shall be in the form following :

Form of Mortgage

This indenture, made the _____ day of _____ in the year of our Lord _____ between _____ of _____ in the County of _____ and _____ his wife, of the one part Loan Officers for the County of _____ of the other part, Witnesseth, that the said _____ and his wife, for and in consideration of the sum of _____ to them in hand paid by the said _____ Loan Officers, as aforesaid, the receipt whereof is hereby acknowledged, have granted, bargained, sold, aliened, released and confirmed, and by these presents do grant, bargain, sell, alien, release and confirm, to the said _____ Loan Officers, as aforesaid, their Successors, or Assigns for ever, all that _____ together with all and singular the hereditaments and appurtenances to the same belonging, or in any wise appertaining, and also all the estate, right, title, interest, possession, claim, property and demand, of them the _____ in right of dower, or otherwise, of, in, and to the premises aforesaid, and every part thereof; to have and to hold the said land and premises above-mentioned, and every part thereof, to the said _____ as Loan Officers as aforesaid, and to their Successors and Assigns for ever, to, and for, the uses and purposes mentioned in the Act of the General Assembly, passed in the fifty-ninth year of His present Majesty's Reign, entitled, An Act for the appointment of Commissioners to issue Treasury Notes, and to establish Loan Offices in the respective Counties and Districts in this Province. *Provided always, nevertheless,* and these Presents are upon this express condition, that if the said _____ his Heirs, - Executors, Administrators or Assigns, do pay, or cause to be paid, to the said _____ Loan Officers as aforesaid, or their Successors, the interest at the rate of six per cent. on the said principal sum of _____ on the thirty-first day of December next, and yearly on that day, until the thirty-first day of December, in the year one thousand eight hundred and twenty-two, and if upon that day shall pay to the said _____ and their Successors as aforesaid, one-third of the said principal sum, and the interest on the remaining two thirds thereof yearly, on the thirty-first day of December, until the thirty-first day of December, in the year one thousand eight hundred and twenty-five, and if upon that day shall pay to the said _____ and their Successors as aforesaid, another third of the said principal sum, and the interest due on the remaining one third thereof yearly, on the thirty-first day of December, until the thirty-first day of December, in the year one thousand eight hundred and twenty-eight, and if upon that day shall pay to the said _____ or their Successors, aforesaid, the remaining third part of the said principal sum, according to the true intent and meaning of the said herein before-mentioned Act of the General Assembly, then these Presents, and every matter and thing contained therein, shall be null and void; but if default be made in any of the payments aforesaid, then to be and remain in full force and virtue. And the said _____ for himself, his Heirs and Assigns, doth agree to be absolutely barred of all equity of redemption of the said premises, within sixty days after such failure in payment as aforesaid. And the said _____ for himself, his heirs, executors and administrators, doth covenant, promise and agree, to and with the said _____ as Loan Officers as aforesaid, and their successors in office, that the said _____ his executors, or administrators, shall and will, well and truly pay, or cause to be paid, to the said _____ Loan Officers, as aforesaid,

aforesaid, or their successors in office, all and every of the sums of money above mentioned, and at the times on which the same ought to be paid, as aforesaid. In witness, &c.

FORM OF ACKNOWLEDGEMENT OF DOWER.

On the day of in the year before me, one of His Majesty's Justices of the Peace for the County of personally appeared the wife of the within named who being by me examined separate and apart from her said husband, did acknowledge that she signed, sealed and delivered, the within Indenture, freely, and without compulsion from her said husband.—Which Mortgage shall be registered according to law, at the costs and charges of the Mortgagor.

X. *And be it further enacted*, That it shall not be lawful for the said Loan Officers Repayment of Loans for the said Counties respectively, to receive from the borrower any payment in part of the Notes lent under this Act, or the interest thereof, except on the days and times limited and appointed for the payment of the interest and principal, unless the person or persons borrowing the same shall tender and offer the whole sum borrowed, with the interest due and arising thereon; and upon payment of the interest and principal as the same becomes due, the said Loan Officers shall give the borrower a receipt for the same, and shall enter such payment upon the said mortgage, and when the full payment of the principal and interest shall be made, the said Loan Officers shall execute and deliver to the Mortgagor a release and discharge in due form of Law, to release and discharge the said real estate of and from the said Mortgage.

XI. *And be it further enacted*, That in case the interest or principal, due and payable upon any Mortgage taken under this Act, shall be unpaid for the space of fifteen days after the same shall become due, the said Loan Officers, for the said Counties respectively, are hereby directed and required to cause a notice to be inserted in the Royal Gazette, and a copy thereof to be served on the Mortgagor, or, if absent, to be left at his last place of abode, within the County, that the interest or principal (as the case may be) is due and unpaid upon the said Mortgage, and unless the same is paid within forty-five days thereafter, his equity of redemption in the Premises mortgaged becomes foreclosed, and the same will be afterwards sold pursuant to the directions and provisions of this Act. Payment of Interest or Principal

XII. *And be it further enacted*, That the Notes issued under this Act, and Gold and Silver Coin, current in the Province, shall be received by the said Loan Officers, for the said Counties respectively, in payment of the principal borrowed, and the interest thereof, and upon all sales of real estate made under this Act, and the said Loan Officers shall, upon the receipt thereof, without delay, transmit the same to the Treasurer of the Province, and shall be placed by him to the credit of the Province. Province Notes &c. received in re-payment of Loans—to be transmitted to Treasurer

XIII. *And be it further enacted*, That if the Notes so liable to be re-issued, shall be defaced, or otherwise injured, it shall and may be lawful for the Lieutenant-Governor or Commander in Chief, by Warrant or Warrants, to require the Commissioners to issue other Notes agreeably to the said Warrants, in lieu of those so defaced and injured, which said defaced Notes shall be, by the said Commissioners, in the presence of the Treasurer, cancelled, by cutting off the name of the Treasurer and the year in which the same were issued, and delivered to the Secretary of the Province, to be examined and destroyed by the joint Committee of His Majesty's Council and the House of Assembly, appointed to examine the Public Accounts: Notes defaced or injured
Provided always, That the new Notes, so to be issued, shall not exceed the amount of the defaced and injured Notes, so, from time to time, in manner as aforesaid, received at the Treasury. Proviso

XIV. *And be it further enacted*, That if any person or persons whatsoever, shall Counterfeiting of Notes counterfeit

counterfeit any of the Notes aforesaid, issued by virtue of this Act, or alter any of the same, so that they shall appear to be of greater value than when originally issued, or shall knowingly pass, or give in payment, any of the Notes aforesaid, so counterfeited or altered, every person convicted thereof, shall be set in the Pillory for the space of one whole hour; and one of the ears of such offender shall be nailed thereto, and such offender shall be publicly whipped through the streets of the town or place, where such offence shall have been committed, and shall pay all charges of the prosecution.

Defective Mortgage XV. *And be it further enacted,* That if the said Loan Officers for the said Counties respectively shall, after receiving any Mortgage by way of security for Notes lent under this Act, discover that the Mortgagor has no good title to the premises contained in the said Mortgage, or that the same is defective, it shall and may be lawful for the said Loan Officers or their Successors in Office, and they are hereby required, to commence an action or actions of debt or covenant upon the said Mortgage, against the said Mortgagor, his or her heirs, Executors, and Administrators, and the same to prosecute to judgment in any Court of Record, for the recovery of the money lent and unpaid upon the Mortgage, and the interest thereof, whether the same has become due or not; and the said Court are hereby authorised and empowered to award judgment against the Mortgagor for the said sum, and costs of suit, upon proof of the execution of the said Mortgage; and that the Mortgagor's title to the premises therein contained is not good, but defective, and to award execution thereon, any law, usage or custom, to the contrary notwithstanding: in which action or actions, the Mortgagor shall be held to Special Bail, or his goods, chattels or estate, attached. *Provided always,* That nothing herein contained shall extend, or be construed to extend, to save harmless or indemnify the said Loan Officers, for any negligence or inattention in their duty, in enquiring into, and ascertaining, the titles to the Lands mortgaged to them, as Loan Officers as aforesaid.

Non-payment annually of interest on, and principal of, Loans

XVI. *And be it further enacted,* That if any person or persons, who shall borrow Notes under this Act, shall neglect to pay, or cause to be paid, every year, on the day limited for the payment thereof, or within sixty days thereafter, the yearly interest due upon his or their Mortgage, and also the part of the principal as it becomes due and payable thereon, then, and in this case, the Loan Officers to whom such Mortgage was made, or their successors in office, shall be seized of an absolute indefeasible estate in fee simple, in the real estate in the said Mortgage mentioned, and thereby mortgaged to them, their successors and assigns, to the uses and for the purposes in this Act mentioned, and the Mortgagor or Mortgagors, his or their heirs and assigns, shall be utterly precluded and barred of all equity of redemption of the mortgaged premises; any law, usage, custom or practice, of Courts of Equity, to the contrary notwithstanding.

Death, &c. of Loan Officers

XVII. *And be it further enacted,* That if any Loan Officer shall die, remove, misbehave, neglect, or refuse to do and perform, the duties required by this Act, it shall and may be lawful for the Lieutenant-Governor, or Commander in Chief, by and with the advice of His Majesty's Council, to appoint another person in his stead, who shall, before entering upon the duties of his Office, give bond, with sureties, and take and subscribe the Oath in manner as aforesaid; and the Loan Officer, so dying, or going out of Office, his executors or administrators, shall, upon demand, deliver to the other Loan Officer for the same County or District, all the Notes, Monies, Books and Papers, in his custody and possession belonging to the said Loan Office, upon oath before any Justice of the Peace; and in case such former Loan Officer,

or his executors or administrators, shall refuse or neglect to make such delivery under oath as aforesaid, the bond of such Loan Officer shall be forfeited.

XVIII. *And be it further enacted,* That the Loan Officers for each County or District shall be, and they are hereby authorised to retain out of the interest received on the Notes lent by them under this Act, at and after the rate of two pounds ten shillings per cent. on the amount of the interest so received for their services; and also shall, and they are hereby authorised to, demand and receive for their own use, from each person borrowing Notes as aforesaid, the following fees, and no other, that is to say:—

Allowance to
Loan Officers

For every Valuation and Appraisement, Seven Shillings and Six Pence.

For every Mortgage, Five Shillings.

For every Release and Discharge, Two Shillings and Six Pence.

For selling Real Estate, Three Pence in the Pound.

For every Deed, Five Shillings.

And for Deed or Re-conveyance, Five Shillings.

And any Loan Officer or Officers taking or receiving greater or larger fees than are above expressed, he or they shall forfeit and pay, for each offence, the sum of twenty pounds; to be recovered by bill, plaint, or information, in any Court of Record in this Province; one half to our Lord the King, the other half to the person suing for the same.

XIX. *And be it further enacted,* That when and as soon as the equity of redemption of any mortgaged premises is foreclosed in manner as aforesaid, it shall and may be lawful for the said Loan Officers, or their successors in office, and they are hereby directed forthwith to advertise the said premises in the most public places within the County or District in which the real estate lies, and in the Royal Gazette, for thirty days, that the same, or such part thereof as they may deem necessary and sufficient to pay and discharge the sum borrowed, with the interest thereof, and the expenses thereon, will be sold at Public Auction, at some convenient place to be named, to the highest bidder; and at the time and place appointed the said Loan Officers shall sell the same, or so much thereof as aforesaid, to the highest bidder; and, upon payment of the consideration money, the said Loan Officers or their successors, shall execute and deliver to the purchaser or purchasers, a deed or conveyance, in the form following:—This Indenture made the _____ day of _____ in the year of Our Lord

Mortgages fore-
closed, premises
sold

between _____ of _____ Loan Officers for the County of _____ of the one part, and _____ of _____ of the other part, Witnesseth, that the said _____ as Loan Officers as aforesaid, for, and in consideration of the sum of _____ to them in hand paid by the said _____ the receipt whereof is hereby acknowledged: Have granted, bargained, sold, aliened, released and confirmed, and by these presents do grant, bargain, sell, alien, release and confirm, unto the said

Deed of convey-
ance

his heirs, and assigns, in pursuance of an Act of the General Assembly, passed in the fifty-ninth year of His Majesty's Reign, entitled, An Act for the appointment of Commissioners to issue Treasury Notes, and to establish Loan Offices in the Counties of Annapolis and King's County, all _____ together with all and singular the hereditaments and appurtenances to the same belonging, or in any wise appertaining, and also, all the estate, right, title, interest, property, claim, demand and possession whatsoever, of the said _____ as Loan Officers, as aforesaid, or their successors, of, in and to, the said premises, and every part thereof, to have, and to hold the said land and premises hereby released and confirmed, and every part thereof, and all the appurtenances to the said _____ his heirs and assigns, to the sole and proper use and behoof of the said _____ his heirs, and assigns, for ever.—In Wit-

ness
or conveyance, when executed and delivered, shall convey to the purchaser or purchasers, his or their heirs and assigns, a good estate in fee simple, free and discharged from all equity of redemption, and all other incumbrances made and suffered by the mortgagor or mortgagors, his or their heirs and assigns, since the said mortgage, and such deed and conveyance shall be held good in law and equity.

Neglect or refusal of Loan Officers to sell property mortgaged

XX. *And be it further enacted,* That, if the said Loan Officers, or either of them, or their successors, or either of them, shall neglect and refuse to advertise, sell and convey, the mortgaged Premises, or such part thereof as aforesaid, when and as the equity of redemption is foreclosed, in manner as aforesaid, they, or either of them, so neglecting or refusing, shall forfeit and pay the sum of two hundred Pounds; to be recovered by bill, plaint or information, in any Court of Record in this Province; one half thereof to the use of Our Lord the King, the other half to the use of the person suing for the same.

Proceeds of sale of mortgaged property

XXI. *And be it further enacted,* That of the money received by the Loan Officers, on the sale of real estate as aforesaid, they shall retain in their hands the principal and interest due and unpaid, and secured to be paid by the Mortgage upon the same, together with the costs and charges of the sale thereof, and the overplus, if any, they shall pay to the Mortgagor, his executors, administrators or assigns.

Reconveyance of property to mortgagors

XXII. *And be it further enacted,* That, whenever upon such sale as aforesaid, any part or parcel of the said estate so mortgaged shall be sufficient to pay and discharge the principal and interest so due upon such Mortgage, it shall and may be lawful for the Loan Officers aforesaid, and they are hereby required to re-convey, by deed of bargain and sale, to the said Mortgagor, his heirs and assigns, the residue of such part of the said real estate as remains upon such sale over and above the satisfying of principal, interest and expenses, as aforesaid.

Proceedings of Loan Officers

XXIII. *And be it further enacted,* That the Loan Officers for each County aforesaid, appointed under this Act, shall keep a journal of their proceedings, correctly stating every act and thing done by them under their appointment; and shall yearly, prior to the thirty-first of December in each year, render an account to the Auditor of Accounts of all Notes and Monies received, lent and transmitted, to the Treasurer, agreeably to such form of account, as may be furnished him by the said Treasurer; and also, at the same time, transmit a copy of their journal up to the close of each year; which accounts and journal shall be, by the said Loan Officers, verified under Oath,

Province Notes funded

XXIV. *And be it further enacted,* That if any person, at any quarterly periods after the thirty-first of December, in the year one thousand eight hundred and twenty-two, that is to say, at the thirty-first of March, thirtieth of June, thirtieth of September, and thirty-first of December, in any succeeding year, shall tender for payment at the Treasury, any of the Notes issued or re-issued under this Act, to the amount of one hundred pounds and upwards, and the Treasurer shall not be able to pay the same in gold or silver, it shall and may be lawful for the Lieutenant-Governor, or Commander in Chief for the time being, by and with the advice of His Majesty's Council, by warrant under the hand and seal, to direct the Commissioners aforesaid, or to appoint other Commissioners in their stead, and to direct them to fund such sum and sums in the said Notes as shall be so tendered for payment, from time to time as aforesaid, and to grant certificates to the amount thereof, on interest, and the said Commissioners, in the presence of the Treasurer, shall cancel the Notes so funded, by cutting therefrom the name of the Treasurer, and the year in which they were issued, and shall deliver the same to the Secretary of the Province to be examined, and destroyed, as by the twelfth Section of this Act is directed.

Payment of Certificates of Notes funded

XXV. *And be it further enacted,* That it shall and may be lawful for the Treasurer, and

and he is hereby directed, when and as soon as he shall receive a sum of money in gold and silver sufficient to pay and discharge the amount, principal and interest, due upon any Certificate granted under this Act, he shall give sixty days notice of his intention to pay such Certificate, and fix a day for the payment thereof; and as gold and silver shall be received into the Treasury, sufficient to pay the principal and interest due upon any other Certificate or Certificates granted as aforesaid, he shall give the same notice, and shall continue to do so, paying and discharging the smaller Certificates before the larger ones, until the whole of the principal and interest due upon the Certificates granted as aforesaid, shall be fully paid and satisfied; and the person or persons, holding such Certificate or Certificates, failing to attend and produce the same at the times respectively limited, all future interest thereon shall cease, and no other or greater amount of interest shall be paid on such Certificates so called in, than was due and payable at the time the same were required to be presented to the Treasury as aforesaid.

XXVI. *And be it further enacted,* That it shall and may be lawful for the said Treasurer, and he is hereby directed, to pay to the person or persons duly authorised to receive the same, yearly and every year, the interest as the same may become due upon any Certificate or Certificates granted under this Act, until the principal thereof shall be fully paid and discharged.

Payment of interest on Certificates of Notes funded

XXVII. *And be it further enacted,* That if, on the thirty-first of December, in the year one thousand eight hundred and twenty-eight, all the Notes which shall be issued and re-issued under and by virtue of this Act, shall not have been received in payment of duties by the Collectors of Impost and Excise, and paid into the Treasury, or funded as aforesaid, it shall and may be lawful for the holders of any such Notes to present the same for payment at the Office of the Treasurer, and he is hereby directed and required to pay all such Notes on demand in gold or silver, out of any Monies then in the Treasury not otherwise specially appropriated; and the said Notes, so received and paid at and after the said thirty-first of December, in the year last aforesaid, shall be by the Treasurer immediately cancelled, and delivered to the Secretary of the Province, to be examined and destroyed in manner as is directed by the twelfth Section of this Act.

Notes unpaid 31st Dec. 1828

CAP. X.

An ACT for appointing Clerks to the Supreme Court, and Inferior Courts of Common Pleas in the several Counties and Districts within this Province.

Disallowed by His Majesty

WHEREAS, by Patent, bearing date the 29th day of May, in the year one thousand seven hundred and eighty-seven, His present Majesty was pleased to appoint a Clerk of the Crown and Prothonotary, for the Province of Nova-Scotia, whereby the Patentee was to have, hold, exercise and enjoy, the said Offices during His Majesty's pleasure, and his residence within the said Province; and whereas the said Patentee, for several years past, has been absent from this Province, and yet is absent and resident without the same, and it is therefore expedient to provide Clerks for the several Courts within this Province, pursuant to the practice of the said Courts, before the issuing of the said Letters Patent:

Preamble

I. BE therefore enacted, by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the Chief-Justice of this Province, by any instrument

Appointment of Clerks of Supreme and Inferior Courts

under his hand and seal, to appoint such person as he may judge fit and proper to be Clerk to the Supreme Court, and Inferior Courts of Common Pleas, in each and every County and District in this Province, who shall hold their several appointments during good behaviour and residence in the respective Counties. *Provided always,* That the persons so appointed Clerks of the Supreme and Inferior Courts of Common Pleas, respectively, shall be resident within the several Counties and Districts for which they shall be severally appointed. *And provided also,* That it shall not be lawful for any person appointed to the said Offices, to practise as an Attorney in any Court of Law within this Province, or to be the Clerk of any such Attorney.

Writs signed by Clerks.

Clerk's Fees

His Majesty's assent required

II. *And be it further enacted,* That all Writs issued out of the said Supreme Court, signed and sealed by any Clerk of the said Courts so appointed as aforesaid, shall and may be served and executed by the Sheriff or other Officer, of any County within the Province to whom the same may be directed, and such Clerk or Clerks, respectively, shall be authorised and required to do and perform all the duties in the said Courts respectively, which were heretofore done and performed previous to the issuing of the said Patent, and shall take no other or greater fees than are authorised by the Act of the Province, passed in the twenty-eighth year of His present Majesty's Reign, entitled, An Act for the establishment of Fees, as regulated by the Governor and Council at the request of the House of Assembly.

III. *And be it further enacted,* That nothing herein contained shall be of any force or effect, until His Majesty's pleasure shall be known herein.

CAP. XI.

An ACT in addition to, and amendment of, an Act, passed in the thirty-third year of His Majesty's Reign, entitled, An Act to enable the Inhabitants of the Town of Annapolis, and the Officers of His Majesty's Garrison, stationed for the time being in the said Town of Annapolis, annually to nominate and appoint Supervisors to take charge of the Common appertaining to the said Town, and for other purposes therein mentioned.

Fences of Annapolis Common

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That if any person or persons (not having legal authority so to do,) shall wilfully throw down, take down, injure or destroy, any of the fences, or any part thereof, erected on, and belonging to the said Common, appertaining to the Town of Annapolis; or shall take away, injure, or destroy, any of the materials of, and belonging to, the said fences, he or they, for each offence, shall forfeit and pay the sum of twenty shillings, with costs, to be recovered by the Supervisors of the said Common, before any Justice of the Peace for the County of Annapolis: which sum, so recovered, shall be applied to the use of the said Common; and if such person or persons shall neglect or refuse to pay the said sum and costs, he or they shall be committed to the common gaol there to remain for the space of six days.

Right of Commonage secured

II. *And be it further enacted,* That if any person or persons, not entitled to Commonage in the said Common, shall drive or put into the Marsh belonging to the said Common, any horses, cattle, sheep, or other live stock of any description, or if any person

person or persons, having a right of Commonage therein, shall drive or put into the said Marsh any live stock as aforesaid, of a different description, or more in number than the Supervisors of the said Common shall order and direct, he or they, for each and every offence, shall forfeit and pay the sum of twenty shillings, and costs, to be recovered and applied as in the first section of this Act is directed : and if such person or persons shall neglect, or refuse, to pay the same, he or they shall be confined in the common Gaol, there to remain for six days.

III. *And be it further enacted,* That it shall and may be lawful for the said Supervisors to allow and pay the Keeper of the Marsh belonging to the said Common, such sum of Money, yearly, as they may deem reasonable for his services, not exceeding six pounds, which sum shall be equally borne by each Commoner ; and in case the said Commoners, or either of them, shall neglect, or refuse, to pay such proportion, the same shall be recovered from them, or either of them, so neglecting or refusing, by the said Supervisors, before any Justice of the Peace for the said County of Annapolis, with costs of suit.

Allowance to Keeper of Common

IV. *And be it further enacted,* That the person hereafter appointed Keeper of the Marsh belonging to the said Common, before he enters upon the duties thereof, shall be sworn to the faithful discharge of the same.

Keeper of Common to be sworn

CAP. XII.

An ACT to raise a sum of Money, not exceeding Nine Thousand Pounds, by Lottery, for the purpose of Building a Bridge over the River Avon, at the Point of Rocks, so called, between Windsor and Falmouth, in the County of Hants.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being, with the advice and consent of His Majesty's Council, to appoint five fit and proper persons, to be Managers and Directors for framing, making, carrying on, and drawing, a Lottery, consisting of six classes, for the purpose of raising a sum of Money not exceeding Nine Thousand Pounds, upon such scheme and plan as the majority of such Managers and Directors shall think fit, which Managers, so to be appointed as aforesaid, shall and may issue tickets in, and conduct, carry on and draw, the said Lottery, in such way and manner, and by such means, as they shall think proper and convenient.

Appointment of Managers

Classes

Sum to be raised

Scheme

II. *And be it further enacted,* That such Managers and Directors shall cause each class of the said Lottery to be publicly drawn in the Town of Halifax, within six calendar months after they shall first advertise the sale of tickets respectively, *Provided,* That within that period, the tickets then be all sold, and shall give notice, in the Royal Gazette printed in the Town of Halifax, of the day on which the drawing each class shall commence, at least thirty days before the day on which such drawing shall begin, and shall complete the drawing of each class within ten days after they shall begin to draw the same ; and shall, within thirty days after each class shall be drawn, cause a list, with the amount of each and every prize, to be in like manner published in the Royal Gazette aforesaid.

Drawing

III. *And be it further enacted,* That the sum to be paid, for and in respect of the said fortunate tickets, shall be issued and paid upon demand by the Treasurer of the Province,

Payment of Prizes

Province, out of the funds arising from the said Lottery, to the respective proprietors of such fortunate tickets, within thirty days after the drawing of each class of said Lottery, or as soon thereafter as certificates can be made out for ascertaining the sums to be paid on such tickets: which tickets, after the drawing each class of said Lottery is completed and ended, shall be exchanged for certificates, to be signed by a majority of the Managers or Directors.

Oath to be taken
by Managers

IV. *And be it further enacted*, That every Manager or Director, to be appointed by virtue of this Act, shall, previous to his acting as a Manager or Director, take the following Oath, viz:—I. A. B. do swear that I will honestly and faithfully execute the trust reposed in me, as a Manager or Director of the Lottery authorised by an Act of the General Assembly of this Province, for raising a sum of Money not exceeding Nine Thousand Pounds, for the purpose of building a Bridge over the River Avon, at Windsor; that I will not do, countenance or authorise, any indirect act or means for the purpose of obtaining a prize or fortunate lot for myself or any other person whomsoever, and that I will, to the best of my power and ability, cause such Lottery to be fairly and impartially conducted and drawn, and the prizes or fortunate numbers to be rightly, truly, and publicly, proclaimed and made known. So help me God.

Oath to be taken
by Assistants of
Managers

V. *And be it further enacted*, That every person whom the said Directors or Managers shall employ in conducting, carrying on, and drawing, the said Lottery, shall, before they enter on such employment, take the following Oath, viz:—I. A. B. do swear that I will faithfully and honestly demean myself in all things wherein I shall be employed in conducting, carrying on, and drawing, the Lottery, authorised by an Act of the General Assembly, for raising a sum of Money not exceeding Nine Thousand Pounds, for the purpose of building a Bridge over the River Avon, at the Point of Rocks, so called, between Windsor and Falmouth, in the County of Hants. So help me God.

Proceeds of Lot-
tery

VI. *And be it further enacted*, That the net proceeds of the said Lottery shall be applied to and for the erecting a Bridge, of wood or stone and other materials, of a suitable construction, across the river Avon, at the Point of Rocks, so called, between Windsor and Falmouth, in the County of Hants, and to be applied to such purpose by Commissioners to be appointed by His Excellency the Lieutenant-Governor, by and with the advice of His Majesty's Council.

Commissioners
appointed for
building Bridge
over Avon River

Security to be
given by Com-
missioners

VII. *And be it further enacted*, That the said Commissioners shall give security for the faithful performance of their trust, in the same manner as any other Commissioners are bound, and shall in like manner be accountable to the Legislature for the expenditure of the Monies they may receive for the purpose.

Payment of pro-
ceeds of each
Class to Treasur-
er

VIII. *And be it further enacted*, That the proceeds of each class of the said Lottery shall, previous to the drawing the respective classes, be paid by the Commissioners to the Treasurer of the Province; to be drawn from thence by Warrant from His Excellency the Lieutenant-Governor, or Commander in Chief for the time being, pursuant to the provisions of this Act.

Building of Bridge
when to be com-
menced

IX. *And be it further enacted*, That, within three months after the commencement of the drawing of the first class of the Lottery, it shall be lawful for the Commissioners, who shall be appointed to erect the said Bridge, or the major part of them, to commence building the same: which said Bridge shall be so constructed as to admit, at suitable times of the tide, the passage of ships or vessels up and down the said river.

His Majesty's
assent required

Assented to by
His Majesty

X. *And be it further enacted*, That nothing herein contained shall be in force or effect, until His Majesty's Pleasure shall be known thereon.

CAP. XIII.

An ACT for the encouragement of Agriculture, and Rural Economy, in this Province. Expired

CAP. XIV.

An ACT to preserve and regulate the Navigation of the Harbour of Pictou.

WHEREAS, it is found necessary to regulate the Pilots employed in conducting Vessels into, and out of, the Harbour of Pictou; to regulate the anchorage of Ships and Vessels in that Port; and to provide against the injuries done to the navigation by Ships discharging ballast in improper situations in that Harbour: Preamble

I. BE it enacted by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the Justices in their Sessions of the Peace for the District of Pictou, from time to time as occasion may require, to license so many fit and proper persons as may be deemed necessary, to act as Pilots for the Harbour of Pictou, and to regulate the rate of Pilotage to be demanded and taken by such Pilots for their services; and, from time to time, to make and publish such orders and regulations for the government and good conduct of such Pilots, and to prevent unqualified Persons from acting in that capacity, and to enable such Pilots to receive such pay for their services as may be fixed and established by order of Sessions as aforesaid; and it shall be lawful for the said Justices to annex penalties for the breach of any of the orders and regulations so to be by them made; which penalties shall not exceed, for any one offence, the sum of forty shillings, and may be sued for and recovered, before any two of His Majesty's Justices of the Peace for the County of Halifax. Pilots Licenced
Pilotage. Regulation of Pilots
Penalties

II. And be it further enacted, That it shall and may be lawful for the said Justices, in their Sessions, from time to time, to appoint and licence a fit and proper person to act and serve as Harbour Master for the said Harbour of Pictou, and to describe the several duties which he shall be bound to perform, and also to place the Pilots of said Harbour under the superintendance and direction of the said Harbour Master, and to fix the rate of pay which such Harbour-Master shall be entitled to receive from each Vessel; and also, from time to time, to make rules and regulations for the anchorage of ships and vessels in said Harbour, and to authorise the said Harbour-Master to carry such rules, orders and regulations, into effect; and the said Justices shall also have power to annex penalties for the breach of any of such orders and regulations; such penalties not to exceed, in any one case, the sum of forty shillings, and may be sued for and recovered as aforesaid. Harbour Master appointed—his duties, &c.
Anchorage Regulations
Penalties

III. And be it further enacted, That it shall and may be lawful for the said Justices, in their Sessions, to regulate and establish the rate at which the said Harbour-Master shall be paid for performing the several services which the said Justices shall, from time to time, require; and also to make rules and regulations to enable the said Harbour-Master to recover the pay which he may be entitled to have and receive agreeably to such rules and regulations. Pay of Harbour Master

IV. And be it further enacted, That it shall and may be lawful for the said Justices, in their Sessions, to establish and fix such places, in the said Harbour of Pictou, as shall be most convenient and proper for ships and vessels to discharge their ballast; and to make such agreement as may be needful and necessary with persons Vessels discharging Ballast
Erection of Wharves for

Rates of Wharfage

for erecting and building wharves, and other conveniences, for such ships and vessels to discharge their ballast upon; and from time to time to make orders and regulations to compel ships and vessels to discharge their ballast on such wharves, and at such places, as the said Justices shall appoint; and shall establish penalties to be paid by persons transgressing such orders and regulations; the same to be recovered as aforesaid; and shall and may establish and fix the rates of wharfage to be paid by vessels and ships using of such wharves, for the discharge of their ballast; and such rate or rates of wharfage may be sued for and recovered before any one of His Majesty's Justices of the Peace for the said County of Halifax; and the said Justices shall also make such rules and regulations for the disposal of the ballast so deposited on such wharves; and may also annex penalties to be paid by persons transgressing such rules and regulations, the same to be recovered as aforesaid. *Provided always*, That no rule or regulation respecting such ballast shall be made, so as to prevent the Masters, owner or owners, of such ships or vessels, from selling or disposing of the ballast, so by them landed on such wharves, within a reasonable time, if they shall think proper; and the said Justices shall make such rules and regulations, from time to time, as may be useful and necessary, to allow the master of any vessel landing and depositing ballast at any of the places so to be appointed, a reasonable time to sell and dispose of such ballast; and the said Justices may affix and establish penalties, not exceeding in any one case ten pounds, to be recovered as aforesaid, against any person or persons refusing to obey, or transgressing, any of the rules or orders made by the said Justices.

Sale of Ballast

Complaint may be made to Supreme Court against regulations of Justices

V. *And be it further enacted*, That it shall and may be lawful for any person or persons, who shall think himself or herself aggrieved, by all or any of the rules and regulations which the said Justices in their Sessions shall from time to time make, under the authority of this Act, to complain of the same by affidavit to the Supreme Court, at any of the fixed and stated terms or sittings at Pictou: and it shall be lawful for the said Supreme Court to receive and hear such complaint, and if it shall appear to the said Court, that all or any of such rules, orders or regulations, complained of, are contrary to law, or grievous and oppressive, it shall and may be lawful for the said Court to abrogate and annul any of such rules and regulations which may be adjudged by the said Court to be illegal, grievous and oppressive; and it shall not be lawful for the said Justices afterwards to execute or carry into effect the order or orders so annulled or abrogated by the said Court, or afterwards to establish any new orders or regulations, to operate with the like or same effect as the rules or regulations so annulled or abrogated.

CAP. XV.

An ACT to repeal and alter part of an Act, passed in the fifty-sixth year of His Majesty's Reign, entitled, An Act for Founding, Establishing and Maintaining, an Academy at Pictou, in this Province.

Preamble

WHEREAS, in and by the said Act, it is declared and enacted, that each of the Trustees of the said Academy shall appear before one of the Judges of the said Supreme Court, and declare that he is a Member of the Church of England as by Law established, or make and subscribe the following declaration:

"I. A. B. appointed one of the Trustees of the Pictou Academy, do declare, that I do profess the Presbyterian Religion, as the same is declared in the Westminster Confession of Faith." And Whereas, it is expedient, that the said restrictions be removed :

I. BE it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That the second section of the said Act; and every other part and clause thereof; by which the Trustees are required to make the foregoing declaration and subscription, be; and the same are hereby, repealed.

Sec. 2 of Act 56, Geo. III Cap. 29. repealed

II. And be it also enacted, That it shall and may be lawful for any person or persons, to be appointed or elected, and to act as a Trustee of the said Academy, who shall take and subscribe either of the following Declarations; viz :—I, A. B. appointed one of the Trustees of the Pictou Academy, do declare, that I do profess the Christian Religion according to the principles and forms of the Church of England; or, I A. B. appointed one of the Trustees of the Pictou Academy, do declare, that I do profess the Christian Religion, according to the Presbyterian principles and forms of the Church of Scotland.

Oath to be taken by Trustees

CAP. XVI.

An ACT relating to Marriages, and the issuing of Marriage Licences.

Disallowed by His Majesty

WHEREAS, doubts have arisen whether the Laws of the Province authorise His Excellency the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to grant Licences to Persons to Marry otherwise than according to the forms prescribed by the Book of Common Prayer; for removing such doubts :

Preamble

I. BE it enacted, by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to grant Marriage Licences to Persons within this Province, of any religious persuasion whatsoever; which Licenses shall be in the form hitherto used, or in the form following; at the option of the parties applying for the same :

Marriage Licence granted

By His Excellency
To A B. and C. D. Greeting.

Whereas, it has been signified unto Us, that you have resolved to proceed to the solemnization of true and lawful Matrimony, and are desirous to have the same solemnized without proclamation of Banns, and being willing that these your good intentions shall take effect, and for other lawful causes, do hereby grant this Licence and Faculty, as well to you the parties contracting, as to E. F. Clergyman, or officiating Minister of a Dissenting Congregation, in the Township of to solemnize the said Marriage openly, without publication of Banns. Provided, There shall hereafter appear no lawful impediment by reason of consanguinity, affinity, or any other cause whatsoever; and if in case there hereafter appear any fraud suggested, or truth suppressed, at the time of obtaining this Licence, then these Presents shall be void and of no effect in Law. Inhibiting, hereby, all Ministers, if any thing of the premises come to their knowledge, that they do not proceed to the celebration of the said Marriage without consulting Us thereupon:

Form of Licence

Given under Our Hand and Seal at Arms, at Halifax, this day of

Anno Domini

By His Excellency's Command,

II

Security to be given by party applying for Licence

II. *And be it further enacted,* That before any such Licence to marry shall be granted and made use of, security shall be given in the form heretofore used, except as to the condition which requires the marriage to be solemnized according to the form of the Book of Common Prayer.

Registry of Marriage Licence

III. *And be it further enacted,* That the Secretary of the Province shall keep a Registry of all the Marriage Licences so granted, with the date thereof, and the names of the parties to whom the same are granted.

Certificate of marriage to be granted and recorded

IV. *And be it further enacted,* That all and every person or persons (except Clergymen of the Church of England) who shall solemnize Marriage under the authority of any such such Licence, shall, under penalty of five pounds, to be recovered before any one of His Majesty's Justices of the Peace, grant a certificate, signed by himself, and by at least two Witnesses who were present at such Marriage, setting forth therein the names of the parties so married, and the day of the month and the year in which the same was so solemnized, and shall transmit the said Certificate to the Office of the Provincial Secretary, within three months after such Marriage shall be solemnized, to be by him recorded; and shall also transmit a duplicate of such Certificate, within the same period, to the Clerk of the Peace in the County or District in which such Marriage shall be solemnized as aforesaid, to be by him entered in a Record to be kept for that purpose: and the Secretary of the Province shall be entitled to receive for such Registry and Certificate, two shillings and six-pence, and no more.

Certificate received as evidence

V. *And be it further enacted,* That a copy of such Certificate, duly certified by the proper Officer, shall be received and taken to be good evidence to prove the solemnization of such marriage in all Courts of Law and Equity in this Province.

Fees

VI. *And be it further enacted,* That no other or greater Fees shall be taken, on the granting such Licences, than those heretofore taken for Marriage Licences; and that the Clerk of the Peace who shall record such Certificate of Marriage, and grant a certified Copy, shall be entitled to two shillings and six pence for such service, and no more.

By whom Marriage may be solemnized

Provided always, That no Licence granted under this Act, nor any thing herein contained, shall authorise, or be deemed to authorise, any person or persons whatsoever to solemnise any Marriage or Marriages, excepting Clergymen of the Established Church of England, Clergymen of the Church of Scotland, Clergymen of the Church of Rome, and such Dissenting Ministers as have been regularly ordained according to the rules of the respective Sects to which they belong, and who shall be the officiating settled Minister of some Congregation in this Province. *Provided also,* That no License, granted under this Act, shall authorise any Clergyman or Minister, dissenting from the Established Church, to solemnize any Marriage or Marriages, unless the Man or Woman named in such Licence shall belong to the Congregation or religious Sect of the Clergyman, or the Dissenting Minister, who shall perform the Marriage Ceremony, excepting in those Districts and Townships of the Province where there shall be no resident Clergyman of the Established Church.

His Majesty's assent required

VII. *And be it further enacted,* That nothing herein contained shall be of any force or effect until His Majesty's pleasure shall be known thereon.

CAP. XVII.

An ACT for Incorporating certain Persons therein mentioned, for Insuring Houses, Buildings, Goods, Wares and Merchandises, from loss and damage by Fire.

WHEREAS, *James Fraser, George Grassie, James Foreman, John Pryor, John Albro, John Merrick, Michael Tobin, and sundry other Persons, are desirous of forming a Capital or Joint Stock, for the purpose of making insurance upon houses buildings, stores, goods and merchandises, within this Province, from loss and damage by fire. And Whereas, it is conceived that it would be advantageous to the said Persons, and all others who might from time to time unite with them, and also to the Public, if they were incorporated under certain restrictions and regulations for the purpose aforesaid:*

Preamble

I. BE it therefore enacted by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by Letters Patent under the Great Seal of this Province, to incorporate the said James Fraser, George Grassie, James Foreman, John Pryor, John Albro, John Merrick and Michael Tobin, as Directors, and all and every person or persons, who in their own right, or as executors, administrators or assigns, of the original proprietors, at any time or times hereafter, shall have, and be entitled to any part, share or interest, in the said Capital or Joint Stock, as Members, to be one Body Politic and Corporate, in deed and in name, by the name of the Halifax Fire Insurance Company, and by that name to have succession, and to have a common Seal, with power from time to time to chuse, from among themselves, their President, Vice-President, and other Officers as by the said Letters Patent shall be directed; and by that name to sue and be sued, implead and be impleaded, in all Courts and Places within the Province of Nova-Scotia, with power to make bye laws, rules and ordinances, not contrary to the law of the land, for and concerning the admitting of Members, and the regulation and general management of the business of the said Corporation, and to assemble together, when, where, and as often, and upon such notice, as to them shall seem meet, for the execution and management of the said business of the said Corporation.

Persons incorporated, by the name of the Halifax Fire Insurance Company

Succession

Seal

Officers

May sue and be sued

Make Bye Laws, &c.

II. And be it further enacted, That the said James Fraser, George Grassie, John Pryor, John Albro, John Merrick, and Michael Tobin, shall be Directors as aforesaid, for the period of one year, from the date of the said Letters Patent; at the expiration of which time, and annually thereafter, two shall go out according to such rules as shall be established by the said Corporation in their General Meeting, and two others shall be chosen in their stead from the Members of the said Corporation, duly admitted according to their Bye Laws so to be made as aforesaid; which choice shall be certified by the President, under the Seal of the said Corporation, to the Governor, Lieutenant-Governor or Commander in Chief, for the time being; and in case the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, shall approve of such choice, he shall endorse his approbation thereof upon the back of the said certificate, which being returned to the President, and duly entered in the books of the said Corporation, the persons so elected and appointed shall become Directors of the said Corporation in the same manner as if they had been included in the original Letters Patent; and in case of the death, or removal from the Province, of any of the said Directors, the choice of others to fill their place shall be made and approved

Directors

of as aforesaid. *Provided*, That nothing herein contained shall prevent the persons so going out of Office as aforesaid, from being re-elected to fill the said situations at any time after the period of one year from their so going out of Office as aforesaid.

Capital or Joint
Stock

III. *And be it further enacted*, That the Capital or Joint Stock of the said Company, shall not be less than fifty thousand pounds, to consist of one hundred shares, of five hundred pounds for each share, of lawful Money of Nova-Scotia : ten thousand pounds of which shall be deposited and secured in the British or Provincial Funds, and forty thousand pounds shall be secured by Mortgage, on Real Estate, in the Province of Nova-Scotia, or Bonds, to the satisfaction of the Directors ; which investment and security shall be made, and taken, and kept, and continued, from time to time, to the satisfaction of such persons as the Governor, Lieutenant-Governor, or Commander in Chief for the time being, shall appoint, to examine and report upon the funds and securities of the said Company.

Insurance

IV. *And be it further enacted*, That when the said Corporation shall have provided and secured the said Capital or Joint Stock of fifty thousand pounds as aforesaid, to the satisfaction of the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, it shall and may be lawful for them to cause insurances to be made on Houses, Buildings, Stores, Goods, Wares and Merchandises, within this Province, from loss and damage by fire, to the value of one hundred and fifty thousand pounds, and no more ; and the whole of the said Capital, or Joint Stock, shall be pledged and liable to make good all and every loss which may happen upon all or any of the said Policies. *Provided always*, That, in case the said Corporation shall, at any time during the continuance of this Act, represent to the Governor, Lieutenant-Governor, or Commander in Chief for the time being, that the demands on the said Corporation for making insurance exceed the said sum of one hundred and fifty thousand pounds, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief, by and with the advice of His Majesty's Council, to grant permission, under his Hand and Seal, to the said Corporation, for making further insurances as aforesaid to the amount of a further sum, not exceeding fifty thousand pounds ; and, in case the said Corporation shall, at any time, make any insurances beyond the said sum of one hundred and fifty thousand pounds, or beyond the further sum of fifty thousand pounds, in case the said Corporation may obtain licence as aforesaid to make such further insurance, in either case, each of the Members shall be liable in their own persons and estates for his share or proportion of such sums insured beyond the said sum of one hundred and fifty thousand pounds, or beyond the said sum of fifty thousand pounds in addition thereto, if licensed as aforesaid.

Payment of
Losses

V. *And be it further enacted*, That all just demands upon any Policy of Insurance of the said Corporation, from any losses whatever which may happen, shall be paid, satisfied and discharged, from time to time, according to the tenor of the respective Policies, within three months from the time any such loss shall occur and happen.

Losses

Inspection of
Books, Accounts,
&c. of Corpora-
tion

VI. *And be it further enacted*, That the Books and Accounts of the said Corporation, and a statement of their Funds, and insurances made, shall at all times be open to the inspection of such person or persons whom the Governor, Lieutenant-Governor, or Commander in Chief for the time being, shall appoint to inspect the same ; and in case the said Corporation shall fail to keep good the said Capital or Joint Stock as aforesaid, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief, by any instrument under the Great Seal of the Province, to revoke and make void the said Petters Patent, and all the powers thereby granted ; in which case the Members of the said Corporation shall be severally liable in their persons

Patent of Incorporation may be
revoked

sons and estates, according to their proportion and share of such Joint Stock, for all insurances by them made as a Corporation or otherwise; any thing herein contained to the contrary notwithstanding.

VII. *And be it further enacted*, That the share and part of each Member of the said Corporation, shall be considered personal property, and may be sold and assigned by the proprietor or otherwise, as other personal property may be sold or assigned; provided, that the purchaser or purchasers shall make the payment and give the security herein before described. Shares may be sold or assigned

VIII. *And be it further enacted*, That if any person or persons shall forge or counterfeit, or cause to be forged or counterfeited, the Common Seal of the said Corporation to be erected by this Act, or shall forge, counterfeit or alter, any Policy or other Instrument under the Common Seal, or shall offer to dispose of any such forged, counterfeited or altered Policy, or other Instrument under the Common Seal, knowing the same to be such, or shall demand the money appearing to be due thereon from the said Corporation, every such person or persons offending, and being convicted thereof in due form of Law, shall suffer the pains and penalties inflicted by Law upon persons guilty of forgery within this Province. Counterfeiting Policy or Seal

IX. *And be it further enacted*, That it shall not be lawful for the said Corporation, nor for any person in trust for the said Corporation, to have, take, hold or enjoy, any lands or tenements within this Province; and all gifts, grants or devises, of lands or tenements, to the said Corporation, or to any person in trust for or to the use of the said Corporation, shall be, and the same are hereby declared, void. Corporation not allowed to hold lands or tenements

X. *And be it further enacted*, That no person shall hold more than two shares out of the one hundred shares in which the whole Capital Stock of the said Corporation is divided. Number of Shares to be held by one Person

XI. *And be it further enacted*, That it shall not be lawful for any other Company or Corporation, as such, within the Province of Nova-Scotia, to make or effect insurances upon Houses, Buildings, Stores, Goods, Wares and Merchandise, except insurance upon Vessels and Merchandise on board such Vessels, save only the persons so incorporated as aforesaid, during the term of twenty-one years from the date of such Letters Patent, if such Patent be not sooner annulled or revoked as aforesaid. Exclusive Privilege secured

XII. *And be it further enacted*, That the said Letters Patent shall continue for the term of twenty-one years, and no longer, unless the same shall be determined in manner and for the cause herein-before expressed. Duration of Letters Patent

CAP. XVIII.

An ACT to amend and continue an Act, entitled, An Act for encouraging the establishment of Schools throughout the Province. Expired

CAP. XIX.

An ACT to continue in force the several Acts therein mentioned. Expired

CAP. XX.

Expired

An ACT in further addition to, and amendment of, an Act, passed in the third and fourth years of His present Majesty's Reign, entitled, An Act for the relief of Insolvent Debtors.

CAP. XXI.

Executed

An Act for the further encouragement of the Cod and Scale Fisheries of the Province.

CAP. XXII.

An ACT to repeal an Act, passed in the fifty-third year of His Majesty's Reign, entitled, An Act in addition to, and amendment of, an Act, passed in the third and fourth years of His present Majesty's Reign, entitled, An Act for the relief of Insolvent Debtors.

Preamble

WHEREAS, *the Act in its operation hath been found injurious, tending to encourage Debtors to defraud their Creditors, it is expedient that the same be repealed :*

Act 53d Geo.
III, Cap 14 re-
pealed

I. *BE it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That the said Act, passed in the fifty-third year of His Majesty's Reign, entitled, An Act in addition to, and amendment of, an Act, passed in the third and fourth years of His present Majesty's Reign, entitled, An Act for the relief of Insolvent Debtors, and every matter and thing therein contained be, and the same are hereby, repealed.*

CAP. XXIII.

Repealed by 1 & 2
Geo. 4 Cap. 2

An ACT to continue the several Acts of the General Assembly now in force relating to a Militia, and in further amendment and alteration of the same.

CAP. XXIV.

Expired

An ACT for raising an additional Duty of Excise, and for appropriating the same.

CAP. XXV.

An ACT in addition to, and in further amendment of, an Act, passed in the fifty-seventh year of His Majesty's Reign, entitled, An Act for the better regulating the manner of holding the Inferior Court of Common Pleas and General Sessions of the Peace, in the District of Yarmouth and Argyle, in the County of Shelburne.

WHERAS, *the times for the holding the Inferior Courts of Common Pleas and General Sessions of the Peace in the District of Yarmouth and Argyle, in the County of Shelburne, have been found inconvenient: for remedy whereof:* Preamble

I. BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the said Inferior Court of Common Pleas and General Sessions of the Peace, appointed to be held at Tuskett Village, in the said District of Yarmouth and Argyle, shall, in future, be held at the aforesaid place on the second Tuesday of April, annually, instead of the first Tuesday of March, any law, usage or custom, to the contrary notwithstanding. Time of holding Inferior Court at Tuskett Village
Provided always, That nothing herein contained shall be construed to authorise the holding of the said Court at Tuskett Village on the second Tuesday of April in this present year. Proviso

II. And be it further enacted, That the said Inferior Court of Common Pleas, and General Sessions of the Peace, held at Cape Forchu, in the said District of Yarmouth and Argyle, shall, in future, be held at Cape Forchu aforesaid, on the second Tuesday in October, annually, instead of the last Tuesday of October, any law, usage or custom, to the contrary notwithstanding. Time of holding Inferior Court at Cape Forchu

III. And be it further enacted, That the Grand Jury for the said District of Yarmouth and Argyle, at the General Sessions of the Peace to be held at Tuskett Village and Cape Forchu aforesaid, at the respective times hereby appointed for the same, shall have the like power and authority to appoint District and Town Officers, and to raise Money for the use of the said District, and the Townships within the same, as they now have, or heretofore have had; and the Justices, at the said Sessions respectively, shall have the same power to confirm such appointments, and presentments, and to raise and apply Monies so presented, in such manner as they now have, or heretofore have had; any law, usage or custom, to the contrary notwithstanding. Appointment of Town Officers, raising of money &c.

And Whereas, *it is expedient to authorise the building and erection of a Court or Session House, and Jail, in the Township of Yarmouth, in the said District of Yarmouth and Argyle:*

IV. BE it therefore enacted, That it shall and may be lawful for the Court of Sessions for the said District of Yarmouth and Argyle, on the presentment of the Grand Jury for the said District, to build and erect a Court or Session House and Jail, at Cape Forchu, in the said Township of Yarmouth, where the said Court is now held; any law, usage or custom, to the contrary notwithstanding. Court House and Jail at Cape Forchu

CAP. XXVI.

An ACT to revive, continue and amend, an Act to provide for the support of a Light-House at the South End of Coffin's Island, on the Eastern Side of the entrance of Liverpool Harbour.

Preamble

WHEREAS, *the said Act hath expired, and it is expedient to revive the same:*

52d Geo. III
Cap 4 revived

I. BE it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the fifty-second year of His Majesty's Reign, entitled, An Act to provide for the support of a Light-House on the South End of Coffin's Island on the Eastern Side of the entrance of Liverpool Harbour, and every matter, clause and thing, therein mentioned, be revived, and the same is hereby revived.

Vessels subjected
to Light-Duty but
once

II. And be it further enacted, That no Ship or Vessel coming from a Foreign Port, or engaged on a Coasting voyage, shall be liable to pay Light-Duty more than once upon any such voyage; but if the said Duty shall be demanded the second time, the Master of the said Vessel shall produce to the person demanding the same, the certificate of his having previously paid the Light-Duty upon the same voyage.

Cranberry Island
Light-House

And Whereas, a Light-House has been recently erected on Cranberry Island, near Canso Harbour, which will be highly beneficial to Vessels sailing to and from the Eastern Parts of the Province :

Light-

III. BE it therefore enacted, That all Vessels entering into any port or ports to the Eastward, where His Excellency the Lieutenant-Governor may think proper to appoint Collectors of Light-Money, shall be subject and liable to the same rates and duties as are paid by Vessels entering into the Harbour of Halifax.

Continued by 7
Geo. 4 Cap. 29

IV. And be it further enacted, That the said Act hereby revived, together with this Act, shall be, and the same is hereby, continued in force for one year from the publication hereof, and from thence to the end of the next Session of the General Assembly.

CAP. XXVII.

An ACT to continue and amend an Act, to encourage Persons concerned in the Lumber Trade; and authorising Courts of Session to make regulations for preventing obstructions in bringing the same, with other articles, down the several Rivers in this Province.

Made perpetual by
1 & 2 Geo. 4 Cap
14

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the said Act, passed in the fifty-eighth year of His present Majesty's reign, entitled, An Act to encourage Persons concerned in the Lumber Trade, and authorising Courts of Session to make regulations for preventing obstructions in bringing the same, with other articles, down the several Rivers of this Province, and every clause, matter and thing, therein contained, and the several clauses hereinafter mentioned, in addition thereto, be, and the same is hereby continued in force, until the twentieth day of March, which will be in the year of our Lord One Thousand Eight Hundred and Twenty, and from thence to the end of the next Session of the General Assembly, and no longer.

58th Geo. III
Cap I and this
Act, continued to
18th March 1820

And

And whereas, the River St. Mary's, in the County of Sydney, is, at times, during the Spring and Autumn, so large and rapid at the head of the tide on the said River, that it is impracticable to stop Timber, Saw-Mill Logs, Cordwood, or other Lumber, that may be floated down the said River, without having a Boom across the same, in what is called Still Water, to stop the said articles, until the said River shall be at a proper height to carry them over the falls, and another Boom at Sherbrooke Village, near the head of the tide, to prevent the said articles from going adrift until taken away or otherwise secured; for remedy whereof:

II. *Be it further enacted*, That it shall and may be lawful for the Justices of the Peace of the said County of Sydney, in their General Sessions, by regulations by them to be made, to authorise the placing and upholding of two Booms on the said River, in such places as shall be deemed most proper, with the consent of the owner of the soil bordering on either side of the said River, and for such length of time as to them may seem necessary for the purposes aforesaid, and also to make such rules and regulations as may prevent the said Booms from obstructing the navigation of the said river.

Booms may be placed across St. Mary's River

And Whereas, a small number of the Inhabitants on said river, in order to provide means for preparing and placing Booms across the said river, have entered into a subscription, and have appointed a certain number of shares in the said Booms when placed as aforesaid, and that each person be assessed for the expense thereof, in proportion to the number of shares for which he may have subscribed, or shall hold in the said Booms; and whereas, the said Booms will be of general utility to all persons who are or may be concerned in taking timber, and other articles, down the said river, who of right ought to contribute towards the expense of placing and keeping of the said Booms, in proportion to the benefit and advantage they may severally and respectively derive therefrom:—

III. *Be it therefore further enacted*, That the said Justices, in their General Sessions, shall and may fix the rates of boomage that shall be paid to the proprietors of the said Booms, on lumber of every description that may be brought down the said river, and secured by the said Boom or Booms, and the manner in which the same shall be collected and applied to the use of the said Booms, and the surplus, if any, to the owners thereof; and make such regulations respecting the taking of such lumber from the upper to the lower Boom, as may be necessary; and also appoint fit and proper persons to take charge of the said Booms, and to collect all such sum or sums of money as shall or may become due under and by virtue of the regulations to be made as aforesaid.

Expense of Boomage how defrayed

IV. *And be it further enacted*, That, after the publication of this Act, any Special Sessions, to be lawfully holden within the said County of Sydney, shall have full power and authority to make any and all of the rules, regulations and appointments, herein before mentioned, which shall be and remain in full force and effect until the first General Sessions of the Peace shall thereafter be holden in and for the said County, and no longer.

Rules, Regulations, &c.

V. *And be it further enacted*, That three fair Copies of the Regulations to be made under the provisions of this Act, shall, immediately after the same shall have been agreed to, be posted up at three most public places on said river.

Copies of Rules

CAP. XXVIII.

An ACT to alter and amend an Act, made and passed in the third and fourth years of His present Majesty's Reign, entitled, An Act to enable the Inhabitants of the several Townships within the Province, to maintain their Poor.

Repealed except so far as it may relate to the Town of Halifax, by 4 Geo. 4 Cap 6

Preamble

WHEREAS, much inconvenience has arisen to the Poor, by Persons appealing from the rates assessed against them under and by virtue of the said Act, and withholding the payment thereof until the same shall be examined and determined by the next General Sessions of the Peace for the Counties aforesaid; for remedy whereof:

Persons refusing or neglecting to pay Poor Rates

I. BE it enacted by the Lieutenant-Governor, Council and Assembly, That if any person, assessed under and by virtue of the said Act, shall refuse or neglect to pay his said rate or assessment, it shall and may be lawful for the Collector, appointed to receive the said rates or assessments, notwithstanding such appeal as aforesaid, to levy for the same by warrant of distress, by any one of His Majesty's Justices of the Peace for the County where such person shall reside.

Persons appealing against Poor Rates

II. And be it further enacted, That if the person or persons, so appealing to the next General Sessions of the Peace for the said County, shall make it appear to the Justices thereof, that he or they have been assessed or taxed more than his or their just share or proportion of the said rate, that then, and in such case, it shall and may be lawful for the said Justices to cause such appellant or appellants to be relieved and reimbursed the excess of such rate by order to the Overseers of the Poor for the Township to which such appellant or appellants shall belong, and who are hereby directed to refund the same.

CAP. XXIX.

An ACT in addition to, and amendment of, an Act, passed in the fifty-eighth year of His Majesty's Reign, entitled, An Act for the Summary Trial of Actions.

Expired

CAP. XXX.

An ACT to regulate the Sale of Goods at Public Auction or Outery.

Expired

At the **GENERAL ASSEMBLY** of the Province of Nova-Scotia, begun and holden at Halifax, on Thursday, the Eleventh day of February, 1819, and continued by several Prorogations until Thursday, the Tenth day of February, 1820, in the Sixtieth Year of the reign of our Sovereign Lord **GEORGE** the Third, by the Grace of **GOD**, of the United Kingdom of Great-Britain and Ireland, **KING**, Defender of the Faith, &c. &c. &c. being the Second Session of the Eleventh General Assembly, convened in the said Province.*

*In the time of the Right Honourable George, Earl of Dalhousie, Knight Grand Cross of the Most Honourable Military Order of the Bath; Governor in Chief; S. S. Blowers, Chief Justice and President of Council; Simon Bradstreet Robie, Speaker of the Assembly; Rupert D. George, Secretary of the Council; and James B. Franklin, Clerk of Assembly.

CAP. I.

An **ACT** to revive, amend and continue, the several Acts Expired of the General Assembly for granting to His Majesty certain Duties on Wine, Brandy, Gin, Rum, and other distilled Spirituous Liquors, Molasses, Coffee and Brown Sugar, for the support of His Majesty's Government, and for promoting the Agriculture, Commerce and Fisheries, of the Province.

CAP. II.

An **ACT** to revive and continue the several Acts Expired of the General Assembly for the further increase of the Revenue, by raising a Duty of Excise on all Goods, Wares and Merchandise, imported into this Province.

CAP. III.

An **ACT** to continue an Act for granting a Drawback Expired of the Duties on Brown or Raw Sugar, used in the manufacture of Refined Sugar within the Province, and for regulating the mode of obtaining the same.

CAP IV.

An ACT for establishing a Public Market in the Town of Lunenburg.

Act 39th Geo. III.
Cap. 8Extended to Lu-
Lunenburg

BE it enacted by the Governor, Council and Assembly, That an Act, passed in the thirty-ninth year of the reign of His present Majesty, entitled, An Act for establishing a Public Market in the Town of Liverpool, be, and the same is hereby, extended to the Town of Lunenburg, and that a Market shall be established in the said Town of Lunenburg: pursuant to the provisions and directions, and under the penalties and forfeitures, in the said Act contained.

CAP. V.

Expired

An ACT to amend, revive and continue, the several Acts imposing a Duty on Articles to be imported from the United States of America, and for appropriating the same.

CAP. VI.

Expired
Sec. 1 & 2 Geo.
V. Cap. 31.

An ACT to impose a Duty on Articles Sold at Public Auction.

CAP. VII.

Sec Geo. 4, Cap.
24.

An ACT in amendment of an Act, passed in the second year of His Majesty's reign, entitled, An Act for appointing Firewards, ascertaining their Duty, and for punishing Thefts and Disorders at the time of Fire.

Preamble

WHEREAS, since the passing of the said Act, many Houses and Buildings of Stone and Brick have been erected in the Town of Halifax, by which the danger of Fire has been diminished; and, in case of Fire, such Houses and Buildings are a great means of the preventing the spreading thereof, and it is expedient to encourage the erection of such Houses and Buildings:

Buildings exempt-
ed from assess-
ment

I. BE it therefore enacted, by the Governor, Council and Assembly, That when any Fire shall break out in the said Town of Halifax, or the Suburbs thereof, and any Building or Buildings shall, under the authority prescribed by Law, be pulled down for the stopping and preventing the further spreading of the said Fire, that no Houses or Buildings of stone or brick, covered with tile, slate, tin or sheet iron, hereafter to be built, shall be subjected to be assessed for more than one fourth part of the value thereof, for the purpose of paying the Owner or Owners of such Building or Buildings as may have been pulled down, to prevent the spreading of any such Fire; any law, usage or custom, to the contrary notwithstanding.

Buildings exempt-
ed from half of
the assessment

II. And be it further enacted, That all stone and brick Buildings, covered with shingles, or any other combustible materials, shall be liable to an assessment upon one half part of the value thereof.

And wherets it is expedient to encourage the formation of a greater number of Fire Engine Companies :

III. *Be it further enacted,* That it shall be lawful for the Court of General Quarter Sessions of the Peace, to be held in Halifax, to appoint a further number, not exceeding twenty discreet and prudent persons, as Engine Men, in addition to the number appointed under the authority of any former Statutes, and such persons, so appointed, shall be subject to the duties, and entitled to all the privileges and exemptions, imposed and granted, by the said Statutes, to Fire-Engine men.

Additional number of Engine Men may be appointed

Privileges of Engine Men.

IV. *And be it further enacted,* That the Act of the General Assembly, passed in the fifty-second year of His Majesty's Reign, entitled, An Act in addition to an Act, made in the second year of His present Majesty's Reign, entitled, An Act for appointing Firewards, ascertaining their duty, and for punishing thefts and disorders at the time of Fire, and the several matters, clauses and things, contained therein, shall be extended, and the same are hereby extended, to the Towns of Annapolis, Windsor, Lunenburg and Liverpool.

Act 52^d Geo. III. Cap. 13. extended to Annapolis, Windsor, Lunenburg and Liverpool

V. *And be it further enacted,* That the Act of the General Assembly, made in the thirty-second* year of His Majesty's Reign, entitled, An Act for appointing Firewards, ascertaining their duty, and for punishing thefts and disorders at the time of Fire, and all the several Acts which have been since made and passed, in addition to and amendment thereof, and all the several clauses, matters and things, contained therein, shall be extended, and the same are extended, to the Town of Dartmouth.

Act extended to Dartmouth

* This should be the 2nd of Geo. III. Cap. 5, there being no such Act, of the 32nd.

CAP. VIII.

An ACT to continue An Act, entitled, An Act for the security of Navigation, and for preserving all Ships, Vessels and Goods, which may be found on shore, wrecked or stranded upon the Coast of this Province; and for punishing all Persons who shall steal Shipwrecked Goods, and for the relief of Persons suffering loss thereby.

Expired

CAP. IX.

An ACT to continue the Act for regulating the exportation of Red or Smoked Herrings; and in amendment of an Act, passed in the second year of His present Majesty's Reign, entitled, An Act for regulating the exportation of Fish, and the assize of Barrels, Hoops, Boards, and all other kinds of Lumber, and for appointing Officers to survey the same; and also the several Acts in amendment thereof.

Expired

CAP. X.

Expired.

An ACT to continue an Act, entitled, An Act to revive and continue an Act, made and passed in the thirty-eighth year of His present Majesty's Reign, entitled, an Act to amend and render more effectual, an Act, passed in the eighteenth year of His present Majesty's Reign, entitled, an Act to prevent forestalling, regrating and monopolising, of Cord Wood, in the Town of Halifax.

CAP. XI.

Expired

An ACT to continue an Act, entitled, An Act to provide for the Accommodation and Billeting of His Majesty's Troops, of the Militia, when on their march from one part of the Province to another, and also the several Acts in amendment thereof.

CAP. XII.

Expired

An ACT to continue an Act, entitled, an Act to revive and continue the several Acts for regulating the Summary Trial of Actions, before His Majesty's Justices of the Peace, in the Town and Peninsula of Halifax.

CAP. XIII.

Expired

An ACT to continue an Act, entitled, An Act for the better preservation of the Property of the Inhabitants of the Town of Halifax, by providing for a sufficient Watch at Night.

CAP. XIV.

Expired

An ACT to continue an Act, entitled, An Act for the Summary Trial of Actions; and also, the Act in addition to and amendment thereof.

CAP. XV.

Expired

An ACT to continue the several Acts respecting the Liverpool and Cranberry Island Light-Houses.

CAP. XVI.

An ACT to continue An Act, entitled, An Act to revive and continue an Act respecting Aliens coming into this Province, or residing therein. Expired

CAP. XVII.

An ACT for raising an additional Duty of Excise upon all Goods, Wares, and Merchandise, imported into this Province. Expired

CAP. XVIII.

An ACT to authorise the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, to appoint Commissioners to Issue Treasury Notes, to an amount not exceeding Twenty Thousand Pounds.

BE it enacted by the Governor, Council and Assembly, That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, to appoint three fit and proper Persons as Commissioners to issue Treasury Notes, to any amount, not exceeding Twenty Thousand Pounds; the said Notes, so to be issued, shall be of Two Pound Notes, and One Pound Notes, and shall bear date the first day of June, one thousand eight hundred and twenty; and shall be of the same form, signed, countersigned and delivered, and shall be paid, and received in payment, in like manner, and again re-issued, under the rules, regulations, restrictions and provisions, as are mentioned, expressed, and contained, in the Act, passed in the fifty-third year of His Majesty's Reign, entitled, An Act to authorise the Treasurer of the Province to call in and pay the Treasury Notes, heretofore issued, and to empower the Lieutenant-Governor, or Commander in Chief for the time being, to appoint Commissioners to issue Treasury Notes. Appointment of Commissioners

II. And be it further enacted, That the said Commissioners, so to be appointed as aforesaid, before they enter upon the Duties imposed by this Act, shall respectively take and subscribe, before any one of His Majesty's Justices of the Peace, the following Oath: Issue of Treasury Notes

I, A. B. do swear, that I will well and faithfully do and perform, what I am directed and empowered to do, as a Commissioner to issue Treasury Notes, under an Act entitled, An Act to authorise the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, to appoint Commissioners to Issue Treasury Notes; and that I will not knowingly sign any more, or greater amount of Treasury Notes than I am authorised to do under the said Act. So help me God: which Affidavit shall be filed in the Office of the Secretary of the Province. Commissioners to be Sworn

III. And be it further enacted, That if any person or persons whatsoever, shall counterfeit any of the Notes aforesaid, issued by virtue of this Act, or alter any of the same, so that they shall appear to be of greater value than when originally issued, or shall knowingly pass, or give in payment, any of the Notes aforesaid, so counterfeited or altered; every person, convicted thereof, shall be set in the Pillory for the space of one whole hour, and one of the ears of such offender shall be nailed thereto, and such offender shall be publicly whipped through the streets of the town, or place, where such offence shall have been committed, and shall pay all charges of the prosecution. Form of Oath

IV. Counterfeiting Notes

Notes may be re-issued

IV. *And be it further enacted*, That in case the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, shall, by his Warrant or Warrants, require the Treasurer of the Province to re-issue the Notes received in payment at the Treasury, or to require the Commissioners to issue other Notes, in lieu of those so received, or any part thereof, it shall and may be lawful for the Treasurer to re-issue the said Notes, or the Commissioners to issue other Notes, agreeably to the said Warrants. *Provided*, the new Notes, so to be re-issued, shall not exceed the amount of the Notes so from time to time received in payment at the Treasury.

Notes may be presented for payment

V. *And be it further enacted*, That if, after the thirty-first day of December, in the year one thousand eight hundred and twenty-two, all the Treasury Notes, which shall be issued and re-issued, under, and in virtue of, this Act, shall not have been received in payment of Duties by the Collectors of Impost and Excise, and paid into the Treasury, it shall and may be lawful for the holders of any such Treasury Notes to present the same for payment at the Office of the Treasurer of the Province, and the Treasurer is hereby directed and required to pay all such Treasury Notes on demand in gold and silver.

Amount of Notes in circulation limited

VI. *Provided always, and be it further enacted*, That nothing herein contained, shall extend, or be construed to extend, to authorise any issue or re-issue of Treasury Notes under this Act, or that may be issued or re-issued under any other Act heretofore made, so as to have in circulation at any one time a greater sum than Seventy Thousand Pounds.

Notes may be funded.

VII. *And be it further enacted*, That if any person, at any quarterly period after the thirty-first day of December, in the year of our Lord one thousand eight hundred and twenty-two, that is to say, at the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, and the thirty-first day of December, in any succeeding year, shall tender for payment, at the Treasury, any number of Treasury Notes, issued under, and in virtue of, this Act, or which have heretofore been issued, or re-issued, under and in virtue of the Act, passed in the fifty-eighth year of His Majesty's Reign, entitled, An Act to empower the Lieutenant-Governor, or Commander in Chief, for the time being, to appoint Commissioners to issue Treasury Notes, amounting in value to one hundred pounds, or upwards, in case the Treasurer shall not be able to pay the same in gold and silver, it shall and may be lawful, for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by and with the advice of His Majesty's Council, by Warrant, under his Hand and Seal, to direct the Commissioners aforesaid, to fund such sum or sums of money, in Treasury Notes, as shall be so tendered, in payment, from time to time, as aforesaid, and to grant Certificates to the amount thereof on Interest, and the said Commissioners shall, in presence of the said Treasurer, cancel the said Notes, by cutting therefrom the name of the Treasurer, and the year in which they are issued, and shall deliver the same to the Secretary of the Province, to be examined, and destroyed, as by the seventh section of this Act is directed.

Certificates of Notes funded may be redeemed.

VIII. *And be it further enacted*, That it shall and may be lawful, for the Treasurer, and he is hereby directed, when and as soon as he shall receive a sum of money, in gold and silver, sufficient to pay and discharge the amount, principal and interest, due upon any Certificate granted under this Act, he shall give sixty days Notice, of his intention to pay such Certificate, and fix a day for the payment thereof; and as gold and silver shall be received into the Treasury, sufficient to pay the principal and interest, due upon any other Certificate or Certificates, granted as aforesaid, he shall give the same Notice, and shall continue to do so, paying and discharging the smaller Certificates before the larger ones, until the whole of the principal and interest due upon

upon the Certificates, granted as aforesaid, shall be fully paid and satisfied; and the person or persons holding such Certificate or Certificates, failing to attend and produce the same at the times respectively limited, all future interest thereon shall cease, and no other or greater amount of Interest, shall be paid on such Certificates so called in, than was due and payable at the time the same were required to be presented to the Treasury as aforesaid.

IX. *And be it further enacted*, That it shall and may be lawful for the said Treasurer, and he is hereby directed, to pay to the person or persons duly authorised to receive the same, yearly; and every year, the interest, as the same may become due, upon any Certificate or Certificates granted under this Act, until the principal thereof shall be fully paid and discharged.

Payment of Interest upon Notes funded.

CAP. XIX.

An ACT to continue an Act to encourage Persons engaged in the Lumber Trade ; and authorising Courts of Session to make regulations for preventing obstructions in bringing the same, with other articles, down the several Rivers of the Province ; and also, the Act passed in the fifty-ninth year of His present Majesty's Reign, in addition to and amendment thereof. Expired

CAP. XX.

An ACT to revive and continue the several Acts of the General Assembly, for raising a Revenue to repair the Roads throughout the Province, by laying a duty on Persons hereafter to be Licensed to keep Public Houses and Shops, for the retail of Spirituous Liquors. Expired

CAP. XXI.

An ACT to continue an Act, entitled, An Act, in addition to and amendment of an Act, passed in the forty-first year of His Majesty's Reign, entitled, An Act for repairing, cleansing and paving, the Streets in the Town and Peninsula of Halifax, and for removing obstructions therein ; and also, the Act, in amendment thereof, passed in the forty-second year of His Majesty's Reign. Expired

CAP. XXII.

An ACT to amend and continue the several Acts, now in force, for encouraging the Establishment of Schools throughout the Province. Expired

CAP. XXIII.

Expired

An ACT to alter and continue an Act, entitled, An Act to regulate the expenditure of Monies, hereafter to be appropriated, for the service of Roads and Bridges; and also, an Act to alter and amend the said Act.

CAP. XXIV.

Expired

An ACT to continue an Act, entitled, An Act in addition to an Act, passed in the thirty-third year of the Reign of His late Majesty King George the Second, entitled, An Act for regulating the Rates and Prices of Carriages.

CAP. XXV.

Expired

An ACT to continue the several Acts of the General Assembly, now in force, relating to a Militia.

CAP. XXVI.

Expired

An ACT for opening and maintaining a Road to the Settlements on Gay's River.

CAP. XXVII.

Expired

An ACT to continue an Act for establishing a Bridewell or House of Correction, for the County of Halifax, and for providing a Police Office in the said Town, with proper Officers to attend the same.

CAP. XXVIII.

Executed

An ACT for applying certain Monies therein mentioned, for the Service of the year of Our Lord One Thousand Eight Hundred and Twenty, and for appropriating such part of the Supplies, granted in this Session of the General Assembly, as are not already appropriated by the Laws or Acts of the Province.

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on Tuesday, the Twelfth day of December, 1820, in the First Year of the reign of our Sovereign Lord GEORGE the Fourth, by the Grace of God, of the United Kingdom of Great-Britain and Ireland, KING, Defender of the Faith, &c. &c. &c. and ended on the Third Day of March, in the Second Year of the Reign of our Sovereign Lord George the Fourth, being the First Session of the Twelfth General Assembly, convened in the said Province.*

*In the time of Sir James Kempt, Knight Grand Cross of the Most Honourable Military Order of the Bath; S. S. Blowers, Chief-Justice and President of Council; Simon Bradstreet Robie, Speaker of the Assembly; Rupert D. George, Secretary of the Council; and James B. Franklin, Clerk of Assembly.

CAP. I.

An ACT for applying certain Monies therein mentioned ^{inserted} for the Service of the year of Our Lord One Thousand Eight Hundred and Twenty-One, and for appropriating such part of the Supplies granted in this Session of the General Assembly as are not already appropriated by the Laws or Acts of the Province.

CAP. II.

An ACT to provide for the greater security of this Province, by a better regulation of the Militia, and to repeal the Militia Laws now in force.

Continued and altered by 4, Geo. IV Cap 4; 4 and 5, Geo. IV Cap 18; and 7 Geo. IV Cap 16

Be it enacted by the Lieutenant-Governor, Council and Assembly, That every man residing, or who shall come to reside, within this Province, from sixteen to sixty years of age, (excepting such as are hereinafter excepted) shall be enrolled in the Militia, and be bound to serve in the Militia of the County, District, Town or Place, wherein he resides.

Persons liable to be enrolled

II. And be it further enacted, That the Militia shall be formed into Regiments, by Counties or Districts, being divisions of Counties. And if any such County or District shall be sufficiently populous to admit of the Regiment's being subdivided into two or more Battalions, it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief, to subdivide the said Regiment into Battalions, to consist of not less than three hundred, nor more than eight hundred Men each, and to affix the limits of the District composing such Battalions. And all Companies, (Flank Companies excepted) shall be formed by Districts in such manner as

Formation of Militia

that such Companies may be assembled as conveniently as possible : and such Company shall consist of not less than thirty, nor more than eighty, men, to be commanded by one Captain and two Subalterns, and when it shall exceed sixty men, one additional Officer may be appointed thereto. And the Field Officers, and Officers Commanding Companies, at their meeting hereinafter directed, shall regulate the limits of the Company Districts, and the number of men to be enrolled in each Company, and the Clerk of the Company is hereby required to register in a book, to be provided and kept for that purpose by him, the names of all persons belonging to such Company, which Book is to be ready at all times for the inspection of the Captain and other Officers of the Company.

Officers

Militia in Har-
bours and Settle-
ments

III. *Provided always, and be it further enacted,* That in Harbours and Settlements, where the persons liable to serve in the Militia are not so numerous as to form a complete Company, it shall be lawful to form the same into smaller Companies, and if they shall not amount to more than twenty men, then only one Officer shall be appointed for such Company, and if more than twenty, and not exceeding thirty, only two Officers shall be appointed to such Company.

Flank Companies

IV. *And be it further enacted,* That there shall not be more than two Flank Companies to any Regiment, or Battalion of Militia, which Flank Companies shall consist of Light Infantry or Riflemen only, (except the Regiment at Halifax, in which Grenadier Companies are already formed) and such Flank Companies shall be composed of such numbers as the Governor, Lieutenant-Governor, or Commander in Chief, shall think proper to determine.

Artillery Compa-
nies

V. *And be it further enacted,* That it shall be lawful for the Governor, Lieutenant-Governor or Commander in Chief, for the time being, to establish one or more Artillery Companies, in any County or District in the Province, and to limit the numbers of which such Company shall consist ; and all persons who are now enrolled, or who shall hereafter enrol themselves, to serve either in the Artillery Companies, or in the Grenadier Companies of the Regiments at Halifax, or in any Light-Infantry or Rifle Company, of any Regiment or Battalion of Militia, in this Province, shall continue in such Company for five years from the date of his enrolment, unless in case of removal from the County or District, or being discharged by the Commanding Officer of such Company.

Troops of Cavalry

VI. *And be it further enacted,* That it shall be lawful for the Governor, Lieutenant-Governor or Commander in Chief, to establish one or more Troop or Troops of Cavalry, in any County or District in this Province, and to limit the number of Officers and Men, of which such Troop shall consist ; and all persons who shall enrol themselves in any Troop shall continue in such Troop for five years from the date of his enrolment, unless in case of removal from the County or District, or being discharged by the Captain or Officer commanding such Troop.

Cavalry Horses--
Penalty for dis-
posing or ex-
changing them

VII. *And be it further enacted,* That if any Non-Commissioned Officer or Private, enrolled in any such Troop or Troops of Cavalry, shall, at any time during his enrolment, sell, exchange, or otherwise dispose of, his horse, belonging to such Troop, without the consent and approbation of the Captain, or Officer commanding such Troop, he shall forfeit and pay the sum of ten pounds, to be recovered in manner as is hereinafter mentioned, and applied to the repairing the arms and accoutrements belonging to the Troop, and other incidental charges attending the same.

Drummers and
Fifers

VIII. *And be it further enacted,* That when any person shall be enrolled as Drummer or Fifer in any Company, he shall remain in such Company, notwithstanding he may not reside in the District which composes the same ; *Provided,* That no Drummer or Fifer shall be obliged to serve in any Company but in the Town where he resides, unless ordered on a march.

IX. *And be it further enacted*, That every Captain, or Officer commanding a Company of Militia, or who may be thereto appointed by the Governor, Lieutenant-Governor, or Commander in Chief, shall, as soon as conveniently may be after the passing of this Act, enrol all the Militia Men who reside within the limits which shall be assigned for his Company, and every Militia-Man (not being already enrolled in such Company) who, after the publication of this Act, shall neglect to present himself in person, to the Captain or Officer commanding the Company in which he resides, and give in his name, age and place of residence, or cause the same to be made known, in some certain way, to the Captain or Officer commanding the Company, shall, for such neglect, forfeit and pay a fine of ten shillings; and every Militia-Man who shall remove out of the limits assigned for the Company in which he is, or ought to be, enrolled, and shall not within ten days after his removal, at the place of his new residence, or where he shall hire himself, either present himself for enrolment, or cause his name, age, and place of residence, with that from which he last removed, to be made known to the Captain or Officer commanding the Company of Militia, of his new place of residence, shall, for such neglect, forfeit and pay a fine of ten shillings; and every person who shall not, within thirty days after he shall have attained the age of sixteen years, either present himself for enrolment, or cause his name, age, and place of residence, to be made known as aforesaid, so that he may be enrolled in the Militia Company of the limits wherein his place of residence may be, shall, for such neglect, forfeit and pay a fine of five shillings; and every man, within the ages hereinbefore described, who shall come to reside in the Province, and shall not, within thirty days after his arrival therein, present himself for enrolment, or cause his name, age, and place of residence, to be made known as aforesaid, so that he may be enrolled in the Militia Company of the limits wherein he shall have come to reside, shall forfeit and pay a fine of ten shillings.

Enrolment of
Militia-MenPersons neglect-
ing to enrol them-
selves

X. *Provided always, and be it enacted*, That the neglect of any such persons to cause themselves to be enrolled, shall not be construed to prevent the Captain or Officer commanding a Company of Militia, to enter, and he is hereby required to enter, on the roll of his Company, the name of every such person, residing within the limits of his company, as shall come to his knowledge, and when so entered, every such person shall be subject to perform all Militia duties, under the same penalties as if he had personally presented himself for enrolment; and if any difference shall arise between a Captain or Officer commanding a Militia Company, and any Militia-Man, touching the age of such Militia-Man, it shall be incumbent on the Militia-Man to prove his age.

Provisi^o

And Whereas, *Arms have been heretofore granted by Government, for the use of the Militia, and others may be hereafter issued for the use thereof, and it is necessary to provide for their safe keeping:*

XI. *Be it therefore enacted*, That every Freeholder enrolled in the Militia who is of the age of twenty-one years or upwards, shall, within twenty days after Public Notice given, that arms, accoutrements and ammunition, of the kind hereinafter described, are lodged within the Precinct of the Company, Regiment or Battalion, to which such Freeholder shall belong, for the use of the Militia-Men, of such Company, Regiment or Battalion, furnish and provide himself with a good and sufficient Musquet, and a Bayonet, suitable thereto, of the same kind and size with those used in His Majesty's Service, or if such Freeholder shall be enrolled in any Company of Riflemen, he shall provide himself with a good and sufficient Rifle Gun, and a Bayonet or Sword suitable thereto; and shall also, in addition to such Musquet or Rifle, provide himself with a cartouch box sufficient to contain eighteen ball cartridges, a bayonet or sword belt,

Arms

for the purpose of carrying a great coat or blanket, a pricker and brush, to clean the pan of his musquet or rifle-gun, a leathern or canvass knapsack, with straps and buckles, three good flints, eighteen ball cartridges of a size to fit his musquet or rifle, and forty buck shot, under the penalty of ten shillings, to be recovered and applied as hereinafter directed.

See 4 Geo. IV: Cap. 4 Sec. 2

And Whereas, in many Companies, there may be Minors, and other Persons, who cannot get security for the safe keeping of arms and accoutrements :

Inability of Minors and others to give security for Arms

XVI. BE it enacted, That the Captain, or other Officer commanding a Company, shall make out a regular list of the names of the persons in his Company, who are not compellable to give security, or to provide themselves with Arms at their own expense, and shall immediately receive a complete set of Arms and Accoutrements from the person having the Custody of Arms, for each and every person contained in the above list, for the safe keeping, and returning which, such Captain shall be responsible, and shall give two receipts for the same, one of which shall be entered in the Orderly Book of the Battalion, and the other shall be lodged in the Office of the Clerk of the Peace of the County or District. And if any Captain or other Officer commanding a Company, shall neglect or refuse to make the list, or give the receipts herein directed, he shall forfeit and pay the sum of five pounds, and, on complaint to the Governor, Lieutenant-Governor, or Commander in Chief, such Officer may be deprived of his Commission, and shall not thereafter be entitled to any exemption from being enrolled, and performing all the duties of a private Militiaman.

Issue of Arms

XVII. And be it further enacted, That all arms to be issued in pursuance of this Act, shall be distinctly numbered and marked with a brand on the left side of the broad part of the butt, with the name of the County or District to which the Militiaman, who shall receive the same, shall belong, and with the letter M immediately following the same ; such brand to be provided by the Treasurer of the respective Counties or Districts ; and the Commanding-Officer of each Regiment or Battalion shall cause the arms to be marked and numbered before they are issued to such Regiment or Battalion.

Lodgment of Arms

XVIII. And be it further enacted, That the Captain, or other Officer commanding a Company, shall lodge the Arms and Accoutrements so received by him, in some suitable and convenient place or places, within the limits of his Company, where they may be delivered out to persons for whom they are intended, upon all days of training, or muster, or such other times as the said Captain or Officer shall direct ; and the Minors, or other persons, who shall receive any of the said Arms and Accoutrements, for the purpose of training, muster or otherwise, shall return the same, and every part thereof, to the place of deposit, within twenty-four hours after such training, muster or other service, shall be over, under the penalty of five shillings for every day's neglect, to be recovered in the manner, and for the purposes, hereinafter directed.

Embezzlement of Arms, &c.

XIX. And be it further enacted, That every person having such Arms or Accoutrements in his possession, under the provisions of this Act, who shall vend, pledge, or exchange the same, or any part thereof, or shall convey, or cause the same, or any part thereof, to be conveyed out of the limits of the Regiment or Battalion to which such Arms and Accoutrements were issued (except when ordered on real service) and every person who shall buy, receive, or accept in exchange, any such Arms or Accoutrements, shall severally forfeit and pay a fine of five pounds for each Firelock, and a fine of ten shillings, for each Accoutrement so sold, purchased, exchanged, or conveyed, out of the limits of the Regiment or Battalion ; and every person or persons, who shall convey, or cause to be conveyed, any such Arms or Accoutrements, on board of any boat, ship, or vessel, with intent to have the same carried out of the County

County or Province ; and the Master of any such boat, ship or vessel, who shall knowingly receive into his boat, ship or vessel, any such Arms or Accoutrements, so intended to be conveyed out of the County or Province, shall, for each and every offence, forfeit and pay the sum of ten pounds, which fines shall and may be recovered, on the Oath of one credible Witness, before any one of His Majesty's Justices of the Peace for the County or District wherein such offence shall be committed ; and, in case of non-payment of any such fines, the said Justice shall, by his Warrant, cause each and every offender to be committed to the County or District Jail, for the term hereinafter mentioned, that is to say, for each fine of ten shillings, four days ; for each of five pounds, forty days ; and for each fine of ten pounds, three months, unless such fine shall sooner be paid ; and one fourth part of all fines recovered by virtue of this clause, shall be paid to the Informer, and the residue thereof shall be applied, first of all, to make good all deficiencies of Arms or Accoutrements, and the residue to the purpose of defraying the expenses incurred in repairing such Arms and Accoutrements.

Information against such as embezzle Arms, &c.

XX. *And be it further enacted,* That if information shall be given, on oath, to the Justice, that the person or persons, so offending (not being a Freeholder) is about to leave the Province, or to remove out of the County or District with such Arms or Accoutrements, it shall and may be lawful for the said Justice, before whom such information, on oath, shall be made, to issue his Warrant to the Deputy-Sheriff, or either of the Constables of the County or District, to apprehend such person or persons, and to bring him, her or them, forthwith, before such Justice to answer such complaint.

Recovery of Arms

XXI. *And be it further enacted,* That any person or persons charged with selling, purchasing, or receiving, any Arms or Accoutrements as aforesaid, who shall immediately restore such Arms or Accoutrements, and cause the same to be delivered to such Justice, shall be entitled to a remission of one half the fine, or imprisonment, hereinbefore imposed for such offence.

Remission of punishment

Inspection of Arms, &c.

XXII. *And be it further enacted,* That the Colonel or Officer commanding any Regiment or Battalion, shall, once in every year, or as often as he may think necessary, besides the usual days of training, order an inspection of the Arms, Accoutrements and Ammunition, of the several Companies under his command, to be made at one and the same time, by one Subaltern, from each Company, attended by the Clerk thereof, and by calling on each and every man of the said Company at the usual place of his or their abode ; which Subaltern shall make an exact return of such Arms, Accoutrements and Ammunition, describing the state and condition thereof, and every person required by law to be provided with Arms, Accoutrements and Ammunition, who shall, at such Inspection, have such Arms in unserviceable condition, or shall be deficient in any of the Appurtenances abovementioned, shall forfeit and pay, for each deficiency, the like sum, as if such deficiency had happened at a muster or training.

Arms to be returned by Militia Men removing from Province or District

XXIII. *And be it further enacted,* That any Militia-Man, who hath, or may hereafter receive, Arms and Accoutrements, under the provisions of any Act relating to the Militia of the Province, and shall remove out of the District of the Company in which he may be enrolled ; shall, before such removal, return to the Captain or Officer commanding the company, in good and perfect order, the Arms and Accoutrements so received by him, under the penalty of five pounds.

Arms issued under the late Act

XXIV. *And be it further enacted,* That every person who has received Arms, Ammunition or Accoutrements, issued from His Majesty's Stores, under the provisions of any of the Acts hertofore in force relating to the Militia of the Province, and

and any person who shall have in his possession any of the Arms, Ammunition or Accoutrements, issued from His Majesty's Stores, for the use of the Militia, and all persons liable to account for such Arms, Ammunition and Accoutrements, under the said Acts, shall be liable, and are hereby made liable, for the same, in the same manner as if the said Acts had not been repealed: any thing herein contained to the contrary notwithstanding.

XXV. And be it further enacted, That if any person enrolled in the Militia of this Province, shall appear on the respective days of Muster and Training, with Arms and Accoutrements, any of which in the opinion of the Captain or Officer commanding the Company to which he belongs, are dirty and not in good and serviceable order, such person shall forfeit and pay a sum not less than two shillings and six-pence, nor more than ten shillings.

Arms not in order

XXVI. And be it further enacted, That if any person enrolled as aforesaid, who has received, or shall hereafter receive, Militia Arms and Accoutrements, shall use the said Militia Arms or Accoutrements, for fowling, or the like private purposes, shall forfeit and pay for each offence, the sum of five shillings.

Improper use of Arms, &c.

XXVII. And be it further enacted, That every Regiment, Battalion or Company, of Militia, shall be called out and assemble four times in each and every year, that is to say: by Companies twice, and by every Regiment or Battalion twice, either entire or by such detachments as the Commanding-Officers of the respective Regiments or Battalions, from local or other circumstances, shall judge fit and direct, for the purpose of training, disciplining and improving, in martial exercises: the times and places of assembling for the Companies, Battalions, Regiments and Detachments, to be appointed by the Colonel or Commanding Officer of the Regiment or Battalion, and arranged on different days, that the Field or Staff Officers may have an opportunity of attending the several Companies, Detachments, Battalions and Regiments, exercised in detail, in order to introduce uniformity in the manœuvres and discipline of the Regiment or Battalion; of all which several and respective days of assembling for the purposes aforesaid, previous notice shall be given, at least three days, by notice or warning to every Militia-Man, from the Commanding Officer or any other Commissioned or Non-Commissioned Officer of the Regiment, Battalion or Company, to which such Militia-Man may belong, or by any Private Militia-Man, provided such private Militia-Man hath the written orders of the Commanding-Officer of such Regiment, Battalion or Company, to that effect, or public notice at one meeting of the time of holding the next meeting: and when a Militia-Man is not found at his own usual place of Dwelling, to receive personal notice, the leaving notice either verbally or in writing, with such Militia man's master, parent, or wife, or with his child or servant, of the years of discretion, or giving him notice in any other reasonable and discreet manner, according to the special circumstances of the case, shall be deemed a sufficient notice, until the delinquent Militia-man shall fully satisfy the Commanding Officer of his Company, or a Board of Officers, that he was ignorant of such notice having been given him.

Assembling Militia for training, &c

See 7 Geo. 4 Cap 16

Notice to be given

XXVIII. And be it further enacted, That every Field-Officer, commanding a Regiment or Battalion, neglecting to give orders for assembling his Regiment or Battalion, by Companies or otherwise, the number of days mentioned aforesaid, for the purpose of training, disciplining and improving, the Men, belonging to his Regiment or Battalion shall forfeit and pay the sum of twenty pounds, and every Officer commanding a Company, having received orders from the commanding Officer of the Regiment or Battalion, to which he belongs, to call out and discipline his Company, in the manner prescribed by this Act, and neglecting so to do, shall, for each and every offence,

Officers commanding Regiments, &c. neglecting to call out their Men for training

offence, forfeit and pay the sum of five pounds; which said sum shall and may be recovered as hereinafter provided: the one half thereof, to go to the person prosecuting, and the other half to be applied as hereinafter directed; and every person enrolled as aforesaid, who shall refuse or neglect to appear, agreeably to the provisions of this Act, when called upon, by warning or notice, as hereinbefore prescribed, to attend any Company, Regiment or Battalion, meeting, not being prevented by sickness, unavoidable accident, or other reasonable excuse, satisfactory to the Commanding Officer of his Company, shall be subject, for the first offence, to a fine of five shillings; for the second offence, to a fine of ten shillings; for the third offence, to a fine of fifteen shillings, and for every subsequent offence, to a fine of twenty shillings. And every Militia-man, enrolled as aforesaid, appearing on Parade, who shall refuse or neglect to perform such Militia duty as shall be required of him, or shall, on the day of muster or training, depart from such Company, without leave from the Commanding Officer of the Regiment, Battalion or Company, to which he shall belong, shall forfeit and pay, for each and every offence, a sum not exceeding twenty shillings, and not less than five shillings, which fine shall be imposed by the Commanding-Officer of the Company present, and on Parade.

Improper conduct
of Militia-Men

Notice of Fine

XXIX. *And be it further enacted,* That notice of the imposition of the fines aforesaid, shall be given by the Clerk or Non-commissioned Officer, or such person as shall, for the time being, perform the duty of Clerk of the Company: such Militia-man shall belong to, either personally, or in writing, left with the master, parent or wife, or with his child or servant, of the age of discretion.

Appeal against
fine

XXX. *And be it further enacted,* That it shall and may be lawful for every Militia-man, upon whom a fine shall be imposed as aforesaid, within the period of four days, if he shall adjudge himself aggrieved, to appeal to a Board of Officers, to be formed as hereafter is directed, and any person or persons so appealing shall give notice thereof to the Clerk or person doing the duty of Clerk, within the period hereinbefore limited.

Officers neglecting
to attend trainings

XXXI. *And be it further enacted,* That all Officers under the rank of Lieutenant-Colonel, who shall fail to attend any meeting of the Regiment, Battalion or Company, of Militia, to which they respectively belong, without reasonable excuse, to be adjudged by a Board of Officers, to be appointed as is hereinafter directed, for the purpose of hearing and determining appeals, shall respectively forfeit and pay, for each and every default, according to their rank, that is to say, if a Major, five pounds; if a Captain, three pounds; and if a Subaltern Officer, two Pounds; which fines shall be sued for by the Adjutant of the Regiment or Battalion, and recovered in like manner as fines are that are imposed upon Militia-men for non-attendance. And out of the said fines, the said Adjutant shall deduct to his own use one fourth part for his trouble of collecting, and the other three fourths parts he shall pay over to the Quarter Master of the Regiment or Battalion, to the use of the Regiment or Battalion.

Board of Officers
may be formed for
the purpose of
hearing appeals a-
gainst fines

XXXII. *And be it further enacted,* That it shall be lawful for the Lieutenant-Colonel, or Commanding-Officer of each Regiment or Battalion, from time to time, as occasion may require, to form a Board of Officers of his Regiment or Battalion, consisting of three Captains, or of a Field-Officer and two Captains, for the purpose of hearing and determining all appeals which shall be made by any Militia-Man, under the provisions of this Act; and if the said Board shall confirm the proceedings of the Officers who shall have imposed the fine or fines upon the Militia-men, the said Board shall certify the same in a Schedule, signed by the Field-Officer or President of the said Board, and the said fines shall be levied and collected as in and by this Act is directed.

Recovery of fines

XXXIII. *And be it further enacted,* That all fines incurred by this Act for non-attendance,

attendance, and imposed upon any Militia-man conformable to the provisions of the same, shall be recovered before any one of His Majesty's Justices of the Peace, not being an Officer of the Company to which the Militia-man belongs, which Justice of the Peace shall have no power to remit any such fine or fines, but, on proof that the delinquent Militia-man had the notice by this Act required of the imposition of the fine, and that he had not been relieved upon appeal, the said Justice shall issue process for collecting the same, as in cases of debt.

And Whereas, *great inconvenience is experienced by reason of the frequent changing of the Militia-Men of the Halifax Regiments of Militia, out of one Company thereof, into another :*

XXXIV. *Be it further enacted,* That each and every Militia-Man, of the Halifax Regiments of Militia, shall be bound to do and perform his several Militia Duties in and with that Company of Militia in which he is properly enrolled before the first day of April, in each and every year, to which Company he shall be deemed as belonging for the year next following such enrolment, any transfer of his residence within the limits of his Regiment or Battalion notwithstanding.

Removal of Militia-men from one Company to another

XXXV. *And be it further enacted,* That any Militia-man of the said Regiments or Battalions, who shall remove from the limits of the Company District, in which he is enrolled, shall, one week after the removal to another Company District, give notice to the Clerk of his Company of his new place of residence, and in like manner shall notify the said Clerk of any removal, and in case of neglect the said Militia-man shall, for each offence, forfeit and pay a fine of ten shillings.

Militia-men to give notice of removal

XXXVI. *And be it further enacted,* That where Militia Guards shall be appointed for the purpose of watching and warding, that the said duties shall be equally and fairly distributed to and amongst, and equally and fairly borne by, each and every able-bodied Man of the District, as well Officers and those exempted from Militia Trainings, as others in his turn, according to a list or roster, to be kept by the Commanding-Officer of each Militia Company, and every person refusing or neglecting by himself or sufficient Substitute, to perform his fair term of watching and warding in manner, and at the time directed by the Commanding-Officer of his Company, shall forfeit and pay, for each and every neglect or refusal, a fine of ten shillings, to the use of the Company, and to be disposed of for the use and benefit of the Company in such manner as the Commanding-Officer of the said Company shall direct.

Watching and Warding

Provided always, That nothing in this Act contained shall extend, or be construed to extend, the number of days required for training to be performed by Militia-men between the ages of forty-five and sixty-years, or to subject any Militia-Man above forty-five years of age, to any of the fines imposed by this Act for non-attendance at Company or Battalion trainings.

Proviso

XXXVII. *And be it further enacted,* That where, from the exposed situation of the District, and the appearance or threatenings of the Enemy, or by direction of the Governor, Lieutenant-Governor or Commander in Chief for the time being, Militia Guards shall be so appointed and kept, as that any Militia-man's duty of watching and warding shall exceed the number of six days or nights in any one year, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, to cause every such Militia-Man's service, over and above the said number of six days or nights, to be paid for out of the Treasury of the Province, according to the rate of Militia-Pay by this Act allowed, upon such over service being duly stated and certified by the Commander of each Battalion or Regiment of Militia respectively, in manner and form as shall be prescribed by the said Governor, Lieutenant-Governor, or Commander in Chief.

Watching and Warding by Militia Men over six days to be paid for

Jail for the space of _____ hours from the time of his being delivered into your custody, and at the expiration whereof you are to release the said C. D. on his paying your fees, and this to you, or either of you, shall be your sufficient Warrant.

And on refusal or neglect of the said Sheriff or Jailor to receive such person so committed, into his custody, he shall forfeit and pay the sum of five pounds for each and every offence; and the Serjeant or Corporal, who shall be ordered by the Officer commanding the said Regiment, Battalion or Company, to escort the said offender to Jail, shall, in case of neglect or refusal, be reduced to the ranks, and shall, for each and every such offence, forfeit and pay the sum of forty shillings; and each and every private, who shall be ordered by the Commanding-Officer as aforesaid, for the purpose of escorting the said offender, as aforesaid, who shall neglect or refuse to do the same, shall forfeit and pay the sum of ten shillings.

XLII. *And be it further enacted,* That there shall be an Adjutant appointed to each Regiment or Battalion in the Province, whose duty it shall be to attend at the place of assembling each Company, Regiment, Battalion and Detachment, of the Regiment or Battalion, when called out as aforesaid, then and there, under the direction of the Officer commanding, to inspect their Arms, Ammunition and Accoutrements, to superintend their exercise and manœuvres, and introduce a proper system of military discipline, agreeable to such orders as he shall receive, from time to time, from the Colonel or Commanding Officer of the Regiment or Battalion, and to do and perform such other duties and services suitable for an Adjutant, as the Colonel or Commanding-Officer of the Regiment or Battalion shall, from time to time, order and direct, and that every such Adjutant shall be allowed, as a full compensation for all the service he is required to perform by this Act, the sum of fifteen pounds per year, to be paid out of the Provincial Treasury by Warrants from the Governor, Lieutenant-Governor or Commander in Chief for the time being, on the Certificate of the Field-Officer, and a majority of the Captains of the Regiment or Battalion, and of the Inspecting Field-Officer, if any, of the District for which the Adjutant may be appointed, that such Adjutant is duly qualified, and has attended all the Regimental and Company trainings, distributed the orders, and made up the returns of the Regiment or Battalion, and faithfully performed the other services prescribed by this Act.

Appointment of Adjutant

His Duty

Compensation to Adjutant

XLIII. *And be it further enacted,* That the Captain or Officer commanding each Company, shall, and is hereby fully empowered, with the approbation of the Officer commanding the Regiment or Battalion, to nominate and appoint proper persons to serve as Sergeants, Corporals, Clerks, Drummers or Fifers, in the Company which such Captain or Officer commands, and so to displace them, and appoint others in their room; and if any person, so appointed, shall refuse to accept such appointment, he shall forfeit and pay a fine of forty shillings, and another shall be appointed in his room, who, in case of refusal, shall be liable to the same fine, and so on until one do accept; and in case any Sergeant, Corporal, Drummer or Fifer, accepting such appointment, and refusing or neglecting the duty thereof, he shall forfeit and pay, for each offence, forty shillings.

Appointment of Sergeants, Corporals, Clerks &c.

XLIV. *And be it further enacted,* That all Clerks of Companies, before they enter on the execution of their duty, shall take an Oath before some one of His Majesty's Justices of Peace, who is hereby authorised to administer the same. The form of the Oath to be as follows, viz.

Clerks to be sworn

I do swear truly to perform the Office of Clerk of the Militia Company, under the Command of A. B. to the utmost of my skill and power, in all things appertaining to my Office, according to Law. So help me God.

Form of Oath

And

Duty of Clerks And the duties of Clerks of Companies shall be, to keep Registers of their respective Companies, to furnish the Non-Commissioned Officers with lists of the men whom they are directed to warn for training, and other duties prescribed by this Act, and to take lists of the Companies as often as required by the Officers Commanding them; to attend Commissioned Officers making inspection of Arms; to attend all musters, and to prosecute for all fines, and sue for all penalties, incurred by this Act, applicable to the use of their respective Companies, when so ordered by the Officers commanding such Company; and such Clerk shall be allowed and paid one fourth of all fines and forfeitures he shall recover by virtue of this Act, as a reward for his trouble in doing the duties enjoined thereby, and shall be exempt from being drafted or ballotted for actual service.

Refusal to serve as Clerk. XLV. *And be it further enacted,* That if any Clerk of a Militia Company shall refuse or neglect to perform the duties hereinbefore enjoined, he shall forfeit and pay for each offence, or neglect of duty, a fine not exceeding five pounds, nor less than twenty shillings, to be prosecuted for by the Officer commanding the Company.

Appointment of Sergeant-Major and Clerk to each Battalion XLVI. *And be it further enacted,* That it shall and may be lawful for the Colonel, or Officer commanding any Regiment or Battalion of Militia, to appoint a Sergeant-Major and Clerk, for such Regiment or Battalion (and in those Counties or Districts where, from local circumstances, the Regiment or Battalion cannot be assembled entire, one additional Clerk for such Division of said Regiment or Battalion, which cannot be assembled at the place of general rendezvous,) provided there be but one additional Clerk to any Regiment or Battalion, and to displace such Sergeant-Major and Clerks, and appoint others in their room, as he shall see occasion; and the Sergeant-Major and the Clerks, so appointed, shall be exempted from all balloting for actual service; and the Clerks, so appointed, shall take the Oath for the faithful discharge of their duties, in manner as is hereinbefore prescribed for Clerks of Companies, and shall be subject to the same penalties as the Clerks of Companies for any neglect of duty.

Returns of strength of Battalions XLVII. *And be it further enacted,* That twice in every year, viz: on or before the last day of March and November, the Colonels or other Officers commanding Regiments or Battalions shall make out, and transmit to the Adjutant-General of the Militia, for the information of the Governor, Lieutenant-Governor, or Commander in Chief, returns of the strength of their Regiments, Battalions or Companies; and also returns of Arms, and an account of all fines, collected or paid to them, and of the expenditure thereof, with certified copies of the vouchers for each expenditure; and all Captains or Officers commanding Companies are hereby required to make out and transmit to the Officers commanding the Regiment or Battalion to which such Companies belong, twice in every year, viz. on or before the fifteenth days of March and November, annually, and as often further as required by the Commanding Officer of the Regiment, returns of the strength of their respective Companies, with fair rolls thereof, and also returns of Arms: all forms of returns prescribed by the Adjutant-General to be uniformly adopted; and any Officer guilty of wilfully making any false returns, shall be cashiered by the sentence of a General Court-Martial, to be appointed as is hereinafter directed, and shall moreover be liable to a fine not exceeding twenty pounds; and if any Colonel or other Officer commanding a Regiment or Battalion, shall neglect to make the returns required of him as aforesaid, he shall, for every such neglect, forfeit and pay a fine of twenty pounds; and if any Captain or other Officer commanding a Company, shall neglect to make the return required of him as aforesaid, he shall forfeit and pay a fine of five pounds, for every such neglect.

XLVIII. *And be it further enacted,* That if any person shall wilfully interrupt any Regiment, Battalion, Company or Detachment, of Militia, at exercise, or on any duty prescribed by this Act, it shall and may be lawful for the Officer commanding such Regiment, Battalion, Company or Detachment, to confine such persons during the time of such exercise or duty, (if necessary) to prevent the continuance of such insult or wilful interruption; and the person so offending shall forfeit and pay the sum of ten shillings for each and every offence.

Interruption of
Militia in their
exercise

XLIX. *And be it further enacted,* That when any person enrolled in the Militia shall complain to the Officer commanding the Regiment or Battalion to which he belongs, that, by reason of sickness, or accidental or natural infirmity, he is unable to perform the Militia duties required by this Act, it shall and may be lawful for the Colonel, or other Field-Officer, to order a Board of one Field-Officer and two Captains to inquire into, and decide on, the said complaint; and it shall be lawful for such Board to apply, or to cause the party complaining to apply, to any able Physician or Surgeon, residing within the County or District to which the Regiment or Battalion belongs, for his certificate or opinion respecting the nature and extent of the sickness or infirmity of the complainant, which opinion or certificate the said Physician or Surgeon is hereby required to give forthwith without fee, or reward, under penalty of forfeiting forty shillings for each refusal or neglect; and if, after a full consideration of the said complaint, the Board shall report thereon to the Officer commanding the Regiment or Battalion, that the party complaining is really unable to perform the said Militia duties, the said Commanding Officer shall grant a certificate thereof accordingly, which shall exempt the complainant from such duties so long as the disability shall exist, and every Physician or Surgeon who shall give a certificate or opinion of the actual existence of any sickness, complaint or disability, of any Militia-man, knowing that such sickness, complaint or disability, is false or pretended, shall forfeit and pay a fine of ten pounds for every such offence.

Infirmities

L. *And be it further enacted,* That the Colonel, or Officer commanding any Regiment or Battalion, shall, once in every year, within the first fourteen days of the Month of March, and as often further as, with the advice of three Captains of his Regiment, he shall judge fit, require the Field-Officers, Captains, and Officers commanding Companies, to meet at such time and place as he shall appoint, and there, with them, confer and take order for the better regulation of their Companies; for establishing and altering the limits of Company Districts; and prescribing the number of men in each Company; appropriating such fines as, by this Act, are to be applied to the service of the Regiment or Battalion; and to make such rules and regulations as to them, or the major part of them, may seem meet, for the promotion of subordination and military discipline, in the Regiment or Battalion to which they belong; and all Officers shall yield obedience to the warrants or commands of their superior Officers, and shall observe such regulations, being in writing, as may be made at the Meetings herein prescribed, under a penalty not exceeding five pounds, to be adjudged at the next Meeting as aforesaid. *Provided always,* That no Officer shall be bound by any regulation regarding his dress or appointments, unless two thirds of all the commissioned Officers of the Regiment or Battalion shall have concurred therein; *and provided also,* that an account of all fines, with their appropriations as aforesaid, shall, from time to time, be rendered to the Secretary's Office, by the Colonels, or other Officers commanding Regiments or Battalions, and subject to the like penalty for defaults; and that no rule or regulation made at any of the aforesaid meetings (excepting only such as may relate to the establishing the limits of Districts, and numbers of men in each company, or to the appropriation of fines) or any warrant or command thereupon, shall

Conferences of
Officers, for better
regulation of
Militia

Dress of Officers

shall be of any force or validity, until the same shall have been transmitted to the Governor, Lieutenant-Governor or Commander in Chief, and shall have received his approbation.

Officers removing
from the District
to which their
Battalions belong

LI. And be it further enacted, That every Militia Officer who shall remove from the County or District to which his Regiment or Battalion belongs, or who from other causes is not attached to any Regiment, or Battalion, but retains a Commission in the Militia, shall be liable to sit on Courts-Martial, and to perform the other duties of his rank when thereto required by his Superior Officer, and may in cases of necessity or vacancy, be ordered to take his station in the Regiment or Battalion of the County or District in which he shall reside, and in case of refusal or neglect to obey such orders, such Officer shall be tried by a General Court Martial, and on conviction of such offence be deprived of his Commission.

Reduced Officers

LII. And be it further enacted, That no Officer who has been, or hereafter may be, cashiered by the sentence of a General Court-Martial; no Officer who may hereafter resign his commission in the Militia; and no Officer who has been heretofore dismissed His Majesty's Service, or who shall neglect within six months after the publication of this Act to qualify himself for the duties of his station, (and shall upon the representation of the Commanding Officer of the Regiment or Battalion to which he belongs, and the Inspecting Field-Officer of the District, be on that account deprived of his Commission by the Governor, Lieutenant-Governor or Commander in Chief) shall be entitled to any rank or privilege from having held such Commission, or exempted from enrolment, or the performance of the duties of a private Militia-man.

Actual Service

LIII. And be it further enacted, That the Governor, Lieutenant-Governor or Commander in Chief, shall be, and is hereby authorised and empowered, in case of any invasion or sudden attack made or threatened by His Majesty's Enemies, to call into real service the Militia of the several Counties, or any part thereof, as he in his discretion shall think fit; and that the Militia, or any part thereof, so called into real service, by virtue of the Provisions of this Act, shall and may be ordered to march from one County or part of the Province to another, on any necessary service occasioned by any such invasion or sudden attack made or threatened.

When the Govern-
or cannot be con-
sulted on any-sud-
den attack

LIV. And be it further enacted, That in case of any invasion or sudden attack made or threatened to be made as aforesaid, in any County where the Commander in Chief cannot be immediately consulted, the Commanding Officer of the Militia in such County shall have power, if he in his discretion shall think it absolutely necessary, to call out the Militia of such County, or any part thereof, into real service; and in case of any such invasion or sudden attack being made, or threatened to be made, in any Town, Parish or District, in any County where the Colonel or Commanding-Officer of the Militia of such County cannot be immediately consulted, the Officer commanding the Militia in such Town, Parish or District, shall have power, if he, in his discretion, shall think it absolutely necessary or expedient, to call out the Militia under his command, or any part thereof, into real service; and such Officer, last mentioned, shall forthwith report his proceedings, and the reasons and grounds thereof, to the Colonel or Commanding-Officer of the Militia of the County, who is hereby empowered and required, in case he shall call out or continue in real service, any part of the Militia under his command, forthwith to dispatch, if necessary, an express to the Governor, Lieutenant-Governor or Commander in Chief for the time being, notifying the danger, and the strength and motions of the Enemy, and the said Colonel or Commanding-Officer is hereby empowered to impress men and horses, boats, carts, or waggon, as the service may require; and all expresses, so ordered, and the men so im-
pressed,

pressed, or owners of such horses, shall be allowed a reasonable compensation for such service, to be paid out of the Provincial Treasury, by Warrant from the Governor, Lieutenant-Governor, or Commander in Chief for the time being, with the advice of His Majesty's Council, and on certificate of such Colonel or Commanding Officer, and two Captains of the Militia of such County, that such expenses have been justly incurred.

LV. *And be it further enacted,* That when, in consequence of the order of the Commander in Chief, or in the cases hereinbefore mentioned, of the Colonel or Officer commanding the Militia of any County, or any part thereof, shall be called into real service, in the County to which they belong, all duties to be performed, except in cases of great emergency, shall be regulated by rosters, to be kept of the Militia fit for duty, so that such service may be equitably distributed; and every Officer, or person enrolled in the Militia, when called into actual service, is hereby bound and required to yield obedience to all lawful commands of his superior Officers, for mounting Guards, erecting Works, and other Military Services, for repelling, resisting, or guarding against, the attacks of the Enemy, under penalty of incurring the forfeitures appointed by this Act, for disobedience of Orders.

Regulation of duty
in actual service

LVI. *And be it further enacted,* That, as soon after the publication of this Act as the Governor, Lieutenant-Governor, or the Commander in Chief for the time being, shall appoint, and thereafter in time of War, between the tenth and twentieth days of March, in each and every year, unless otherwise directed by the Governor, Lieutenant-Governor, or Commander in Chief for the time being, the Officers commanding the several Regiments or Battalions of Militia, shall cause the Captains or Commanding-Officers of Companies, in their respective Regiments or Battalions, to divide the men enrolled in such Companies into two classes: the first class to consist of all the able men, from the age of eighteen to the age of forty-five years, inclusive, which is to be considered as the first class for service; and the second class to consist of men above the age of forty-five, and under the age of eighteen years, which is to be considered as the second class for service; and in case a sufficiency of Arms and Accoutrements shall not be provided, at the expense of the Province, or otherwise, for arming the whole of the Militia, the men of the first class shall be completed with Arms and Accoutrements, before any other person shall be furnished therewith.

Companies to be
formed into two
classes

LVII. *And be it further enacted,* That soon as the classes shall be formed as aforesaid, the Commanding-Officers of the respective Companies shall cause a draft or ballot to be made of the first class, as hereinafter mentioned, for the purpose of framing a list or roster, by which the men of such class may be called into actual service; when required, that is to say: the names of each and every person in such class shall be written on separate pieces of paper, all, as near as may be, of equal size, which shall be rolled or folded up, as near as may be, in the same manner, and put into a hat, and therein be well mixed and shaken together; and in like manner, numbers from one to the extent of the number of Men contained in such class, shall be written on distinct pieces of paper of equal size, as near as may be, and separately rolled or folded up, as nearly alike as possible, and put into another hat, and well mixed or shaken together; and two indifferent persons shall be nominated by the Commanding Officer of the Company, publicly to draw the same, and the said persons shall respectively begin by drawing out of each hat one of the said papers; and the Clerk of the Company, if present, or otherwise a person appointed to officiate as Clerk, shall form a list on a paper, to be provided for that purpose, and shall first set down thereon the name of the person first drawn out of the hat and opposite to such name the number first drawn out of the other hat, and then the person appointed to conduct the drawing,

Rosters to be
formed by ballot

ing, as aforesaid, shall draw another name and another number, respectively, and the Clerk shall set down, as aforesaid, such name so secondly drawn, and opposite thereto the number secondly drawn; and the drawing shall proceed in like manner, until the whole of the names and numbers of such first class shall be drawn, and set down in writing, as aforesaid; and, from such list, the Clerk of the Company shall form a new list or roster, beginning with the name of the person against whom the number one stands in the list, and proceeding, in numerical order, to the name of the person who drew the last or highest number.

Cavalry and Artillery Companies to be classed

LVIII. *And be it further enacted,* That the Men enrolled in any Troop of Cavalry or Company of Artillery, shall be drafted and classed for service in the manner hereinbefore prescribed for Companies of Regiments or Battalions.

Drafts for actual service

LIX. *And be it further enacted,* That when the Commanding-Officers of any Regiment or Battalion, or of any Troop of Cavalry or Company of Artillery, shall be ordered by the Governor, Lieutenant-Governor or Commander in Chief, to furnish or embody any number of Men of his Regiment, Battalion, Troop or Company, for actual service, they shall be furnished in as exact proportion as possible to the number of effective Men of each Company or Troop; and each Company or Troop shall furnish its proportion of Men out of the first class, beginning with number one, in the list or roster formed by draft as aforesaid, and proceeding in the order as the names stand in such list or roster, until the numbers required are completed; and each and every person so liable to serve, unless prevented by sickness or other sufficient cause, shall go in his proper person, or find a sufficient substitute, to be approved of by the Officer commanding the Detachment, or the Field-Officer of the Regiment; and, in case of any wilful absence, neglect or disobedience herein, of any person so liable to serve, he shall be confined by the Commanding-Officer, and shall pay a fine of ten pounds, or remain in jail three months; and the person next on the list or roster shall be called out to serve in his place, who shall have the whole of the said fine, if he shall not neglect or refuse to go, or to find a sufficient substitute in his room, to be approved as aforesaid; but if he also shall refuse or neglect, he shall be subject to the like fine and imprisonment; and the person then next in rotation on the list or roster, shall be called out to serve, who shall have the whole of the last mentioned fine, if he shall not neglect or refuse to go, or find a sufficient substitute as aforesaid, and so as often as such case shall happen. *Provided always, and it is hereby declared,* That the fines, if more than one, shall accumulate and be recoverable to the use of the Regiment or Battalion, Troop or Artillery Company, wherein they have been incurred. *And provided,* That if any part of the Militia, in any County, shall not be called out oftener than once within four years, no Man who has been called out, and served in person, or by a sufficient substitute, shall be liable to serve again, until all the other effective Men of his Company shall have served in their turns, personally or by substitute. *Provided also,* That no Quaker, duly certified as such, shall be liable to the foregoing fine, but in case he shall stand for service on the list, and shall refuse to go, or find a proper substitute, it shall be lawful for the Officer commanding the Company to which such Quaker belongs, to procure a substitute in his place, and such Quaker shall be liable to pay the expense of such hiring, so as the same do not exceed ten pounds, to be recovered before any two Justices of the Peace.

Fines

Quakers

Removal of Militia-man from one Company District to another

LX. *And be it further enacted,* That when any Militia-man shall remove from one Company District to another, and shall be enrolled in the Company of the District to which he has removed, he shall fall in immediately before the person who has drawn the same number as the said Militia-man held in his former Company, and shall stand there ready to be called on for actual service, as if he had originally drawn such number in the Company to which he has so removed.

LXI. *Provided always, and be it further enacted,* That when it shall happen that there are two or more sons residing in the house or family of their father or mother, and who shall have resided therein for one year preceding, then in case such sons shall stand on the list or roster aforesaid, so as to be liable to be ordered for service at the same time, one of the said sons shall be excused from serving; and the next on the list or roster shall be called out in his stead; and if any person aged sixty years or upwards, or any Widow having a son, grandson or an apprentice, on whom he or she depends for support, living with such aged person or widow for the space of twelve months before the ordering of any draft as aforesaid, such son, grandson or apprentice, shall be exempted from serving so long as he resides in the House or Family of such aged Person or Widow, and contributes to his or her support.

And Whereas, the drafting of Militia-men employed as Clerks, Storekeepers, Mechanics or Labourers, in His Majesty's Ordnance Stores, and Naval or Careening Yard, and in the Civil and Military Departments of the Army, is frequently injurious to His Majesty's service, for remedy thereof:

LXII. *Be it further enacted,* That, whenever a proportion of the Militia of the Town of Halifax shall be called into service, it shall and may be lawful for the Colonel or Officer commanding the Regiment of Militia to which Clerks, Storekeepers, Mechanics or Labourers, belong, who are employed in His Majesty's Ordnance Stores, or in the Navy or Careening Yard, or in the Departments of the Army, to apportion the number of drafts such Clerks, Storekeepers, Mechanics and Labourers, which each of the said Departments respectively ought to furnish, and to procure good and sufficient substitutes in the place or stead of such Clerks, Storekeepers, Mechanics and Labourers, on the most reasonable terms, the amount of which cost and expense for procuring such substitutes shall be duly assessed by the Colonel, Lieutenant-Colonel or Officer commanding the Regiment, with the assistance of two Captains of the said Regiment, on each Clerk, Storekeeper, Mechanic or Labourer, so employed in each of the aforesaid Departments respectively, in proportion to the daily pay of each and every of the said Clerks, Storekeepers, Mechanics and Labourers.

Exemption of Clerks, &c. in Government employ

LXIII. *And be it further enacted,* That each and every such Clerk, Storekeeper, Mechanic or Labourer, so assessed as aforesaid, shall, on due notice thereof, pay the amount of such rate or assessment to the Officer commanding the Regiment, or to any person by him duly authorised to receive the same; and if any such Clerk, Storekeeper, Mechanic or Labourer, shall refuse or neglect to pay such rate or assessment, it shall and may be lawful for any of His Majesty's Justices of the Peace for the Town of Halifax, on complaint of the Officer commanding the Regiment, and on due proof of such Clerk, Storekeeper, Mechanic or Labourer, having been notified of the amount of his rate or assessment, and of his neglect or refusal to pay the same, to issue his Warrant to any of the Constables of the Town of Halifax, directing them to levy by distress and sale of the Goods and Chattles of such Clerk, Storekeeper, Mechanic or Labourer, the sum so proved to be by him due and owing as his proportion, rate or assessment, aforesaid, with costs of suit, and for want of Goods and Chattles to commit such Clerk, Storekeeper, Mechanic or Labourer, to Jail, there to remain until the amount so specified in the Warrant be duly paid. *Provided always,* That nothing in this Act contained, shall extend, or be construed to extend, to prevent the said Clerks, Storekeepers, Mechanics or Labourers, in each of the aforesaid departments respectively, from procuring substitutes agreeably to law, or performing the aforesaid militia duty in person, on due notice given to them of such duty, and on their declaring such their intention at the time of notification and carrying the same into effect.

Refusal of Clerks, &c. to pay assessment

Proviso

Refusal of Militia, when ordered into actual service

LXIV. *And be it further enacted,* That whenever, agreeably to the authority granted by this Act, the Governor, Lieutenant-Governor, or Commander in Chief, or the Colonel or Officer commanding any Regiment or Battalion, or the Officer commanding in any Township, shall order any part of the Militia into actual service, any Non-commissioned Officer or Private, enrolled in the Militia, who shall neglect or refuse to obey such order, or shall not by himself or sufficient substitute, march and proceed to perform such service as may be legally required of him; that such Non-commissioned Officer or Man shall be confined by the Officer commanding the Battalion, Regiment or Company, to which such person belongs, and shall be subject to a fine of ten pounds; to be recovered before any two of His Majesty's Justices of the Peace for the County wherein the offence is committed, to be levied of his goods and chattels, by warrant of distress under the hands and seals of such Justices, or, in default of such distress, to be liable to three months close imprisonment.

Pay of Militia when ordered into actual service

LXV. *And be it further enacted,* That whenever any part of the Militia of this Province shall be called out into actual service, the Officers, Non-commissioned Officers, Trumpeters, Drummers, Fifers and Privates, shall be entitled to the same pay and allowances as the Officers, Non-commissioned Officers, Trumpeters, Drummers, Fifers and Privates, of His Majesty's regular Troops respectively receive, to be reckoned from the day that they march from the rendezvous of their respective Companies, to go on actual service, until they shall be dismissed by order of the Governor, Lieutenant-Governor or Commander in Chief, and at the time of their dismissal they shall be allowed respectively a number of days pay to defray their expenses to their usual places of residence, according to the distance; at the rate of fifteen miles per day. And the Militia, when called out into actual service, shall, on their arrival at the first Military Post, or at the place of general rendezvous, where they are to be embodied into Regiments, Battalions or Companies, be furnished with rations in the same manner, and on the same terms, as they are supplied to His Majesty's Troops.

Pay of Sergeants, Corporals, Trumpeters, Drummers and Fifers:

LXVI. *Provided always, and be it further enacted,* That if the pay so to be allowed to persons under the rank of Commissioned Officers shall not amount to the rates of pay hereinafter mentioned, clear of all deductions, that is to say, to every Serjeant two shillings per day, to every Corporal, Trumpeter, Drummer or Fifer, one shilling and six pence per day, and to every Private Man, one shilling and three pence per day; it shall be lawful for the Governor, Lieutenant-Governor or Commander in Chief, at the monthly or other periods of paying the Militia, to cause the said deficiency to be made up to the Non-commissioned Officers, Trumpeters, Drummers, Fifers and Private Men, out of the Treasury of the Province, and to draw his Warrants therefor accordingly, by and with the advice and consent of His Majesty's Council.

Armed Boats may be provided

LXVII. *And be it further enacted,* That in any County or District exposed to the attack of an Enemy, by water, it shall and may be lawful for the General Sessions of the Peace, on presentment of the Grand Jury of such County or District, to assess such sum or sums of money, as may be so presented, for the providing one or more armed Boats, for the defence of such County or District; such Boat or Boats to be under the direction of the Officer commanding the Militia in such County or District, until by the Sessions, and on presentment of the Grand Jury aforesaid, such Boat or Boats shall be judged no longer necessary, when they shall be at the disposal of such Sessions, on the presentment of the said Grand Jury, for the benefit of such County or District.

Armed boats how employed

LXVIII. *And be it further enacted,* That whenever the Colonel or Commanding Officer

Officer of the Militia in any County or District where such Boats are provided, shall find it necessary to order the Boats so provided, or any other Boats or Vessels with which he may be furnished, to proceed in repelling the Enemy, or to the assistance of any neighbouring District or Place, or to be stationed as a watch for the defence of any such place, the Militia of such County shall, on the orders of such Commanding Officer, proceed in such Boats accordingly. *Provided always*, That the Officer commanding the Party of Militia on board such Boat or Boats shall have the command also of such Boat or Boats, and that the Militia shall not be obliged to proceed more than three leagues from the Land when so ordered.

LXIX. *And be it further enacted*, That if any person be wounded or disabled upon any invasion or attack of the Enemy, he shall be taken care of at the expence of the Province, during the time of such disability.

Persons wounded or disabled by the Enemy

LXX. *And be it further enacted*, That in cases of invasion of an Enemy, or imminent danger thereof, when any part of the Militia shall be drawn out and embodied for actual service in the manner hereinbefore directed, from the time that such part of the Militia shall be so embodied until they shall be discharged by order of the Governor, Lieutenant-Governor, or Commander in Chief, such of the Articles of War now in force for the Government of His Majesty's Forces in this Province, as the Governor, Lieutenant-Governor, or Commander in Chief, by and with the advice and consent of His Majesty's Council, shall consider applicable, and shall alter so as to render the same conformable to the restrictions hereinafter mentioned, shall be printed, agreeable to such alterations, and such of the said Articles when so altered and printed (until otherwise provided for by the Legislature) shall be judicially taken notice of by all Judges and all Courts whatsoever, and shall be binding on, and extend to, all the Officers, Non-commissioned Officers, and private Men, of the Militia embodied as aforesaid, in all cases whatsoever not provided for by this Act; which Articles of War, the Governor, Lieutenant-Governor or Commander in Chief, may cause to be made and published, as soon after the publication of this Act as he may think proper.

Articles of War

LXXI. *Provided always, and be it further enacted*, That no officer serving in His Majesty's Regular Forces shall sit on any Court-Martial, upon the Trial of any Officer, Non-commissioned Officer or Private Man, serving in the Militia; nor shall any sentence of any General Court-Martial extend to death, unless for desertion to the Enemy, for mutiny and sedition, for traitorous correspondence with, or traitorously delivering up to, the Enemy, any Garrison, Fortress, Post or Guard; nor shall any man, serving in the Militia, be subject to be whipped, or otherwise corporally punished, in any case whatsoever, except by imprisonment, nor shall the sentence of any General Court-Martial be carried into execution until it has been approved of by the Governor, Lieutenant-Governor, or Commander in Chief, for the time being.

Officers of His Majesty's Regular Forces, no allowed to sit on Courts Martial Punishments

LXXII. *And be it further enacted*, That the Governor, Lieutenant-Governor or Commander in Chief, for the time being, shall have power, and is hereby empowered, by Warrant under his hand and seal, to constitute and appoint General Courts-Martial, for the trial of all offences made cognizable by such Courts, by virtue of this Act, or which shall be made cognizable by such Courts, under such Articles of War as shall be published for the government of the Militia, as hereinbefore-mentioned; which Court shall consist of not less than thirteen commissioned Officers, the President whereof shall not be under the rank of Field-Officer.

Formation of Courts Martial

LXXIII. *And be it further enacted*, That in all trials by General Court-Martial, every Officer, before any proceedings be had, shall take the following Oath, and the Judge Advocate is hereby authorised to administer the same, viz.

Members of Courts Martial to be sworn

Form of Oath

I, A. B. do swear that I will duly administer Justice, according to the Laws of this Province, now in force for the better regulating the Militia, without partiality, favor or affection ; and I further swear that I will not divulge the sentence of this Court until it shall be approved by His Majesty, or some person duly authorised by him ; neither will I, upon any account whatsoever, disclose or discover the vote or opinion of any particular Member of the Court-Martial, unless required to give evidence thereof as a witness, by a Court of Justice, in a due course of Law. So help me God.

Judge Advocate
to be sworn

And no sentence of death shall be given against any offender, by such General Court-Martial, unless twelve Officers present shall concur therein, and the Governor, Lieutenant-Governor or Commander in Chief, shall have power to appoint any one of His Majesty's Justices of the Peace for said Province, or other, a fit person, to act as Judge Advocate at any such General Court-Martial ; and *Provided always*, that the Judge Advocate, previous to any proceedings had on the trial of any Prisoner, takes the following Oath, to be administered by the President of the Court Martial, to wit :

Form of Oath

I, A. B. do swear that I will not, upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular Member of the Court-Martial, unless required to give evidence thereof as a witness by a Court of Justice in a due course of Law. So help me God.

Persons sentenced
to death by a
Court-Martial

LXXIV. *And be it further enacted*, That no person shall be put to death under the sentence of a General Court-Martial, until a Warrant, under the hand and seal of the Governor, Lieutenant-Governor or Commander in Chief, shall issue for the execution of such sentence: which Warrant shall direct the time and place, when and where the person sentenced to death shall be executed, and all sentences of death shall be executed by either shooting or hanging the offender, as the same may be directed and ordered in the said Warrant, which Warrant shall be a sufficient justification to the Officer or Officers to whom the same may be directed, and to all those lawfully employed under them in executing such sentence. *Provided always*, that previous to any persons being put to death, pursuant to the sentence of a General Court-Martial, such sentence, and the Warrant for the execution thereof, shall be publicly read in the hearing of the bye-standers, at the time and place appointed for such execution.

Rank of Officers
composing
Courts-Martial

LXXV. *And be it further enacted*, That no Officer under the rank of Captain, shall sit upon a Court-Martial for the trial of any Field-Officer.

Power of Regi-
mental Courts-
Martial

LXXVI. *And be it further enacted*, That General Courts-Martial shall have power, and they are hereby empowered, upon an appeal being made from the sentence of Regimental Courts-Martial, to enquire into, and to confirm or annul, the said sentence, as to the same Court shall appear fit any right ; and in case it shall appear to the Court that an appeal hath been made without any sufficient cause by a person sentenced by such Regimental Court-Martial, then and in that case the said General Courts-Martial shall have power, and they are hereby empowered, to increase the punishment of such appellant by imprisonment in the Jail of the County, where such appellant doth reside, for a time not exceeding thirty days.

Regimental
Courts Martial

LXXVII. *And be it further enacted*, That Officers commanding Regiments, Battalions or Detachments, not under the rank of Captains, shall have power, and they are hereby empowered, to order a Regimental Court-Martial for the trial of all offences cognizable by such Court, under and by virtue of this Act, or any other Act made, or that shall be made, for the better regulating the Militia, and that such Regimental Court-Martial shall consist of five members at the least, the President whereof shall not be under the rank of Captain.

LXXVIII.

LXXVIII. *And be it further enacted,* That the said Regimental Courts-Martial shall have power, and they are hereby empowered, to fine or imprison offenders for offences, made by Law cognizable by such Court, in their discretion, according to the nature of the offence, provided that the fine, to be by them imposed, shall in no case exceed the sum of five pounds; and the imprisonment shall in no case exceed thirty days.

Sentence of Regimental Courts-Martial

LXXIX. *And be it further enacted,* That no sentence of a Regimental Court-Martial shall be executed, until the same shall be approved of, and confirmed, by the Officer commanding the Regiment, Battalion or Detachment, of Militia, in which the person prosecuted shall serve, nor shall the same be executed without an order under the hand of such Commanding Officer, for that purpose.

Execution of Sentence

LXXX. *And be it further enacted,* That all Courts-Martial shall have power, and they are hereby empowered, to administer an Oath to Witnesses, in the same manner as is accustomed by the Courts-Martial in the British Regular Army; and to punish all and every person or persons for contempt of the Court, by disobedience of its orders, made in pursuance of the power and authority vested in them; or gross abuse of the said Court, in presence of the said Court, by fine or imprisonment, so as the said fine, by them imposed, shall in no case exceed the sum of five pounds; and the imprisonment shall in no case exceed twenty days.

Witnesses to be sworn

LXXXI. *And be it further enacted,* That no person shall sit as a Member of any Court Martial for the trial of any offender, who shall be related, within the fourth degree, either to the prosecutor, or to the person or persons prosecuted; nor shall any accuser sit as a Member of the Court for the trial of the person accused.

Consanguinity of Members of Courts-Martial to delinquents

LXXXII. *And be it further enacted,* That the Quarter-Master of every Regiment or Battalion shall, before he commences the duties of his office, give bond with two sufficient sureties to the Colonel or Officer commanding such Regiment or Battalion, for his faithful discharge of such duties, and for his duly accounting for and applying all monies he may receive by virtue of this Act, and for all Provisions and Stores he may receive as Quarter-Master of such Regiment or Battalion; and the Quarter-Master of every Regiment or Battalion shall receive all fines and forfeitures applicable to the service of his Regiment or Battalion, for collecting, receiving and paying over which, he shall be entitled to a commission of ten per cent. to be allowed in his General Accounts; and such Quarter-Master shall annually, at the General Meeting of the commissioned Officers of the Regiment or Battalion to which he belongs, and three times further if thereto required by the Officer commanding such Regiment or Battalion, exhibit fair accounts of the receipt and disbursement of all Monies coming into his hands for the use of his Regiment or Battalion, and it shall and may be lawful for every Quarter-Master, with the approbation of the Officer commanding the Regiment or Battalion to which he belongs, to appoint a Quarter-Master Sergeant, and with the like approbation to remove him, and to appoint another in his stead; and the Quarter-Master shall be, and he is hereby made, responsible for all monies applicable to the use of the Battalion or Regiment which shall come into the hands of such Quarter-Master Sergeant.

Quarter-Master

LXXXIII. *And be it further enacted,* That all fines and forfeitures incurred by this Act, not exceeding three pounds, shall be recovered before any one of His Majesty's Justices of the Peace, not being an Officer of the Company in which such fines shall be incurred; and all fines and forfeitures above three pounds, and not exceeding five pounds, shall be recovered before two Justices, not being Officers of the said Company, and all other fines and forfeitures above five pounds, shall be recovered

Fines, how recovered

in

in any of His Majesty's Courts of Record within this Province, unless the recovery of the same be otherwise provided for by this Act. *Provided*, That no person or persons whomsoever shall be prosecuted by virtue of any clause in this Act, for any breach thereof, after the expiration of three months from the commission of the offence, and all fines, penalties and forfeitures, recovered by virtue of this Act, not exceeding ten shillings, nor otherwise disposed of therein, shall be paid into the hands of the Clerk of the Company, to whose use such fine may be applicable, or, if applicable to the use of the Regiment or Battalion, into the hands of the Quarter-Master of such Regiment or Battalion, to be applied under direction of the Officers commanding such Companies, to the use of such Companies, according to the directions of this Act, or by the Colonel or Officer commanding any Regiment or Battalion, for providing or repairing of Arms, Drums or Colours, or for other contingent charges, of such Regiment or Battalion.

Fines, how applied

LXXXIV. *And be it further enacted*, That all fines and forfeitures not exceeding ten shillings, to be recovered by the Clerks of Companies, shall be applied, by the Captain or Officer commanding each Company, for the keeping in order the Arms and Accoutrements of such Company, for the purchase of Drums and Pipes for the same, and other incidental charges attending the said Company; and if any surplus shall arise the same shall be paid into the hands of the Quarter-Master of the Regiment or Battalion, to be applied to such uses as the Field-Officers and Captains, in their annual or other meeting shall direct and appoint.

Desertion from actual service

LXXXV. *And be it further enacted*, That if any person or persons whomsoever, shall encourage, persuade, entice or procure, or endeavour to encourage, persuade, entice or procure, any Non-commissioned Officer or Private Man of the Militia, on actual service, to desert, or shall harbour, conceal or assist, any deserter from the Militia, on actual service, knowing him to be such, it shall and may be lawful for the Commanding Officer of the Regiment, Battalion, Company or Detachment, to which such Non-commissioned Officer, Private Man or Deserter, may belong, at his option, to cause the person or persons so offending, to be prosecuted, by information in His Majesty's Supreme Court, or before two of His Majesty's Justices of the Peace, according to the nature and circumstances of the case. And if the person or persons, or such prosecution in the Supreme Court, shall, by a verdict of a Jury, be convicted of any or either of the foregoing offences, such person or persons shall severally forfeit and pay, for each and every offence, a sum not exceeding twenty pounds, or be liable to close imprisonment, not exceeding the term of three months; and if such prosecution shall be carried on before two of His Majesty's Justices of the Peace, the person or persons who, on the oath of one or more credible witnesses, shall be convicted by such Justices, of any or either of the said offences, shall severally forfeit and pay, for each and every offence, the sum of five pounds, and in default of such payment such offender or offenders shall, by such Justice, be committed to Jail, and closely confined for a term of twenty days, or until he, she or they, shall pay and discharge the said penalty of five pounds, together with the costs of prosecution.

Prosecution for any thing done in pursuance of this Act

Actions

LXXXVI. *And be it further enacted*, That if any Action shall be brought against any person or persons for any thing done in pursuance of this Act, such Action or Suit shall be commenced within three months next after the fact committed, and not afterwards; and the defendant or defendants, in any such Action or Suit, may plead the general issue, and give this Act, and the special matter, in evidence at any trial to be had thereupon.

Sections of this Act, and Articles of War, to be read

LXXXVII. *And be it further enacted*, That so many Sections of this Act as the Governor, Lieutenant-Governor or Commander in Chief, for the time being, shall,

from

from time to time, order and appoint, together with the Articles of War, when made and published, shall be read so many times in each year, as the Governor, Lieutenant-Governor or Commander in Chief, shall direct.

LXXXVIII. *And be it further enacted,* That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, from time to time, to commission and appoint proper Officers to inspect and command all the Regiments or Battalions of the Militia throughout the Province, or to limit the command and inspection of such Officers to a particular number of Regiments or Battalions, or to the inspection and command of all the Militia in particular divisions of the Province, or particular Counties or Districts, as may be considered most convenient, fit and proper; and all such Officers, when so commissioned and published in General Orders to the Militia, shall be obeyed in all things lawful by all persons who shall be so placed under their respective commands.

Appointment of
Inspecting Field-
Officers

LXXXIX. *And be it further enacted,* That it shall and may be lawful for the Lieutenant-Governor, or Commander in Chief for the time being, to accept the voluntary service of any one or more of the embodied Militia-men of this Province, for the defence of the neighbouring Province of New-Brunswick, against the common Enemy; and such Milita-men, while serving in the said Province of New-Brunswick, shall be subject to, and governed by, the Laws and Regulations made for the ordering and government of the embodied Militia of this Province, and to none other.

Volunteering in
defence of New-
Brunswick

XC. *And be it further enacted,* That all Negro Militia-men, or People of Colour, commonly so called, shall be set apart by the Commanding Officer of each and every Regiment or Battalion respectively, and formed into District Companies, or Bands of Pioneers, as their numbers may admit, to be commanded by such trusty non-commissioned Officer of Colour or otherwise, as the said Commanding Officer may appoint; under which non-commissioned Officer such Companies, or Bands of Pioneers, shall assemble and train at such times as the Commanding Officer of the Regiment or Battalion shall direct, so as that no greater share of Militia Training, or other Militia Duty, be imposed on such Men of Colour, than is or may be authorised by this or any subsequent Acts to be imposed on other Militia-men.

Negro Militia-
Men

XCI. *And be it further enacted,* That all persons enrolled in, and belonging to, the Fire-Engine Companies, and Fire-men, of the Town of Halifax, certified by the Captains of such Companies respectively, shall, in consideration of their services as Engine and Fire-men, be exempt from the performance of Militia Trainings, during the continuance of this Act.

Fire Engine Men
exempted from
Militia
Trainings

XCII. *And be it further enacted,* That all and every Act and Acts heretofore made and passed relative to the Militia of the Province, together with all additions to, and amendments and alterations of, the said Acts, shall be, and the same are hereby repealed; and the Militia, raised by virtue of the said former Acts, shall be subject to all the provisions and regulations herein contained, in lieu thereof.

Repeal of all
other Militia
Laws

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

Continuation of
Act

CAP. III.

Expired, but the provisions of this Act extended to the Township of Goslow, by the 3 Geo. 4, Cap. 7

An ACT to enable the Proprietors of Wilderness Lands in the Township of Truro, to open Roads through the same.

Preamble

WHEREAS the second division of Wilderness Lands in the Township of Truro have been located and laid off, by partition, in several ranges East and West, in lots of one hundred acres each, with lands for roads on those several ranges, which roads are not yet opened or cut out, for want of which the said Lands are of little value to the Proprietors:

Names of Proprietors of Wilderness Lands to be returned to Court of Sessions

Application of majority for authority to open Roads

Appointment of Surveyor

Surveyor to be sworn

Allowance to Surveyor

Proviso

Extra Labour to be provided by Proprietors

I. BE it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the Proprietors of said Lands to return to the Justices at the first, or any future General Sessions of the Peace, to be held after the passing of this Act, in and for the District of Colchester, the names of the Proprietors of each and every of the one hundred acre lots, by them respectively owned in the said second division of Wilderness Land, in the said Township of Truro; and when a majority of the said Proprietors, named in such list, shall, by memorial in writing, signed by them, make known to the said Justices, at the said next, or any subsequent, General Sessions of the Peace, that it is the desire of such majority to commence opening of such roads; and, in such memorial, shall express and set forth the rules and regulations which such majority desire may be pursued and followed in making such roads; and also recommend six fit and proper persons, to act as Surveyors to open such Roads: it shall and may be lawful for the said Justices to nominate and appoint two, out of the six persons so recommended, to act as Overseers and Surveyors of the Roads, in such Wilderness Lands, and the two persons so chosen and nominated, shall be sworn in like manner, and be subject to the like penalties; for not accepting or neglecting their duty, as Surveyors of Highways are made liable to, under, and pursuant to, an Act, made and passed in the first year of His late Majesty's Reign, entitled, An Act for the repairing and mending Highways, Bridges and Streets, and for appointing Surveyors of Highways within the several Townships of this Province; and shall, thereby, be vested with all the powers and authority that Surveyors of Highways have, throughout the several Towns and Settlements of this Province; and shall be allowed, for each and every day actually employed as Surveyor of Highways, in opening and improving the Wilderness Lands aforesaid, the sum of five shillings each per day, to be paid out of the License Money, raised from Licenced Public Houses in said Township, to be allowed and approved of by the Grand Jurors and Justices, in Sessions aforesaid; and the said Justices, by an order of Sessions, shall direct such Overseers to proceed to open and make such roads, agreeably to the rules and regulations specified in such memorial.

Provided always, That before the said Justices shall act upon such memorial, it must be made appear, to their satisfaction, that the majority of Proprietors, who have signed the same, do actually own, at least, one-half of the one hundred acre lots, laid out in the said second division of Wilderness Lands.

II. And be it further enacted, That each and every person, being the Owner or Owners of Wilderness Lands, in the Township of Truro aforesaid, (called Second Division Lands,) or that may hereafter own any of the Wilderness Lands aforesaid, in said Township, by purchase or otherwise, shall and are hereby made liable for each one hundred acre lot, and so in proportion for every fifty acres by them respectively owned, during the continuance of this Act, to labour one day in every year, between the

the first day of April and the first day of November, in opening and making such Roads, under the direction of such Overseers; such labour to be over and above what they now are, or may be, by law, subject to perform in the Statute Labour of said Township; which additional work is to be performed by the said Owner or Owners, or by an able Man or Men to be procured by them respectively, and provided, at their expence, with suitable tools according to the work he or they may be called upon to perform; and every person or persons, being the Owner or Owners of Second Division Wilderness Lands in the Township of Truro aforesaid, neglecting or refusing to execute or perform the said labour, shall, for each and every day's work, so neglected or refused to be performed, forfeit and pay the sum of five shillings, and in the same proportion for a less space of time; the same to be recovered by the Surveyors of the Highways for said second division, appointed as aforesaid, in like manner as debts of the like value are recovered, before one or more Justices of the Peace, or other Courts having jurisdiction in the said Township: the same to be applied and laid out by the Surveyors in opening and improving Roads and making Bridges, through the second division lands aforesaid.

III. *And be it further enacted*, That if, on any lot of one hundred acres, of said second division lands, or any lot containing a less quantity thereof, there now is, or hereafter may be, cut down, cleared and burnt off, and made ready for a crop, five acres of the Wood Land belonging thereto, or a House built thereon, and a person or persons residing therein, it shall be lawful for such Surveyors to excuse such person or persons so residing upon said lot, and the Owner or Owners thereof, from performing the labour by this Act required for such lot; but it shall and may be lawful for the said Surveyors to compel the person or persons residing upon such lot or lots as aforesaid, to work on such new roads for the number of days he or they are bound to labour, under and by virtue of the several Statutes now in force, or that may be hereafter enacted, for the repairing of Highways, Bridges and Streets, throughout the Province; and the person or persons refusing or neglecting to perform on such new Roads the Statute Labour required of them by law, are hereby made liable to all the fines and penalties in the said several Statutes contained.

Exemption
from the extra
Labour

IV. *And be it further enacted*, That when the said Surveyors shall be unable to recover, from any proprietor or proprietors of said land, the value of the labour he or they are bound to perform as aforesaid, the lands of such proprietor or proprietors shall be held charged with the same; and in case, at the end of three years, no person shall perform such labour, or pay the arrears due for the same, from such delinquent proprietor or proprietors, it shall and may be lawful for the Judges who hold the Supreme Court in that District, upon complaint thereof made to them by the said Surveyor or Surveyors, at any sitting of said Court, in said District, to order public notice to be given in the Royal Gazette, to such delinquent proprietor or proprietors, that unless they shall, within three months from the date of such notice, pay to the said overseers the arrears due by them respectively, together with the costs of such complaint and notice, that so much of the said Lands by them respectively owned, as will be sufficient to pay their said several arrears, will be sold; and in case it shall afterwards be made appear to the said Supreme Court, either sitting in said District or at Halifax, that all or any of the said arrears remain due and unpaid; it shall and may be lawful for the said Court to direct an order to the Sheriff of the County, or his Deputy, to sell at Public Auction, in the same manner as if taken in Execution, so much of such proprietors' said Wilderness Land as will be sufficient to pay their said respective arrears, together with such costs of complaint, charge and expenses of the sale, and conveyance of such lands, as the said Court shall tax and allow, and the

Refusal of Proprietors to perform extra labour

said Sheriff shall return his doing on such order, at the next term for the sitting of the said Court, when it shall be lawful for the Court to confirm the doings of the Sheriff or to set the same aside, and order another sale as the case may require; and it shall be lawful for the said Court, when it shall approve of such sale, to order the Sheriff to execute a Deed or deeds, in fee simple, to the Purchaser or Purchasers, which when executed, shall make, to such Purchaser or Purchasers, a title as good and valid in law, as if executed by the person or persons owning the same, or their Heirs or Assigns; and the said Court shall order the Sheriff to pay over the amount of the arrears so recovered to the said Surveyors, to be by them expended on said Roads, and, out of the residue of the proceeds of such sale, to pay such costs and charges as the said Court shall have taxed and allowed.

Proviso

Provided always, That no sale shall take place of the Lands of any absent proprietor, until the Overseers, or some one of them, which shall have been appointed under this Act, shall make and file an Affidavit in the Supreme Court, stating that the proprietors of the lots, who are residing within the Province, have fully performed all the labour upon the Roads, passing through the said second division of Wilderness Lands in the Township of Truro, which by this Act they are bound to perform.

Appointment of
Successors to
Overseers

V. *And be it further enacted,* That in each and every year, during the continuance of this Act, it shall be lawful for the said Justices to appoint annual Successors to the Overseers for such Roads, and to order them to proceed in opening and making the same, pursuant to the Rules and Regulations which the said proprietors may, from time to time, make and set forth in their memorials to the said Justices; provided that all such memorials be signed and agreed to, pursuant to the provisions contained in the first section of this Act.

Continuation of
Act

VI. *And be it further enacted,* That this Act shall be and continue in force for three years, and from thence to the end of the next Session of the General Assembly, and no longer.

CAP. IV.

An ACT to authorise the cancelling of Treasury Notes, and to issue others in lieu thereof.

Treasury Notes
to be cancelled

BE it enacted by the Lieutenant-Governor, Council and Assembly, That from and after the first day of June next, it shall and may be lawful for the Treasurer of the Province, and he is hereby directed, to deliver to the Commissioners, to be appointed under this Act, all such Treasury Notes heretofore issued under any Act of the General Assembly, as shall and may, from time to time, be paid into the Treasury, to be cancelled by the said Commissioners, in the presence of the Treasurer, by cutting off the name of the Treasurer, and the year in which the same were issued, and by them delivered to the Secretary of the Province, to be examined and destroyed by the Joint Committee of His Majesty's Council and House of Assembly, appointed to examine the Public Accounts.

Commissioners to
be appointed to
issue Treasury
Notes

II. *And be it further enacted,* That it shall and may be lawful, for the Lieutenant-Governor, or Commander in Chief, for the time being, by and with the advice of His Majesty's Council, to appoint three fit and proper persons, as Commissioners, to issue Treasury Notes, in lieu of the Notes to be cancelled under this Act, and to the amount of the Notes so to be cancelled, and to be issued at such times and to such amount as may be required; to keep in circulation a sum not exceeding Sixty-Six Thousand Two Hundred and Twenty-Seven Pounds, as the Lieutenant-Governor or Com-

Amount and des-
cription of Notes
to be kept in cir-
culation

mander

marder in Chief, by and with the advice of His Majesty's Council, may, by his warrant or warrants, order and direct : which Notes, so to be issued, shall be Five Pound Notes; Two Pound Notes; One Pound Notes; Ten Shilling Notes; and Five Shilling Notes; and shall be of the same form, signed, countersigned and delivered, and shall be paid, and received in payment, in like manner, and again re-issued, under the rules, regulations, restrictions and provisions, as are mentioned, expressed and contained, in the Act, passed in the fifty-third year of His late Majesty's Reign, entitled, An Act to authorise the Preasurer of the Province to call in and pay the Treasury Notes heretofore issued, and to empower the Lieutenant-Governor or Commander in Chief, for the time being, to appoint Commissioners to issue Treasury Notes.

Commissioners to
be sworn

III. *And be it further enacted*, That the said Commissioners, so to be appointed as aforesaid, before they enter upon the duties imposed by this Act, shall respectively take and subscribe, before any one of His Majesty's Justices of the Peace the following Oath:—

I. A. B, do swear, that I will well and and faithfully do and perform what I am directed and empowered to do, as a Commisioner, to issue Treasury Notes, under an Act, entitled, An Act to authorise the cancelling of Treasury Notes, and to issue others in lieu thereof; and that I will not knowingly sign any more or greater amount of Treasury Notes than I am authorised to do under the said Act—So help me God. Which affidavit shall be filed in the Office of the Secretary of the Province.

Form of Oath

IV. *And be it further enacted*, That the Treasury Notes which shall be issued under this Act, between the first day of January and the first day of July, in any year, shall bear date the first Monday of January, in such year; and the said Treasury Notes, which shall be issued under this Act, between the first day of July and the first day of January following, in any year, shall bear date the first Monday of July, in such year.

Dates of Notes to
be issued

V. *And be it further enacted*, That if any person or persons whosever, shall counterfeit any Treasury Notes issued by virtue of this Act, or alter any of the same, so that they shall appear to be of greater value than when originally issued, or shall knowingly pass, or give in payment, any of the said Notes so counterfeited or altered: every person convicted thereof, shall be set in the pillory for the space of one whole hour, and one of the ears of such offender shall be nailed thereto; and such offender shall be publicly whipped through the streets of the Town or Place where such offence shall have been committed, and shall pay all charges of the prosecution.

Counterfeiting of
Notes

VI. *And be it further enacted*, That in case the Governor, Lieutenant-Governor, or Commander in Chief for the time being, shall, by his Warrant or Warrants, require the Treasurer of the Province to re-issue Notes that may be issued under this Act, and received in payment at the Treasury; or to require the Commissioners to issue other Notes in lieu of those so received or any part thereof; it shall and may be lawful for the Treasurer to re-issue the said Notes, or the Commissioners to issue other Notes, agreeably to the said Warrants; provided the new Notes, so to be re-issued, shall not exceed the amount of the Notes so, from time to time, received in payment at the Treasury.

Re-issued Notes

VII. *And be it further enacted*, That, from and after the expiration of two years from the date of any of the Treasury Notes which shall be issued under this Act, it shall and may be lawful for the Treasurer of the Province, and he is hereby directed, so often as such Notes shall be paid into the Treasury, to deliver the same to the said Commissioners to be appointed under this Act, to be cancelled by them in the presence of the Treasurer, and delivered to the Secretary of the Province, in manner as is mentioned in the first section of this Act.

Notes issued und
this Act to be
cancelled two
years after date

VIII.

Payment of Notes

VIII. *And be it further enacted,* That, at the expiration of three years from the date of any Treasury Note or Notes issued under this Act, it shall and may be lawful for the holders of any such Treasury Note or Notes to present the same for payment at the Office of the Treasurer of the Province, and the Treasurer is hereby directed and required to pay all such Treasury Note or Notes on demand, in Gold and Silver.

Amount of Notes to be in circulation

IX. *Provided always, and be it further enacted,* That nothing herein contained shall extend, or be construed to extend, to authorise any issue or re-issue of Treasury Notes under this Act, or that may be issued or re-issued under any other Act heretofore made, so as to have in circulation, at any one time, a greater sum than Sixty-Six Thousand Two Hundred and Twenty-Seven Pounds.

Notes may be funded

X. *And be it further enacted,* That if any person, at any quarterly period, after the expiration of three years from the date of any Treasury Notes issued under this Act, that is to say, at the thirty-first day of March; the thirtieth day of June; the thirtieth day September; and the thirty-first day of December, in any succeeding year, shall tender for payment at the Treasury any number of the said Treasury Notes, issued under and in virtue of, this Act, so having been issued for three years since the date thereof, amounting in value to One Hundred Pounds or upwards; in case the Treasurer shall not be able to pay the same in Gold and Silver, it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being, by and with the advice of His Majesty's Council, by Warrant under his hand and seal, to direct the Commissioners aforesaid to fund such sum or sums of Money in Treasury Notes, as shall be so tendered in payment from time to time as aforesaid, and to grant Certificates to the amount thereof on Interest; and the said Commissioners shall, in presence of the said Treasurer, cancel the said Notes, by cutting therefrom the name of the Treasurer and the year in which they are issued, and shall deliver the same to the Secretary of the Province, to be examined and destroyed, as by the first section of this Act is directed.

Proviso

XI. *Provided always, and be it further enacted,* That nothing in this Act contained shall authorise the issue of Treasury Notes in lieu of such Treasury Notes as may be funded under this Act, or any other Act heretofore passed, authorising the issue of Treasury Notes.

Payment of Certificates of Notes funded

XII. *And be it further enacted,* That it shall and may be lawful for the Treasurer, and he is hereby directed, when and as soon as he shall receive a sum of Money, in Gold and Silver, sufficient to pay and discharge the amount, Principal and Interest, due upon any Certificate granted under this Act, he shall give sixty days notice of his intention to pay such Certificate, and fix a day for the payment thereof; and as Gold and Silver shall be received into the Treasury, sufficient to pay the Principal and Interest due upon any other Certificate or Certificates granted as aforesaid, he shall give the same notice, and continue to do so, paying and discharging the smaller Certificates before the larger ones, until the whole of the Principal and Interest due upon the Certificates granted as aforesaid shall be fully paid and satisfied; and the person or persons holding such Certificate or Certificates, failing to attend and produce the same at the times respectively limited, all future Interest thereon shall cease, and no other or greater amount of interest shall be paid on such Certificates, so called in, than was due and payable at the time the same were required to be presented to the Treasury, as aforesaid.

Payment of Interest on Notes funded

XIII. *And be it further enacted,* That it shall and may be lawful for the said Treasurer, and he is hereby directed, to pay to the Person or Persons duly authorised to receive the same, yearly, and every year, the Interest, as the same may become due upon

upon any Certificate or Certificates, granted under this Act, until the Principal thereof shall be fully paid and discharged.

CAP. V.

An ACT to extend the Laws and Ordinances of the Province of Nova-Scotia to the Island of Cape-Breton.

WHEREAS His Majesty has been graciously pleased to re-annex the Island of Cape-Breton, as an integral part of the Province, and a distinct and several County thereof; to be called and known by the name of the County of Cape-Breton, and to be represented in the General Assembly of the Province by two Members, to be chosen in and for the said County:

Preamble

I. BE it therefore enacted by the Lieutenant-Governor, Council and Assembly, That the Civil Government, and the Administration of Justice, in the said Island, shall be conformable to the usage and practice of the Province of Nova-Scotia; and the Judges, Justices, Jurors, Constables, and other Civil Officers therein, shall be appointed and commissioned as such Officers are appointed and commissioned in other Counties of the said Province, and have the like powers and authority, and be subject to the same rules, fines, and restrictions, as similar Officers in other Counties of the said Province are by law liable.

Civil Government and Administration of Justice
Appointment of Civil Officers

II. And be it further enacted, That the Supreme Court shall be held by the Chief Justice, or, in his absence, by two of the Assistant Justices, or by one of the Assistant Justices and the Associate Circuit Judge of the said Court, at Sydney, in the said County, on the last Tuesday of August, and at Arichat, in the said County, on the first Tuesday of September in each year, and may continue its sittings, at each of the said Courts, for four successive days, and no longer.

Supreme Court —by whom and when to be held at Sydney and Arichat

III. And be it further enacted, That it shall and may be lawful for His Excellency the Lieutenant-Governor to commission and appoint five fit and proper persons to be Justices of the Inferior Court of Common Pleas, in the said County, which Persons, so commissioned and appointed, shall possess all the privileges, and exercise the same jurisdiction, within the said County of Cape-Breton, as the Justices of the several Courts of Common Pleas, in the Province of Nova-Scotia, do possess and exercise in the respective Counties for which they are commissioned and appointed. And whenever vacancies shall occur in the said Courts, by the death, or removal from Office, of any Justice or Justices so appointed, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to appoint such other person or persons as he shall deem fit and proper to fill the said vacancy or vacancies. And the said Inferior Court of Common Pleas, shall be opened and held at Sydney on the second Tuesday of January, and on the second Tuesday of July, in each year; and at Arichat on the second Tuesday of February, and on the second Tuesday of August, in each year, and may continue its sittings, at each of the said times and places, for five successive days, and no longer.

Inferior Court—appointment of Justices

Inferior Court to be held at Sydney and Arichat

IV. And be it further enacted, That for the convenience of Jurors, and other persons, whose duty obliges them to attend the several Courts, the General Sessions of the Peace shall be held in the said County, at the several times and places herein before directed and appointed for the Sittings of the Inferior Court of Common Pleas, in the same manner as the same are held in the several Counties of Nova-Scotia.

General Sessions of the Peace

V. And be it further enacted, That it shall and may be lawful, for the Chief-Justice of His Majesty's Supreme Court, on or before the first day of January next,

Appointment of High Sheriff

to

to nominate three fit and proper persons, to fill the Office of High-Sheriff in the said County of Cape-Breton, a list of the names of which persons he is hereby directed to present to the Lieutenant-Governor or Commander in Chief, for the time being, who is hereby empowered, immediately, to prick one out of the said number to serve the Office of High-Sheriff, which Sheriff, being resident in the said County, and having entered, in the Secretary's Office, at Halifax, good and sufficient Security for the faithful execution of his Office, shall, immediately upon receiving his Patent, and upon taking the Oath prescribed for all Sheriffs in Nova-Scotia, be fully invested with all the powers and authorities of a High-Sheriff, and be subject to all such laws, customs, ordinances, regulations and directions, as the High-Sheriffs in the several Counties, of Nova-Scotia are subject to; and shall continue in Office until another shall be sworn in his stead.

Grand and Petty Jurors

VI. *And be it further enacted*, That it shall and may be lawful for the Chief-Justice of the Supreme Court, after the said Sheriff shall be nominated and appointed, to issue and direct a Precept to him, commanding him to summon twenty-four persons to attend the Supreme Court and the General Sessions of the Peace, at the first sittings of the said Courts, to serve as Grand Jurors; and thirty-six persons to attend the said Courts, and also the Inferior Courts of Common Pleas, at its first sittings, as Petty Jurors: which persons, so to be summoned, shall be respectively qualified to serve as Grand and Petty Jurors as the Laws of Nova-Scotia require and direct:— and the said persons, so summoned, shall be bound to attend the said Courts, and to perform the duties of Grand and Petty Jurors thereat, and shall be liable to all the fines and penalties for non-attendance, to which Grand and Petty Jurors are liable in the Province of Nova-Scotia.

Jurors drawn, &c. Sheriffs, Coroners, Constables, &c.—how appointed

VII. *And be it further enacted*, That the Grand and Petty Jurors shall hereafter be drawn, summoned and returned, and the Sheriffs, Coroners, Constables, and other Civil Officers, nominated and appointed, as such Officers are summoned and appointed in the said Province, and be subject to the same rules and restrictions. And Justices of the Peace, and Commissioners appointed for the trial of small Causes, shall have the same powers and authority, and be subject to the same rules and restrictions, as such Officers are liable to by Law in the said Province.

Persons excused from attending the Courts at Sydney and Arichat, as Petty Jurors

VIII. *And be it further enacted*, That it shall and may be lawful for the Justices of the Supreme Court, and of the Court of Common Pleas, and Sessions of the Peace, to excuse the Inhabitants of the Northern and Middle Parts of the said County of Cape-Breton, from being drawn as Petty Jurors, to serve at the sittings of the said Courts at Arichat; and in like manner to excuse the Inhabitants of the Southern Parts of the said County from being drawn as Petty Jurors to serve at the said Courts to be held at Sydney.

Causes pending in any of the Courts of Cape-Breton.

IX. *And be it further enacted*, That such Causes as may have been commenced, and are now pending, in any of the Courts of the said Island, prior to its re-annexation, may be transferred and continued, at the instance of either party, to the respective Courts by this Act established, and may be there heard and determined as if such Causes had been originally commenced therein, any law or usage to the contrary notwithstanding.

Court of Probate of Wills

Registry of Deeds

X. *And be it further enacted*, That the Court of Probate of Wills, and granting Letters of Administration, shall be held at Sydney, in the said County of Cape-Breton, at such time as the Judge of the said Court may appoint;—and the Office for the registry of Deeds shall be kept at Sydney, and at Arichat in the said County.

Attornies and Barristers

XI. *And be it further enacted*, That it shall and may be lawful for such Persons as have

have been heretofore admitted to practise as Attornies in the Supreme Court of the said Island, to continue to practice as Attornies and Barristers in the several Courts established by this Act within the said Island, but not elsewhere out of the said Island, unless they shall be admitted as Attornies of the Supreme Court at Halifax, under such rules and régulations as the said Court shall establish. *Provided always*, That if it shall appear to His Majesty's Supreme Court at Halifax, upon the representation of the Circuit Judges, that any of the persons now practising as Attornies in the said Island, are not qualified to act as such, it shall be lawful for the said Court to direct their names to be struck from the Roll.

XII. *And be it further enacted*, That the Laws now in force, as to the Militia in Nova-Scotia, be, and the same are hereby, extended to the said County of Cape-Breton.

Militia

XIII. *And be it further enacted*, That in all questions which may arise relative to the Government, the Administration of Justice, the appointment and qualification of Officers, the collection of the Revenue, the mangement of the Militia, and all other matters and things touching the good government and welfare of the said County of Cape-Breton and its People, the Law and Usage of Nova-Scotia shall be the rule and example to be followed.

Determination of questions relative to the Government, &c. of Cape-Breton

XIV. *And be it further enacted*, That, from and after the first day of January, all Commissions, which have issued under the authority of the late Government of Cape-Breton shall cease to have any effect, and be utterly null and void to all intents and purposes whatsoever.

Commissions issued by the late Government of Cape-Breton

And whereas, *in and by this Act, it is enacted, that the Supreme Court shall hold its sittings at Arichat on the first Tuesday of September, on which day it has hitherto sat at Dorchester in the County of Sydney :*

XV. *Be it therefore enacted, by the authority aforesaid*, That the Supreme Court shall in future commence its sittings at Dorchester, in the County of Sydney, on the second Tuesday of September, in each year, instead of the said first Tuesday of September; and at Pictou, in the District of Pictou, on the third Tuesday in September in each year, instead of the second Tuesday; and at Truro, in the District of Colchester, on the fourth Tuesday of September, in each year, instead of the third Tuesday of the said month of September; and that all writs, process, recognizances and complaints, which are or shall be made returnable to the said Court, at its next sittings in the said County of Sydney, and in the District of Pictou and Colchester, shall be returned on the days herein appointed for such respective sittings of the said Courts; and all parties and persons who are bound or summoned, or who ought to appear at the said Courts, or any of them at the next sittings thereof, in any of the said Counties, or Disticts, shall be held and obliged to appear at such Court at the days and times on which such sittings respectively are hereby directed to be held.

Sitting of Supreme Court at Dorchester—Pictou—Truro

XVI. *And be it further enacted, by the authority aforesaid*, That this Act may be altered or amended during the present Session or Assembly.

Act may be altered

CAP. VI.

An ACT to extend the provisions of an Act, passed in the first year of His late Majesty's Reign, entitled, An Act in addition to and amendment of an Act, entitled, An Act for preventing Trespasses.

Repealed by 3 Geo. 4 Cap. 32

CAP. VII.

An ACT to make perpetual an Act in addition to an Act for regulating the Common belonging to the Township of Lunenburg.

Act 58th Geo. III.
Cap. 34. made
perpetual

BE it enacted by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the fifty-eighth year of His late Majesty's Reign, entitled, An Act in addition to an Act, passed in the thirty-fourth year of His late Majesty's Reign, entitled, An Act for regulating the Common belonging to the Township of Lunenburg and every matter, clause and thing, therein contained, shall be, and the same is hereby, made perpetual.

CAP. VIII.

Expired

An ACT to continue the several Acts, for regulating the Summary Trial of Actions before His Majesty's Justices of the Peace in the Town and Peninsula of Halifax.

CAP. IX.

An ACT to revive and make perpetual an Act to enable the Inhabitants of each Township to raise money for defraying the expense attending the running or perambulating the Lines and Bounds of the respective Townships in this Province.

Act 51st Geo. III.
Cap. 4, revived and
made perpetual

BE it enacted by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the fifty-first year of His late Majesty's Reign, entitled, An Act to enable the Inhabitants of each Township to raise money for defraying the expense attending the running or perambulating the Lines and Bounds of the respective Townships in this Province, and every matter, clause and thing, therein contained, shall be, and the same is hereby, made perpetual.

CAP. X.

An ACT to make perpetual an Act to encourage Persons engaged in the Lumber Trade, and authorising Courts of Sessions to make regulations for preventing obstructions in bringing the same, with other articles, down the several Rivers of the Province; and also, the Act in addition to and amendment thereof.

Acts 53th Geo. III
Cap. 31, and 59th
Geo. III. cap. 27
made perpetual

BE it enacted by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the fifty-eighth year of His late Majesty's Reign, entitled, An Act to encourage

encourage Persons engaged in the Lumber Trade, and authorising Courts of Sessions to make regulations for preventing obstructions in bringing the same, with other articles, down the several Rivers of the Province; and also the Act, passed in the fifty-ninth year of His late Majesty's Reign, in addition to and amendment of the before recited Act, and every matter, clause and thing, in the said Acts contained, shall be, and the same are hereby, made perpetual.

CAP. XI.

An ACT to continue an Act for raising an additional duty of Excise on all Goods, Wares and Merchandise, imported into this Province Expired.

CAP. XII.

An ACT to continue the several Acts of the General Assembly for the further increase of the Revenue, by raising a Duty of Excise on all Goods, Wares and Merchandise, imported into this Province. Expired.

CAP. XIII.

An ACT to continue the several Acts of the General Assembly for raising a Revenue to repair the roads throughout the Province, by laying a Duty on Persons hereafter to be Licensed to keep Public Houses and Shops for the retail of Spirituous Liquors. Expired.

CAP. XIV.

An ACT to continue an Act, entitled, An Act for the Summary Trial of Actions; and also, the Act in addition to and in amendment thereof. Expired.

CAP. XV.

An ACT to continue an Act, entitled, An Act for the better preservation of the Property of the Inhabitants of the Town of Halifax, by providing for a sufficient Watch at Night. Expired.

CAP. XVI.

Expired.

An ACT to continue an Act for granting a Drawback of the Duties on Brown or Raw Sugar, used in the Manufacture of Refined Sugar within the Province, and for regulating the mode of obtaining the same.

CAP. XVII.

An ACT to regulate the Trials of Controverted Elections, or Returns of Members to serve in the House of Assembly of this Province.

Preamble.

WHEREAS the present mode of decision upon *Petitions complaining of undue Elections, or Returns of Members to serve in the House of Assembly of this Province, frequently obstructs public business, occasions much expense, trouble and delay, to the Parties, is defective for want of those sanctions and solemnities which are established by Law, in other trials, and is attended with many other inconveniences, for remedy thereof:*

Petitions complaining of undue Elections.

I. BE it enacted by the Lieutenant-Governor, Council and Assembly, That, after the end of the present Sessions of Assembly, whenever a Petition, complaining of an undue Election or Return of a Member or Members to serve in the House of Assembly, shall be presented to the said House, a day and hour shall be appointed by the said House for taking the same into consideration, and notice in writing shall be forthwith given by the Speaker, to the Petitioner or Petitioners, and the sitting Member or Members, or their respective Agents, accompanied with an order to them to attend the House at the time appointed by themselves, their Counsel or Agents.

Members specially summoned.

II. And be it further enacted, That at the time appointed for taking such Petition into consideration, and previous to the reading the Order of the Day, for that purpose, the Sergeant at Arms shall be directed to go to the places adjacent, and require the immediate attendance of the Members, on the business of the said House; and that after his Return the House shall be counted, and if there be less than twenty-seven Members present, the Order for taking such Petition into consideration, shall be immediately adjourned to a particular hour on the following day, (Sunday, Christmas Day and Good Friday, always excepted) and on the following day the House shall proceed in the same manner, and so from day to day till there be an attendance of twenty-seven Members, at the reading of the Order of the Day, to take such Petition in consideration.

Fifteen Members ballotted for.

III. And be it further enacted, That if after summoning the Members, and counting the House, as aforesaid, twenty-seven Members shall be found to be present, the Petitioner or Petitioners, their Counsel or Agents, and the Counsel or Agents of the sitting Member or Members, shall be ordered to attend at the Bar, and then the door of the House shall be locked, and no Member shall be suffered to enter into, or depart from, the House, until the Petitioner or Petitioners, their Counsel or Agents, and the Counsel or Agent, for the sitting Member or Members, shall be directed to withdraw, as hereinafter is mentioned; and when the door shall be locked, as aforesaid, the Order of the Day shall be read, and the names of all the Members of the House, written on distinct pieces of paper, being in as near as may be of equal size, and rolled up

up in the same manner, shall be equally divided and put into several boxes, to be placed on the table for that purpose ; and shall then be shaken together ; and then the Clerk shall publicly draw out of the said two boxes, alternately, the said pieces of paper, and deliver the same to the Speaker, to be by him read to the House, and so shall continue to do, until fifteen names of the Members then present be drawn. *Provided always*, That if the name of any Member, who shall have given his vote at the Election so complained of, as aforesaid, or against whose return a Petition shall be then depending, shall be drawn, his name shall be set aside.

IV. *And be it further enacted*, That if any Member shall offer, and verify under Oath, any excuse, the substance of the allegations so verified upon oath shall be taken down by the Clerk, in order that the same may be afterwards entered on the Journals, and the opinion of the House shall be taken thereon ; and if the House shall resolve, that the said Member is unable to serve, or cannot, without great and manifest detriment, serve in such select Committee, he shall be excused from such service.

Excuses of Members chosen.

V. *And be it further enacted*, That instead of the Members so set aside and excused, the names of other Members shall be drawn, who may in like manner be set aside and excused, and others drawn to supply their place, until the whole number of fifteen Members, not liable to be set aside or excused, shall be complete, and the Petitioners or their Agents shall then name one, and the sitting Members or their Agents another, from among the Members then present, whose names shall not have been drawn, to be added to those who shall have been so chosen by lot.

Other Members balloted for.

VI. *And be it further enacted*, That as soon as the said fifteen Members shall have been so chosen by lot, and the two Members to be added thereto, shall have been so nominated as aforesaid, the door of the House shall be opened, and the House may proceed upon any other business ; and lists of the fifteen Members so chosen by lot, shall be given to the Petitioner or Petitioners, his or their Counsel or Agents, and the sitting Member or Members, his or their Counsel or Agents, who shall immediately withdraw, together with the Clerk or his Assistant : and the said Petitioners and sitting Members, their Counsel or Agents, beginning on the part of the Petitioners, shall alternately strike off one of the fifteen Members, until the said number be reduced to seven, and the said Clerk or his Assistant, within one hour at farthest from the parties so withdrawing from the House, shall deliver into the House the names of the seven Members then remaining, and the said seven Members, together with the said two Members nominated as aforesaid, shall be sworn at the table, well and truly to try the matter of the Petition referred to them, and a true judgment to give according to the evidence ; and shall be a select Committee, to try and determine the merits of the Return or Election appointed by the House to be that day taken into consideration ; and the House shall order the said select Committee to meet at a certain time, to be fixed by the House, and the place of their meeting shall be some one of the Committee-Rooms of the said House, properly prepared for that purpose, which said select Committee shall sit every day (Sunday, Christmas Day and Good Friday, excepted) and shall not adjourn for a longer period than twenty-four hours, without leave obtained from the said House, upon special cause assigned for such longer adjournment.

Lists of the Members drawn given to Petitioners and sitting Members.

The Members reduced to seven, and petition referred to their consideration.

Oath to be taken by Committee.

VII. *And be it further enacted*, That the said select Committee shall, on their meeting, elect a Chairman from among such of the Members as shall have been chosen by lot, and if in the election of a Chairman there be an equal number of voices, the Member whose name was first drawn in the House shall have a casting voice, so likewise in case there should ever be occasion to elect a new Chairman, on the death or necessary absence of the Chairman first elected.

Chairman of the Committee.

Power vested in
Committee

VIII. *And be it further enacted,* That the said select Committee shall have power to send for persons, papers and records, and shall examine all the witnesses who come before them on oath, and shall try the merits of the return, or the election, or both, and shall determine by a majority of voices, of the said select Committee, whether the Petitioner or Petitioners, or the sitting Member or Members, or either of them, be duly returned or elected, or whether the Election be void : which determination shall be final between the Parties, to all intents and purposes ; and the House, on being informed thereof by the Chairman of the said select Committee, shall order the same to be entered on their Journals, and give the necessary directions for confirming or altering the Return, or for carrying the said determination into execution, as the case may require.

Members of the
Committee absent-
ing themselves.

IX. *And be it further enacted,* That no Member of the said select Committee, shall be allowed to absent himself from the same, without leave obtained from the House ; and that the Chairman of the said select Committee shall always report the name of every Member thereof, who shall so absent himself without such leave as aforesaid, who shall, for such neglect of his duty, be punished or censured at the discretion of the House.

Committee una-
voidably reduced
to five.

X. *And be it further enacted,* That in case the Member or Members of the said select Committee shall, by death or otherwise, be unavoidably reduced to less than five, and shall so continue for the space of three days, the said select Committee shall be dissolved, and another chosen in manner aforesaid.

Persons summon-
ed by the Commit-
tee.

XI. *And be it further enacted,* That if any person, summoned by the said select Committee, shall disobey such summons ; or if any witness before such select Committee shall prevaricate, or shall otherwise misbehave, in giving or refusing to give evidence, the Chairman of the said select Committee, by their direction, may, at any time during the course of their proceedings, report the same to the House, for the interposition of their authority or censure, as the case may require.

Deliberations and
decisions of Com-
mittee.

XII. *And be it further enacted,* That whenever the said select Committee shall think it necessary to deliberate among themselves upon any question which shall arise in the course of the trial, or upon the determination thereof, or upon any Resolution concerning the matter of any Petition referred to them as aforesaid, as soon as the said select Committee shall have heard the Evidence and Counsel on both sides relative thereunto, the room or place where they shall sit shall be cleared, if they shall think proper, while the Members of the said select Committee consider thereof, and all such questions as well as such determination, and all other resolutions, shall be by a majority of voices, and if the voices shall be equal the Chairman shall have the casting vote.

Decision of Com-
mittee not concur-
red in.

XIII. *And be it further enacted,* That in any case when the decision of the said Committee shall not be concurred in by five at least of the persons composing the same, it shall and may be lawful for the House, upon sufficient ground being laid for that purpose, to order a new trial to take place by a Committee to be chosen as aforesaid.

Oaths to be taken.

XIV. *And be it further enacted,* That the Oaths by this Act directed to be taken in the House, shall be administered by the said Clerk ; and that the said Oaths by this Act directed to be taken before the said select Committee, shall be administered by the Chairman of the said Committee ; and that all persons who shall be guilty of wilful and corrupt perjury in any evidence which they shall give before the House, or the said select Committee, in consequence of the Oath which they shall have taken by the direction of this Act, shall, on conviction thereof, incur and suffer the like Pains and Penalties to which any other person convicted of wilful and corrupt perjury is liable by the Laws and Statutes of this Province.

XV. *And be it further enacted,* That every such Committee, at the time they report to the House their final determination on the merits of the Petition which they were sworn to try, shall also report to the House, whether such Petition did or did not appear to them to be frivolous or vexatious; and that whenever any such committee shall report to the House with respect to any such Petition that the same appeared to them to be frivolous or vexatious, the party or parties, if any, who shall have appeared before the Committee in opposition to such Petition, shall be entitled to recover from the Person or Persons, or any of them, who shall have signed such Petition, the full costs and expenses which such party or parties shall have incurred in opposing the same; such costs and expenses to be ascertained in the manner hereinafter directed.

Report of Committee to the House of Assembly.

XVI. *And be it further enacted,* That the costs and expenses of opposing any such Petition shall be ascertained in manner following, that is to say: that on application made to the Speaker of the House, by the party or parties who shall have appeared before the Committee in opposition to such Petition, for ascertaining such costs and expenses, he shall direct the same to be taxed by two persons, of whom the Clerk of the House shall always be one, and one of the Masters in the Court of Chancery, in this Province. And the persons to be authorised and directed to tax such costs and expenses shall, and they are hereby required to, examine the same, and to report the amount thereof to the Speaker of the said House, who, if the said costs shall be approved of by the House, shall, on application made to him, deliver to the party or parties a certificate, signed by himself, expressing the amount of the costs and expenses allowed in such report; and the persons so appointed to tax such costs, and report the amount thereof, are hereby authorised to demand and receive for such taxation and report, such fees as shall, from time to time, be fixed by any resolution of the House.

Costs and Expenses.

XVII. *And be it further enacted,* That it shall and may be lawful for the party or parties, entitled to such costs and expenses, to demand the whole amount thereof, so certified as above, from any one or more of the persons respectively who are hereinbefore made liable to the payment thereof; and in case of non-payment thereof, to recover the same by Action of Debt, in the Supreme Court of this Province, in which Action it shall be sufficient for the Plaintiff or Plaintiffs to declare that the Defendant or Defendants are indebted to him or them, in the sum to which the costs and expenses ascertained in manner aforesaid shall amount, by virtue of this Act. And the certificate of the Speaker of the House of Assembly, under his Signature, of the amount of such costs and expenses, together with an examined copy of the entries on the Journals of the House of the Resolution or Resolutions of the said select Committee, shall be deemed full and sufficient evidence in support of such Action of Debt; and *provided always,* That the party or parties in whose favour Judgment shall be given in any such Action, shall recover his or their costs.

Costs and Expenses demanded.

CAP. XXIII.

An ACT in amendment of an Act, passed in the first year of His late Majesty's Reign, entitled, An Act to enable Creditors to receive their just Debts out of the Effects of their Absent or Absconding Debtors.

WHEREAS much inconvenience has arisen from the course of proceeding against absent or absconding Debtors, authorised by the second section of the

Preamble.

the

the above mentioned Act, whereby creditors are enabled to attach the Goods, Effects or Credits, of absent Persons, in their hands of their Attorney, Factor, Agent or Trustee, without making any Affidavit that a debt is actually due to them by such absent Person, for remedy thereof :

Affidavit of Debt to be made before process is issued.

I. BE it enacted, That, from and after the passing of this Act, it shall not be lawful for any person to sue out any process under the second section of the said Act, unless the person applying for the said process shall, previous to the issuing thereof, make an affidavit before one of the Judges of the Court from which such process shall be required, or in the absence of all the Judges of the said Court, before some one of His Majesty's Justices of the Peace, that the Defendant is justly indebted to the Plaintiff in a sum to be specifically mentioned and set forth in the said affidavit, which affidavit shall be filed in the Office of the Clerk of the Court from whence the Writ shall issue—and the sum specified in such affidavit shall be indorsed on the back of the said Writ, in Words at length, and signed by the Judge or Justice of the Peace, before whom such affidavit shall be made, and shall also make oath that he verily believes that the person or persons whom he is about to summon, is the Factor, Agent, or Trustee, of such Absent or Absconding Person, or that he hath Goods, Effects or Credits, of such Absent Person in his possession, or under his management and controul.

Sum to be retained by Agent, &c. of Absconding Debtor.

II. And be it further enacted, That the Person so served with any process, as Factor, Agent, or Trustee, of any Absent or Absconding Person, shall not be bound to retain, nor shall he retain, in his hands, to respond the Judgment which may be recovered against such Absent or Absconding Person, any greater sum than shall be indorsed by the Judge or Justice of the Peace as aforesaid, upon the back of the Writ of Summons, together with a sum not exceeding Thirty Pounds, out of which to pay such costs as may be due to himself and the Plaintiff, in case the Plaintiff shall obtain Judgment.

Declaration to be made by Agent, &c. of Property in his hands belonging to Absconding Debtor.

III. And be it further enacted, That the Plaintiff shall not proceed to the Trial of his Cause, against such Absent or Absconding Person, until the Agent shall have appeared in Court, and declared that he hath Goods, Effects or Credits, of the said absent or absconding Person, in his hands or under his controul. *Provided always,* That if any Person, summoned as the Attorney, Agent, Factor or Trustee, after being duly summoned, shall refuse or neglect to appear, and disclose, as hereinbefore directed, that it shall and may be lawful for the Court, out of which the said Writ of Summons shall have issued, to proceed against such Attorney, Agent, Factor or Trustee, for a contempt of the process of the said Court, and shall also be liable to pay the Plaintiff his costs.

Agent, &c. bound to make Declaration of Effects in his hands.

IV. And be it further enacted, That whenever the said Attorney, Factor, Agent or Trustee, appears in Court, in obedience to the said Summons, he shall be bound, if required by the Plaintiff, to state whether he hath Goods, Effects or Credits, of the Defendant, in his hands, or under his management or controul, to the amount of the sum indorsed on the said Writ, or, if a less amount, that he shall be bound to state the specific amount thereof.

Agent, &c. not residing in County where Action is brought.

V. And be it further enacted, That where the supposed Agent, Factor or Trustee, shall be resident in any other County than that in which the Action is commenced, he shall not be obliged to appear in that County, but may appear in the Supreme Court of the County in which he lives, at its first sitting, after his being served with process, in the same manner as if he had been required to appear there by the process served upon him.

CAP. XIX.

An ACT to make perpetual an Act for the Security of Navigation, and for preserving all Ships, Vessels and Goods, which may be found on Shore, wrecked or stranded, upon the Coasts of this Province; and for punishing Persons who shall steal Shipwrecked Goods, and for the relief of Persons suffering loss thereby.

B*E it enacted, by the Lieutenant-Governor, Council, and Assembly, That an Act,* passed in the forty-first year of His late Majesty's Reign, entitled, **An Act for the security of Navigation, and for preserving all Ships, Vessels and Goods, which may be found on shore, wrecked or stranded, upon the coasts of this Province, and for punishing persons who shall steal shipwrecked Goods, and for the relief of persons suffering loss thereby, and every matter, clause and thing, therein contained, except the tenth and eleventh sections of the said Act, shall be, and the same is hereby, made perpetual.**

Act 41st Geo. III. cap. 14. made perpetual.

CAP. XX.

An ACT to continue an Act, entitled, An Act in addition to an Act, passed in the thirty-third year of the Reign of His late Majesty King George the Second, entitled, An Act for regulating the rates and prices of Carriages.

Expired.

CAP. XXI.

An ACT to extend part of an Act, passed in the fiftieth year of His late Majesty's Reign, in amendment of an Act relating to the repairing and paving the Streets in the Town of Halifax, to the Towns of Annapolis and Digby.

B*E it enacted by the Lieutenant-Governor, Council and Assembly, That the first* clause of the Act, passed in the fiftieth year of His late Majesty's Reign, entitled, **An Act in addition to and in amendment of an Act, passed in the forty-first year of His Majesty's Reign, entitled, An Act for repairing, cleansing and paving, the Streets in the Town and Peninsula of Halifax, and for removing obstructions therein; and also, the Act in amendment thereof, passed in the forty-second year of His present Majesty's Reign, and every part of the said clause, be extended, and the same is hereby extended, to the Towns of Annapolis and Digby.**

1st Sec. 50th Geo. III Cap. 11. extended to Annapolis and Digby.

CAP. XXII.

Expired

An ACT to continue an Act, made and passed in the thirty-eighth year of His late Majesty's reign, entitled, An Act to amend and render more effectual an Act, passed in the eighteenth year of His present Majesty's reign, entitled, An Act to prevent forestalling, regrating, and monopolizing, of Cord Wood, in the Town of Halifax, and also the Act now in force in addition thereto.

CAP. XXIII.

Expired.

An ACT to continue the Act for regulating the exportation of Red or Smoked Herrings, and in amendment of an Act, passed in the second year of His present Majesty's reign, entitled, An Act for regulating the Exportation of Fish, and the Assize of Barrels, Hoops, Boards, and all other kinds of Lumber, and for appointing Officers to survey the same; and also the several Acts in amendment thereof.

CAP. XXIV.

Expired.

An ACT to continue the several Acts respecting the Liverpool and Cranberry Island Light-Houses.

CAP. XXV.

Expired.

An ACT to continue an Act respecting Aliens coming into this Province, or residing therein.

CAP. XXVI.

Expired.

An ACT to continue an Act for establishing a Bridewell or House of Correction for the County of Halifax, and for providing a Police Office in said Town, with proper Officers to attend the same.

CAP. XXVII.

An ACT to continue an Act entitled, An Act in addition to and amendment of an Act, passed in the forty-first year of His Majesty's reign, entitled, An Act for repairing, cleansing and paving, the Streets in the Town and Peninsula of Halifax, and for removing obstructions therein; and also the Act, in amendment thereof, passed in the forty-second year of His present Majesty's reign. Expired.

CAP. XXVIII.

An ACT in addition to, and alteration of, an Act, made and passed in the present Session of the General Assembly, entitled, An Act to extend the Laws and Ordinances of the Province of Nova-Scotia to the Island of Cape-Breton. Expired

CAP. XXIX.

An ACT to continue an Act, entitled, An Act to provide for the Accommodation and Billetting of His Majesty's Troops, or of the Militia, when on their march from one part of the Province to another; and also the several Acts in amendment thereof. Expired

CAP. XXX.

An ACT to continue and amend the several Acts now in force, for encouraging the Establishment of Schools throughout the Province. Expired

CAP. XXXI.

An ACT to regulate Sales at Auction.

Expired

CAP. XXXII.

An ACT to extend an Act for appointing Firewards, ascertaining their duty, and for punishing thefts and disorders at the time of Fire, and also the Acts in addition to and amendment thereof, to the Town of Dartmouth.

Act 2d Geo. III.
Cap 5 extended to
Dartmouth

BE it enacted by the Lieutenant-Governor, Council and Assembly, That, the Act of the General Assembly, made and passed in the second year of His late Majesty's Reign, entitled, An Act for appointing Firewards, ascertaining their duty, and for punishing thefts and disorders at the time of Fire; and also, all the several Acts, since made, in addition to or amendment of the said Act, and now in force, and every matter, clause and thing, in the said Acts contained, shall be extended, and the same are hereby extended, to the Town of Dartmouth.

CAP. XXXIII.

An ACT to impose an additional Duty on Wine, hereafter to be imported into this Province, and to appropriate the same for the payment of the Interest of the Funded Debt of the Province.

Repealed by 7
Geo. 4 Cap 36

CAP. XXXIV.

An ACT to continue the several Acts, now in force, regulating the expenditure of Monies for the service of Roads and Bridges.

Expired

CAP. XXXV.

An ACT to amend and continue the several Acts imposing a Duty on Articles to be imported from the United States of America.

Expired

CAP. XXXVI.

An ACT to amend and continue the several Acts of the General Assembly, for granting to His Majesty certain Duties on Wine, Brandy, Gin, Rum, and other distilled Spirituous Liquors, Molasses, Coffee and Brown Sugar, for the support of His Majesty's Government, and for promoting the Agriculture, Commerce and Fisheries, of the Province.

Expired

CAP. XXXVII.

An ACT to alter and amend an Act, passed in the last Session of the General Assembly, entitled, An Act to authorize the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to appoint Commissioners to issue Treasury Notes, to an amount not exceeding Twenty Thousand Pounds.

WHEREAS the sum of Eight Thousand Pounds, part of the said Twenty Thousand Pounds, remains unissued under the provisions of the said Act:— Preamble
And Whereas, from the great scarcity of the small Coins current in the Province, it is deemed expedient to issue Treasury Notes for smaller sums, in lieu of those prescribed by the said Act, to the amount of the said Eight Thousand Pounds :

I. Be it therefore enacted by the Lieutenant-Governor, Council and Assembly, That Treasury Notes to be issued to the amount of £8,000
it shall and may be lawful for the Commissioners appointed under the said Act, to issue Treasury Notes to the amount of Eight Thousand Pounds, being the residue of the said Twenty Thousand Pounds, in small Notes as follows :

Eight Thousand Notes of Ten Shillings each.

Ten Shilling Notes
Five Shilling Notes
Date
Signature

And Sixteen Thousand Notes of Five Shillings each.

To bear date the first day of June, One Thousand Eight Hundred and Twenty, and be of the same form, signed, countersigned, and delivered ; and shall be paid and received in payment, in like manner, and again re-issued, under the rules, regulations, restrictions and provisions, as are mentioned, expressed, and contained, in the Act, passed in the fifty-third year of His late Majesty's reign, entitled, An Act to authorise the Treasurer of the Province to call in and pay the Treasury Notes heretofore issued ; and to empower the Lieutenant-Governor, or Commander in Chief for the time being, to appoint Commissioners to issue Treasury Notes.

II. And be it further enacted, That it shall not be lawful for the said Commissioners to issue Treasury Notes for the said sum of Eight Thousand Pounds, or any part thereof, in Notes for any greater or other sum or sums of Money, than is mentioned and prescribed by this Act. Ten and Five Shilling Notes only to be issued

III. And be it further enacted, That the said Treasury Notes, so to be issued, under the provisions of this Act, shall be deemed to be part and parcel of the said sum of Twenty Thousand Pounds, so to have been issued under the Act of which this is an amendment, and shall be substituted in the lieu thereof ; and shall be subject to all the rules, regulations, pains, penalties and provisions, as are mentioned and contained in said Act. The Act under which the issue is made

CAP. XXXVIII.

An ACT to restrain and prohibit the Negotiation, within this Province, of Promissory Notes, or Inland Bills of Exchange, under a limited Sum.

WHEREAS, various Notes, Bills, and Draughts for Money, for very small Sums, have been circulated, or negotiated, for some time past, in lieu of Cash, within this Province, to the great prejudice of Trade and Public Credit: Preamble
1.

Notes in circulation declared void

I. BE it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That all Promissory or other Notes, Bills of Exchange, Draughts, or undertakings, in writing or printing, or being partly written and partly printed, being made payable to the Bearer, or in any other shape negotiable or transferable, for the payment of any sum of Money less in the whole than the sum of Twenty-six Shillings, which shall be made or issued at any time after the Publication of this Act, shall be, and the same are hereby declared to be, absolutely void, and of no effect; any Law, Statute, Usage, or Custom, to the contrary thereof in anywise notwithstanding.

Penalty for issuing other Notes

II. And be it further enacted, by the authority aforesaid, That if any Person or Persons shall, at any time or times, from and after the publication hereof, by any act, device, or means whatsoever, publish, circulate, or utter, any such Notes, Bill, Draughts or Engagements, or shall circulate any Notes that have been already issued, for a less sum than Twenty-six Shillings, or on which less than the sum of Twenty-six Shillings shall be due, or promised to be paid, or which shall be in any shape made negotiable; or shall circulate or negotiate the same—every such person shall, on conviction before any two of His Majesty's Justices of the Peace, forfeit and pay the sum of Twenty Shillings, for each and every Note so issued or circulated.

Recovery of Penalties

III. And be it further enacted, by the authority aforesaid, That the Penalties hereby imposed and made payable, shall and may be recovered in a summary way, before any two of His Majesty's Justices of the Peace; and shall and may be levied by Execution in the usual form; one moiety of such Penalties, when so levied and recovered, to be paid to the informer, and the other moiety to the Poor of the County, Town, Parish and District, in which the offence shall be committed.

Notes in circulation to be paid on demand

IV. And be it further enacted by the authority aforesaid, That, from and after the publication of this Act, all and every such Notes, Bills, Draughts, or Undertakings, in writing, for any sum or sums of Money less than the sum of twenty-six Shillings, and which are negotiable or transferable, or which have been negotiated or circulated, previous to the publication of this Act, shall be, and they are hereby adjudged and declared to be, payable on demand; any terms, restrictions, or conditions, therein contained, to the contrary thereof notwithstanding.

Persons neglecting or refusing to pay Notes on demand

V. And be it further enacted by the authority aforesaid, That if any Person, liable to the Payment of any such Notes, Bills, Draughts or Undertakings in writing, shall neglect or refuse to make full payment, in Gold or Silver, of the sum or sums for which such Notes, Bills, Draughts or Undertakings, shall be respectively given, issued or circulated, it shall and may be lawful for the Holder or Holders of such Notes, Bills, Draughts, or Undertakings, to recover the same by a Suit, to be commenced and tried in a summary way before any one of His Majesty's Justices of the Peace, any Law, Usage or Custom, to the contrary notwithstanding.

Promissory Notes under 26s. not affected by this Act, provided they be given by actual debtors, and not negotiated

VI. And be it further enacted by the authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to prevent any person actually indebted to another, in any sum or sums of money less than twenty-six shillings, to enter into a Promissory Note, or engagement in writing, promising to pay his or her Creditor, any such sum or sums of money less than twenty-six shillings; and such Note, or engagement in writing, shall be good and valid in Law, as between the original Parties to the same; *Provided*, that such Note or Notes in writing shall remain and continue to be held by the Person or Persons to whom the same shall have been made in the first instance, and shall not have been negotiated, circulated, or passed, to any third person whatsoever.

Proviso

Act not to extend to Treasury Notes

VII. Provided always, That nothing in this Act shall extend, or be construed to extend, to any Treasury Notes, which have been issued, or may be issued, under the authority of any Act of the General Assembly.

CAP. XXXIX.

A BILL to Incorporate the Governors of the Dalhousie College, at Halifax.

WHEREAS, *Our Most Excellent Sovereign George the Fourth, hath been graciously pleased to signify His Royal Will and Pleasure, to the Right Honorable George, Earl of Dalhousie, late His Majesty's Lieutenant-Governor of this Province of Nova-Scotia, and now His Majesty's Governor-General of His Majesty's North American Dominions, that a College for the Education of Youth in the higher branches of Science and Literature, as they are taught in the College or University of Edinburgh, in Great-Britain, should be Established at Halifax in Nova-Scotia; and that the sum of Nine Thousand Seven Hundred and Fifty Pounds, of Current Money of Nova-Scotia, belonging to His Majesty, in the hands of the said Earl of Dalhousie, should be appropriated and applied to the use and service of the said College; And Whereas, the sum of Two Thousand Pounds of like Money has been granted by the General Assembly of Nova-Scotia, for the purpose of finishing and completing a Building to be erected. And Whereas, the sum of Four Thousand Seven Hundred and Fifty Pounds have been expended on a Building erected for the purpose, on the Lot of Ground, the property of His Majesty, known by the name of the Grand Parade, facing St. Paul's Church in Halifax, and the residue of the said sum of Nine Thousand Seven Hundred and Fifty Pounds hath been expended in the purchase of Eight Thousand Two Hundred and Eighty-Nine Pounds Nine Shillings and Six Pence, in the three per cent. Consolidated Annuities, standing in the name of the Right Honourable George, Earl of Dalhousie, the Honourable Sampson Salter Blowers, and the Honourable Michael Wallace, as an endowment for the use and service of the said College or Seminary of Learning at Halifax.*

Preamble

And Whereas, it is expedient for the more perfect establishment of the said College, and for incorporating the Trustees and Members thereof, for the purposes aforesaid, and for such further endowment thereof, as to His Majesty shall seem meet:

I. BE it therefore enacted by the Lieutenant-Governor, Council and Assembly, and by authority of the same, That, upon the same Land, and in the Building or Buildings so erected or to be erected thereon, in the Town of Halifax aforesaid, there shall be established, from this time, one College, for the education of Youth and Students in the higher branches of Science and Literature, as they are commonly taught in the College or University of Edinburgh aforesaid, and to be called DALHOUSIE COLLEGE; and that the said George, Earl of Dalhousie, Governor-General of His Majesty's North-American Dominions, or the Governor-General thereof for the time being; Sir James Kempt, Knight Grand Cross of the Most Honorable Military Order of the Bath, Lieutenant-Governor of the said Province of Nova-Scotia, or the Lieutenant-Governor of the said Province for the time being; the Right Reverend Father in God, Robert Stanser, Bishop of the Diocese of Nova-Scotia, or the Bishop of the said Diocese for the time being; the Honourable Sampson Saltér Blowers, Chief-Justice of the said Province, and President of the Council, or the Chief-Justice and President of the Council of the said Province, for the time being; the Honourable Michael Wallace, Treasurer of the said Province, or the Treasurer of the said Province for the time being; Simon Bradstreet Robie, Esquire, Speaker of the House of Assembly of the said Province, or the Speaker of the House of Assembly for the time being; together with such Person as shall be elected President of the said College, in manner hereinafter mentioned, shall be Governors of the said College;

Establishment of
DALHOUSIE
COLLEGE

Governor

Professorships.

College; and that the said College shall consist of three or more Chairs or Professorships—The first of the Greek and Latin Classicks—The second of the Mathematicks, Natural and Experimental Philosophy—and the third, of Theology and Moral Philosophy, at such Salaries, and subject to such provisions, regulations, and limitations, as shall be appointed by the rules and ordinances of the College; and that the said Governors, or the major part of them, shall have the power of electing the President of the said College for the time being, to be a Governor of the said College.

Governors incorporated

II. *And be it further enacted by the authority aforesaid,* That the said Governors and their Successors, shall be one distinct and separate body, politic and corporate, in deed and in name, by the name and style of the Governors of Dalhousie College at Halifax, in the Province of Nova-Scotia, and by the same name they shall have succession and a common Seal, and they and their Successors, or the major part of them, as a body corporate in deed and in law, shall be capable to have, receive, purchase, hold, possess and retain, to and for the use of the said College, any messuages, lands, tenements, and hereditaments, of what kind, nature or quality, soever, so as the same do not exceed, in yearly value, the sum of Five Thousand Pounds, above all charges; and also any goods and chattles, gifts and benefactions whatsoever; and that the said Governors, and their Successors, by the same name, shall and may be capable in law, to sue and be sued, implead, and be impleaded, in all or any Court or Courts of Record, or places of Judicature, in any or all of His Majesty's Dominions; and in all actions, causes, matters and demands, whatsoever, and of what nature or kind soever, in as large and ample manner and form, as any other body politic or corporate, or any other liege subjects, may or can do.

Rules and Ordinances

III. *And be it further enacted, by the authority aforesaid,* That the Governors of the said College, or the major part of them, resident in the said Province, shall have power and authority to make rules and ordinances, touching and concerning the good government of the said College, the studies, lectures, and exercises thereof; the election, qualification and residence, of the President, Professors, and Students; the management of the revenues and property of the said College; the salaries and provisions of the President, Professors, Students and Officers, of the said College; and also touching and concerning any other matter and thing respecting the said College, which to them shall seem fit and useful thereto; and also from time to time to revoke or alter the said rules and ordinances as to them, or the major part of them, shall seem meet and expedient. *Provided,* That the said rules and ordinances shall not be repugnant to the Laws and Statutes of the Realm, or of the said Province of Nova-Scotia. *Provided also,* That no test or engagement shall be required of the Students, except the Sponsio Academica, according to the form used in the said College of Edinburgh; and that the internal management and regulation of the said College and Institution, shall be committed to the Senatus Academicus formed by the respective Chairs or Professorships thereof.

Test or Engagement required of Students

Professorships may be increased

IV. *And be it further enacted, by the authority aforesaid,* That the said Governors, or the major part of them, shall have full power and authority, as the circumstances and funds of the College may render expedient and proper, to increase the number of Chairs or Professors, and to authorise the establishment and courses of Lectures on subjects of Science and Literature, and to fix and determine the Salaries of Lecturers, and the prices to be paid by the Students for the tickets of admission, and instruction afforded to them.

Visitor of College

V. *And be it further enacted,* That such Person or Persons as His Majesty, His Heirs and Successors, may see fit from time to time to appoint, shall be visitor or visitors of said College.

VI. *And be it further enacted*, That this Act shall not be in force, until His Majesty's Royal Approbation be thereunto had and declared.

Act suspended
Assented to by
His Majesty

CAP. XL.

An ACT to regulate and establish Fees in the Court of Chancery.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the several Officers of the said Court of Chancery shall, for services to be performed by them, take and receive the following Fees :

CHANCELLOR'S FEES.

Every hearing of a Cause, each day, twenty shillings.
Pronouncing decree, and signing and sealing the same, two pounds six shillings and eight pence.

Fees to be taken
by Chancellor.

COUNSEL'S AND SOLICITOR'S FEES.

Retaining Fee for Counsel, one pound three shillings and four pence.
Making draught of a Bill or Answer, for every ninety words one shilling.
Engrossing the same, every ninety words, six pence.
Entering an appearance in each cause, three shillings and four pence.
Every Subpœna, Injunction or other writ, five shillings.
Copies for service, each one shilling and six pence.
Drawing Affidavit of service of Subpœna, Injunction or Master's Report, two shillings.
Every Petition necessary in the conducting of a Cause, three shillings and four pence.
Counsel's Fee for making or defending every special motion to be taxed, not to exceed one pound three shillings and four pence.
Drawing Brief in every cause, every ninety words, one shilling.
Replications and all other pleadings in a cause, every ninety words, one shilling.
Engrossing the same, every ninety words, six pence.
Counsel's Fee for examining and signing each pleading, eleven shillings and eight pence.

Counsel or
Solicitor.

Draughts of Interrogatories, every ninety words, one shilling.
Engrossing Interrogatories, every ninety words, six pence.
Counsel Fee on trial of a Cause, to be taxed by the Court, but not to exceed three pounds ten shillings.
Making up Bill of Costs, three shillings and four pence.
For serving every Subpœna or other Writ, or Master's Report, three shillings and six pence.

Travel actually performed, per mile, from the residence of the person making the service to the place of service, three pence, and no more.

Draught of Decree, every ninety words, six pence.
Attending Registrar to compare Decree before signing and sealing, six shillings and eight pence.

Engrossing the same, every ninety words, six pence.

MASTER OF THE ROLLS, OR MASTER'S FEES.

Each day hearing a Cause, six shillings and eight pence.
Taking examination of Witnesses, each day, eleven shillings and eight pence.
References for taxing Costs, seven shillings and six pence—and all other references on which a special report shall be made, eleven shillings and eight pence, and no more.

Master of Rolls
and Masters
See. 7 Geo. 4
Cap. 11.

Poundage

Poundage on all Sales, for receiving and paying the Money, if less than three hundred pounds, two pound per cent. and all above, one pound per cent. including Auctioneer's charges.

Drawing and Executing every Deed, one pound three shillings and four pence.

REGISTRAR'S FEES.

Registrar

Copies of all Papers, six pence for every ninety words.

For drawing and signing every Rule or Order, one shilling.

Sealing every Writ, including order therefor, filing Præcipe, and certifying Copies, two shillings and six pence.

Every search, one shilling.

Entering and filing every Bill, two shillings.

Entering and filing every Answer, Plea, Replication or Demurrer, one shilling and six pence.

Filing all other Papers, each paper, six pence.

Attending every hearing, each day, five shillings.

Making up final Decree, enrolling, and getting the same sealed, six shillings and eight pence.

Registrar to receive the Chancellor's Fees

II. *And be it further enacted,* That the Registrar of the Court shall receive the Chancellor's Fees, and be accountable therefor to him without fee or reward; and that no other or greater Fees than are herein specified; shall be received or taken for any of the services mentioned.

Charges for unnecessary Services

III. *And be it further enacted,* That the Master who shall tax the Bill of Costs, in any Cause, shall deduct from, and disallow, any Fees or charges claimed or made for services, in his opinion, unnecessary to have been performed in the prosecution or defence of the said Cause.

No other Fees allowed by this Act

IV. *And be it further enacted,* That no services for which the Fees are not particularly regulated by this Act, shall be taxed, for or allowed, except the expenses of advertising.

Officers

V. *And be it further enacted,* That no Master, or other Officer of the said Court, shall hold more than one Office in the said Court.

Act 42d Geo. III. Cap 4 repealed

VI. *And be it further enacted,* That an Act, made and passed in the forty-second year of His late Majesty's reign, entitled, An Act to regulate and establish Fees in the Court of Chancery, be, and the same is hereby, repealed.

At the **GENERAL ASSEMBLY** of the Province of Nova-Scotia, begun and holden at Halifax, on Thursday, the Fourteenth day of February, 1822, in the Third Year of the reign of our Sovereign Lord **GEORGE** the Fourth, by the Grace of God, of the United Kingdom of Great-Britain and Ireland, **KING**, Defender of the Faith, &c. &c. &c. being the Second Session of the Twelfth General Assembly, convened in the said Province.*

*In the time of Sir James Kempt, Knight Grand Cross of the Most Honourable Military Order of the Bath; S. S. Blowers, Chief-Justice and President of Council; Simon Bradstreet Robie, Speaker of the Assembly; Rupert D. George, Secretary of the Council; and James B. Francklin, Clerk of Assembly.

CAP. I.

An **ACT** to amend the several Acts, passed in the thirty-second and thirty-fourth years of the Reign of His late Majesty King George the Second, for confirming Titles to Land, and quieting Possessions; and an Act, passed in the twenty-ninth year of the Reign of His Majesty King George the Third, entitled, An Act to amend the several Acts, passed in the thirty-second and thirty-fourth years of His late Majesty George the Second, and in the first, fifth, and twelfth years of His present Majesty's Reign, relative to the Registering of Deeds and Conveyances, made of, or which may affect, Lands, Tenements and Hereditaments.

Be it enacted by the Lieutenant-Governor, Council and Assembly, That the Registry of all Deeds, made as the Law directs, by the Deputy-Registrars, in the several Counties, Towns and Districts, shall be deemed, and taken to be, good and valid, although Certificates of the Registry thereof, may not have been duly returned to the Registrar's Office in Halifax, and although entry thereof may not have been there made as the said Act directs.

Registry of Deeds
by Deputy Regis-
trars valid

And Whereas, doubts are entertained whether the Registry heretofore made of any Deeds is good and valid, unless previous to such Registry having been made, the persons for whose use such Deeds have been executed shall have taken the Oaths directed in and by the Act of the thirty-second of His late Majesty George the Second, Chapter second, Section third:

II. *Be it therefore enacted*, That all Deeds, and the Registry thereof, heretofore made, or which may be hereafter made, shall be deemed and taken to be good and valid

Registry of Deeds
heretofore made

lid, although the Oaths mentioned in said Act, may not have been taken by the persons named in such Deeds, any thing in the said Act to the contrary notwithstanding.

Appointment of
Deputy-Registrars

III. *And be it further enacted,* That it shall and may be lawful for the Registrar of Deeds to appoint Deputies, in all such Places, Townships or Settlements, as the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by and with the advice of His Majesty's Council, shall appoint and direct.

Commissions of
Deputy-Registrars

IV. *And be it further enacted,* That the Commissions or Deputations to be given to such Deputies, shall particularly mention the Townships or Settlements for which such Deputy shall be appointed, and shall describe the extent and limits thereof.

Conveyances of
Land, situated
where there may
be no Deputy-
Registrar

V. *And be it further enacted,* That all Deeds and Conveyances, conveying any Lands, Tenements, and Hereditaments, which do not lie within any Settlement or Township, for which a Deputy-Registrar shall have been appointed, shall be registered at the Office of the Registrar residing in the County Town where the Sessions of the Peace shall be held, for such County wherein such Lands lie, and not in the Registrar's Office in the nearest Town or District as heretofore required.

Judgments against
Real Estate

VI. *And be it further enacted,* That no judgment obtained in any Court of Law within this Province, shall operate as a lien upon the Real Estate of any Defendant or Defendants, beyond one year from the signing of such Judgment, as aforesaid, unless the Plaintiff or Plaintiffs shall, within one year from the signing of such Judgment, take out Execution, and have the same extended on the Real Estate of such Defendant or Defendants, unless such Judgment shall have been obtained previous to the passing of this Act, in which case it shall and may be lawful to take out Execution within six months from the publication hereof.

CAP. II.

Expired.

An ACT to amend and continue an Act, for raising an additional Duty of Excise on all Goods, Wares, and Merchandise, imported into this Province.

CAP. III.

Expired.

An ACT to amend and continue the several Acts of the General Assembly, for the further increase of the Revenue, by raising a Duty of Excise on all Goods, Wares and Merchandise, imported into this Province.

CAP. IV.

An ACT to extend several Acts, relating to Firewards, to the Town of Yarmouth.

Preamble

WHEREAS, *the increase of the Town of Yarmouth makes it necessary that Firewards should be appointed there, and proper precautions taken to preserve the said Town from the danger of Fire:*

Acts 2d Geo. 3
Cap 5 and 52d
Geo. 3 Cap 19
extended to Yar-
mouth

I. BE it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the publication hereof, an Act, passed in the second year of the Reign of His late Majesty King George the Third, entitled, An Act for appointing Firewards

Firewards, ascertaining their duty, and for punishing thefts and disorders at the time of Fire ; and also, an Act, made and passed in the fifty-second year of His said Majesty's Reign, in addition to the above recited Act ; and all the several clauses, matters and things, in the said Acts contained, shall be, and the same are hereby, extended to the said Town of Yarmouth ; and the Justices in their Sessions for the District of Yarmouth and Argyle, in the County of Shelburne, Justices of the Peace, and all other persons whatsoever, in and within the said Town of Yarmouth, are hereby bound strictly to conform to the said Acts, and to carry the same into execution within the said Town, in as full and ample a manner, to all intents and purposes, as if the said Town of Yarmouth had been originally named therein.

CAP. V.

An ACT in addition to, and in amendment of, the several Acts, now in force, for repairing and mending Highways, Roads, Bridges and Streets, and for appointing Surveyors of Highways within the several Townships in this Province.

Repealed by 7
Geo. 4 Cap 2

CAP. VI.

An ACT to continue an Act, entitled, An Act to regulate Sales at Auction.

Expired.

CAP. VII.

An ACT to enable the Proprietors of Wilderness Lands in Onslow to open Roads through the same.

WHEREAS, the second and third, and part of the first, divisions of Wilderness Lands, in the Township of Onslow, have been located and laid off, by partition, in several ranges, in lots of three hundred acres, and one hundred acres, with lands for Roads on those ranges, which Roads are not yet opened or cut out, on which account the said lands are of little value to the Proprietors. And Whereas, the provisions of the Act, passed in the last Session of the General Assembly, entitled, An Act to enable the Proprietors of Wilderness Lands in the Township of Truro, to open Roads through the same, have been found very beneficial in opening Roads through the Wilderness Lands in the Township of Truro, and it is desirable to extend the said Act to the said Wilderness Lands in the Township of Onslow for the same purpose :

Preamble

I. BE it therefore enacted by the Lieutenant-Governor, Council and Assembly, That the Proprietors and Owners of the said Wilderness Lands, in the Township of Onslow, and the Justices of the Peace, in Sessions, for the District of Colchester, shall, from and after the publication of this Act, have the same powers and authority, and be subject to the same rules, regulations, provisions and penalties, as the Proprietors and Owners of the second division of Wilderness Lands in the Township of Truro, and the said Justices in Sessions, under, and by virtue of, the before mentioned Act, and that like Meetings of Proprietors shall be held in the Township of Onslow, like labour

Provisions to the
Act passed in la-
Session respectiv-
Wilderness Land-
in Truro, extended
to Township of
Onslow

Provis

labour performed upon the said Roads through such divisions of Wilderness Lands there situate, and such lands sold for the neglect or refusal to do the same in like manner, and under the same rules and regulations as are mentioned and contained in said Act, as respects the said Wilderness Lands in Truro; and the said Act, with all its provisions, regulations and clauses, except the last clause thereof, shall be, and the same is hereby, in every respect, fully extended to the said Township of Onslow, and the Wilderness Lands there situate. *Provided nevertheless*, That if, on any lot of more than one hundred acres, there shall be cut down, cleared and burnt off, and made ready for a crop, in the proportion of five acres to every one hundred acres thereof, it shall be then lawful for the Surveyors, appointed under this Act, to excuse the Owner or Owners from performing the labour required by this Act in the same manner as the Owner or Owners of any lot of one hundred acres or less, are excused under like circumstances: subject, nevertheless, to the performance of their Statute Labour, as provided in the third clause of the said Act.

Act continued for five years

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

CAP. VIII.

Expired.

An ACT to amend and continue the several Acts of the General Assembly, for granting to His Majesty certain Duties on Wine, Brandy, Gin, Rum, and other Distilled Spirituous Liquors, Molasses, Coffee and Brown Sugar, for the support of His Majesty's Government, and for promoting the Agriculture, Commerce and Fisheries, of the Province.

CAP. IX.

Expired

An ACT to continue an Act, entitled, An Act to amend and continue the several Acts imposing a Duty on Articles to be imported from the United States of America.

CAP. X.

Expired

An ACT to continue an Act, for granting a Drawback of the Duties on Brown or Raw Sugar, used in the Manufacture of Refined Sugar within the Province, and for regulating the mode of obtaining the same.

CAP. XI.

An ACT to alter the times of Sitting of the Inferior Court of Common Pleas and General Sessions of the Peace, for the County of Sydney.

See 4 & 5 Geo. 4
Cap. 37, and 6 Geo
4. Cap 31

WHEREAS, the times of holding the Inferior Court of Common Pleas and General Sessions of the Peace, in the County of Sydney, have been found inconvenient: for remedy whereof—

Preamble.

I. BE it enacted by the Lieutenant-Governor, Council and Assembly, That, from and after the publication hereof, the Inferior Court of Common Pleas and General Sessions of the Peace, for the County of Sydney, shall be held at Dorchester, in the said County, on the first Tuesday of May, and at Guysborough, in the said County, on the second Tuesday of November, in each year, any law, usage or custom, to the contrary notwithstanding.

Inferior Court and
General Sessions
of the Peace, when
to be held at Dor-
chester

II. And be it further enacted, by the authority aforesaid, That all Writs, Process, Recognizances and Complaints, or other Papers which are, or shall be made, returnable into the said Inferior Courts of Common Pleas and General Sessions of the Peace, at their next sittings, shall be returned into the said Courts, on the day herein before appointed for such sitting; and all parties and persons who are bound or summoned, or who ought to appear at the said Courts, at their next sittings, shall be held and obliged to appear at the said Courts, at the day and time on which such sittings are hereby directed to be held; and all Judges, Justices, Sheriffs, Constables, Jurors, Criers and other Officers, whom it may concern, are to take notice of this Act, and govern themselves accordingly.

Return of Writs,
&c.

CAP. XII.

An ACT for establishing a Public Market in each of the Towns of Sydney and Arichat, in the County of Cape-Breton.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the Justices of the Peace, resident in the Eastern and Western Districts of the County of Cape-Breton, at their next General Sessions of the Peace, to be held after the publication hereof, for the respective Districts, to procure and fit up a proper place in the Town of Sydney, and also the Town of Arichat, as Market-Houses, wherein Public Markets shall be respectively held for the sale of all kinds of Butcher's Meat, Poultry alive or dead; Fish, Roots, Greens, Fruits, and other Vegetables, on such days of the week, and during such hours, as the Justices in their several Sessions shall from time to time appoint; and it shall and may be lawful for the said Justices, to appoint the first Market day for the opening and establishing of the said Markets respectively, from which day, ever after, such Market or Markets shall be severally deemed and taken to be Public Markets; and an Act, made in the sixth year of the reign of His late Majesty King George the Third, entitled, An Act against forestallers and regrators, shall, from that day forth, be in full force and effect, in and within the District in which each Market may be established in the said County of Cape-Breton.

Establishment of
Public Markets in
Sydney and Arichat

II. And be it further enacted, That it shall and may be lawful for the said Justices in

Keepers of Market-Houses—how appointed—their power and authority

in their General Sessions, from time to time, and at all times hereafter, to nominate and appoint Keepers of said Market Houses, respectively, who shall be sworn to the faithful discharge of his or their office, and shall have the same power and authority as a Constable, in all matters relating to keeping peace and order in the said Markets; and the said Justices may, from time to time, at their pleasure, remove such Keeper or Keepers, and appoint another in his room, and shall regulate and fix the rate or rates of the stalls or standings in said Markets, and shall have full power and authority to make and publish such bye-laws from time to time as may be necessary for the better regulating, ruling, governing and ordering, said Market or Markets when established. *Provided*, the same be not repugnant to the Laws of Great-Britain, or of this Province, and it shall be lawful for the said Justices to enforce obedience to such bye-laws, by imposing a fine, not exceeding the sum of ten shillings, for each and every offence; and upon due conviction of any offender against such bye-laws, before any one of His Majesty's Justices of the Peace, for the said County, it shall be lawful for such Justice to cause such fine to be levied by Warrant of Distress, and sale of the offender's Goods and Chattels.

Bye-Laws for Markets

Market-Houses—how provided and kept in repair

III. *And be it further enacted*, That it shall and may be lawful for the Grand Jury of the several Districts in the said County, from time to time, to raise, by presentment in the usual form, so much Money as may be necessary to build, repair and erect, the said Market Houses; and the rent of the stalls and standings in said Markets, together with all fines and forfeitures, arising in pursuance of this Act, shall be applied to the keeping of said Market Houses, respectively, in repair, and to no other use.

CAP. XIII.

See 4 Geo. 4
Cap 25

An ACT for altering the time of holding the Courts of Common Pleas and General Sessions of the Peace in the County of Cumberland.

Preamble

WHEREAS, the holding the Courts of Common Pleas and General Sessions of the Peace on the second Tuesday of April, and the last Tuesday of October, in the County of Cumberland, hath been found inconvenient, for remedy whereof:

Courts of Common Pleas and General Sessions of the Peace—when held in Cumberland

I. *BE it enacted by the Lieutenant-Governor, Council and Assembly*, That the said Courts of Common Pleas and General Sessions of the Peace, shall, in future, be held in the Township of Amherst, in the County of Cumberland, on the last Tuesday of April and the first Tuesday of November, any law, usage or custom, to the contrary notwithstanding.

Return of Writs

II. *And be it further enacted*, That all such Writs, as may have been, or shall be issued, returnable to the said Court, on the second Tuesday of April, shall, instead thereof, be returnable on the last Tuesday of April; and all Writs, hereafter to be issued, shall be made returnable on the last Tuesday of April, and the second Tuesday of November, the day of the sitting of the said Courts, and the parties shall be bound to appear in said Courts accordingly.

Grand and Petit Jurors

III. *And be it further enacted*, That the Grand and Petit Jurors shall respectively serve for said Inferior Courts of Common Pleas and General Sessions of the Peace, in the Township of Amherst and County of Cumberland, on the last Tuesday of April and second Tuesday of November, in each year, any law, usage or custom, to the contrary notwithstanding.

CAP. XIV.

An ACT to continue an Act for establishing a Bridewell, or House of Correction, for the County of Halifax, and for providing a Police Office in said Town, with proper Officers to attend the same. Expired

CAP. XV.

An ACT to continue an Act, entitled, An Act to provide for the greater security of this Province, by a better regulation of the Militia, and to repeal the Militia Laws now in force. Expired

CAP. XVI.

An ACT to extend an Act, passed in the forty-first year of His late Majesty's reign, entitled, An Act for the repairing, keeping in repair, cleansing and paving, the Streets in the Town and Peninsula of Halifax, to the Town of Windsor. Repealed by 7 Geo. 4 Cap 3

CAP. XVII.

An ACT to continue an Act, in addition to an Act, passed in the thirty-third year of the Reign of His late Majesty George the Second, entitled, An Act for regulating the Rates and Prices of Carriages. Expired

CAP. XVIII.

An ACT to continue an Act, entitled, An Act for the better preservation of the Property of the Inhabitants of the Town of Halifax, by providing for a sufficient Watch at Night. Expired

CAP. XIX.

An ACT to continue the several Acts now in force, regulating the expenditure of Monies for the service of Roads and Bridges. Expired

CAP. XX.

Expired

An ACT to continue an Act, made and passed in the thirty-eighth year of His late Majesty's reign, entitled, An Act to amend and render more effectual an Act, passed in the eighteenth year of His present Majesty's Reign, entitled, An Act to prevent forestalling, regrating and monopolizing, of Cord Wood in the Town of Halifax; and also the Act now in force in addition thereto.

CAP. XXI.

Expired

An ACT to continue an Act, entitled, An Act in addition to and in amendment of an Act, passed in the forty-first year of His Majesty's Reign, entitled, An Act for repairing, cleansing and paving, the Streets in the Town and Peninsula of Halifax, and for removing obstructions therein; and also the Act in amendment thereof, passed in the forty-second year of His present Majesty's Reign,

CAP. XXII.

Expired

An ACT to continue the Act to provide for the accommodation and billeting of His Majesty's Troops, or of the Militia, when on their march from one part of the Province to another; and also the Acts in amendment thereof.

CAP. XXIII.

Expired

An ACT to continue the several Acts of the General Assembly, for raising a Revenue to repair the roads throughout the Province, by laying a Duty on Persons hereafter to be licensed to keep Public Houses and Shops, for the retail of Spirituous Liquors.

CAP. XXIV.

An ACT more effectually to secure the payment of the Provincial Duties of Excise, and to prevent Frauds in the Collection of the Provincial Revenue.

Continued with amendments by 7 Geo. 4. cap. 31.

WHEREAS dutiable Articles to a large amount are Smuggled into this Province, from the other British Colonies in North-America, and frauds have been committed in obtaining Drawbacks of the Duties secured in this Province, under pretence of exporting the same to some one of the said Colonies, for remedy whereof :

Preamble

I. BE it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the publication hereof, it shall not be lawful for any Collector of Impost and Excise to grant any drawback of the Duties on Goods exported, until the same shall have been passed and allowed by the Commissioners of the Revenue.

Drawbacks only allowed by Commissioners of Revenue.

II. And he it further enacted, That hereafter, the said Commissioners of the Revenue shall not allow any Drawback of the Duties on Goods exported from this Province to Canada, Prince Edward Island, Newfoundland or New-Brunswick, unless the person or persons claiming such Drawback shall produce, in addition to the Certificates which the law at present requires, a Certificate under the hand and seal of the proper Officer or Officers who collect at, and receive the Provincial Duties of, the said before named Colonies or Provinces, of all the Duties due and payable to His Majesty in such Colonies or Provinces, whether the same be imposed by a British Act or Acts of Parliament, or by any Provincial Statute or Statutes, Ordinance or Ordinances : and such Certificates shall specify that all the Duties due and owing to His Majesty, as aforesaid, upon the Goods mentioned in the Export Permit, granted in this Province, have been duly paid or secured, according to law, in the Colony or Province to which the same shall have been exported as aforesaid ; and in case the said Commissioners of the Revenue, after examining the Certificates by Law required to obtain a Drawback of Duties, shall have any reasonable doubt as to the right of the party claiming the same, it shall be lawful for the said Commissioners to suspend the allowance of such Drawback, and to require the party claiming to produce such further proof respecting the export, landing and paying of said Duties, as the said Commissioners may think sufficient to remove any reasonable doubts they may entertain respecting the justice of such claim ; and if the party making such claim shall neglect or refuse to produce such further proof, within a reasonable time to be allowed by the said Commissioners, it shall and may be lawful for the said Commissioners to reject and refuse the claim for such Drawback.

Certificates to be provided by Claimants of Drawbacks

Doubt's as to the right of Claimants to Drawbacks

And, to put a stop to the Smuggling into this Province, from any of the said British Colonies or Provinces in North-America, any Goods, Wares and Merchandise, subject to a Provincial Duty of Impost and Excise :

III. Be it enacted, That the Master and Owner or Owners of any Ship or Vessel on board of which any Goods, Wares or Merchandise, subject to a Duty of Impost and Excise, shall have been imported and brought into this Province, from any of the said British Colonies in North-America, and on which the duties due as aforesaid shall not have been duly paid or secured according to law, such Master, Owner or Owners, over and above the penalties and forfeitures to which they are at present liable, shall each severally forfeit and pay to His Majesty, for each and every such offence, a penalty not less than ten pounds, nor exceeding one hundred pounds, over and above being bound jointly or severally to pay to His Majesty the full amount of the Duties due on the Goods clandestinely landed from such Vessel or Vessels ; and all and every person

Landing Goods clandestinely

Persons having
Goods in posses-
sion on which the
duties have not
been paid

concerned in exporting to this Province, from any of the said British Colonies or Provinces, or in bringing in, importing, landing, receiving, or helping to land or receive, into this Province, or in any shape having, in his or their possession, any Goods, Wares or Merchandise whatsoever, whereon the Duties of Impost and Excise shall not have been paid or secured as the law directs, each and every such person, for each and every such offence, over and above the penalties and forfeitures to which they may be at present liable, shall each severally pay to His Majesty a penalty not to exceed, as aforesaid, one hundred pounds, nor less than ten pounds, besides being each jointly and severally liable to pay to His Majesty the full amount of the Duties of Impost and Excise payable on all or any of the said Goods, Wares and Merchandises, so by them or either of them imported, brought, landed and received, from any place whatsoever, or helped to be landed or received, or who may have the same in possession, if such Duties shall not have been previously paid or secured as the law directs.

False Certificates

IV. *And be it further enacted,* That if any person or persons in this Province, shall hereafter grant or give any Certificate or Document, in writing, stating therein that any Goods, Wares or Merchandise, whatsoever, have been landed or put on shore in this Province, for the purpose of enabling any person to obtain the Drawback allowed in the United States, or any of the Provinces or Colonies of North-America, such person or persons, if unable to prove that the Goods, Wares and Merchandise, so specified in any such Certificate, have duly paid, or secured, in this Province, the Duties of Impost and Excise due thereon, shall, for each and every such offence, severally pay a like penalty, not exceeding one hundred pounds nor less than ten pounds, over and above being either jointly or severally liable to pay the full amount of the Duties due on the Goods, Wares and Merchandise, specified in such Certificate or Certificates, Document or Documents; and every person or persons, convicted of granting any such false Certificate, shall, after such conviction, be forever after rendered incapable to serve His Majesty, in any office of trust or confidence, within this Province, notwithstanding any commission or appointment, given to, or made in favor of, such person or persons so convicted as aforesaid.

Prosecutions

V. *And be it further enacted,* That no suit or prosecution of any kind, under all or any of the Provincial Revenue Laws, shall hereafter be commenced or prosecuted, unless the same shall have first been ordered and directed to be commenced and prosecuted by the Commissioners of the Revenue, and all such suits and prosecutions shall be commenced, prosecuted and tried, in the Exchequer side of His Majesty's Supreme Court, or in the Inferior Court of Common Pleas, for the County or District in which the Cause of Action shall arise; and the Certificate of the said Supreme Court, or Inferior Court, in which any Revenue Cause shall hereafter be prosecuted, shall be sufficient to bar the party or parties concerned in such prosecution, from any suit or action for or on account of any act, matter or thing, which shall have been the subject matter of such prosecution, in case the said Certificate shall specify that there was a probable and reasonable ground for such proceeding.

Evidence

VI. *And be it further enacted,* That all Certificates and Copies of Official Papers, if duly and properly proved to be certified under the hand and seal of the Principal Officer or Officers of His Majesty's Customs, or of the Officer or Officers employed in receiving or collecting the Provincial Revenue, in any of His Majesty's Colonies or Plantations in North-America or the West-Indies, shall and may be received as evidence, on any trial or prosecution carried on under and by virtue of this Act, or any other the Revenue Acts of this Province.

King's Debtors

VII. *And be it further enacted,* That hereafter the Collectors of Impost and Excise, in addition to the bonds by law directed to be taken, as security for the payment of

of the Duties of Impost and Excise, shall take from the principal and sureties named in every Bond, a Warrant of Attorney, by them duly executed under their hands and seals, directed to the Attorney or Solicitor-General, authorising them, or either of them, if any sum or sums of Money shall have become due and unpaid on the Bond to which such Warrant refers, to appear either in the Supreme Court, during any of its sittings, or before the Chief-Justice, or any of the Judges of the same Court, and to confess judgment, in the names and on the behalf of the persons who are the King's Debtors, under and by virtue of any such Bond, for the full amount of the sum thereby secured and promised to be paid to the King; and it shall be lawful for the said Supreme Court, Chief-Justice or Judges, to direct the Prothonotary of such Court to file such Bond and Warrant of Attorney, and Plea of Confession so to be made by the said Attorney or Solicitor-General, and to cause a Judgment to be entered, docketted and signed, in the books in which the Judgments of the said Court are usually entered, for the amount of the debt secured in such Bond, together with the cost, and it shall and may be lawful to sue out execution on behalf of the King for the amount of the Debt and Costs specified in every such Judgment.

VIII. *And be it further enacted*, That it shall not be lawful, for any Collector of Impost and Excise within this Province, to take or permit any person to join as surety in any Bond for the payment of Duties, if such person shall have already suffered a suit to be commenced against him, by reason of his not paying any Bond entered into by him, as principal, for the security of any such Duties as aforesaid. Sureties

IX. *And be it further enacted*, That this Act, and every matter and thing contained therein, shall be and continue in full force for one year, and from thence to the end of the next Session of the General Assembly, and no longer. Continuance of Act

CAP. XXV.

An ACT to provide for the support of a Light-House erected on Cranberry Island, near the entrance of the Gut of Canso.

Continued by 6, Geo. IV. Cap. 26, with amendments, and both Acts continued by 7, Geo. IV. Cap. 27

WHEREAS, a Light-House has been erected at a great expense, on Cranberry Island, at the entrance of the Gut of Canso, which has been found highly useful to all vessels, passing in or out of the said Gut of Canso, or navigating to or from the Harbours contiguous to the entrance into the said Gut, and it has become necessary to provide funds to support and maintain the said Building, and the Light kept therein :

Preamble

I. *BE it enacted*, by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful, for the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, to appoint and establish so many fit and proper persons as may hereafter be thought necessary, at any or all of the Harbours, Creeks and Places, within the Gulf of St. Lawrence, in the said Gut of Canso, in the Island of Cape-Breton, and in the Harbours, Creeks, and Rivers, contiguous to the entrance of the said Gut, with full powers to collect, and receive, the Duties by this Act imposed for the support of the said Light-House.

Appointment of Collectors of Light Duties in Canso, &c.

II. *And be it further enacted*, That the same Light-Duties which are now paid by vessels entering the Harbour of Halifax, shall hereafter be paid by all Ships and Vessels, of every Country, kind and description, which shall enter, and come to anchor, in any Port or Place, on the Gulf of Saint Lawrence, in this Province; in the Gut of Canso; Saint Andrew's Passage; the Harbour of Little Canso; Saint Peters, in the Island of Cape-Breton; Arichat, or any of the Harbours of the Island of Madame;

Light Duty

Proviso

Madame: *Provided always*, That no Light-Duty for the said Light-House shall be required or paid by any Ship or Vessel entering into any of the said Harbours or Places, and anchoring therein as aforesaid, which shall have paid any Light-Duty upon the said voyage for any other Light-House within the Province.

Acts 33d, 55th,
56th, 59th, &c
extended to Cran-
berry Island Light
House

III. *And be it further enacted*, That all the Provisions, Clauses and Regulations, mentioned and contained in an Act, passed in the thirty-third year of the Reign of His late Majesty King George the Second, entitled, An Act for regulating and maintaining a Light-House on Sambro Island; in an Act, passed in the thirty-third year of the same King's Reign, entitled, An Act in addition to, and amendment of, the first before-recited Act, for regulating and maintaining a Light-House on Sambro Island; in an Act, passed in the fifty-fifth year of the Reign of His late Majesty King George the Third, in addition to, and amendment of, the said first recited Act; in an Act, passed in the fifty-sixth year of the same King's Reign, entitled, An Act to authorise the appointing of Commissioners for Light-Houses; and also in an Act, passed in the fifty-ninth year of the same King's Reign, entitled, An Act to revive, continue and amend, an Act to provide for the support of a Light-House at the South End of Coffin's Island, at the Eastern side of the entrance of Liverpool Harbour: and all and every other clause or provision, which regulates the Light-Houses of the Province, and provides for collecting the Light-Duties, and compelling the payment thereof; and regulating the expenditure of the monies so collected, the powers of the Collectors, and the allowance for collecting, and all other matters and things relative thereto, are hereby extended to the said Light-House at Cranberry Island, and are, and shall be made, applicable to enforce and compel the payment of the Duties hereby imposed for the support of the said Light-House on Cranberry Island.

Collectors requir-
ing assistance

IV. *And be it further enacted*, That it shall and may be lawful for any of the said Collectors, appointed by virtue of this Act, to call to their aid, in the execution thereof, all Magistrates, Constables, and Peace Officers, and all others His Majesty's Subjects, who are hereby bound, when so required, to afford the said Collector or Collectors every help and assistance in their power, to compel the payment of the Duty imposed by this Act, unless the Master or Person having charge of such vessel, shall produce a Light-Bill and Receipt, or Discharge, for such Duty, from some one of the Collectors appointed to receive the same; which Light-Bills the Commissioners shall provide in proper form, and supply the said Collectors with the same; and in case the Master, Owner or Person, having charge of any such vessel, shall refuse to pay such Duty, it shall be lawful for any of the said Collectors to seize the same, and to proceed as is directed in and by the said before-recited Acts, to levy the said Duties, together with the Penalties and Forfeitures in and by the said Acts directed and imposed.

Refusal to pay
Light-Duty

Coasting and Fish-
ing Vessels

V. *And be it further enacted*, That all the rules and regulations, which are, by the before-recited Acts, made applicable to Coasting and Fishing Vessels, shall be applied to the Coasting and Fishing Vessels which are solely and wholly owned by any person or persons residing on the shores, and carrying on business within the limits and precincts herein before appointed for the said Light-House; and if any question shall arise respecting the Ownership of any Ship or Vessel, or whether the same be liable to the Coasting Regulations, or to the Duties to be paid by resident or non-resident Owners, the same shall be determined by the Certificate of Registry, and other Custom-House Papers.

Exemption from
Light-Duty

VI. *And be it further enacted*, That all Vessels that are owned by the Inhabitants of the Province, and are employed in the Fisheries during the season for Fishing, shall be deemed Fishing Vessels, within the true intent and meaning of the aforesaid Acts, and be entitled to an exemption from the payment of Light-Duties, save the twenty shillings

shillings a year, notwithstanding such Vessels may be, at other seasons, employed on Coasting Voyages.

VII. *And be it further enacted*, That if any Collector or other Person shall be sued for any thing done by him, under this Act, it shall be lawful for him to plead the general issue, and give this Act and the special matter in evidence. Prosecution of Collectors

VIII. *And be it enacted*, That this Act shall be, and continue, in force for one year, and from thence to the end of the next Session of the General Assembly. Continuation of Act

CAP. XXVI.

An ACT to continue the several Acts respecting the Liverpool Light-House. Expired

CAP. XXVII.

An ACT to regulate the Driving of Carriages on the Streets of Halifax, or Public Roads of this Province. Repealed by 4, Geo. IV. Cap. 28

CAP. XXVIII.

An ACT for the Relief of David Williams, an Insolvent Debtor. Executed

CAP. XXIX.

An ACT for the greater security of the Town of Halifax against Fire, and the preventing the Erection of Wooden Buildings, beyond a certain height, within the same.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the publication of this Act, it shall not be lawful for any person to build or erect any Dwelling-House, Store, Stable, or other Out-House, within the following limits of the Town of Halifax, to-wit:—commencing at Morris-Street, in the South Suburbs, and extending to Cornwallis-Street, in the North Suburbs, exceeding the following dimensions, that is to say: thirty feet in depth from the range of the Street on which such Dwelling-House, Store, Stable or other Out-house, shall adjoin; twenty feet in height, from the surface of the stone-wall which encloses the cellar, which Wall shall not exceed two feet above the surface of the Street, adjoining the said Dwelling-House, Store, Stable, or other Out-house, to the ridge-pole or highest elevation of the Building, except such Dwelling-House, Store, Stable, or other Out-house, shall be made and constructed of stone, brick, or timber faced with brick, with firewalls of brick or stone, rising at least twelve inches above the roof, and covered with tile, tin, or slate, or other safe materials against fire. Erection of Wooden Buildings prohibited

II. *And be it further enacted*, That if any Dwelling House, Store, or other Building, shall be erected, constructed, covered or roofed, contrary to this Act, except as herein before excepted, the Proprietor or Proprietors thereof shall, for every such offence, forfeit and pay the sum of twenty pounds; and the further sum of ten pounds for every month Penalties or violations of Act

month such offence shall be and continue ; and the Workmen who shall build, construct, raise, erect or roof, such Dwelling-House, Store or other Building, contrary to this Act, shall, for every such offence, forfeit and pay the sum of five pounds, to be recovered, with costs of suit, by any person who shall sue or prosecute for the same to effect, by bill, plaint or information, in His Majesty's Supreme Court of this Province: the one half thereof to the person so prosecuting, and the other half to the use of the Poor of the said Town of Halifax.

Proviso

III. *Provided always,* That nothing in this Act shall extend, or be construed to extend, to any Wooden Buildings, that may hereafter be erected within sixty feet from the east side line of Water-Street, into the Harbour, or the westward of Barrack-Street, Pleasant-Street, in the south suburbs, and Gotengin-Street, in the north suburbs. *And provided always,* That nothing herein contained shall extend, or be construed to extend, to prevent any person from erecting any Wooden Building, or addition to a Wooden Building, who shall have made, contracted for, or procured, any frame for a Wooden Building, or addition to a Wooden Building, before the first day of March, in this present year, provided such frame shall be erected and put up on or before the first day of June next, after the passing of this Act. *And provided always,* That nothing herein contained shall prevent any person from repairing or roofing any Wooden Building, which shall have been built before the passing of this Act.

Repair of Wood-
en Buildings

Amended by 6,
Geo. IV. Cap. 10,
and continued by
7, Geo. IV. Cap.
25.

Debts not exceed-
ing £5 how re-
covered

Debts not exceed-
ing £3 how re-
covered

Judgment

Execution

Proviso

CAP. XXX.

An ACT for the Summary Trial of Actions.

BE it enacted, by the Licutenant-Governor, Council and Assembly, That it shall and may be lawful for any person or persons who have debts owing to him or them, by any other person or persons, where the whole dealing, or Cause of Action, shall not exceed Five Pounds, to sue for the same in the manner following, that is to say: if the sum demanded shall not exceed Three Pounds, to cause such Debtor to be summoned to appear before any one Justice of the Peace, of the County or District where the Debtor shall reside ; and if the sum demanded shall be more than Three Pounds, but does not exceed Five Pounds, to cause such Debtor to be summoned to appear before any two Justices of the Peace of the County or District where the Debtor shall dwell: and the said Justice or Justices, after such Summons, issued and duly served, is, and are hereby impowered to proceed to make up final judgment between the parties, and shall allow the Defendant to produce his Account against the Plaintiff, or any Receipt or other Discharges, for payment made, either in whole or in part ; and the said Justice or Justices shall examine and inquire into the merits of both Accounts, and of such discharges, and by such other proof as to him or them shall seem requisite, or upon confession of the Debtor, to ascertain the debt due, and to decree the payment thereof, and to award costs as he shall find, whether for the Plaintiff or Defendant, without appeal, unless the Debt or Cause of Action shall amount to Twenty Shillings or upwards, any law, usage or custom, to the contrary notwithstanding.

II. *And be it further enacted,* That if any Debtor, after being duly summoned to appear, shall, without just cause, to be allowed of by the said Justice or Justices, refuse or neglect to perform such decree or judgment as shall be made concerning such Debt as aforesaid, it shall and may be lawful for such Justice or Justices to issue Execution against the Goods, Chattels or Body, of such Debtor, for the sum awarded, with costs: which Execution shall be returnable in twenty days from the day on which it shall be issued, any law, usage or custom, to the contrary notwithstanding. *Provid-*

ed

ed always, That no person shall be arrested in any case, for a Debt due by him under Twenty Shillings, nor for any larger Debt not exceeding three pounds, unless, in addition to the Affidavit of the Debt, the party applying shall also make Oath that he verily believes that unless a Writ of Capias be allowed the Debt will be lost.

III. *And be it further enacted,* That the Summons or Capias shall be served on such Defendant at least three days previous to the day on which such Writ shall be made returnable as aforesaid. Service of Summons or Capias

IV. *And be it further enacted,* That the forms of the Writs of the Summons, Capias and Executions, to be used by the Justices of the Peace, under this Act, shall be the same, in every respect, as those described in an Act, made and passed in the forty-eighth year of the reign of His late Majesty King George the Third, entitled, An Act for the Summary Trial of Actions. Form of Writs, &c.

V. *And be it further enacted,* That the Fees to be taken and received in all Causes before such Justice or Justices, shall be as follow: Fees

JUSTICE'S FEES.

- On Writ of Summons—Two Shillings.
- On Capias and Affidavit—Two Shillings and Six Pence.
- On Judgment—One Shilling.
- On Execution—One Shilling.

CONSTABLE'S FEES.

- Service—One Shilling.
- Travel—Three Pence per Mile.
- Witnesses—Each Two Shillings and Six Pence, and travel Three Pence per Mile.
- Subpœna—One Shilling.

VI. *And be it further enacted,* That all Actions, for the recovery of any Debt, between Five Pounds and Twenty Pounds, shall be brought in the Supreme and Inferior Court of Common Pleas, within this Province, which said Courts are empowered to try the same in a summary way, by witnesses, to examine the merits of such Causes and to make up judgment accordingly. *Provided always,* That when either of the parties desire it, the Court shall order a Jury to try the same. Debts not exceeding £20 how recovered
Proviso

VII. *And be it further enacted,* That the Fees, to be hereafter received in the said Supreme and Inferior Court, in all Causes between Five Pounds and Ten Pounds, shall be as follow: Fees

ATTORNIES' FEES.

- On Writ—Five Shillings.
- Trial and Judgment—Four Shillings.
- Pubpoena—One Shilling.
- Execution—Two Shillings and Six Pence.

JUDGES' FEES.

- On Judgment only, the whole Court—Two Shillings and Six Pence.

PROTHONOTARY'S FEES.

- On Writ—One Shilling.
- On Judgment—One Shilling and Sixpence.

VIII. *And be it further enacted,* That if any Justice or Justices, Judge or Judges, Attorney or Attornies, Prothonotary or Prothonotaries, shall ask, demand or receive, any greater or other Fees than are herein allowed, he or they shall forfeit and pay a fine of Ten Pounds, together with costs, to be recovered in any Action or Suit, by him or them that will sue for the same, in any Court of Record within the County where such greater Fee or Fees than are herein allowed shall have been received: which Court of Record shall hear and determine such Action in a summary way. Demanding greater Fees than are allowed by this Act

Execution of
Judgment given in
Commissioner's
Court

IX. *And be it further enacted*, That the Commissioners of the several Courts heretofore established within this Province, shall have power to issue Executions on the several Judgments which may have been obtained heretofore, in their respective Courts, and to proceed to collect the money due on such Judgments in the same manner as if the Act for the Summary Trial of Actions, made and passed in the fifty-eighth year of the reign of His late Majesty King George the Third, was in full force and effect.

Continuance of
Act

X. *And be it further enacted*, That this Act shall be in force for one year, and from thence to the end of the next Session of the General Assembly.

CAP. XXXI.

Executed

An ACT to authorise the Sale of the Old Court-House and Jail, and the Lot of Land on which the same stand, at Guysborough, in the County of Sydney.

CAP. XXXII.

Continued and
amended by 4 & 5
of Geo. IV. Cap. 8

An ACT for consolidating, and reducing into one Act, all the Acts, heretofore made, relating to Trespasses.

Fences, Materials,
Height

BE it enacted by the Lieutenant-Governor, Council and Assembly, That all Fences belonging to any enclosed Lands, shall be built or made with stones, pickets, boards, logs, poles, brush, or posts and rails, unless the lands are bounded by ponds, unfordable rivers, or the sea, or surrounded by good and sufficient hedges; and such Fences and Hedges shall be at least four feet and a half high, except on the Peninsula of Halifax, where four feet in height shall be adjudged a legal fence under this Act; and if any damage be done by breaking such enclosures, and destroying any of the product thereof, by horses, sheep, hogs and neat cattle, if such enclosure shall, at the time of such damage, be enclosed by a good and sufficient fence, agreeable to this law, in the judgment of the Fence-Viewer, who is hereby appointed to view the same, the Owner of such Cattle, so trespassing, shall pay, to the party injured, the value of all such damages, to be ascertained on an appraisalment thereof by three credible persons living in the neighbourhood, being first sworn before one of His Majesty's Justices of the Peace in the County where such lands lie, truly to value the same; and in case the owner of the said Cattle, or Hogs, shall refuse to pay the value of such appraisalment, upon notice thereof given to him, the injured party may have and maintain his action therefor, before any one or more of the said Justices, or before the Inferior Court of Common Pleas, according to the value of such damage.

Trespassing upon
enclosures

And Whereas, *the Owners and Proprietors of Fields lying adjoining to other enclosed Fields do neglect to fence a proportionable part of such Fields:*

Owners of Fields
neglecting or re-
fusing to do their
proportion of
fencing

II. *Be it enacted, by the authority aforesaid*, That the Proprietor of any Field adjoining to another enclosed and improved, shall build up and maintain his part or proportion of Fencing, with a good and sufficient Fence of four feet and a half high, on that part of such Land as is adjoining to his own; and in case he neglects so to do, within the space of ten days after notice given him, it shall and may be lawful, and any one of the Fence-Viewers, upon application being made to him, in such case, is hereby empowered forthwith to cause such deficient Fence to be raised or made, or otherwise to repair any Fence already made, if in his judgment the same is insufficient, and

and the person or persons that of right ought to build and maintain the same, shall pay double the costs and charges expended for the closing thereof; and, in case of refusal, such Fence Viewers may recover the same, by Action on the case, according to the value, in manner aforesaid. *Provided always*, That no Fence-Viewer shall be allowed more than three shillings per day in his account, for his own trouble and time expended therein. And if any Fence-Viewer, when notified, shall neglect his duty herein, he shall forfeit forty shillings for every offence.

III. *Provided always, and be it further enacted*, That nothing herein contained shall extend, or be construed to extend, to compel any owner or proprietor of any wood, barren, or burnt land, and not under improvement, to make any part of the fence against or on the said wood, barren or burnt, land: any law or usage to the contrary notwithstanding.

Proviso in favor
of Proprietors of
unimproved lands

IV. *And be it further enacted by the authority aforesaid*, That if any damage shall be done by breaking any enclosure, and destroying any of the product thereof, by any horses, sheep, goats, swine or neat cattle, it shall and may be lawful for the person or persons whose fence or fences shall have been so broken, and whose enclosures shall have received such damage, to cause the said horses, sheep, goats, swine or neat cattle, to be impounded until the Owner or Owners of such cattle, so trespassing, shall claim the same; and the Keeper shall cause the same to be cried or advertised in three of the most public places in the Township or Settlement wherein the trespass shall be committed, as soon as may be, in order that the person or persons injured may proceed against the said Owner or Owners of such horses, sheep, goats, swine or neat cattle, refusing to pay the damages done by their said horses, sheep, goats, swine or neat cattle, as is directed by the first clause of this Act; and the Owner or Owners of such horses, sheep, goats, swine or neat cattle, shall pay to the Keepers of the Pound, over and above the damages which shall be adjudged to have been done by the said horses, sheep, goats, swine or neat cattle, for the support of the same, for each and every day the same shall have been impounded, one shilling for each and every horse and head of neat cattle, and six pence for every sheep, goat or swine; and if the Owners of such horses, sheep, goats or swine, or neat cattle, shall refuse to pay the same to the Keeper of the Pound, together with the charge of crying or advertising the same, within eight days after the same shall be impounded, the said horse or horses, neat cattle, sheep, goats or swine, shall be publicly sold, and the money arising from such sale, after deducting therefrom the pay of the Keeper for supporting them, and the damages done by the horse or horses, neat cattle, sheep, goats or swine, the remainder shall be paid to the Owner, and if no Owner shall appear within thirty days, then to the Overseers of the Poor for the Township or Settlement wherein the Trespass has been committed.

Cattle breaking in-
to enclosures lia-
ble to be impound-
ed.

Damages

V. *And be it further enacted*, That if any person or persons shall rescue any Swine, Horses, Sheep, Goats or Neat Cattle, from any Hogleave or other person, driving such swine, horses, sheep, goats or neat cattle, to the Pound, the offenders shall forfeit and pay, for such rescue, the sum of twenty shillings, over and above all damages that may be sustained by the Trespass of such swine, horses, sheep, goats or neat cattle; which penalty and damages shall be recovered by the Oath of one credible Witness, before any one of His Majesty's Justices; and to be levied by Warrant of Distress, and sale of the offender's goods and chattles; and if any person or persons shall make any breach of the said Pound, or shall, by any other indirect means, deliver any swine, horses, sheep, goats or neat cattle, out of the same, the person or persons so offending, being duly convicted thereof, before any two of His Majesty's Justices of the Peace, shall forfeit and pay the sum of five pounds, to be levied as aforesaid; and the said Penalties for every rescue and pound-breach, shall be paid to the Overseers of

Rescuing Cattle
from Hogleaves,
&c

the Poor, for the Township or Settlement in which the offence shall have been committed, for the use of the Poor of such Township or Settlement, after deducting the charges of repairing any such breach of the Pound.

Regulations for preventing Trespasses

VI. *And be it further enacted*, That the Justices, in their General Sessions of the Peace, in the several Counties and Districts within the Province, shall be empowered, and are hereby directed, to make Regulations for preventing Trespasses by horses, swine, sheep, goats, and neat cattle, going astray or at large, in manner as shall be most agreeable to the circumstances of the County or Districts, or Townships therein.

Violation of Regulations.

VII. *And be it further enacted, by the Lieutenant-Governor, Council and Assembly*, That if any person shall transgress any regulations made by the Justices, in the Sessions as aforesaid, for the preventing of Trespasses as aforesaid, shall be subject to a fine not exceeding forty shillings, to be recovered on complaint or information before any two of His Majesty's Justices of the Peace, for the County wherein the offence shall have been committed, or before the Sessions in the said County.

Seizure of Swine going at large

VIII. *And be it further enacted*, That it shall and may be lawful, for any person whatsoever, to take and seize all swine and goats, going at large within any Township or Settlement in the Province, and upon proof thereof, on the Oath of one credible Witness, before any one of His Majesty's Justices of the Peace, for the County or District in which such Township or Settlement shall be situated, the same shall be by him declared forfeited: one third of the value of which to be paid to the prosecutor, and the remainder to and for the use of the Township or Settlement, wherein the same shall have been so seized and taken, and shall be accordingly disposed of by him for their use.—*Provided*, the General Sessions of the Peace shall not have made regulations to the contrary, under the provisions of this Act.

Destroying Fences &c

IX. *And be it further enacted*, That if any person or persons, (not being the Proprietor or Proprietors or having legal authority) shall throw down or remove any fence or stone wall, or any part thereof, enclosing any parcel of ground within this Province, or shall carry away any rails, posts, gates, bars, boards, or any other materials, whereof Fences are made, or shall level any ditches, or cut down any hedges, such person or persons shall, upon conviction thereof, before the General Sessions of the Peace, or before any Court of Record within this Province, (over and above the damages given to the party injured) forfeit and pay a sum not exceeding ten pounds, one half to His Majesty, for the support of the Government of the Province, and the other half to the Prosecutor; and if such person or persons shall be unable to pay the same, he or they shall be committed to the House of Correction or Gaol, there to be kept to hard labour for the space of two months, or to be whipped at the discretion of the Court.

Horses straying or trespassing.

X. *And be it further enacted*, That for all horses that shall be found astray in the Town or within the Peninsula of Halifax, or that shall be found trespassing therein, the Owner of such horse or horses shall forfeit and pay the sum of ten shillings for each and every such horse, over and above the damages: which forfeiture and damages shall be recovered, on proof thereof, before any one of His Majesty's Justices of the Peace for the County of Halifax, one half thereof to the Prosecutor, and the other half to the use of the Poor of the Town of Halifax, and where no Owner shall appear to pay the costs, damages and fine, it shall and may be lawful for the Justice of the Peace, who has heard and determined the same, after public advertisements given for ten days, to sell the said horse; and the surplusage, over and above the payment of the costs, damages and fine, to be restored to the Owner, when he appears.

And Whereas, the preservation of the trees, and under-brush, growing on the Lands lying on the Road leading to Fort Sackville, between the said Road and Bedford Basin, has been found useful and necessary for the preservation of the said Road:

XI. *Be it therefore further enacted, by the authority aforesaid,* That if any person or persons shall cut down, or otherwise destroy, any trees or underbrush, growing (within thirty feet of the road) on the land that lies between the said Road, leading from Halifax to Fort Sackville, on that side next Bedford Basin, shall, on proof thereof, by the Oath of one credible witness, before one of His Majesty's Justices of the Peace for the County of Halifax, be convicted, forfeit and pay the sum of forty shillings, to be levied by Warrant of Distress on the offender's goods and chattels: which fine, so levied, shall be applied, one half to the informer, and the other half to and for the use of the said Road.

Penalty for cutting down Trees bordering on Road leading from Halifax to Sackville.

And Whereas, *the expense attending the process in suing out replevins in the Courts of Law in cases of trespasses by horses, neat cattle, sheep, goats, and swine, where the value of the damage does not exceed three pounds, is found to be grievous:*

XII. *Be it therefore enacted, by the authority aforesaid,* That, in all cases where a trespass, or supposed trespass, shall have been committed by horses, neat cattle, sheep, goats or swine, and that the value of the damage, alleged to be suffered, shall not exceed the sum of three pounds, the same shall be heard and tried before one or more Justices of the Peace, who shall summon the parties before him or them, and proceed thereon as in cases of debt, to determine the amount of the damages and cost, and give judgment accordingly: any law, usage or custom, to the contrary notwithstanding.

Prosecutions for Trespasses

XIII. *And be it further enacted,* That in all such cases where it may be necessary, the Justices of the Peace shall grant replevins, and take security for prosecuting the same with effect, within a term not exceeding seven days, which replevins shall be in the form following.—“You are hereby commanded to replevy to A. B. his which C. D. unjustly, as is alleged, detains, under pretence of having committed a trespass, not exceeding the sum of three pounds; and also to summon the said C. D. to be and appear before me, the day of at o'clock in the there to answer such things as shall be objected against him by the said A. B. Witness my Hand and Seal, this day of A. D.” and shall hear the merits of the case between the parties, and shall give Judgment and grant Execution, as in cases of Debt, and shall receive no more or greater Fees than Justices of the Peace have been heretofore allowed in such cases.

Replevins allowed

XIV. *And be it further enacted,* That any person or persons who shall cut or carry away any soil or sods from off any Common in the Province, whereby the pasturage shall be injured, or the ground defaced, he or they shall, on conviction, forfeit and pay for every such offence, a sum not exceeding twenty shillings, to be recovered, on due proof, before any one Justice of the Peace, and be for the use of the Prosecutor; and, in case the party convicted shall be unable to pay the fine imposed, it shall and may be lawful for such Justice to commit him to the common gaol of the County, there to remain for eight days, or until he pay such fine.

Trespasses upon Public Commons

XV. *And be it further enacted,* That such rivers, creeks, bays, harbours, and inlets of the sea, only shall be deemed sufficient and lawful fences, as, in the judgment of the Fence-Viewers of the Township or Place, where such lands lie, shall be sufficiently deep and inaccessible to prevent the passing of cattle.

Rivers, Creeks, &c. deemed lawful Fences.

XVI. *And be it further enacted,* That it shall and may be lawful, for the Justices of the Peace, in the General or Special Sessions of the Peace at Halifax, when five Justices at the least shall be attending, to make and publish, from to time, as they may judge necessary, such regulations respecting the places and manner of slaughtering Cattle, as they may think best calculated to cleanliness, and prevent risk or injury to the health of the Inhabitants in the Town and suburbs of Halifax; and also for the cleansing of the streets, and for disposing of, and removing, heaps of dung, ashes, or offals, which may

Places for slaughtering Cattle.

Cleansing the Streets

be

be laid therein, and suffered to remain to the annoyance of the neighbourhood or passengers, or to the incumbrance of the streets thereof.

Violation of Regulations

XVII. And be it further enacted, That all persons, whether butchers, carmen, farmers, gardeners, or others, who shall offend against such regulations, after the same shall have been published in some or one of the Newspapers, or proclaimed by the Town Crier, as the said Justices may direct, shall, for each and every offence, be liable to a fine not exceeding forty shillings, to be recovered before the General Sessions, or any two Justices of the Peace, for the County of Halifax, resident at Halifax, and to be applied by the said General Sessions, to the cleansing the drains and gutters of the streets and lanes thereof.

Recovery of Fines &c.

XVIII. And be it further enacted, That all fines and forfeitures, arising in the Town of Halifax, from the breach of the fifteenth section of the Act for repairing and mending Highways, Roads and Bridges, and Streets, and for appointing Surveyors of Highways, within the several Townships in this Province, shall in future be applied to the cleansing of the drains and gutters of the Streets and Lanes of Halifax, and not to the support of the Poor, any thing in the said Act to the contrary in anywise notwithstanding.

Trespassing in enclosed grounds

XIX. And be it further enacted, That if any person or persons shall be found trespassing in any meadow, orchard, garden, or fenced field, under cultivation and improvement, in any Township or Place in this Province, with a gun, or otherwise, unless by leave of the Owner or Occupier, he or they, for every such offence, shall forfeit and pay a sum not exceeding ten shillings, nor less than five shillings, with costs, to be recovered on due proof before any Justice of the Peace of the County or District in which such meadow, orchard, garden or fenced field, shall lie; one half for the use of the Owner or Occupier of the land, and the other half for the Poor of the Township or Place where the trespasses shall be committed.

Cutting down or injuring trees.

XX. And be it further enacted, That if any person or persons shall cut down or injure any tree or trees, growing on the lands of any person or persons within any Township or Place in this Province, or carry the same away without his or their leave, he or they, for every such offence, shall forfeit and pay a sum not exceeding forty shillings, nor less than five shillings, for each and every tree so cut and carried away, with costs; to be recovered, on due proof, before any Justice of the Peace for the County or District in which such lands shall lie; one half for the use of the Owner of the land, and the other half for the Poor of the Township or Place where the Trespass shall be committed.

Cutting down ornamental Trees

XXI. And be it further enacted, That if any person or persons shall cut down or injure any tree or trees planted for ornament, or left growing on the sides of any of the public squares, streets or public highways, in this Province, he or they shall pay for each and every ornamental tree so cut or injured, forty shillings, to be applied by the person or persons having the care or management of such public square, street or highway, in replacing or planting other ornamental trees on the sides thereof: to be recovered, in the King's name, by such ways and means as are provided in and by the nineteenth section of this Act. *Provided always,* That nothing herein contained, shall extend, or be construed, to prevent any Overseer of the Highways, under the order and direction of the Court of General Sessions of the Peace, from removing and taking away any tree or trees so planted, or left growing for ornament as aforesaid, as may be injurious to the said public squares, highways or streets.

Pulling down Stone Walls, Railings, Fences, &c.

XXII. And be it further enacted, That if any person or persons, shall cut, pull down, damage, or injure, any railing, stone wall or fence, of any kind, placed on the side or sides of any public square, bridge or causeway, throughout the Province, such person

or persons, for each and every offence, shall forfeit and pay a penalty not less than five shillings, nor greater than forty shillings, the same to be recovered as directed in and by the twentieth section of this Act, and shall be expended by the proper Officer or Officers in repairing the damage and injury so done.

XXIII. *And be it further enacted,* That in case any such trespasser or trespassers shall refuse or neglect to pay such fine or fines, it shall and may be lawful to commit him or them to the common Jail of the County or District, where the fine does not exceed ten shillings, for a term not exceeding four days, and where the fine exceeds that sum, for a term not exceeding one day for every two shillings and six pence that such fine shall exceed the said sum of ten shillings, or until such fine or fines shall be paid.

Refusing or neglecting to pay Fines

XXIV. *And be it further enacted,* That nothing in the eighteenth, nineteenth, twentieth, twenty-first and twenty-second, sections of this Act, shall extend, or be construed to extend, to take away from the party or parties injured by any trespass or trespasses therein mentioned, any right of Action at Law, which he, she or they, are now entitled to have and maintain for the damage so done, against any person or persons trespassing as aforesaid; and that all prosecutions for penalties, under the provisions of this Act, shall be had within six months after the offence committed, and not afterwards.

Prosecutions

XXV. *And be it further enacted,* That an Act, passed in the thirty-second year of the reign of George the Second, entitled, An Act for preventing Trespasses, and all Acts, since passed, in amendment, extension or alteration, of the same, or in addition thereto; and also, an Act, passed in the fifty-eighth year of His late Majesty's reign, entitled, An Act relating to Trespasses, shall be, and the same are hereby, repealed.

See 4 and 5 Geo 4 cap 8.

Acts 32d Geo 2 cap 14, and 58th Geo 3 cap 21, and all in addition thereto, repealed

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

Continuance of Act

CAP. XXXIII.

An ACT in addition to, and in amendment of, an Act, passed in the fiftieth year of the Reign of His late Majesty King George the Third, entitled, An Act to alter and extend the Times of holding the Supreme Court, in several of the Counties and Districts in this Province; and for declaring the qualification of Persons hereafter to be appointed Justices of the said Court, their number and salaries.

WHEREAS, *the annexation of the Island of Cape-Breton to this Province, and the extending the Sitting of the Supreme Court to that Island, has considerably increased the Duties of the Justices of that Court, and His Excellency the Lieutenant-Governor having, by His Message to the House of Assembly, been pleased to recommend that the sum of One Hundred Pounds, hitherto voted annually, be made a permanent provision for them:*

Preamble

BE it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That, instead of the sum of Five Hundred Pounds allowed by the Act of which this is an amendment, to each of the three Assistant-Justices of the Supreme Court, mentioned in the said Act, the sum of Six Hundred Pounds be granted, established and paid, as the yearly salary of each of the said three Assistant-Justices of the said Court, in addition to the allowance of travel already allowed.

Salaries of the Assistant Justices of Supreme Court made permanent

CAP. XXXIV.

Repeated by 7
Geo. IV. Cap. 8

An ACT to extend an Act, passed in the forty-first year of His late Majesty's Reign, entitled, An Act for the repairing, keeping in repair, cleaning and paving, the Streets in the Town and Peninsula of Halifax, to the Towns of Liverpool and Lunenburg.

CAP. XXXV.

Expired

An ACT to revive, continue, alter and amend, an Act, made and passed in the fifty-seventh year of the Reign of His late Majesty King George the Third, entitled, An Act for the Summary Trial of Actions.

CAP. XXXVI.

Executed

An ACT for applying certain Monies therein mentioned, for the service of the Year of our Lord One Thousand Eight Hundred and Twenty-two ; and for appropriating such part of the Supplies, granted in this Session of the General Assembly, as are not already appropriated by the Laws or Acts of the Province.

At the **GENERAL ASSEMBLY** of the Province of Nova-Scotia, begun and holden at Halifax, on Thursday, the Thirteenth day of February, 1823, in the Fourth Year of the reign of our Sovereign Lord **GEORGE** the Fourth, by the Grace of God, of the United Kingdom of Great-Britain and Ireland, **KING**, Defender of the Faith, &c. &c. &c. being the Third Session of the Twelfth General Assembly, convened in the said Province.*

*In the time of Sir James Kempt, Knight Grand Cross of the Most Honourable Military Order of the Bath; S. S. Blowers, Chief-Justice and President of Council; Simon Bradstreet Robie, Speaker of the Assembly; Rupert D. George, Secretary of the Council; and James B. Francklin, Clerk of Assembly.

CAP. I.

Executed

An **ACT** for applying certain Monies, therein mentioned, for the service of the Year of Our Lord One Thousand Eight Hundred and Twenty-three; and for appropriating such part of the Supplies granted in this Session of the General Assembly, as are not already appropriated by the Laws or Acts of the Province.

CAP. II.

An **ACT** for encouraging the Fisheries of this Province.

Expired

CAP. III.

An **ACT** imposing a Duty on Goods, Wares and Merchandise, imported from the United States of America, and for appropriating the same.

Expired—but the 2d, 3d, 5th, and 10th Sections of this Act, except the proviso to the 10th Sec. are revived and continued by 7, Geo. IV. Cap. 4.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the publication hereof, all Goods, Wares and Merchandise, which shall be imported from any port or place within the United States of America, except the articles hereinafter enumerated, shall be liable to, and pay, a duty of ten per cent. ad valorem, to be levied and received in current money of the Province, except Raw Hides, Indigo and Dye Woods, Wheat, Earley, Indian Corn, Flour, Seeds, Meal of any sort, Pitch, Tar, Turpentine, Rosin, Red and White Oak Staves, Heading, Shingles of all kinds, Hoops, Lumber, and Wood of all kinds, and Goods condemned as prize.

Duty

Articles exempted from Duty

II. *And be it further enacted*, That the value of all such Goods, Wares and Merchandise, so to be imported as aforesaid, shall be ascertained by the declaration of the

Value of Goods, &c.

the

the Importer or Proprietor of such Goods, Wares and Merchandise, or his known Agent or Factor, in manner and form following, that is to say :

Declaration of
Importers, &c.

I, A. B. hereby declare, that the articles mentioned in the entry, and contained in the packages (here specifying the several packages, and describing the several marks and numbers, as the case may be,) are of the value of Witness, my hand, the

Provisé

day of in the presence of C. D. Collector of Impost and Excise ; which declaration shall be written on the account of entry of such Goods, Wares and Merchandise, and shall be subscribed with the hand of the Importer or Proprietor thereof, or his known Agent or Factor, in the presence of the Collector of Impost and Excise, at the port or place of importation : *Provided*, That if upon view and examination of such Goods, Wares and Merchandise, by the Collector aforesaid, it shall appear to him that the same are not valued according to the price and value thereof, and according to the true intent and meaning of this Act, then, in such case, the Importer or Proprietor, or his known Agent or Factor, shall be required to declare on oath, before the Collector of Impost and Excise at the Port or Place of Importation, (which oath he is hereby authorised to administer,) what is the invoice price of such Goods, Wares and Merchandise, and that he verily believes such invoice price is the current value of the Goods, Wares and Merchandise; at the place from whence the said Goods, Wares and Merchandise, were imported, and such invoice price, with the addition of ten pounds per centum thereon, shall be deemed and taken to be the value of the same in this Province, in lieu of the value so declared by the Importer or Proprietor, or his known Agent or Factor, and upon which the duties of ten per cent. shall be charged and paid. *Provided also*, That if it shall appear to the Collector of Impost and Excise that such Goods, Wares and Merchandise, have been invoiced below the real and true value thereof, at the place from whence the same were imported, or if the Invoice price is not known, the Goods, Wares and Merchandise, shall, in such case, be examined by two competent persons, to be nominated and appointed by the Lieutenant-Governor, or Commander in Chief for the time being, and such persons shall declare, on oath, before the Collector of Impost and Excise, which oath such Collector of Impost and Excise is hereby authorised to administer, what is the true and real value of such Goods, Wares and Merchandise, in this Province, and the value so declared on the oaths of such persons, shall be deemed to be the true and real value of such Goods, Wares and Merchandise, and upon which the Duties of ten per cent. shall be charged and paid.

Provisé

Refusal to pay
Duties imposed

III. *And be it further enacted*, That if the Importer or Proprietor of such Goods, Wares and Merchandise, shall refuse to pay the duties hereby imposed thereon, it shall and may be lawful for the Collector of Impost and Excise, where such Goods, Wares and Merchandise, shall be imported, and he is hereby respectively required to take and secure the same, with the casks or other packages thereof, and to cause the same to be publicly sold, within the space of twenty days, at the most, after such refusal made, and at such time and place as such Officer shall, by four or more days public notice, appoint for that purpose ; which Goods, Wares and Merchandise, shall be sold to the highest bidder, and the money arising from the sale thereof shall be applied to the payment of the said Duties, together with the charges which shall have been occasioned by the sale ; and the overplus, if any, shall be paid to such Importer, Proprietor, or any other Person, authorised to receive the same.

Duties

IV. *And be it further enacted*, That all Horses, Oxen, Cows, Sheep, Hogs and other articles hereinafter mentioned, which shall be imported into this Province from the United States of America, or from any of the Islands in the Bay of Passamaquoddy, shall be subject to the following Duties, viz :

For

For and upon every Horse, Mare or Gelding, four pounds. For and upon every Ox, over three years old, two pounds ten shillings. For and upon every Cow and Head of Young Cattle, three years old and under, one pound five shillings. For and upon every Sheep, two shillings and six pence. For and upon every Hog, one pound ten shillings. For and upon every hundred weight of Hops, twenty shillings. For and upon every hundred weight of Onions, two shillings and six pence. For and upon every barrel of Apples, five shillings, and in that proportion for any greater or less quantity. For and upon every barrel of Pears, five shillings, and in that proportion for any greater or less quantity. For and upon every hundred weight of Biscuit or Hard Bread, three shillings per one hundred and twelve pounds. For and upon every one hundred and twelve pounds of Rice, three shillings. For and upon every bushel of Peas, Beans, Rye or Calavances, nine pence.

V. *And be it further enacted*, That any Importer or Importers, Owner or Owners, who shall import and land any of the aforesaid Articles without paying the Duty imposed thereon by this Act, shall, upon discovery thereof, forfeit such Articles so imported and landed. Forfeitures

VI. *And be it further enacted*, That the Master of any Vessel, employed in the importation of Goods, as aforesaid, or any other person, who shall land, or attempt to land, any of the Articles subject to the Duty by this Act, before the Duty imposed by this Act shall be paid, shall forfeit and pay the sum of fifty pounds. Masters of Vessels evading payment of Duties

VII. *And be it further enacted*, That the Collectors or Receivers of the Duties for the time being, shall render a just account, and pay into the hands of the Treasurer of the Province, all such Monies, received by him or them, for the Duties collected in pursuance of this Act, within thirty days after the receipt of the same, under the penalty of Fifty Pounds for his or their neglect, which duties shall be applied to the relief of the Poor in the County or Town where the same shall be collected. Payment and appropriation of Duties

VIII. *And be it further enacted*, That all forfeitures and penalties, incurred by this Act, shall be appropriated, one half to the informer, and the other half to the use of the Poor of the County or Town wherein the same is collected or recovered: the forfeiture to be recovered on complaint and proof, before any one of His Majesty's Justices of the Peace, and the penalty, by action of debt, bill, plaint or information, in any Court of Record within this Province. Appropriation of Forfeitures and Penalties

IX. *And be it further enacted*, That no fee or per centage whatsoever shall be allowed to, or retained by, the Collector of Impost and Excise for the District of Halifax, for receiving, collecting, and paying over, any monies, to be raised under, and by virtue of, this Act; and the Collectors in all other Districts and Ports of this Province, respectively, shall be allowed and paid two pounds ten shillings on every hundred pounds which shall be collected and paid by them, under, and by virtue of, this Act, within their respective Districts, and no more: any thing in any former Act of the General Assembly to the contrary notwithstanding. Commission allowed to Collectors

X. *And be it further enacted*, That, in case any Person or Persons shall be desirous to export or carry any Goods, Wares or Articles, of any kind, except Horses, Live Stock, Manufactured Tobacco, and Oats, which shall have been, or may hereafter be, imported into this Province, from the United States of America, upon which any Duties have been paid or secured, such person or persons shall, previous to re-shipping, exporting and carrying, the same out of the Province, deliver to the Collector a Manifest, particularly specifying such articles, so about to be exported, and obtain a Permit to export the said article or articles, which permit the Collector of Impost and Excise for the District from which such Shipment shall be made, shall give on demand, and thereupon it shall and may be lawful to lade the same on board any Ship or Vessel, for exportation, in the presence of the Collector, or of the Measurer, Exportation of Dutiable Articles

Gauger or Weigher, of the District, and the Importer, or his Agent or Consignee, and the exporter of such Article, and the Master of the Vessel on board of which such Articles shall be laden, shall each respectively make and subscribe before, and leave in the hands of, the Collector, who shall give the said permit, the following Oath :

IMPORTER'S OATH.

Importers Oath

I, A. B. do swear that the several Articles, specified in the foregoing Manifest, were imported from the United States of America, into the Port of _____ and were there landed from on board the _____ whereof _____ was Master, on the _____ day of _____ in the year of our Lord one Thousand Eight Hundred and _____ and that the several Duties imposed thereon by Law, have been paid or secured according to law.

EXPORTER'S OATH.

Exporter's Oath

I, A. B. do swear, that the Dutiable Article or Articles, now actually by me shipped on board _____ whereof C. D. is Master, bound for _____ which articles are hereunder specified, are really part of the Stock of _____ imported from the United States of America on the _____ day of _____ last past, in the _____ entered in this Office, and is or are of the quality and description as imported, and also hereunder specified, and that the same Article or Articles is or are not intended to be re-landed in this Province, nor shall the same be re-landed in this Province, with my knowledge or consent.

MASTER'S OATH.

Master's Oath

I, C. D. do swear that _____ is now actually shipped on board the _____ of which I am the Master, and bound for _____ and that the same hath been laden on board the said _____ for the purpose of exportation out of this Province, and that the same is not intended to be re-landed, sold or exchanged, in any part of this Province, nor shall the same be re-landed in this Province with my knowledge or consent.

Bonds Cancelled

After which Oaths, made and filed as aforesaid, with the said Collector, the Duties secured on such Articles as are specified in such permit and affidavit, shall not be demanded for the space of twelve months after the date of such Permit, and, in case such Exporter shall, at or before the expiration of the said twelve months, produce to the Collector from whom he obtained such Permit for exportation as aforesaid, a Certificate under the hand and seal of the principal Officer or Officers of His Majesty's Customs, at the place to which such Articles shall be exported, that the said Articles have been landed within the Port of which he or they is or are principal Officers, then and in that case, the said exporter shall have credit with the said Collector of Impost and Excise for the amount of the Duties paid, or secured to be paid, for and on the said Articles, so by him, her or them, exported out of this Province, and, in case the Rates and Duties imposed shall have been paid, such Certificate shall entitle such Exporter to receive the amount of the said Duties from the Treasurer of the Province, the same to be paid by Warrant on the Treasury, to be drawn on the Certificate of the Commissioners of the Revenue; and if any of the enumerated Articles which shall be so shipped for exportation shall be fraudulently re-landed in this Province, such articles, so re-landed, shall be forfeit to His Majesty, His Heirs. or Successors, together with the Ship, Boat or Vessel, from which they shall be re-landed, and all and every Person or Persons who shall be aiding and assisting in re-landing such Articles, shall forfeit and pay the sum of fifty pounds, to be prosecuted for, recovered and distributed, agreeably to the rules, regulations and provisions, of an Act, passed in the fifty-fifth year of His Majesty's Reign, entitled, An Act for granting to His Majesty

Fraudulently re-
landing Dutiable
Articles

ty certain Duties on Wine, Brandy, Gin, Rum, and other Distilled Spiritous Liquors, Molasses, Coffee and Brown Sugar, for the support of His Majesty's Government, and for promoting the Agriculture, Commerce and Fisheries, of the Province.

Provided always, That no Drawback of Duties shall be allowed on the exportation of any Articles, under the Provisions of this Act, unless the Goods, so exported, shall amount in value to the sum of fifty pounds, and shall have been exported, within twelve months after the importation thereof.

XI. *And be it further enacted,* That when any Person or Persons shall import any Dutiable Articles from the United States of America, the Duties upon which importation, in any one vessel, shall amount to a larger sum than ten pounds, it shall and may be lawful for the Collector of Impost and Excise, to take bonds for the payment of the said Duties at quarterly periods, in the usual manner.

XII. *And be it further enacted,* That this Act, and every matter, clause and thing, therein contained, shall be and continue in force until the twenty-fifth day of March, which will be in the year of Our Lord One Thousand Eight Hundred and Twenty-four and no longer.

Drawback of
Duties

Duties exceeding
10l.

Continuation of
Act

CAP. IV.

An ACT to alter and continue an Act, entitled, An Act to provide for the greater security of this Province, by a better regulation of the Militia, and to repeal the Militia Laws now in force.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the first and second year of His present Majesty's reign, entitled, An Act to provide for the greater security of this Province by a better regulation of the Militia, and to repeal the Militia Laws now in force, and every matter, clause and thing, therein contained, except such parts thereof as are hereby altered, be continued, and the same is hereby continued for one year, and from thence to the end of the next Session of the General Assembly.

II. *And be it further enacted,* That it shall and may be lawful for His Excellency the Lieutenant-Governor, or Commander in Chief for the time being, by General Order, or otherwise, to suspend, during his pleasure, the operation of so much and such part of the eleventh and fifteenth sections of the Act of which this is an amendment, as respects every person enrolled in the Militia furnishing himself with straps for a great coat, pricker and brush, knapsack and straps, flints, ball cartridges and buck shot

III. *And be it further enacted,* That when the Captain or Officer commanding any Company of Militia, shall accept of an excuse offered by any man of the company for not attending any Company or Battalion meeting, he shall, if required by the Officer commanding the Regiment or Battalion to which such Company belongs, make a report to him in writing of the nature of the excuse so offered and received by the said Captain or Officer commanding the said Company, and upon neglect or refusal to make such report, he shall forfeit and pay the sum of two pounds ten shillings.

IV. *And be it further enacted,* That if any Field Officer of any Regiment or Battalion, or Captain or Officer commanding any Company, shall neglect to attend any Board or Meeting of Officers, established and required by the Act of which this is an amendment, when ordered by the Officer Commanding the Regiment or Battalion to which

Act 1st and 2d
Geo. IV. continu-
ed, except certain
parts altered by
this Act

Parts of the 11th
and 15th Sections
of Act 2d Geo. IV
may be suspended

Excuses for non-
attendance at
Company or Bat-
talion meetings

Non-attendance
at appointed meet-
ings of Officers

which such Officer belongs, without reasonable excuse, to be adjudged by the Board of Officers appointed under the said Act, shall, for each offence, forfeit and pay the sum of two pounds ten shillings.

Bonds of Arms

V. *And be it further enacted*, That it shall be lawful for the Clerks of the Peace for the several Counties and Districts of the Province, and they are hereby directed, to deliver to the Officers commanding the Regiments or Battalions, respectively, in the said Counties and Districts, the Bonds for the return of Arms lodged with them; and all Bonds, hereafter to be taken, relating to Arms, shall be lodged with the Officer commanding the Regiment or Battalion to which such Arms belong; any law to the contrary notwithstanding.

Bonds lost or misplaced

VI. *And be it further enacted*, That in case any Bond given by any Militia Man, for the return of Arms, shall be lost or misplaced, it shall and may be lawful for the Captain or Officer, commanding the Company, upon such Militia Man returning the Arms and Accoutrements for which such Bond was given, in good order, to give a receipt for the same, which receipt, so given, shall cancel and make void the said Bond; and if in case the said Militia-Man shall refuse to deliver up such Arms and Accoutrements upon such receipt being tendered to him, he shall forfeit and pay the sum of Five Pounds.

Recovery and application of Fines

VII. *And be it further enacted*, That the fines imposed by this Act shall be recovered and applied in like manner as the Fines are recovered and applied by the Act of which this is an amendment.

Exemption in favor of the Servants of Officers

VIII. *And be it further enacted*, That it shall and may be lawful for the Lieutenant-Governor, or Commander in Chief for the time being, by special order, to exempt such persons as he may deem proper, who are actually in the constant employ of the Officers, of the Civil and Military Departments of the Army or Navy, as servants, receiving Rations by His Majesty's Order, from the provisions of the said Act, of which this is an amendment.

Continued by 7, Geo IV. Cap. 16

CAP. V.

An ACT for the further preservation of Buoys, Beacons, or Sea Marks, set or placed by authority, in any Harbour, River, Creek or Bay, within this Province.

Preamble

WHEREAS, much injury arises from Masters of Vessels, Mariners and Fishermen, fastening their Vessels or Boats to His Majesty's Harbour Moorings, or to the Buoys, Beacons or Sea Marks, placed in the Harbour of Halifax, or the entrance thereof, for the use of the Royal Navy, and for the general safety and security of Navigation:

Penalty imposed upon Masters, &c. fastening Vessels or Boats to His Majesty's Moorings, &c.

I. *BE it enacted*, by the Lieutenant-Governor, Council and Assembly, That if any Merchant Ship, Vessel or Boat, of any description, shall hereafter be stopped at, and fastened to, any of His Majesty's Harbour Moorings, or to any Buoys, or Beacons, or Sea Marks, set and placed by the authority of His Majesty's Government, within the Harbour of Halifax, or the entrance thereof, for the use of His Majesty's ships, or for the general safety and direction of Ships and Vessels, navigating and failing within the same, the Master, Owner or Owners, Person or Persons on board, and navigating such Merchant Ship, Vessel or Boat, shall forfeit and pay a penalty, or sum of Money, not exceeding ten pounds: to be recovered, with costs of suit, by Bill, Plaint or Information, in any of His Majesty's Courts of Record within the Province,

vince, by any person or persons who will prosecute and sue for the same: one half of which penalty to go to the Informer, and the other half to the King.

CAP. VI.

An ACT for amending, and reducing into one, the several Acts, now in force, relating to the support and management of the Poor throughout the Province, excepting such parts thereof as relate to their support in the Town of Halifax.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the publication hereof, it shall and may be lawful for the Freeholders of each and every Township within this Province, (the Town of Halifax excepted) or of any settlement or place not comprehended within any such Township, and where there are Twenty or more Freeholders resident, to hold two meetings annually, if necessary, to make provision for the support of their poor: which meetings shall be held on the first Monday in April, and on the first Monday of November; and of which meeting, with the place or places of holding the same, the Constables for the said Townships and Settlements respectively, upon a Precept directed to them, being issued as hereinafter prescribed, shall give notice, at least ten days before the said times of meeting respectively, at which meetings the said Freeholders present, having first elected a Chairman to preside at the same, shall and may vote such sums of money as they shall judge necessary for the support of their poor for the current year, or for the next ensuing six months of the same, and shall choose and appoint five Freeholders of such Township or Settlement, any three of whom shall be a quorum, to assess as hereinafter mentioned for the sum or sums of money so voted; and in case the business to be transacted at the said meetings cannot be completed on the said days respectively, it shall and may be lawful for the said Chairman, with the consent of the majority of the Freeholders then present, to adjourn the said meeting to the day following, or to any other day, and then to conclude the business of the same.

II. And be it further enacted, That if the sum of money voted at any such meeting as aforesaid, for the support of the poor, be insufficient for that purpose, the freeholders as aforesaid, in such their next, meeting shall be, and they are hereby, empowered to vote as aforesaid, such further sums as shall be determined to be necessary for making good such deficiency.

III. And be it further enacted, That the Assessors, appointed as aforesaid, and any three of whom shall be a quorum, and be empowered to perform all the duties hereby required of them, and, being first duly sworn to perform such duties, shall, forthwith, assess the Inhabitants of the Townships or Settlements respectively, for which they have been so appointed, in just and equal proportion, and as near as may be, according to the known estate, either real or personal, of such Inhabitants, for making up the sums of money respectively voted for the purpose aforesaid, and shall appoint Collectors to collect and receive the same, and if any Person, so assessed, shall neglect or refuse to pay the sum of money for which he or she was assessed as aforesaid, the same shall and may be levied from him or her by Warrant of Distress from any one of His Majesty's Justices of the Peace for the County wherein such person shall reside.

IV. Provided nevertheless, and be it enacted, That no person shall be assessed any

Provision for the support of the Poor

Notice of meetings

Appointment of Assessors

Sum voted insufficient

Duty of Assessors

Appointment of Collectors of Poor Rates

Distress for Rates

Inability of persons to pay Poor Rate

any sum towards the support of the Poor, unless in the opinion of the assessors he shall be able to pay annually the sum of one shilling at least; and *provided also*, that if any person shall think him or herself overrated, such person may appeal for redress to the next General Sessions of the Peace, or the next Special Sessions, which may be held for the hearing of such appeals in the County or District wherein such assessment was made, and the Justices in such Sessions are hereby required and empowered to examine, hear and determine, each and every such appeal or complaint, and to give redress, as they in their judgment shall think equitable, and their order and Judgment on such appeal shall be final, and bind all parties.

Persons overrated

Appointment and
duty of Overseers
of Poor

V. *And be it further enacted*, That the Overseers of the Poor throughout the Province, (the Town of Halifax excepted) shall continue to be nominated, recommended and appointed, in the manner now by Law provided and directed; and after taking upon them the said situation, and being duly sworn to the faithful execution of the duties of the same as heretofore, shall, at least twenty days before the times herein before respectively appointed for meeting as aforesaid, to make provision for the support of the Poor, issue their Precepts to the Constables of the several Townships and Settlements, respectively requiring them to notify the inhabitants thereof to meet on the said several days respectively, for the purpose aforesaid; and the said Overseers shall dispose of and apply all sums of money voted as aforesaid, and received by them in their said capacity for the before mentioned purpose only; and if any Collector or Collectors shall neglect or refuse to pay over to the said Overseers respectively, any sum of money collected by him or them, for the purpose aforesaid, they, the said Overseers, shall prosecute such Collector or Collectors for the recovery of the same in any Court of Record in this Province; and the said Overseers shall, within one month after the expiration of their office, render to the Clerk of the Peace of the County in which they reside, to be by him laid before the Justices at their next Sessions, an account of all sums of money received and expended by them for the support of the Poor, and shall account, on oath, if required, before the General Sessions of the Peace within the several Counties and Districts respectively held next after the expiration of their office, for all sums of money received and applied, and expended by them for the purpose aforesaid; and they shall enter their proceedings in a book to be kept for the purpose, and, at the expiration of their office, they shall deliver the same to their successors, and shall pay into their hands any balance of money received by them as aforesaid, and remaining unexpended.

Examination of
Accounts of Overseers

VI. *And be it further enacted*, That the Justices of the Peace in their respective Sessions, in the several Counties throughout the Province, the town of Halifax excepted, shall and may examine the accounts of the Overseers of the Poor, submitted to them as before directed, and shall allow such accounts, if they appear just, and may refuse to allow any sums of money, charged in such accounts, which the said Justices shall have reasonable grounds to believe unduly or unfairly charged or expended.

Refusal to serve
as an Overseer

VII. *And be it further enacted*, That each and every person who has been duly nominated and appointed an Overseer of the Poor, and who shall refuse to serve in that office, shall forfeit and pay the sum of five pounds for such refusal, which sum shall be sued for and recovered before any two Justices of the Peace, by the Overseers of the Poor who shall be in office next after such refusal, within and for the Township or Settlement for which such person refused to serve as aforesaid; and the Overseers of the Poor for the time being, of the several Townships and Settlements respectively, who shall neglect to issue their Precept, as before directed, to the Constables, requiring them to notify the Inhabitants to meet on the days appointed by this Act, for the purpose of voting money as aforesaid, shall severally forfeit and pay

Overseers neglecting
to call meetings
of Inhabitants

pay the sum of ten pounds, which shall be sued for and recovered by the Clerk of the Peace for the County or District wherein such fine was incurred, or by any other person who will sue for the same, and before any Court of Record within such County or District; and all such Overseers of the Poor as shall not, hereafter, within one month after the expiration of their office, render to the Clerk of the Peace an account of all sums of money, received and expended by them for the support of the Poor, in manner directed by the fifth section of this Act, shall, on complaint of the said Clerk, or of any one or more Inhabitants, forfeit and pay the sum of five pounds each, which shall be levied upon non-payment thereof, by Warrant, under the hand and seals of any two of His Majesty's Justices of the Peace; and all fines, in and by this section imposed, when recovered, shall be applied and expended towards the support of the Poor of the Townships and Settlements, respectively, within which such fines were incurred.

Overseers to render accounts to Clerk of Peace.

VIII. *And be it further enacted*, That in case the Freeholders of any Township or Settlement as aforesaid, shall neglect to meet on any of the days herein before appointed for the purpose of making provision for the support of their Poor, as before directed, or, having so met, shall neglect to make any such provision, or one adequate and sufficient for the said purpose, in any or either case, the Justices of the Peace in the General Sessions, held for the County or District within which such Township or Settlement is situated, or in any Special Sessions to be called and held for the purpose, shall, on the application of the Overseers of the Poor for such Township or Settlement, amerce such Township or Settlement, in such a sum as shall appear to them to be necessary for the purpose aforesaid, and shall appoint Five Freeholders of such Township or Settlement; (any three of whom shall form a quorum) to assess the same upon the Inhabitants of such Township or Settlement, in manner herein before directed, which Assessors shall nominate and appoint Collectors, as herein before provided, to collect and receive the sum or sums of money so assessed, and the Assessment, so made, shall be affixed in some public place within such Township or Settlement, at least three days before the end of the same Sessions, in order that any of the Inhabitants so assessed, may, if they see cause, appeal against such Assessment, and that the Justices may determine thereon during the same Sessions; and all sums of money for which such Amercements and Assessments shall be made, shall be levied and collected by the same ways and means as are herein before directed and provided, where Assessments are made by the Freeholders at their meetings aforesaid, and shall be paid over in like manner, and be applied and expended for the purpose aforesaid.

Inhabitants neglecting to vote money for support of the Poor

Appeal against assessment

IX. *And be it further enacted*, That where any person or persons appointed an Assessor or Assessors under this Act, shall refuse to serve in that capacity, the Freeholders or Justices in each case respectively, as aforesaid, shall appoint another or others in the stead or place of the person or persons so refusing, and each and every person appointed an Assessor, who shall refuse to serve as aforesaid, shall forfeit and pay the sum of forty shillings; and each and every person who has accepted the said office and who shall neglect or refuse to make the assessment required within Twenty Days after his appointment, shall be subject to a fine of five pounds: which fines respectively shall, on failure of payment thereof, be recovered, by complaint or information, by the Overseers of the Poor, before any two Justices of the Peace of the County wherein such fines were incurred, and shall be levied by warrant of distress from the said Justices, and by sale of the offender's Goods and Chattels; and all such fines, when recovered, shall be applied and expended towards the support of the Poor of the Township or Settlement within which such fines were incurred. *Provided always*, That no person shall be obliged to serve as an Assessor more than once in three years.

Refusal of Assessors to serve

Refusal of Collec-
tors to serve

X. *And be it further enacted,* That each and every person appointed a Collector to collect any sum of money assessed under this Act, who shall refuse to serve in that capacity, shall forfeit and pay the sum of Forty Shillings for such refusal; and another person shall forthwith be appointed in like manner to serve as aforesaid, which fine, for such refusal, on failure of payment thereof, shall and may be recovered by the Overseers of the Poor of the Township or Settlement within which such fine was incurred, before any two Justices of the Peace for the County wherein such Township or Settlement is situated, and be levied by warrant of distress from the said Justices, and by sale of the offender's Goods and Chattels, and be applied and expended for the use of the Poor within such Township or Settlement.

Collectors to ac-
count quarterly

XI. *And be it further enacted,* That each and every Collector of any sum or sums of money, assessed by virtue of this Act, shall once in every three months, account with, and pay into the hands of the Overseers of the Poor of the Township or Settlement wherein he was acting as such Collector, all such sums of Money as he may have collected or received in that capacity; and upon his neglect or refusal so to account and pay, he shall and may be prosecuted for recovery of the said sums, by the Overseers of the Poor for the time being, of such Township or Settlement, by bill, plaint or information, in any of His Majesty's Courts of Record within this Province; and each and every person who has accepted the said office of a Collector, and who shall neglect, for the space of thirty days thereafter, to perform the duty required of him by this Act, of enforcing, agreeable to the directions of the same, the payment of the sum or sums of money which he was appointed to collect, shall forfeit and pay the sum of five pounds for each and every such neglect, which shall, in like manner, be sued for and recovered, and shall be applied and expended for the use of the Poor of the Township or Settlement wherein such fine was incurred.

Assessments here-
tofore made con-
firmed

XII. *And be it further enacted,* That all Assessments, heretofore made for the maintenance of the Poor, shall be, and they are hereby confirmed, and the arrears due thereon shall and may be collected and levied by the Collectors for the time being, notwithstanding any want of form in the said Assessments, or length of time since the same have been made.

Persons liable to
make compensa-
tion for relief fur-
nished

XIII. *And be it further enacted,* That when any person shall apply for and obtain relief, from the Overseers of the Poor of any Town or Place, and it shall happen that such person, at the time of his or her application, or relief, was possessed of, or entitled to, any Property, real or personal, out of which the expenses incurred for his or her relief may be repaid, it shall and may be lawful for such Overseers, as Creditors to such person in behalf of the Public, to demand and receive from him or her a repayment of all, or any part of, the expenses so incurred for the relief of such person, and if need be to enforce the payment thereof by the usual remedies of attachment, arrest, or other legal process, and all monies, so received or recovered, shall be accounted for by such Overseers as other monies received for the use of the Poor.

Refusal to pay
assessment

XIV. *And be it further enacted,* That if any person assessed under and by virtue of this Act, shall refuse or neglect to pay the sum for which he was so assessed, it shall and may be lawful for the Collector or Collectors appointed to receive the rates for the purpose aforesaid, notwithstanding any such appeal as aforesaid, to levy for the amount of such person's rate by warrant of distress in manner herein before provided for the recovery of the same.

Relief afforded by
appeal

XV. *And be it further enacted,* That if the person or persons so appealing to the next General or Special Sessions of the Peace, as herein before provided, shall make it appear to the Justices thereof, that he or they hath or have been assessed or taxed more than his or their just share or proportion of the amount of the said assessment, then,

then, and in such case, it shall and may be lawful for the said Justices to cause such appellant or appellants to be relieved and reimbursed the excess of such rate, by order to the Overseers of the Poor for the Township or Settlement within which such person or persons was or were so rated, which Overseers are hereby directed to refund the same.

XVI. *And be it further enacted*, That this Act or any part thereof, shall not extend, or be construed to extend, to repeal, alter or affect, any of the Laws now in force within the Province, relating to the settlement of the Poor.

Poor Laws of the Province not affected by this Act.

XVII. *And be it further enacted*, That the Act, made and passed in the third and fourth years of the Reign of His late Majesty King George the Third, entitled, An Act to enable the Inhabitants of the several Townships within this Province to maintain their Poor, and all Acts since made in addition to, or in amendment of the same, and every matter, clause and thing, therein contained, except so far as the said Acts relate to the support of the Poor in the Town of Halifax, be and the same are hereby repealed.

Act 3d and 4th Geo. 3d, cap. 7 (with exceptions) repealed

CAP. VII.

An ACT authorising the Lending a Sum of Money to the Governors of Dalhousie College, and for securing the repayment thereof.

WHEREAS, a large sum of Money hath been expended in erecting the Dalhousie College, and which is now nearly completed, but Debts incurred in its erection cannot be discharged without disposing of part of the Monies placed in the English Funds for the support of Professorships, the doing which would entirely prevent the Governors of the said College from proceeding any further towards the accomplishment of the objects for which the said Building was erected and endowed. And Whereas it would be injudicious, after the expenditure of large sums of Money upon the said Building, that the further progress of the Governors should be delayed, without a fair trial being made of the usefulness of the said Institution: therefore, in order to enable the Governors of the said College to discharge the said Debt :

Preamble

I. *BE it enacted*, by the Lieutenant-Governor, Council and Assembly, That a sum, not exceeding Five Thousand Pounds, in Treasury Notes, be lent to the Governors of the said College for five years, on the terms and conditions hereinafter expressed; and shall be drawn from the Treasury of the Province, by warrant from His Excellency the Lieutenant-Governor, or Commander in Chief, for the time being, in favor of the Governors of the said College.

Loan to Governors

II. *And be it also enacted*, That the Monies in the British Funds, belonging to the said College, being Eight Thousand Two Hundred and Eighty-nine Pounds Nine Shillings and Six Pence sterling, of Three per Cent. Consolidated Annuities, shall be and stand pledged to the Province as security for the re-payment of the said sum of Five Thousand Pounds; and that the same shall be paid into the Treasury of the Province, whenever, after the said five years, the same shall be required as herein after directed; and in order that the said Governors of the Dalhousie College may be enabled fully to carry into effect the provisions of this Act, they are hereby authorised to adopt such measures as may be necessary to enable the Trustees, in whose Names the said sum of Eight Thousand Two Hundred and Eighty-Nine Pounds Nine Shillings and Six Pence sterling, is invested in the Three per Cent. Consolidated Annuities, to dispose of so much of the said sum of Money as shall be sufficient to re-

Security

pay to the Province the sum of Five Thousand Pounds, lent to the Governors of the said College. *Provided*, The same shall be required by a Resolution of the House of Assembly of this Province, after the expiration of the said five years.

Additional Security

III. *And be it further enacted*, That the said Building, called Dalhousie College, with the Ground pertaining to the same, be, and the same are hereby pledged, to the Province, as an additional security, for there-payment of the said sum of Five Thousand Pounds, and are hereby made liable for the re-payment of the said sum of Five Thousand Pounds, or such part thereof as shall be due after the expiration of the said term of five years. *Provided*, The said sum of Money in the said Three per Cent. Consolidated Annuities shall be insufficient to discharge the same.

CAP. VIII.

Expired

An ACT to continue an Act, entitled, An Act for the Summary Trial of Actions.

CAP. IX.

Act 57th Geo. 3d
cap. 16

An ACT in addition to, and amendment of, an Act, entitled, An Act to regulate the Appointment of Collectors, and other Officers of Impost and Excise.

Districts for collection of Duties enlarged or limited

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the publication of this Act, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to enlarge or limit any of the Districts or Ports for which any Collector of Impost and Excise hath been, or shall hereafter be, appointed, and to define the limits and bounds of such District or Port in the Commission of such Collector, any thing in the said Act to the contrary notwithstanding.

CAP. X.

An ACT to repeal an Act, passed in the fifty-ninth year of His late Majesty's Reign, entitled, An Act to authorise a Drawback of certain Duties, and to regulate the manner of obtaining the same.

Act 59th Geo. 3d
cap. 7 repealed

BE it enacted by the Lieutenant-Governor, Council and Assembly, That the Act, made and passed in the fifty-ninth year of His late Majesty's reign, entitled, An Act to authorise a Drawback of certain Duties, and to regulate the manner of obtaining the same, and every clause and thing therein contained, be, and the same is hereby, repealed.

CAP. XI.

An ACT to alter an Act, passed in the thirty-second year Expired of His late Majesty's Reign, entitled, An Act for the further increase of the Revenue, by raising a Duty of Excise on all Goods, Wares and Merchandise, imported into this Province.

CAP. XII.

An ACT in addition to an Act, passed in the fifty-eighth year of His late Majesty's Reign, entitled, An Act to empower the Lieutenant-Governor, or Commander in Chief for the time being, to issue Treasury Notes.

BE it enacted by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the Lieutenant-Governor, or Commander in Chief for the time being, by Warrant, or otherwise, to direct the Commissioners appointed under the said Act, entitled, An Act to empower the Lieutenant-Governor, or Commander in Chief for the time being, to issue Treasury Notes, or any other Act, now in force, relating to Treasury Notes, to make a further issue of Treasury Notes to any amount, not exceeding Five Thousand Pounds: the said Notes, so to be issued, shall be One Pound Notes, and Two Pound Notes, and shall bear date the First Day of June, One Thousand Eight Hundred and Twenty-three, and be of the same form, signed, countersigned and delivered, and shall be paid, and received in payment, in like manner, and again re-issued, under the rules, regulations, restrictions, pains, penalties and provisions, as are mentioned and contained in the said Act of which this is an addition.

Further issue of Treasury Notes

Amount and description of Notes to be issued

II. *And be it further enacted*, That the Treasury Notes, so to be issued under this Act, shall be funded, cancelled, and others issued in lieu thereof, under the rules, regulations, pains, penalties and provisions, and as if the same had been issued under the authority of an Act, passed in the first year of His present Majesty's Reign, entitled, An Act to authorise the cancelling of Treasury Notes, and to issue others in lieu thereof.

Funding, and cancelling, &c. Notes

CAP. XIII.

An ACT for the appointment of Commissioners of Sewers, prescribing their power and authority, and for repealing the Acts now in force relating to that Office.

WHEREAS, *great quantities of Marsh, Meadows and low Grounds, in this Province, and particularly in the Bay of Fundy, and rivers, bays and creeks, branching therefrom, are spoiled by overflowing of the sea, and other waters, which by industry may be greatly improved, as well for the general good as for the benefit and profit of the owners; and also much Meadow and Pasture Land might be gained out of swamps and other rough and unprofitable Grounds, by drowning and draining the*

Preamble

the same : to the intent therefore that proprietors of such marshes, meadows and low grounds, may be encouraged and enabled to raise dykes, and remove such obstructions, as prevent these lands from being immediately useful :

Appointment,
powers and duties,
of Commissioners
of Sewers

I. *BE it enacted by the Lieutenant-Governor, Council and Assembly,* That it shall be lawful for the Lieutenant-Governor, or Commander in Chief, with the advice of His Majesty's Council, upon request of any of the proprietors of such lands, to grant Commissions of Sewers, to such and so many able and discreet persons as to him shall seem meet, for the building and repairing such dykes and wears as are necessary to prevent inundations, and also for damming and flowing, and draining, such swamps and other unprofitable lands, which Commissioners shall be, and are hereby authorised, and empowered, to meet and convene together, from time to time as occasion may require, to view, consider, consult and contrive, such ways and methods for building and repairing such dykes and wears as are necessary to prevent inundations, and for the drowning and draining of swamps and other unprofitable land, and to employ workmen and labourers for such reasonable wages as may be agreed upon for the effecting the premises, and, from time to time, to assess and tax the owners or possessors of such meadows, marshes, or such unprofitable swamps and lands as aforesaid, towards the charge thereof, having regard to each person's quantity of land, and benefits to be received thereby, equally, according to the best of their judgment, and also to appoint and swear a Collector or Collectors for collecting and paying the same to such person or persons as by the said Commissioners shall be appointed to receive the same, with powers to distrain all such persons as shall neglect or refuse to make payment of his, her or their, parts or proportions set and assessed, as aforesaid, in such manner as is usually done in like cases, and to call before them the said Collector or Collectors to account for his or their trusts in the premises.

Assessment of
Proprietors

Commissioners of
Sewers to be
sworn

Compensation to
Commissioners

Clerk to Commis-
sioners

Distraining for
sum assessed

II. *And be it further enacted by the authority aforesaid,* That the said Commissioners shall be sworn to the faithful discharge of their duty, and shall receive a compensation for their services, at the rate of ten shillings each per day, while actually employed, which services shall be included in the said assessment, together with such reasonable sum as may be necessary to defray the expense of the Clerk of the said Commissioners, and the collecting of assessments made under this Act.

III. *And be it further enacted,* That upon complaint being made upon oath before any one of His Majesty's Justices of the Peace, for the County where such lands lie, by the Collector or Collectors appointed as aforesaid, it shall and may be lawful for the said Justice to grant a warrant under his Hand and Seal, directed to any one of the Constables in the said County, to levy of, and from, the Goods and Chattels of such person or persons so neglecting or refusing to pay his, her or their, part or proportion of such assessment, by distress, and sale, of the said Goods and Chattels, the full sum so assessed, with costs for prosecuting the same ; which costs shall not, in any one case, exceed the sum of ten shillings.

Land liable for
sum assessed

IV. *And be it further enacted,* That if Goods or Chattels of any owner or owners, possessor or possessors, of lands so dyked, drained or improved, as aforesaid, are not to be found within the County or District where the said lands lie, to answer his, her or their, proportion of the assessment so made as aforesaid, it shall and may be lawful for any one of His Majesty's Justices of the Peace for said County, to let the same or so much thereof, as may be sufficient to pay the proportion of the said assessment, first giving twenty days notice in the township or place where the lands lie.

Labourers' Tools,
and Teams, to be
furnished

V. *And be it further enacted,* That each and every owner or possessor of marsh, swamps and other unprofitable lands, in any Township or Place within this Province (where Commissioners of Sewers are appointed,) shall in all common cases, either in raising

raising new or repairing old dykes, or ditching or draining such lands, attend either by himself, or provide a sufficient labourer, with proper tools to work, and teams if required, at the time and place appointed by the said Commissioners of Sewers, agreeably to the orders of such Commissioners, and every owner or possessor of any such land shall furnish labourers and teams, in proportion to the quantity of land he may own or possess, pursuant to the order of such Commissioners.

VI. *Provided always,* That such owner or possessor of such land shall have at least six days notice of the time and place where the work is required to be done, by one or more of the Commissioner of Sewers, or by some person appointed by them for that purpose.

VII. *And be it further enacted,* That in case of any sudden breach in any dyke or aboiteau, or where any breach is likely to be made, or inundation occasioned, by storms, high tides, or otherwise, each and every owner or possessor of land within such dykes, shall forthwith, on notice being given by any one or more of the Commissioners of Sewers, or persons appointed by them, repair to the place directed, with teams, if required, and proper tools to labour, and shall use their utmost endeavours to repair the breach, or place likely to be a breach, and shall continue to work from day to day on the same, so long as the Commissioners of Sewers shall judge necessary.

VIII. *And be it further enacted,* That if any owner or possessor of any such land shall neglect or refuse to attend, and labour, or to send a sufficient number of labourers or teams, at the time and place, to be appointed by the Commissioners of Sewers as aforesaid, in proportion to the quantity of land in his or their possession, (due notice having been given as aforesaid) each and every owner or possessor of such lands, so neglecting or refusing, shall forfeit and pay, over and above his or their assessment or tax, the sum of five shillings for every day's neglect or refusal, for each and every labourer, and the like sum for each and every team, such owner or possessor of such land was required to furnish; and if any such owner or possessor of such lands shall neglect or refuse to attend and labour where any sudden breach shall happen, or be likely to happen, to any such dykes, on immediate notice given to such owner or possessor, or shall neglect or refuse to furnish such teams as may be required, such owner or possessor shall forfeit and pay the sum of ten shillings for each day's neglect, and the like sum for each team he was required to furnish, for each and every person, to be recovered by warrant of distress, on proof thereof, before any one of His Majesty's Justices of the Peace, for the County where such persons shall reside, and, for want of Goods and Chattels to satisfy the distress and charges, the lands of such person, or so much as shall be sufficient, shall be held and let out by the said Justice, until the produce thereof shall amount to the fine and charges so levied, in the same manner as is directed by law for a delinquent's proportion of assessments or taxes, for making and repairing dykes; and the monies arising from such fines to be paid into the hands of the Commissioners of Sewers, to be appropriated for the making and repairing of the said dykes.

IX. *And be it further enacted,* That if no person shall appear to pay the proportion of any assessment, made according to the provisions of this Act, and no sufficient distress shall be found, to satisfy such assessments as aforesaid, the Commissioners of Sewers shall, by advertisement during three months in the Royal Gazette, cause notice to be given for the selling the lands of such person; setting forth in the said notice, the time and place of such sale, and also, that if no person shall appear within the said three months to pay the said proportion of such assessment, with the costs of advertising the said land, that the same will, at the expiration of such notice, be sold at Public Auction, by the Sheriff or his Deputy, for the purpose of paying the said proportion of the

Proviso

Sudden breaches
in Dykes, &c.Refusal to perform
or provide a just
proportion of La-
bour, &c.Lands liable for
assessment may be
sold

the said assessment ; and if upon such notice, so given as aforesaid, no person shall, within the said three months, appear, and pay the said proportion of such assessment, it shall and may be lawful for the said Commissioners, or the major part of those named in the Commission, to cause the said Sheriff or his Deputy, at the time and place set forth in the said notice, to sell at Public Auction, to the highest bidder, so much of such delinquent's lands so dyked, drained or improved, as aforesaid, as may be sufficient to pay the proportion of the sum due as aforesaid, with the charges ; and the Sheriff, or his Deputy, is hereby authorised and directed, immediately, upon such sale, to execute a Deed thereof, and deliver seizen and possession of the lands so sold to the purchaser or purchasers, (for which the said Sheriff or his Deputy shall receive a fee of ten shillings, and no more,) any law, usage or custom, to the contrary notwithstanding.

Damages sustain-
ed by Proprietors
of Dykes

X. *And be it further enacted,* That when the sods or soil shall have been cut off the land of any proprietor, dyked in common with other proprietors, for the purpose of dyking the same, or that the land of such proprietor shall have been washed away by the tide or current of the river or bay, and that by the making of new dykes to secure such land, so held in common, such proprietor shall have lost a part or the whole of his lot, it shall and may be lawful for the Commissioners of Sewers to cause a just valuation to be made of the loss such proprietor shall have sustained as aforesaid, which valuation shall be made by at least five freeholders, not interested in the said land where the loss shall have been sustained: who shall be sworn, truly and impartially, to value the same ; and if it shall happen that there is in such a sufficient quantity thereof, lying in common and undivided, to make good the loss so sustained, the Commissioners of Sewers shall decree possession thereof, or of so much thereof, as is sufficient to make good the same to such proprietor, or, on failure thereof, by an assessment for the value, to be paid in a just proportion by the other persons interested in such piece or tract of land.

When expense of
dyking, &c. ex-
ceeds the sum of
£5. per acre

XI. *And be it further enacted,* That, whenever the building or repairing dykes and wears are necessary to prevent inundations, or for the draining or flowing of swamps, and other unprofitable grounds, or for working and draining marsh lands, shall appear expedient to the Commissioners aforesaid, and the expenses thereof shall exceed the sum of five shillings per acre on the whole quantity of such land, the said Commissioners, or the major part of them, shall summon the owners or possessors of such lands, to meet on a certain day and place for the purpose of electing five Assessors, and the said Commissioners, with such Assessors, or the major part of them, shall, and they are hereby authorised and directed (the said Assessors being first duly sworn impartially to execute the said office) to assess and tax all such persons as shall be owners or possessors as aforesaid, towards the charge of building or repairing such dykes and wears, and draining such unprofitable lands, having regard to each person's quantity and quality of land, and the benefits to be received thereby.

Applications to
Commissioners of
Sewers by Pro-
prietors of dyked
Lands

XII. *And be it further enacted,* That it shall not be lawful for the Commissioners of Sewers, by virtue of this Act, to meet and convene together from time to time, as occasion may require, to view, consider, consult and contrive, such ways and methods for building such dykes and wears as are necessary to prevent inundations, and for the drowning and draining of swamps and other unprofitable lands, otherwise than upon application from, and at the request of, such a number of the proprietors, whose rights and shares in such dyked land, marsh, swamp and other unprofitable land, when added together, will amount to more than one half of such land, any thing herein contained to the contrary notwithstanding. *Provided always,* That nothing herein contained shall extend, or be construed to extend, to prevent the Commissioners of Sewers from proceeding to drain or repair breaches made in any lands, now dyked, in the manner before directed and prescribed.

Provide

XIII. *And be it further enacted,* That when any person or persons shall pasture any part of the marshes or other lands inclosed within any common dyke, or any land without and adjoining such dyke, whereby any part of the common dyke shall be injured, that it shall be lawful for any two or more of the Commissioners of Sewers, from time to time, as often as there shall be occasion, to make an order upon such person or persons for the repairing of such injury by a certain day, to be named in such order, and in case of refusal to obey such order, such Commissioners shall cause the injury to be forthwith repaired.

Persons injuring
Common Dykes

XIV. *And be it further enacted,* That the person or persons neglecting or refusing to obey any such order of the Commissioners, shall forfeit and pay for each offence the sum of ten shillings: which said sum, with the costs of such repair, to be recovered before any one of His Majesty's Justices of the Peace for the County, shall, from time to time, be levied by warrant of distress under the hand and seal of such Justice.

Disobedience of
orders of Com-
missioners

XV. *And be it further enacted,* That all Commissions; heretofore issued for the appointment of Commissioners of Sewers, shall be and continue in force until the Governor, Lieutenant-Governor or Commander in Chief, shall otherwise direct.

Commissioners of
Sewers heretofore
appointed

XVI. *And be it further enacted,* That all proceedings that have heretofore taken place under the authority of the Acts hereby repealed, or any of them, shall, to all intents and purposes, be as valid as if the said Acts were in force.

Proceedings under
Act, hereby re-
pealed

XVII. *And be it further enacted,* That all work and proceedings that have been commenced by the direction of any Commissioners of Sewers before the publication of this Act, shall be proceeded in and completed, pursuant to the provisions of the Acts hereby repealed, or to the provisions of this Act, as shall seem most expedient to the Commissioners of Sewers, under whose authority and directions the same shall have been commenced.

Works heretofore
commenced pro-
ceeded in

XVIII. *And be it further enacted,* That the Lands granted for the support of Schools, and set off as Glebes and Ministerial Rights, shall in no case be sold for the payment of Assessments under the provisions of this Act, but shall be Let at Auction to the highest bidder, for the payment of such Assessments, on such terms and conditions as may be deemed expedient by the Commissioners of Sewers; twenty days previous notice of the time and place of such Letting being publicly given in the Royal Gazette.

Glebes and School
Lands

XIX. *And be it further enacted,* That the Commissioners of Sewers within each Township and District, or County in this Province, shall keep a record of all their proceedings, and a fair account of all work and monies laid out and expended by them, or under their direction, and of monies by them received, which record and account shall be open for the inspection of all and every person or persons interested therein, upon paying one shilling for each inspection or search, and a copy thereof shall be furnished to the proprietors of lands who are interested therein, when demanded, he or they paying for such copy or copies, sixpence for every ninety words.

Commissioners of
Sewers to keep a
record of their
proceedings

XX. *And be it further enacted,* That if any owner or possessor of land, shall think himself aggrieved by the proceedings of the Commissioners of Sewers, or any other person in pursuance of this Act, it shall and may be lawful to remove the proceedings of the Commissioners of Sewers into the Supreme Court, by Certiorari, where the whole of such proceedings shall be examined, if necessary, and such determination made thereon, as, by the said Court, shall be deemed proper. *Provided,* That before any Writ of Certiorari shall be issued, sufficient security shall be given, by the person or persons applying for the same, for payment of such costs as may be awarded and taxed by the said Court.

Persons aggrieved
by proceedings of
Commissioners

XXI. *And be it further enacted,* That an Act, made and passed in the thirty-fourth

Act 34th Geo.
II. Cap. 7, &c. re-
pealed

fourth year of the reign of His late Majesty King George the Second, entitled, An Act for appointing Commissioners of Sewers, and all Acts, since passed, in amendment, extension, or alteration of the same, or in addition thereto, shall be, and the same are hereby, repealed.

Expired

CAP. XIV.

An ACT to continue the several Acts for raising an Additional Duty of Excise on all Goods, Wares and Merchandise, imported into this Province.

CAP. XV.

Expired

An ACT to continue the several Acts of the General Assembly for the further increase of the Revenue, by raising a Duty of Excise on all Goods, Wares and Merchandise, imported into this Province.

CAP. XVI.

Expired

An ACT to continue an Act for granting a Drawback of the Duties on Brown or Raw Sugar, used in the manufacture of Refined Sugar within the Province, and for regulating the mode of obtaining the same.

CAP. XVII.

Expired

An ACT to continue an Act, entitled, An Act in addition to and in amendment of the several Acts, now in force, for repairing and mending Highways, Roads, Bridges and Streets, and for appointing Surveyors of Highways, within the several Townships in this Province.

CAP. XVIII.

Expired

An ACT to continue an Act for establishing a Bridewell, or House of Correction, for the County of Halifax, and for providing a Police Office in said Town, with proper officers to attend the same.

CAP. XIX.

An ACT to continue the several Acts of the General Assembly, for raising a Revenue to repair the Roads throughout the Province, by laying a Duty on Persons hereafter to be licensed to keep Public Houses and Shops, for the retail of Spirituous Liquors. Expired

CAP. XX.

An ACT to continue an Act, entitled, An Act for the better preservation of the Property of the Inhabitants of the Town of Halifax, by providing for a sufficient Watch at Night. Expired

CAP. XXI.

An ACT to continue, alter and amend, an Act, passed in the third year of His Majesty's Reign, entitled, An Act to provide for the support of a Light-House erected on Cranberry Island, near the entrance of the Gut of Canso. Continued by 4 Geo 4, cap 21, and 6 Geo 4, cap 26, with amendments, and further continued by 7 Geo 4 cap 27.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the third year of His Majesty's Reign, entitled, An Act to provide for the support of a Light-House erected on Cranberry Island, near the entrance of the Gut of Canso, except so far as the same is hereby altered and amended, be continued, and the same is hereby continued for one year, and from thence to the end of the next Session of the General Assembly. Act 3d Geo 4 cap 25 continued (with exceptions.)

II. *And be it further enacted,* That, from and after the publication of this Act, no Light-Duty shall be required to be paid by any Ship or Vessel in any of the Ports or Places in the Gulf of Saint Lawrence, unless such Ship or Vessel shall have entered the same through the Gut of Canso; any thing in the said Act to the contrary thereof notwithstanding. Vessels exempted from Light Duty.

III. *And be it further enacted,* That if any dispute shall at any time arise as to whether such Ship or Vessel passed through the said Gut of Canso, in entering the said Gulf of Saint Lawrence, on any Voyage, or entered the same by any other way, it shall be obligatory upon the Master, or other person having the charge and command of such vessel or vessels, to give satisfactory proof to the Collector of such Light-Duty, that such ship or vessel did not enter the Gulf of Saint Lawrence, through the Gut of Canso, and in default of giving such proof such Vessel shall be liable to the duty imposed by the said Act. Proof to be produced by Vessels claiming exemption from Light Duty

CAP. XXII.

An ACT to enable the Proprietors of Land, in the Rear Blocks or Divisions of Land in the Township of Guysborough, to open roads through the same.

Preamble

WHEREAS, by Letters Patent under the Great Seal of this Province, bearing date the second day of June, in the year of Our Lord One Thousand Seven Hundred and Eighty-five, Fifty-three Thousand Eight Hundred and Fifty acres of Land in the Township of Guysborough, were granted in common to Nathan Hubbell, Esq. and Two Hundred and Seventy-eight others therein named, a partition of which lands was thereafter made on a plan, by which each of said Grantees had one fourth part of the lands so granted to him, allotted in that part of the said grant which fronted on Milford Haven River, a partial survey of which front lands has since been made, and the remaining three fourths of the lands contained in said Grant was set off on the said plan, in lots forming several Rear Blocks or Divisions, extending, in different directions, to the distance of six miles and upward from the said River, of which no actual survey has yet been made, nor have any roads been laid out or opened through the same, whereby the persons owning them might have access to their respective lots, for the purpose of settling or improving them, in consequence of which, the whole of said rear divisions yet remain in their original wild state, and it is desirable that a general survey of said lands should be made, and such roads laid out and opened through them. And Whereas, a great number of the said original Grantees have sold their front lots, and have since died without heirs, or gone out of the Province, without disposing of their said rear lots, and there are no means now by law provided, whereby the just and equal proportions of the expense, which would be incurred in laying out such roads, and which of right should be chargeable upon the said rear lots, so laid out to such Grantees, could be obtained, and the whole of such expense would be too heavy to be borne by the resident proprietors, whereby the settlement and improvement of the said rear lots are much retarded, for remedy whereof :

Application for
General Survey of
of Rear Divisions
of Land, and the
Laying out of Roads

I. BE it enacted by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the Clerk of the Peace for the County of Sydney, to return to the Justices at the first, or any future, General Sessions of the Peace, to be held after the passing of this Act, in and for the said County, the names of the original Proprietors, or Grantees of said lands, with the quantity of such lands assigned to each person in the said rear blocks or divisions, and, when any number of the said Proprietors, or of the present Owners or Occupiers of said Lots, the aggregate amount of whose Lots shall exceed one fourth part of the quantity of land contained in the whole of the said rear blocks or divisions, shall, by memorial in writing, signed by them, make known to the said Justices, at any such General Sessions of the Peace, that it is their desire that a general survey of the said rear blocks or divisions should be made, and roads laid out and opened through them, and, in said memorial, shall express and set forth in what manner the same shall be done, and also the rules and regulations which such Proprietors desire may be pursued and followed in making such survey, and laying out and opening such roads, and shall also recommend ten fit and proper persons to act as a Committee for procuring the said survey to be made, and to lay out such roads, and also to assess the expense thereof, and, in such memorial, shall also recommend six fit and proper persons to act as Surveyors to open such roads, it shall and may be lawful

lawful for the said Justice to nominate and appoint five out of the ten persons so recommended to be a Committee for the purposes aforesaid, which Committee shall have power to appoint a Collector, (to be approved by the said Justices) to collect the assessments by them to be made for the purposes aforesaid, as hereinafter directed, and out of the six persons recommended to act as Surveyors of Roads in the said rear divisions, the said Justices may nominate as many as they shall judge to be necessary for that purpose, and the persons so nominated and appointed as aforesaid, shall be sworn in like manner, and be subject to the like penalties for not accepting, or for neglect of duty, as Surveyors of Highways are now, or may hereafter be, liable by the Laws of the Province, for refusing to serve, or neglect of duty, in their said office; and the said persons, so chosen and nominated for Surveyors of Roads as aforesaid, shall be vested with all the powers and authority that Surveyors of Highways have throughout the several Towns and Settlements of this Province; and shall be allowed for each and every day actually employed as Surveyor of Highways, in opening and improving said roads, the sum of five shillings each per day; to be paid out of the monies that may be recovered from delinquent proprietors, or such as refuse or neglect to perform the labour hereinafter required by this Act, to be done by them upon the said roads, or, in default thereof, to be paid out of the License money raised from Licensed Public Houses in the said Township, to be allowed and approved of by the Grand Jurors and Justices in Sessions as aforesaid; and as soon after the said roads shall be laid out as they shall think proper, the said Justices, by an order of Sessions, shall direct such Surveyors to open and improve them, agreeably to the rules and regulations specified in such memorial. *Provided always*, That before such Justices shall act upon such memorial it must be made appear to their satisfaction, that the Proprietors, who have signed the same, do actually own at least one fourth of the lands in the said rear divisions. *And provided also*, That if any one or more of the said Proprietors, through whose wilderness lands it may be necessary to lay out any of the said roads, shall object to the same, it shall be lawful for the said Justices in their Sessions as aforesaid, upon application made to them by the said Committee, to order a Jury to lay out the same conformably to the Laws of this Province, in such case made and provided; and should it appear to the said Justices, by the report of the said Jury to be made to them, that such objection was unreasonable, or vexatious, the said Proprietor shall be chargeable with the expense of such Jury, to be taxed and allowed by the said Justices in Sessions, and in default of payment thereof, the same shall and may be recovered from such Proprietor, by an action at the suit of the County Treasurer for the time being, in like manner as debts of like value are recovered before one or more Justices of the Peace, or other Courts having Jurisdiction within and over the said Township, and shall be applied to the purposes of defraying the aforesaid expense.

II *And be it further enacted*, That each and every person or persons, being the Owner or Owners of any lands in the said rear division, or that may hereafter own any of the said lands by purchase or otherwise, shall be liable for his or their proportion of the expense of making such general survey, and laying out said roads as aforesaid, to be assessed by the said Committee, and approved by the said Justices, and to be assessed in proportion to the quantity of lands owned by each person in the said rear division; and such proportion, when so assessed and approved, shall be levied in the same manner as County Rates are by the Laws of this Province directed to be levied upon the goods and chattels of such Proprietors as shall refuse or neglect to pay the sums so assessed on them as aforesaid, and subject to a like appeal.

III. *And be it further enacted*, That each and every person, being the Owner or Owners of any tract or parcel of land in the said rear blocks or divisions of land in the said

Expense of Survey, &c. assessed

Surveyors of Roads

Surveyors appointed refusing to serve

Powers of Surveyors

Allowance to Surveyors

Proviso.

Expense of making Roads, &c. defrayed by assessment

Labour to be performed by Proprietors

said township of Guysborough, or who may hereafter be any such Owner or Owners by purchase or otherwise, shall, and are hereby made liable for each one hundred acre lot, and so in proportion for every fifty acres by him or them respectively owned during the continuance of this Act, to labour one day in every year, between the first day of April and the first day of November, in opening and making such roads as aforesaid, under the direction of the said Overseers: such labour to be over and above what they now are, or may be, by law subject to perform in the statute labour of said Township; which additional work shall be performed by the said Owner or Owners, or by an able man or men to be procured by him or them respectively, and provided at his or their expense, with suitable tools, according to the work he or they may be called upon to perform; and the Owner or Owners of such lands as aforesaid, who shall neglect or refuse to execute or perform the said labour, shall, for each and every day's work so neglected or refused to be performed, forfeit and pay the sum of five shillings, and in the same proportion for a less space of time: the same to be recovered by the Surveyors of the Highways for the said rear block or divisions of land appointed as aforesaid, in like manner as debts of the like value are recovered before one or more Justices of the Peace, or other Courts having Jurisdiction in the said Township: the same to be applied and laid out by the Surveyors in opening and improving roads, and making bridges through the rear blocks or divisions of land aforesaid.

Persons exempted
from Labour

IV. *And be it further enacted*, That if on any lot within the said rear blocks or divisions of land, not containing more than one hundred acres, there now is, or hereafter may be cut down, cleared and burnt off, and made ready for a crop, five acres thereof; or if there shall be a house built on the said lot, and a person or persons residing therein, it shall be lawful for the Surveyors aforesaid, to excuse the owner or owners of such lot, and the person or persons residing thereon, as aforesaid, if any such there be, from performing the labour by this Act required for such lot; but it shall and may be lawful for the said Surveyors to compel the person or persons who may be residing upon such lot as aforesaid, or the Owner or Owners thereof, where no person or persons is or are so residing, to work on such new roads through the said rear blocks or divisions for the number of days he or they is or are bound to labour upon roads, under and by virtue of the several Statutes now in force, or that may hereafter be enacted, for the repairing of highways, bridges and streets, throughout the Province; and if upon any lot in the said rear blocks or divisions, containing more than one hundred acres, there shall be cut down, cleared and burnt off, and made ready for crop, in the proportion of five acres to every one hundred acres thereof, it shall and may be lawful for the Surveyors appointed under this Act, in like manner as aforesaid, to excuse the Owner or Owners of such lot from performing the labour required by this Act, but the said Surveyors shall as aforesaid compel such Owner or Owners to work on such new roads, for the number of days he or they is or are bound to labour on the Highways by virtue of the Statutes aforesaid; and the person or persons refusing or neglecting to perform on such new roads the labour required of them by the said Statutes, are hereby made liable to all the fines and penalties in the said several Statutes contained.

Lands of Proprietors
liable for their
proportion of Labour

V. *And be it further enacted*, That when the said Surveyors shall be unable to recover from any Proprietor or Proprietors of said land, the value of the labour he or they are bound to perform as aforesaid, the lands of such Proprietor or Proprietors shall be held charged with the same, and in case, at the end of three years, no person shall perform such labour, or pay the arrears due for the same from such delinquent Proprietor or Proprietors, it shall and may be lawful for the Judges who hold the Supreme Court in the County of Sydney, upon complaint thereof made to them by the said Surveyor or Surveyors, at any sitting of said Court in said County, to order public notice to be
given

given in the Royal Gazette, to such delinquent Proprietor or Proprietors, that, unless he or they shall, within three months from the date of such notice, pay to the said Overseers, the arrears due by him or them respectively, together with the costs of such complaint and notice, that so much of the said lands, by him or them respectively owned, as will be sufficient to pay their said several arrears, will be sold; and in case it shall be afterwards made appear to the said Supreme Court, either sitting in said County or at Halifax, that all or any of the said arrears remain due and unpaid, it shall and may be lawful for the said Court to direct an order to the Sheriff of the County, or his Deputy, to sell at Public Auction, in the same manner as if taken in Execution, so much of such Proprietor's said wilderness land as will be sufficient to pay their said respective arrears, together with such costs of complaint, charge and expenses of sale, and conveyance of such lands, as the said Court shall tax and allow; and the said Sheriff shall return his doing, on such order, at the next term for the sitting of the said Court, when it shall be lawful for the Court to confirm the doings of the Sheriff, or to set the same aside, and order another sale as the case may require; and it shall be lawful for the said Court, when it shall approve of such sale, to order the Sheriff to execute a Deed or Deeds in fee simple to the purchaser or purchasers, which, when executed, shall make, to such purchaser or purchasers, a title as good and valid in law, as if executed by the person or persons owning the same, or their Heirs or Assigns, and the said Court shall order the Sheriff to pay over the amount of the arrears, so recovered, to the said Surveyors, to be by them expended on said roads, and out of the residue of the proceeds of such sale, to pay such costs and charges as the said Court shall have taxed and allowed. *Provided always*, That no sale shall take place of the lands of any absent Proprietor, until the Surveyors of said Roads, or some one of them which shall have been appointed under this Act, shall make and file an affidavit in the Supreme Court, stating that the Proprietors of the Lots who are resident within the County of Sydney, have fully performed all the labour upon the roads passing through the said lands, which, by this Act, they are bound to perform.

VI. *And be it further enacted*, That in each and every year during the continuance of this Act, it shall be lawful for the said Justices to appoint annual successors to the Overseers for such Roads, and to order them to proceed in opening and making the same, pursuant to the rules and regulations which the said Proprietors may from time to time make and set forth in their memorials to the said Justices. *Provided*, That all such memorials be signed and agreed to pursuant to the provisions contained in the first section of this Act.

Appointment of
successors to Over-
seers

VII. *And be it further enacted*, That when the Collector, to be appointed as herein before directed for the purpose of collecting the assessments from the said Proprietors, for defraying the expense of making the said general survey, and laying out the said roads, shall be unable to recover from any Proprietor or Proprietors of said lands, his or their proportion of said expense, the lands of such Proprietor or Proprietors shall be held charged therewith, in like manner as with the arrears due for labour to be performed upon the said roads, under the provisions of the fifth section of this Act, and upon complaint thereof made to the Judges who hold the Supreme Court in the County of Sydney, by the said Collector, in the same manner as is, by the said recited Act, directed to be done by the Surveyors of said roads, it shall be lawful for the said Judges to order public notice to be given, and sales and conveyances to be made of so much of such delinquent Proprietor or Proprietor's land, within the said rear division, in the same manner, and under the same provisions, regulations and restrictions, as are contained in the fourth section of the before recited Act, as will be sufficient to pay their said respective arrears, together with such costs of complaint, charges of sale, and conveyance

Recovery of as-
sessed portions of
expense of Gen-
eral Survey

veyance of such lands, as the said Court shall tax and allow. The proceeds of such sale to be paid to the said Collector for the purpose of defraying the aforesaid expense, with costs and charges as aforesaid.

Continuation

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

CAP. XXIII.

An ACT to prevent disorderly Riding, and to regulate the driving of Carriages on the Streets of Halifax, or other Towns, or on the Public Roads of this Province, and for repealing certain Acts therein mentioned.

Disorderly riding in the Towns of the Province prevented

BE it enacted by the Lieutenant-Governor, Council and Assembly, That, from and after the publication of this Act, it shall not be lawful for any person to ride at full speed, or gallop, any Horse, Mare, Gelding, Mule or Ass, on any Street or Public Highway in any of the Towns within this Province.

Driving of Trucks, Sleds, &c. regulated

II. *And be it further enacted*, That all and every person who shall hereafter drive any Truck, Sled or Wheel Carriage, used for the carriage of Goods, within the Town of Halifax, or any Town within this Province, shall not, on any pretence whatever, drive swifter than a slow or easy trot, and shall, at all times, take care to lead his, her or their Horse or Horses with a halter, or to guide them with proper reins.

Driving of Carriages, &c. regulated

III. *And be it further enacted*, That each and every person who shall hereafter drive any Chaise, Sleigh, or other Carriage whatsoever, within any Town in this Province, shall drive the same in a moderate and careful manner.

Bells to be provided

IV. *And be it further enacted*, That all and every person or persons who shall hereafter drive any Sleigh or Sled in any of the Streets or Highways within this Province, shall have affixed to the harness used for the purpose of drawing such Sleigh or Sled, at the least, two good open bells, or four round Bells, such as are commonly used on Sleighs.

Width of Sleds

V. *And be it further enacted*, That all Sleds used for the carriage of loads upon any of the roads of this Province, shall not be less than four feet wide from outside to outside of the runners.

Width of loads of Hay or Straw, &c.

VI. *And be it further enacted*, That it shall not be lawful for any person or persons to drive upon any of the roads of this Province any load of Hay or Straw of a greater width than twelve feet; nor shall it be lawful for any person or persons returning with Sleds, to suffer pointed stakes to remain standing, or carry frames or projecting pieces outside of the said Sled.

Side of the road to be taken by Gigs, &c. passing each other

VII. *And be it further enacted*, That every person who, in summer or winter, shall drive any Gig, Chaise, Carriage, Waggon, Cart, Truck, Sleigh or Sled, on any Street in the said Town of Halifax, or any Public Road or Highway in this Province, every such person or persons shall always, hereafter, leave the centre of such Street or Road on his right hand side.

Gigs, &c. proceeding in similar direction

VIII. *And be it further enacted*, That, hereafter, when the driver of any Carriage, Sleigh or Sled, on any of said Streets or Public Roads, attempts to pass another Carriage, Sleigh or Sled, having its head in the same direction, such driver shall take care to pass on the right side of such Carriage, Sleigh or Sled, so as to leave a sufficient way open on his left hand for the Carriage, Sleigh or Sled, which he is so about to pass; and

and all Carriages, Sleighs and Sleds, at all times, both in the night and in the day, shall hereafter be obliged to keep on the side of the road appointed and established by this Act.

IX. *And be it further enacted,* That whenever any Carriage, Waggon, Cart, Truck, Sleigh or Sled, shall, at any time hereafter, stop, or be suffered to stand, loaded or unloaded, on any of the said Streets of Halifax, or Public Road, every such Carriage, Waggon, Cart, Truck, Sleigh or Sled, shall not be placed nearer to the centre of such Street or Road than eighteen inches.

Gigs, &c. stopping
on the road

X. *And be it further enacted,* That every person offending against any of the regulations of this Act, shall, upon conviction, on the Oath of one credible Witness, before any one of His Majesty's Justices of the Peace, forfeit and pay, for each and every offence, the sum of ten shillings; and, in case of refusal or neglect to pay, the same shall be levied by Warrant of Distress, on the Goods and Chattels of such Offender, and for want thereof such Offender shall be committed by such Justice to the County Jail for a period not exceeding forty-eight hours.

Violations of this
Act

XI. *And be it further enacted,* That all prosecutions, under this Act, shall be commenced in forty-eight hours after the committing of the offence.

Prosecutions

XII. *And be it further enacted,* That all Monies, arising from Fines under the provisions of this Act, shall be paid into the hands of the Treasurer of the County wherein the same shall be recovered, and be applied to the repair of Highways in such County.

Application of
Penalties

XIII. *And be it further enacted,* That an Act, passed in the thirty-third year of the reign of His Majesty King George the Second, entitled, "An Act to prevent disorderly riding Horses, and driving Carts, Trucks and Sleds, Sleighs, or any other Carriage whatsoever, within the Town of Halifax, or any other Town within the Province;" and also an Act, passed in the twenty-ninth year of His late Majesty's reign, entitled, "An Act in amendment of the several Acts, passed in the first and twenty-eighth years of His Majesty's reign, relative to the repairing of Highways, Roads, Bridges, &c.;" and also the Act, passed in the third year of His present Majesty's Reign, entitled, "An Act to regulate the driving of Carriages on the Streets of Halifax, or Public Roads of this Province," and every matter, clause and thing, in each and every of the said Acts contained, be, and the same are hereby repealed.

Acts 33d, Geo.
2nd, Cap. 8, and
29th Geo. III Cap.
7 and 3 Geo. IV.
Cap 27, repealed

XIV. *And be it further enacted,* That this Act, and every matter, and thing, therein contained, shall be and continue, and the same is hereby continued, in force, for three years from the publication hereof, and from thence to the end of the next Session of the General Assembly.

Continuation of
this Act

Continued by 7,
Geo. IV. Cap.
22

CAP. XXIV.

An ACT to extend to the Town of Pictou, an Act, passed in the second year of His late Majesty's reign, entitled, An Act for appointing Firewards, ascertaining their duty, and for punishing thefts and disorders at the time of fire; and also several Acts and Clauses of Acts since passed, in amendment and alteration thereof.

Acts 2d Geo. III.
Cap. 5, 22d Geo.
III. Cap. 4, 28th
Geo. III Cap. 8,
1st and 2d Sec.
30th Geo. III. Cap.
1, 1st 2d 3d Sec.
60th Geo. III. Cap.
7, extended to Pic-
tou.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the second year of His late Majesty's Reign, entitled, An Act for appointing

appointing Firewards, ascertaining their Duty, and for punishing thefts and disorders at the time of Fire; and also an Act, passed in the twenty-second year of His said Majesty's reign, entitled, An Act in addition to an Act, made in the second year of His present Majesty's reign, entitled, An Act for appointing Firewards, ascertaining their duty, and for punishing thefts and disorders at the time of fire; and also an Act, passed in the twenty-eighth year of His late Majesty's reign, entitled, An Act in further addition to an Act, passed in the second year of His Majesty's reign, entitled, An Act for appointing Firewards, ascertaining their duty, and for punishing thefts and disorders at the time of Fire; and also the first and second sections of an Act, passed in the thirtieth year of His said late Majesty's reign, entitled, An Act to amend the Act, entitled, An Act for appointing Firewards, and ascertaining their duty, and for punishing thefts and disorders at the time of Fire; and also in amendment of the several Acts made in amendment of, or in addition to, the said recited Act, and to extend the several provisions therein contained, to the Town of Shelburne; and also the first, second and third, sections of an Act, passed in the sixtieth year of His said late Majesty's reign, entitled, An Act in amendment of an Act, passed in the second year of His Majesty's reign, entitled, An Act for appointing Firewards, ascertaining their duty, and for punishing thefts and disorders at the time of Fire, be, and the same are hereby, extended to the Town of Pictou, to be there in operation, and to have full effect within the limits following, that is to say: from the East line of David Patterson's land on the West, to the East line of the lot owned by Hugh Denoon, Esq. on the East; and extending from the Water of the Harbour of Pictou, on the South, to the rear line of the lots laid off and fronting on said Harbour on the North; and the Justices in their Sessions for the District of Pictou, Justices of the Peace, Constables, and all other persons whatsoever in and within the said limits, are hereby bound strictly to conform to the said Acts and Clauses of Acts, and to carry the same into operation within the said limits, in as full and ample a manner, to all intents and purposes, as if the said Town of Pictou had been originally named therein.

Act 55th Geo.
III. Cap. 11, re-
pealed

II. *And be it further enacted*, That the said Act, passed in the fifty-fifth year of His said late Majesty's reign, entitled, An Act to extend to the town of Pictou the several Acts for the appointing Firewards, be, and the same is hereby, repealed.

CAP. XXV.

An ACT for the preservation of His Majesty's Rights in Coal Mines.

Preamble

WHEREAS, *sundry persons have, without leave or permission, presumed to dig and carry away, large quantities of Coal from the Mines, Veins and Seams, of Coal reserved for His Majesty's use in this Province, which practice is prejudicial to the Rights of the Crown:*

Penalty for taking
Coals without
leave

I. *BE it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That any Person or Persons who may be convicted as hereinafter directed, of opening or digging in any Mine, Vein or Seam, of Coal, within this Province, or raising or taking from the same any quantity of Coals, without leave, in writing, first obtained for that purpose, from the Governor, Lieutenant-Governor, or Commander in Chief for the time being, every such person or persons shall be adjudged to forfeit and pay to Our Lord the King a sum not exceeding Twenty-five Pounds, upon conviction in any of His Majesty's Courts of Record in this Province, on bill, plaint or information, there filed and exhibited against any such offender or offenders.

II.

II. *And be it further enacted,* That in case any quantity of Coals, not less than two Chaldrons, the produce of this Province, shall be found laden on board of any Boat or Vessel, of any denomination or description, within any River, Creek, Bay, Port or Harbour, of this Province, or within one league of the shore thereof, it shall and may be lawful for any Officer of His Majesty's Customs, or of the Impost and Excise Department, if duly and properly authorised for that purpose, to seize and take all such Coals as forfeited to His Majesty, unless the person or persons in charge of every such Boat or Vessel shall produce to such Officer or Officers a Certificate, in writing, being of such form as the Governor, Lieutenant-Governor, or Commander in Chief for the time being, shall hereafter direct and establish for the purpose of shewing that such Coals have been dug, raised or taken, from the Mines, Seams or Veins, of Coals belonging to His Majesty in this Province, by some Person or Persons duly authorised and licenced for that purpose as aforesaid.

Coals discovered
on board of Ves-
sels

III. *And be it further enacted,* That it shall and may be lawful for the Officer or Officers who shall so seize any quantity of Coals not less than two Chaldrons, if unaccompanied with the Certificate aforesaid, to unload, land, and put such Coals on shore, as speedily as possible, from the Boat or Vessel in which the same may be found laden as aforesaid, and to prosecute the same to final condemnation in any of His Majesty's Courts of Record in this Province, and one half the nett proceeds of such Coals shall, after condemnation, go, and be paid, to His Majesty, and the other half to the Officer who shall make and prosecute such seizure.

Seizure of Coals
unaccompanied
with the necessary
Certificate

CAP. XXVI.

An ACT to extend an Act, passed in the forty-first year of His late Majesty's Reign, entitled, An Act for repairing, keeping in repair, cleansing and paving, the Streets in the Town and Peninsula of Halifax, to the Towns of Pictou and Annapolis Royal.

Repealed by 7
Geo. 4 cap 3

CAP. XXVII.

An ACT to continue the several Acts respecting the Liverpool Light-House.

Expired

CAP. XXVIII.

An ACT to continue an Act, made and passed in the thirty-eighth year of His late Majesty's Reign, entitled, An Act to amend and render more effectual an Act, passed in the eighteenth year of His present Majesty's reign, entitled, An Act to prevent forestalling, regrating and monopolizing, of Cord Wood in the Town of Halifax, and also the Act now in force in addition thereto.

Expired

CAP. XXIX.

Expired

AN ACT to continue the Act, passed in the third year of His Majesty's Reign, entitled, An Act to revive and continue, alter and amend, an Act, made and passed in the fifty-seventh year of the reign of His late Majesty King George the Third, entitled, An Act for the Summary Trial of Actions.

CAP. XXX.

AN ACT to amend and continue the several Acts, now in force, for regulating the Expenditure of Monies for the service of Roads and Bridges.

Acts 52d, 57th & 60th Geo. III. continued (with exceptions)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the fifty-second year of His late Majesty's Reign, entitled, An Act to regulate the expenditure of Monies, hereafter to be appropriated for the service of Roads and Bridges, (except so far as the said Act is altered by the Acts hereinafter named); also an Act, passed in the fifty-seventh year of His late Majesty's Reign, to alter and amend the said Act (except so far as the said last mentioned Act is altered by the Act hereinafter named); and also an Act, passed in the sixtieth year of His late Majesty's reign, to alter and continue the said Acts; and every matter, clause and thing, in the said Acts contained, excepting as before excepted, shall be continued, and the same are hereby continued for one year, and from thence to the end of the next Session of the General Assembly.

1st Section expired See 4 & 5 Geo. 4 Cap 14

And Whereas, *the Main Roads are often greatly injured by the locking or chaining the Wheels of loaded Waggon and Carts in descending the Hills* :

Waggon, &c. using locks or chains, to have iron or wooden shoes affixed to the Wheels

II. Be it therefore enacted, That, from and after the publication hereof, it shall not be lawful for the Driver of any loaded Waggon or Cart to cause such Waggon or Cart to be drawn upon any of the Public Roads of this Province, with any one or more of the Wheels of such Waggon or Cart locked or chained, to prevent it from turning, unless such Driver of such Waggon or Cart shall cause to be placed under such Wheel or Wheels an Iron Shoe, not less than five inches in width, and sixteen inches in length, or a Wooden Shoe, of the same length, and eight inches wide, connected with a chain to some part of such Waggon or Cart, in such way that such Wheel or Wheels, so chained or locked, shall be borne up and drawn upon said shoe.

Violation of Act

III. And be it further enacted, That any Person who shall drive any Waggon or Cart, on any of the said Roads, contrary to the provisions of this Act, or who shall place and leave on any of the said Roads, any stones, sticks or other obstructions, shall be subject to a fine of Ten Shillings: to be recovered on the oath of one credible Witness, before any one of His Majesty's Justices of the Peace for the County or Town wherein the offence shall have been committed; which sum, if not paid, shall be levied by Warrant from such Justice of the Peace, from off the Goods and Chattels of the offender, and for want thereof he shall be committed to the Jail of such County, for the space of twenty-four hours: and that all monies arising from fines, under the provisions of this Act, shall be applied for the repair of the roads in the County wherein the same shall be received.

See 7, Geo. 4 Cap. 2 Sec. 22

CAP. XXXI.

An ACT to continue an Act, entitled, An Act more effectually to secure the payment of the Provincial Duties of Excise, and to prevent Frauds in the collection of the Provincial Revenue. Expired

CAP. XXXII.

An ACT to continue the Act to provide for the Accommodation and Billetting of His Majesty's Troops, or of the Militia, when on their march from one part of the Province to another, and also the Acts in amendment thereof. Expired

CAP. XXXIII.

An ACT to regulate the Jurisdiction of the Inferior Court of Common Pleas within the County of Cape-Breton, and to fix and establish the times and places for holding of the said Inferior Court and General Sessions of the Peace in and for the said County.

WHEREAS, *from the great extent of the County of Cape-Breton, the Courts held at Sydney and Arichat are insufficient, and the Jurisdiction of the Inferior Courts of that Island require to be regulated, for remedy whereof:* Preamble

I. BE it enacted by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being, when he shall deem it expedient, by and with the advice of His Majesty's Council, to divide the said County of Cape-Breton into three convenient Districts, and to regulate and ascertain the boundaries of such Districts, and to issue a Commission or Commissions to establish an Inferior Court of Common Pleas and General Sessions of the Peace, to be held at some convenient place at the Gut of Canso, or the Gulf Shore of said Island, which Courts of Common Pleas and Sessions are to be held, in addition to the Courts of Common Pleas and Sessions now held at Sydney and Arichat; *Provided always,* That such third Court of Common Pleas and Sessions of the Peace shall not be held until the Governor, Lieutenant-Governor or Commander in Chief for the time being, shall notify by Proclamation the issuing of such Commissions, the establishment and boundaries of each District, and the place where such third Court of Common Pleas and Sessions should be held. Division of Cape-Breton into three Districts
Establishment of Courts at the Gut of Canso

II. And be it further enacted, That the Inferior Court of Common Pleas and General Sessions of the Peace, shall be held twice in every year, in the Northern and Southern Districts of said Island as now established, that is to say, the Inferior Court of Common Pleas and General Sessions of the Peace for the Northern District, shall be held at Sydney on the second Tuesday of April and fourth Tuesday of October, in each and every year; and the Court of Common Pleas and Sessions of the Peace for the Southern District, shall be held at Arichat, on the fourth Tuesday in April, and Times for holding Inferior Courts and Court of Sessions for the Northern and Southern Districts of Cape-Breton

and second Tuesday of October in each and every year, any law, usage or custom, to the contrary notwithstanding. And when a third District shall be fixed and established in the said County, the Court of Sessions, and Inferior Court of Common Pleas, for such third District, shall be held twice in each year, at such place as shall be appointed for that purpose, as aforesaid, that is to say, on the second Tuesday of May, and fourth Tuesday of September.

Jurisdiction of
Courts limited

III. *And be it further enacted*, That the Jurisdiction of each of the said Inferior Courts of Common Pleas shall be limited and confined within the District in which each of such Courts of Common Pleas shall respectively set and be held; and all writs and process of every kind, which shall hereafter issue from any or either of the said Inferior Courts now established, or which may hereafter be established, shall extend only to the District to which the Inferior Courts out of which the same may issue, belong; and it shall not be lawful hereafter, for the Sheriff, or his Deputy, or any other Officer or Officers, to serve or execute any Writ or Process, issuing from the Inferior Court of Common Pleas in any of the said Districts now established, or hereafter to be established, save and except in the District to which the Inferior Court out of which such Writ or Process may issue, shall properly belong and appertain; and it shall not be lawful for the sittings of any or either of the said Courts of Common Pleas or General Sessions to be continued or prolonged for any length of time beyond the space of five days, to be computed from the first day of the sitting of each of such Courts respectively.

Proviso

Provided always, That Writs of Execution or Judgments, given in any or either of said Courts, shall run and may be served in and over the whole of the said County of Cape-Breton, and the several Districts thereof.

Courts to be held
in the third Dis-
trict when esta-
blished

IV. *And be it further enacted*. That if it shall appear to the Governor, Lieutenant-Governor or Commander in Chief for the time being, after the said third District shall be established, as aforesaid, that it will be sufficient to hold the Court of Common Pleas and General Sessions of the Peace once in each year in the said new District, it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief, by an order made by and with the advice of His Majesty's Council, to suspend one of the sittings in each year of the said Inferior Court and General Sessions, either in the Spring or Autumn, which ever may be most convenient, and continue such suspension so long as the same may be deemed necessary, and no longer.

CAP. XXXIV.

Expired

An ACT to alter and continue the several Acts of the General Assembly, for granting to His Majesty certain duties on Wine, Brandy, Gin, Rum, and other Distilled Spirituous Liquors, Molasses, Coffee and Brown Sugar, for the support of His Majesty's Government, and for promoting the Agriculture, Commerce and Fisheries, of the Province.

CAP. XXXV.

An ACT for altering the time of holding the Courts of Common Pleas and General Sessions of the Peace, in the County of Cumberland.

WHEREAS, *the holding of the Courts of Common Pleas and General Sessions of the Peace, on the last Tuesday of April, and the first Tuesday of November, in the County of Cumberland, hath been found inconvenient, for remedy whereof :* Preamble

I. *BE it enacted by the Lieutenant-Governor, Council and Assembly, That the said Courts of Common Pleas and General Sessions of the Peace shall, in future, be held annually in the Township of Amherst, in the County of Cumberland, on the last Tuesday of June, and the first Tuesday of January, any law, usage or custom, to the contrary notwithstanding.* Courts of Common Pleas to be held in Amherst last Tuesday of June

II. *And be it further enacted, That all such Writs as may have been or shall be issued, returnable on the last Tuesday of April, shall, instead thereof, be returnable on the last Tuesday of June ; and all Writs, hereafter to be issued, shall be made returnable on the last Tuesday of June, and the first Tuesday of January, the day of the sitting of the said Courts, and the parties shall be bound to appear in the said Courts accordingly.* Writs returnable

III. *And be it further enacted, That the Grand and Petit Jurors shall respectively serve for the said Inferior Courts of Common Pleas and General Sessions of the Peace in the Township of Amherst and County of Cumberland, on the last Tuesday of June, and the first Tuesday of January, in each year, any law, usage or custom, to the contrary notwithstanding.* Grand and Petit Jurors

CAP. XXXVI.

An ACT to make further Provision for the Administration of Justice in the County of Cape-Breton.

WHEREAS *it is deemed necessary to make some further Provision for the Administration of Justice in the County of Cape-Breton :* Preamble

I. *BE it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to appoint one fit and proper person, who shall have been regularly admitted and sworn as an Attorney of His Majesty's Supreme Court of this Province, and who shall have practised as an Attorney of the said Court for at least five years after such admission, to be Chief-Justice of the Inferior Court of Common Pleas for the said County of Cape-Breton, and President, or First Justice, of the Court of Sessions, in and for the said County.* Appointment of Chief-Justice of Cape-Breton

II. *And be it further enacted, That the person, so appointed, shall preside as the First Justice in all and every of the Sittings of the said Inferior Court of Common Pleas, for the said County of Cape-Breton, and in all and every of the Courts of General Sessions of the Peace in and for the said County.* Chief-Justice to preside at Inferior Courts and Courts of General Sessions

III. *And be it further enacted, That there shall be allowed and paid, as the yearly Salary of such Judge, the sum of Four Hundred Pounds, and that the further sum of One Hundred Pounds shall annually be allowed and paid to him, in lieu of all travelling fees and incidental charges.* Salary. Travelling expenses of Chief-Justice

CAP. XXXVII.

Expired

An ACT to continue an Act, entitled, An Act in addition to and amendment of an Act, passed in the forty-first year of His Majesty's Reign, entitled, An Act for repairing, cleansing and paving, the Streets, in the Town and Peninsula of Halifax, and for removing Obstructions therein; and also the Act, in amendment thereof, passed in the forty-second year of His present Majesty's reign.

CAP. XXXVIII.

Expired

An ACT to continue an Act in addition to an Act, passed in the thirty-third year of the Reign of His late Majesty George the Second, entitled, An Act for regulating the rates and prices of Carriages.

At the **GENERAL ASSEMBLY** of the Province of Nova-Scotia, begun and holden at Halifax, on Thursday, the Eighth day of January, 1824, in the Fourth Year of the reign of our Sovereign Lord **GEORGE** the Fourth, by the Grace of God, of the United Kingdom of Great-Britain and Ireland, **KING**, Defender of the Faith, &c. &c. &c. being the Fourth Session of the Twelfth General Assembly, convened in the said Province.*

*In the time of Sir James Kempt, Knight Grand Cross of the Most Honourable Military Order of the Bath; S. S. Blowers, Chief-Justice and President of Council; Simon Bradstreet Robie, Speaker of the Assembly; Sir Rupert D. George, Bart. Secretary of the Council; and James B. Francklin, Clerk of Assembly.

CAP. I.

An **ACT** in amendment of an Act, made and passed in the fourth year of His present Majesty's Reign, entitled, An Act to regulate the Jurisdiction of the Inferior Court of Common Pleas within the County of Cape-Breton, and to fix and establish the Time and Places for holding of the said Inferior Court and General Sessions of the Peace in and for the said County.

See 4 Geo. 4 cap 83 and 6 Geo. 4 cap 81

WHEREAS, *great inconveniencè has been felt owing to the Law as it now stands, authorising but one Grand Jury to be summoned for the Northern and Southern Districts of Sydney and Arichat:* Preamble

I. BE it therefore enacted by the Lieutenant-Governor, Council and Assembly, That the Sheriff of the said County do hereafter summon Twenty-four Persons, residing in each of the said Districts before named, to attend the Supreme Court and Sessions of the Peace, which Persons, so summoned, shall be respectively qualified to serve as Grand Jurors, as the Law directs, and shall be liable to all fines and penalties for non-attendance, which the Law at present imposes: Jury to be summoned

II. And be it further enacted, That the Inferior Court of Common Pleas and General Sessions of the Peace, shall be held at Sydney on the first Tuesday of April in each and every year, and the Court of Common Pleas and Sessions of the Peace, shall be held at Arichat on the first Tuesday of May in each and every year. And the said Court of Common Pleas and Sessions for the Third District, to be appointed, shall be held at such place as shall be appointed for that purpose, on the second Tuesday of May in each year. Inferior Court and General Sessions of the Peace, when held in Cape-Breton

And Whereas, *much inconveniencè will be experienced in the New District, to be established within the County of Cape-Breton, in consequence of there being no arrangement made for the summoning Grand and Petit Jurors: For remedy whereof:*

III.

Summoning Jurors
in New District in
Cape-Breton

III. *BE it enacted by the Lieutenant-Governor, Council and Assembly,* That it shall and may be lawful for the Chief-Justice of the Inferior Court of Common Pleas for the said County of Cape-Breton, or First Justice of the Court of Sessions in and for the said County, to direct and issue a Precept to the Sheriff of the said County of Cape-Breton, commanding him to summon Twenty-four Persons, residing in said District, to attend the said Inferior Court and the General Sessions of the Peace at the sitting of the said Courts, in the said New District, to serve as Grand Jurors, and Twenty-four Persons to attend the said Courts as Petit Jurors, which persons, so to be summoned, shall be respectively qualified to serve as Grand and Petit Jurors in said District. And the said persons, so summoned, shall be bound to attend the said Courts, and to perform the duties of Grand and Petit Jurors thereat; and shall be liable to all the fines and penalties for non-attendance, to which Grand and Petit Jurors are liable.

Directions for sum-
moning Jurors, &c.

IV. *And be it further enacted,* That the said Grand and Petit Jurors shall be drawn, summoned and returned, in the said New District, and the Constables, and all other District Officers appointed in the same, in such manner as such Officers are summoned and appointed within the other Districts in the Province, and be subject to the same rules and restrictions.

Writs, &c. returna-
ble

V. *And be it further enacted,* That all Writs, issued from the said Court, before the passing of this Act, and made returnable to the Terms as heretofore enacted, and all Recognizances entered into, or Bail Pieces taken in Civil Suits, shall be of the same force and effect as if this Law had not been made.

County Charges
in Cape-Breton

VI. *And be it further enacted,* That the Monies which may be necessary to be raised to defray County charges arising in the said County of Cape-Breton, shall be presented by the Grand Juries in the respective Districts, and assessed, levied, raised and applied, therein, to the use of such respective District, in the same manner as Monies are raised and applied in other Counties.

CAP. II.

Executed

An ACT for applying certain Monies, therein mentioned, for the service of the Year of Our Lord One Thousand Eight Hundred and Twenty-four; and for appropriating such part of the Supplies granted in this Session of the General Assembly, as are not already appropriated by the Laws or Acts of the Province.

CAP. III.

An ACT to authorise the Incorporation of a Company for making a Canal by the River and Lakes of the Shubenaccadie.

Incorporation of
Shubenaccadie
Canal Company

BE it enacted by the Lieutenant-Governor, Council and Assembly, That whenever a sufficient number of Persons shall have associated themselves together for opening and making a Navigable Cut Canal, or Water Communication, between the Harbour of Halifax and the Bason of Minas, by, along, or near to, the course of the River Shubenaccadie, and the Lakes thereof, and shall have agreed to raise sufficient

Monies

Monies to effect the same, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, at any time within five years from the passing hereof, by Letters Patent under the Great Seal of this Province, to make, erect and incorporate, all and singular the persons who, from time to time, shall be adventurers in, or parties to, the said undertaking, and their assigns, into one Body Politic and Corporate, in Deed and in Name, under the Title of—The Shubenaccadie Canal Company, and, by that name to have succession, to sue and to be sued, to have a common Seal, and to possess and enjoy such Powers with respect to the choice of a President and other Officers, making Bye Laws, and regulating the affairs of the said Company, as shall be expressed in the same Letters Patent.

II. *And be it further enacted*, That the said Company, when so incorporated, shall, and they are hereby declared and made capable in Law, to have, hold, purchase, receive, possess, enjoy, and retain, lands, rents, and tenements, to the amount of Fifty Thousand Pounds, and no more at one time; and also, monies, goods, chattels and effects, to the amount of Twenty-five Thousand Pounds, and no more, at any one time; and also, to sell, grant, demise, alien, or otherwise dispose of, such lands, tenements, rents, monies, goods, chattels, and effects, at their free will and pleasure.

Property of Company

III. *And be it further enacted*, That in such Letters Patent, the necessary Officers of such Corporation, shall be named and designated, and proper Persons appointed to be such Officers for the first year; and that the said Corporation may make, establish, and put in execution, such laws and regulations, as may be necessary for making such Canal and the works thereof, levying the assessments, and for the government of the said Corporation: *Provided*, The same shall in no case be repugnant to the Laws of this Province.

Officers of Company to be named in Letters Patent of Incorporation

IV. *And be it further enacted*, That the Capital or Joint Stock of the said Corporation, shall be divided into such, and so many, shares or portions, as the said Corporation, by their Bye Laws or Ordinances, shall from time to time appoint, and such shares shall be transferable, and be conveyed in such manner, and under such restrictions and conditions, as in such Bye Laws shall be appointed.

Proportions of Capital or Joint Stock of Company

V. *And be it further enacted*, That it shall and may be lawful for the said Company, when so incorporated, to make, open, and cut, a sufficient Canal or Water Communication, of such breadth, depth and dimensions, as shall be deemed fit and necessary, from the Waters of the Harbour of Halifax, through the Dartmouth Lake, so called, the Lakes and Channels or Course of the River Shubenaccadie, or by, or along, the sides or banks of such Lakes and River, to such part of the River Shubenaccadie, between its place of discharge into the Basin of Mines, and the Great Lake, as shall be found practicable, or most convenient or proper for making a continued Navigable Channel or Canal for the passage of Boats or Vessels, to and from the Bason of Mines, and the Harbour of Halifax, respectively; and also, to dig and excavate such lock pits, chambers, or basons, and to make, build and erect, such locks, sluices, dams, weirs, and embankments, in, over, across, or upon, the course of the said river, or along the sides thereof, or at or near to the several lakes or streams connected therewith, as shall be considered necessary or proper for effecting such Inland Water Communication, and at all such places or parts of the said River, Lakes or Streams, and in such lines, courses and directions; from one part to another of the said River, Lakes and Streams, as the said Company shall deem expedient; and further, to make, place and erect, such and so many lock gates or doors, as shall be necessary in the line, course, or direction, of such Canal, or required in the Locks, Dams or Sluices thereof; and likewise to dig, excavate and deepen, the channels and courses of the said River, Lakes and Streams, whenever necessary, whether at the places of junction of the said Lakes,

Power given to Company to open Canal

River and Streams, respectively, or elsewhere in the course, channel or basons thereof; and moreover to divert, turn, change or alter, the course, channel and direction, of the River, Lakes, or Streams, aforesaid, wherever necessary; and to make, dig and excavate, a channel, or course for the said River, or the Waters thereof, and to form the said Canal in any other manner, or different direction, between the said Lakes respectively, or between any one or more of the said Lakes, and the said River, or any particular part thereof, than the course or direction which the Waters of the said River or outlets of the said Lakes do now run in or follow: and furthermore, to retain, dam up and confine, the Waters of the River, Lakes, and Streams aforesaid, in the natural Basons, Courses, or Reservoirs thereof, or in other artificial Basons or Reservoirs, to be made by the said Corporation, and to lessen or reduce the actual surface, waters, or depths, of such Lakes, River, or Streams, whenever necessary or proper, for the purposes of the said Canal or Water Communication; and generally to use and appropriate the Waters of the said River, Lakes, and Streams, and the Channels and Water Courses thereof, to and for the use and benefit of, and for rendering effectual, navigable and useful, the said intended Canal or Water Communication from Halifax aforesaid, to the said Bason of Mines.

Towing Paths,
Walks or Roads

VI. *And be it further enacted,* That the said Company shall have power and authority to make, open and complete, in all such places where the same shall be thought necessary, in or upon the said Canal, River and Lakes, and the Shores or Banks thereof respectively, such Towing Paths, Walks or Roads, as shall be found necessary or useful for the tracking or towing along the line of such Canal, River or Lakes, the Boats, Barges or Vessels, to be used or employed thereupon; and such Towing Paths, Walks or Roads, with all necessary appendages thereof, from time to time, to repair, amend, alter or sustain, as the said Corporation shall see fit.

Powers of Com-
pany

VII. *And be it further enacted,* That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by whom such Letters Patent of Incorporation shall be granted, to give and convey thereby to the said Company, all such other powers, privileges, authorities and immunities, in regard to the making, executing, repairing and sustaining, such Canal or Water Communication, as are commonly and usually granted to such Canal Companies, and as shall appear to him, with the advice and consent of His Majesty's Council, to be reasonable, fit and proper, in this behalf; and further, by and with the consent aforesaid, to impose such restrictions and conditions on the said Company, as may be proper or expedient in regard to the size and dimensions of the said Canal, and the Locks and Works thereof, the Rates or Tolls to be taken, or other subjects connected with such Canal.

Limitation of
Charter

VIII. *And be it further enacted,* That the Course and Channel of such Canal or Water Communication; and the Dams, Wears, Embankments, Sluices, Locks, Lock-pits or Chambers, Lockgates, Reservoirs and Basons, by the said Corporation to be erected and made, as aforesaid, and the Waters and Streams of the said River and Lakes, so far as the same are or may be required or necessary to be used, retained, directed or appropriated, to and for the use and benefit of such Canal, and the beneficial enjoyment thereof; and all Lands or Real Estate, purchased or obtained for such Canal, and through which it shall be made, and the towing or tracking Paths or Roads aforesaid, along the said Canal, River and Lakes, shall be, and they are hereby, vested in, and declared and made the sole exclusive property of, the Company, for and during the term of Ninety-nine years from the date of such Letters Patent.

Right of Naviga-
tion of Canal by
the Public

IX. *Provided always, and be it further enacted,* That a way and passage in, through and along, the said Canal or Water Communication, and the Locks, Gates and Passages thereof, and in and upon the Towing-path, Roads or Side Paths, of the said Canal,

Canal,

nal, or by the said Company to be constructed or made for the use and benefit of the said Canal, shall be, at all convenient times and seasons, free and open to all His Majesty's Subjects, with their Boats, Vessels and Goods, and Horses or Cattle, towing or drawing the same, after payment or tender of the Toll or Pass-money, which shall be established and ordained by the said Corporation, upon and for the several parts of the said Communication.

X. *And be it further enacted*, That the several Rates, Tolls and Pass-monies, hereinafter to be ordained or established by the said Company, upon the line of the said Canal, shall be subject and liable to the Regulation of His Majesty's Council, in the manner to be directed by the said Letters Patent. Rates, Tolls, &c.

XI. *And be it further enacted*, That wheresoever the course, line or direction, of such Canal or Water Communication, shall be crossed by any public highway, now or hereafter to be established under the provisions of the present or any future Laws of this Province, the said Corporation shall be, and is hereby required and made, subject and liable to build and erect, at the proper costs and charges of such Corporation, such sufficient and substantial Bridges or Draw-Bridges as shall be necessary for the convenient use of the said Highways where they cross such Canal, and such Bridges or Draw-Bridges respectively, shall, from time to time, be kept in repair and sustained by the said Corporation, and be free and open to all His Majesty's Subjects at all times and seasons. Canal crossing
Public Highways

XII. *And be it further enacted*, That wheresoever the line of such Canal or Communication shall be crossed or intersected by any private Way, or shall pass through Land, owned by any one of His Majesty's Subjects, on both sides of the said Canal, or whenever, in future, any private way shall be required to be made across such Canal, then, and in every such case, the right of privilege of erecting and sustaining a Bridge, or other mode of crossing such Canal for the use of the party entitled or requiring such private Way or Passage, and the proceedings for obtaining such right or privilege, shall be obtained, regulated and be pursued, in such and the like manner, and under such and the like conditions, as private Ways may now, or shall, by any future Laws of this Province be procured, regulated or established. Canal crossing
Private Ways

XIII. *And be it further enacted*, That whenever, for the course, channel or scite, of such Canal, or the works thereof, or for cutting or opening such Canal, or for making or erecting any of the Locks, Dams, Reservoirs or Embankments thereof, or for any of the other purposes mentioned and authorised by this Act, the said Corporation, their Engineers or Servants, shall consider or find it necessary that any Lands lying or being in the course or direction of such Canal, or Water Communication, or contiguous thereto, or upon the Shores or Banks of the said River, Lakes or Streams, should be purchased by, or vested in, the said Corporation, to enable them to make and complete, and beneficially use, the said Canal, then, and in every such case, it shall and may be lawful for the said Corporation to have, use, adapt and take, such and the like course and proceedings in regard to such lands, and the obtaining the same for the use of the said Corporation, as by any present or future law of this Province, are or shall be enacted, or in force, touching the making or altering any Public Highway through the lands of any private Person in this Province; and such and the like process and course of proceedings, as are or may be requisite for divesting the right and interest of the Individual Owner of the Land required for a Public Highway, and appropriating such Land for the use of the Public, shall and may be used, pursued and taken, for divesting the Estate and Interest of the respective Proprietors of the Lands required for the use of the said Corporation, and vesting such Lands, with their appurtenances, in the said Corporation. And in every such case, after such and the like proceedings had as may be taken with respect to Highways, and after the verdict Line of Canal
passing through
Lands of Individuals

dict of a Jury taken and confirmed, and the Damages assessed in favor of the Proprietor paid and satisfied, and all other the provisions and requisites in force as respects Highways, in all particulars observed and confirmed, the said Lands and Tenements described in, and forming the subject matter of, such proceedings, shall be, and they are hereby, with their respective appurtenances, vested in, and appropriated to, the use of the said Corporation, and shall be and remain to, and be enjoyed by, the said Corporation in fee simple.

Materials for making Canal, &c.

XIV. *And be it further enacted*, That whenever in the making or opening such Canal, and performing the works thereof, it shall be necessary for the said Company or their Servants, to procure materials for the said works, from any uncultivated lands, lying on or contiguous to the said Canal, River or Lakes; and the owner of such uncultivated Land, shall be absent, or no agreement can be made with him, then and in every such case, it shall and may be lawful for the said Company, and their Servants, to enter with Workmen, Carts, Carriages and Cattle, upon such uncultivated Lands, and thereon and therefrom to dig up, take and carry away, Stones, Earth and Gravel, and to cut down, and carry away therefrom, Trees and Brushwood, Logs, Poles and Bushes, for the works of such Canal; and the damage thereby done shall be appraised and ascertained by the judgment of three indifferent Freeholders, to be nominated by the nearest Justice of the Peace for that purpose; and the sum so ascertained, shall be paid or tendered by the Company to the Owner of the soil, if demanded within three months from such appraisement.

Proviso

XV. *Provided always, and be it further enacted*, That no damage be done to any particular person in his Land or Property, nor the course of any River or Stream, or Waters whatsoever, be turned or diverted without due recompense to be made by the said Corporation, as the said Corporation and the Parties interested may agree, as shall be ordered by the Justices in General or Quarter Sessions, upon enquiry in the same, by a Jury to be summoned for that purpose.

Waste Gates for passage of Fish

XVI. *Provided always, and be it further enacted*, That if any Dam, Wear, or Embankment, shall be made across the present course or channel of the River Shubenaccadie, below the Great Lake, so called, the said Corporation shall make and maintain therein a sufficient Waste Gate, Opening or Passage, for allowing Fish to pass up and down the said River, and with respect to such Waste Gate, Opening or Passage, shall be subject and liable to the Rules, Orders, Regulations and Penalties, from time to time made, or to be made, by the General Sessions of the Peace, in respect to the preservation of the River Fishery, under the Acts now or hereafter to be in force thereupon.

Province unpledged to aid with pecuniary means

XVII. *And be it further enacted*, That nothing herein contained, shall extend, or be construed to extend, to pledge the Government of this Province to have any concern, share, or interest, in the proposed Canal or Water Communication, or to give the said Corporation, or any of the Persons composing the same, any claim of any sort or kind upon the Treasury or Government of this Province, for any monies or pecuniary aid, it being the true intent and meaning of this Act, that those who may engage therein should proceed upon their own responsibility, and opinion of the advantages and practicability thereof.

Act may be discontinued in ten years

XVIII. *And be it further enacted*, That unless the said Corporation, within the space of ten years from the passing of this Act, shall have made such progress towards the completing of the said Navigation as shall satisfy the Governor, Lieutenant-Governor, or Commander in Chief, and His Majesty's Council, that there is a reasonable prospect that such Corporation shall, within a limited period, be able to complete the said Navigable Canal, then and in such case this Act, and every matter and thing therein contained, shall cease, and be no longer in force.

CAP. IV.

An ACT to punish Persons guilty of maliciously killing or maiming Cattle.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That if any person or persons shall, maliciously, unlawfully, and willingly, kill, maim, wound, or otherwise hurt, any Horse, Mare, Gelding, Ox, Bull, Cow, Steer, Heifer, Sheep, or other Cattle, every such Offender or Offenders shall forfeit and pay, unto the Party aggrieved, treble the damage which he or they shall sustain; to be recovered by action of trespass, or upon the case, in any of His Majesty's Courts of Record in this Province.

Treble damages to be paid by persons maliciously killing or maiming Cattle

II. *And be it further enacted,* That any person or persons who shall be duly convicted of such offence, in His Majesty's Supreme Court, or General or Quarter Sessions of the Peace, shall suffer such punishment by imprisonment, or Public Whipping, as such Court shall in their discretion adjudge. *Provided always,* That nothing herein contained, shall subject any person to be punished or imprisoned, under the directions of this clause; who shall be proceeded against for damages by the Party aggrieved; nor shall any person who shall have been punished or imprisoned, under the directions of this clause, be liable to any suit or action, at the instance of the party aggrieved, but such punishment or imprisonment shall be forever a bar to any such Action or Suit.

Offenders subjected to public punishment

Proviso

III. *And be it further enacted,* That the Act, passed in the eighth year of His late Majesty's Reign, entitled, "An Act to prevent the malicious killing and maiming of Cattle," with every matter, clause and thing, therein contained, be, and the same is hereby repealed.

Act 8th Geo. III cap. 11 repealed

CAP. V.

An ACT in amendment of an Act, passed in the fifty-first year of the reign of His late Majesty King George the Third, entitled, An Act for the better regulation of Attornies, Solicitors and Proctors, practising in the Courts of Law and Equity in this Province.

Expired

CAP. VI.

An ACT relating to Brandy imported from certain Places.

Expired

CAP. VII.

An ACT to restrain the issuing Writs of Attachment in certain Cases.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the publication hereof, whenever an Attachment shall issue against the Goods, Chattels or Estate, of any person or persons who may be jointly and severally bound for the payment of any sum of money to a greater amount than the sum sworn to

Writ of Attachment limited

and

and endorsed on the Writ, if such Attachment shall be extended on the Goods, Chattels, or Estate, of any one or more of such Debtors, to the amount sworn to and endorsed on such Writ, no further Attachment shall be made for such debt.

Grain, Hay, &c. not subject to Attachment until severed from the ground

II. *And be it further enacted*, That it shall not be lawful to take, under and by virtue of any Writ of Attachment, Execution, or other Process (except for rent) the grain, hay, potatoes, or other article growing in the ground, before the same shall be severed from the ground.

Writs of Attachment can only be issued against Absent Debtors

III. *And be it further enacted*, That hereafter no Writ of Attachment shall be issued in any case, except against Absent or Absconding Debtors, and for the recovery of Debts contracted prior to the passing of this Act.

Poundage allowed to Sheriff

IV. *And be it further enacted*, That the Sheriff, or his Deputy, or other Officer, to whom any Writ of Attachment shall be directed, shall not, on any pretence, take poundage for levying the same, on a greater amount than the appraised value of the property attached, and in no case shall such poundage be taken on a greater sum than that sworn to and endorsed on such Writ.

Continuance of Act

V. *And be it further enacted*, That this Act shall be in full force and effect for Five Years from the publication thereof, and from thence to the end of the next Session of the General Assembly.

CAP. VIII.

An ACT to alter, amend and continue, an Act for consolidating, and reducing into one Act, all the Acts, heretofore made, relating to Trespasses.

Act 3d Geo. IV. cap. 32 continued

BE it enacted by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the third Year of His present Majesty's Reign, entitled, An Act for consolidating, and reducing into one Act, all the Acts, heretofore made, relating to Trespasses, and every matter, clause and thing, therein contained, except such parts thereof as are hereby altered and amended, be continued, and the same is hereby continued, for three years, and from thence to the end of the next Session of the General Assembly.

Whereas, *difficulties have arisen in committing Trespassers to Jail, who refuse and neglect to pay the Fines imposed by the said Act*:

Recovery of Fines imposed upon Trespassers

II. *Be it therefore enacted*, That in all cases where a recovery shall be had before one Justice of the Peace, for any sum of money under and by virtue of this Act, that the same shall be levied and collected in the same manner as in cases of other debts recoverable before one Justice, and by the form of Execution now in use; and the Defendant or Defendants, shall be liable to be imprisoned for want of Goods and Chattels under such Execution, as in cases of other Debts as aforesaid.

And Whereas, *the time of six months has been found too limited a period for commencing Prosecutions under this Act*:

Time extended for commencing Prosecutions

III. *BE it therefore enacted*, That from and after the publication of this Act, it shall and may be lawful for any person or persons entitled thereto, to commence such prosecutions at any time within one year from the time of the committing of the offence.

CAP. IX.

An ACT to continue an Act for establishing a Bridewell, or House of Correction, for the County of Halifax, and for providing a Police Office in said Town, with proper Officers to attend the same. Expired

CAP. X.

An ACT to repeal several Acts of the General Assembly, passed to prevent forestalling, regrating and monopolizing. Expired

CAP. XI.

An ACT to amend and continue an Act, made and passed in the thirty-eighth year of His late Majesty's reign, entitled, An Act to amend and render more effectual an Act, passed in the eighteenth year of His present Majesty's reign, entitled, An Act to prevent forestalling, regrating and monopolizing, of Cord Wood, in the Town of Halifax; and also the Act, now in force, in addition thereto. Expired

CAP. XII.

An ACT to continue an Act in addition to an Act, passed in the thirty-third year of the reign of His late Majesty George the Second, entitled, An Act for regulating the rates and prices of Carriages. Expired

CAP. XIII.

An ACT to continue the several Acts relating to the Lighthouse erected on Cranberry Island, near the entrance of the Gut of Canso. Expired

CAP. XIV.

An ACT to regulate the Expenditure of Monies hereafter to be appropriated for the service of Roads and Bridges.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful, for the Governor, Lieutenant-Governor or Commander in Chief Appointment of Road Commissioners

Chief for the time being, by and with the advice of His Majesty's Council, some time between the fifteenth day of April, and the fifteenth day of May, annually, to nominate and appoint fit and proper persons, being Freeholders, to act as Commissioners for directing and superintending the expenditure of such respective sums of money as have been or may be granted, for the purpose of making and repairing Roads and Bridges in the several Counties and Districts of this Province.

Removal of Commissioners

II. *And be it further enacted,* That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by and with the advice of His Majesty's Council, at pleasure, to remove all or any of the said Commissioners, and to appoint from time to time in their places, others, being Freeholders as aforesaid; and the Secretary of the Province shall furnish the Treasurer of the Province with a list of the names of the Commissioners, and the sums of Money to be by them expended respectively; and also shall give due notice of all alterations made in the said Commissions, and shall also, immediately after such appointments are made, transmit notice thereof to the Persons appointed; and shall, within twenty days after such appointments, have the Commissions for such Commissioners, and the Bonds to be entered into by them, ready for execution.

List of the names of Commissioners to be furnished the Treasurer

Commissions

Security to be given by Commissioners

III. *And be it further enacted,* That the Commissioners, so to be appointed as aforesaid, shall, before entering upon the duties of the said office, give good and sufficient security, by bond, with two Sureties to the satisfaction of any two Justices of the Peace for the County or District where such respective Commissioners may be appointed, in double the amount of the sum to be expended under their direction, faithfully to lay out and account for such sum according to Law, and such Justices shall certify their approbation, and the sufficiency of such Sureties, upon the back of the Bond, so to be entered into by the said Commissioners; and such Commissioners shall be entitled to retain and charge in their accounts, an allowance of five per cent. out of the money to be expended as aforesaid.

Road Money when to be issued from the Treasury

IV. *And be it further enacted,* That each and every Commissioner, so to be appointed as herein before directed, shall be entitled to receive a Warrant on the Treasury for the whole sum to be expended; and it shall and may be lawful for the Treasurer to retain in his hands two third parts of the amount of such Warrant until the whole of the work is completed, approved and certified according to Law.

Contracts

V. *And be it further enacted,* That when Contracts are intended to be entered into, due notice shall be given by the said Commissioner, by posting up advertisements at least ten days in the places usual for public notices in the County, Township, or District; and the said Commissioners shall require and receive sufficient security from the Contractor or Contractors, for the performance of such Contract, within the time therein specified, and in all respects conform to the true intent and meaning thereof, and shall transmit to the Secretary of the Province, copies of all Contracts made by such Commissioners; and the said Commissioners shall pay and satisfy to such Contractor, from time to time as the work shall be proceeded in, monies on account, until one third part of the sum contracted for shall have been paid and satisfied; but it shall not be lawful to pay the remaining two third parts until the whole work shall be completed and finished agreeable to Contract, and certified as herein after directed; all which said Contracts shall be made to expire on or before the last day of September in each year in which such Contracts shall be entered into, and shall be in the words following:

Articles of Agreement

Articles of Agreement had, made, and agreed upon, this day of One Thousand Eight Hundred and between A. B. Commissioner for of the one part, and C. D. of and E. F. and G. H. of as sureties for the said C. D. of the other part, as follows, viz. The said C. D. and the said E. F. and G. H. as his Sureties, for the consideration hereinafter mentioned, do for themselves, their heirs,

heirs, executors and administrators, covenant, promise and agree, to and with the said A. B. his executors and administrators, that he, the said C. D. his heirs, executors and administrators, shall and will, on or before the last day of August next, in good and workmanlike manner, well and sufficiently

In consideration whereof the said A. B. for himself, his heirs, executors and administrators, doth hereby covenant, promise and agree, to and with the said C. D. E. F. and G. H. their executors, and administrators, that he the said A. B. his heirs, executors and administrators, shall and will well and truly pay, or cause to be paid, unto the said C. D. his executors or administrators, the sum of _____ in manner following, that is to say—One third part of the said sum of _____ from time to time, as the said work shall be proceeded in, and the remaining two third parts thereof when the work shall be completed and finished, agreeable to this Contract, and the Certificate prescribed by this Act, shall be obtained ; and for the performance of the articles and agreements aforesaid, the said parties bind and oblige themselves, their heirs, executors and administrators, each to the other in the penal sum of _____ firmly by these presents. In witness whereof, they have hereunto interchangeably set their hands and seals the day and year first above written.

Sealed and delivered, }
in presence of }

VI. *And be it further enacted*, That before any Commissioner shall be entitled to draw the remaining two-thirds of the money so by him to be expended; he shall procure a Certificate from three or more Justices in the General or Special Sessions, to be held for that purpose in each County or District where the said money shall have been expended, that the Contract or Contracts entered into have been faithfully executed, and the money voted for such work hath been properly laid out, which Certificate, together with a Schedule of all Contracts and Accounts relative to such expenditure, shall be, by the said Justice, transmitted to the Secretary of the Province, for the inspection of His Majesty's Council and the House of Assembly, on or before the first day of November, in each and every year : which certificate shall be in the words following, viz.

Certificate to be produced to Treasurer of faithful execution of Contracts

County of _____ in _____ Sessions
day of _____ 18 _____ We, _____ of His Majesty's Justices of the Peace for the said County, do hereby certify that, by the examination on oath of credible Persons, taken before us, it appears that the foregoing Contract or Contracts (as the case may be) hath or have been faithfully executed, and that the sums respectively mentioned in said Contracts (if more than one) hath or have been properly laid out and expended.

Form of Certificate

VII. *And be it further enacted*, That, in future, no Commissioner shall be allowed to take or charge in his account, for his own services, any sum of money besides his Commission by law established, unless such Commissioner shall have been employed superintending day labourers, in which case he shall be allowed five shillings per day out of the money granted for each day that he shall be employed overseeing, provided he shall have at least ten labourers at work through the day.

Allowance to Commissioners limited

VIII. *And be it further enacted*, That no labourer upon the Roads shall be allowed or paid a greater sum than four shillings for each day's work ; and no labourer shall be paid for a day's work unless he shall have diligently laboured at least ten hours each day.

Allowance to Labourers

IX. *And be it further enacted*, That each and every Commissioner who shall expend Money by days' work shall, in addition to the receipts of the Persons by him employed, for all Monies paid, render an Account thereof upon Oath, in writing, in which such Commissioner shall state that the account is just and true, and that the Monies, by him expended, have been fairly and honestly applied to the purpose for

Commissioners to account upon Oath

which they were granted, and that he procured the best labour in his power to procure, and at the lowest rate of wages: which Oath any one of His Majesty's Justices of the Peace are hereby required to administer without fee or reward.

Contracts Extended

X. And be it further enacted, That it shall and may be lawful for Commissioners hereafter to be appointed, to enter into and extend Contracts for the opening of new Roads, and improving such as have not been used for Wheel Carriages, and for erecting Bridges, until the thirty-first day of October.

Courts of Sessions may enquire into expenditure of Road Money

XI. And be it further enacted, That the Court of General Session in the several Counties and Districts, shall have power to enquire into the expenditure of all sums of Money heretofore appropriated for the service of Roads and Bridges, which have not been accounted for as required by any former Laws, made for regulating the expenditure of Money on Roads and Bridges, and to certify the actual expenditure thereof according to the form prescribed by this Act.

Sum to be expended by any one Commissioner limited

XII. And be it further enacted, That no Commissioner, hereafter to be appointed, under and in virtue of this Act, shall direct or superintend the expenditure of more than five hundred pounds, in any one year, in the making or repairing of Roads and Bridges aforesaid.

Road Money to be expended by days' work

XIII. And be it further enacted, That the money to be appropriated for the making and repairing of Roads and Bridges, shall be expended by days' work, and not by contract, unless for the building or repairing of Bridges, or the opening of new Roads, and there shall not be employed in any one day more than forty Labourers, to work under one Commissioner, and the wages of such persons shall be paid in Cash.

Employment of a Foreman to Labourers

XIV. And be it further enacted, That for every ten Labourers, daily employed by any one Commissioner, as aforesaid, it shall be lawful for the said Commissioner to employ a fit and proper person as Foreman of Labourers, who shall work with the said Labourers, and take charge of such of them as are put under his directions; and shall work with, and superintend, the Labourers in the absence of the said Commissioner.

Allowance to Foreman of Labourers

XV. And be it further enacted, That no Foreman of Labourers upon the Roads shall be allowed or paid a greater sum than five shillings for each days' work; and no Owner or Owners of any Team, consisting of a Cart, with a suitable driver, and two horses or four oxen, shall be allowed or paid a greater sum than ten shillings for each day, or of any team, consisting of a cart, driver, and one horse, or two oxen, shall be allowed or paid a greater sum than seven shillings and six pence, for each day employed on the said Roads; and no Foreman of Labourers, or Labourer, or Owner or Owners of any Team, shall be paid for a day's work, unless the said Foreman of Labourers, Labourer, or Team, shall have diligently laboured at least ten hours each day; and there shall be no further or other allowance for extra labour beyond the said ten hours each day.

Allowance for Teams

Materials for repair of Roads

XVI. And be it further enacted, That in case it be necessary or expedient for any of the said Commissioners to procure materials for the repair of the Roads, to which they may be appointed, it shall and may be lawful for the Commissioner, where from the absence or obstinacy of the owner or possessor of the soil, no agreement can be made with him, to enter with workmen, carts, carriages and horses, upon any unfenced and uncultivated lands, and therefrom to dig up, take and carry away, for the repair of the said Roads, any stones or gravel, and also therefrom to cut down, and carry away trees and bushes, for logs, poles and brushwood, to repair the said Roads, and the damage done thereby shall be appraised and ascertained by the judgment of three indifferent freeholders, to be nominated by the nearest Justice of the Peace, for that purpose, and the sum so ascertained shall be paid by the Commissioner to the Owner of the soil, if demanded within three months from such appraisement.

XVII. *And be it further enacted,* That in case any Action shall be brought against either of the said Commissioners, so to be appointed as aforesaid, by reason of any thing done by him in the execution of his Office as Commissioner as aforesaid, he may plead the general issue thereto, and give this Act, and the special matter, in evidence on the trial of such Action.

Actions against
Commissioners

XVIII. *And be it further enacted,* That the said Commissioner or Commissioners shall examine the breadth of the Roads within their respective Districts, and when it shall appear that any encroachments or obstructions have been made, put or placed, in or upon the same, the said Commissioner or Commissioners shall, forthwith, give notice to the Owner or Occupier of the Land adjoining the said Road, that unless the said Road shall be opened and cleared to its proper breadth within thirty days, the person or persons who shall have erected or continued the obstruction, will be prosecuted as the law directs.

Encroachments or
obstructions upon
Roads

XIX. *And be it further enacted,* That the said Commissioners shall make an accurate return of the breadth of all such Roads, and of the incumbrances thereon, to His Majesty's Supreme Court, or Court of General Sessions of the Peace, for the County or District where the offence shall have been committed, at its next sitting, after the appointment of such Commissioner or Commissioners, in order that such proceedings may be thereupon had, as to the said Court shall be deemed necessary and proper to carry into effect the provisions of the Act relating to Highways, Roads and Bridges, and for preventing Nuisances.

Return of En-
croachments to
Courts of Sessions

XX. *And be it further enacted,* That this Act shall continue in force for three years, and from thence to the end of the next Session of the General Assembly.

Continuation of
Act

CAP. XV.

An ACT to continue an Act, entitled, An Act more effectually to secure the payment of the Provincial Duties of Excise, and to prevent Frauds in the collection of the Provincial Revenue.

Expired

CAP. XVI.

An ACT to continue an Act, entitled, An Act for the better preservation of the Property of the Inhabitants of the Town of Halifax, by providing for a sufficient Watch at Night.

Expired

CAP. XVII.

An ACT to continue the Act to provide for the Accommodation and Billetting of His Majesty's Troops, or of the Militia, when on their march from one part of the Province to another; and also the Acts in amendment thereof.

Expired

CAP. XVIII.

Expired

An ACT to alter and continue the several Acts to provide for the greater security of this Province, by a better regulation of the Militia, and to repeal the Militia Laws now in force.

CAP. XIX.

Expired

An ACT to continue an Act, entitled, An Act in addition to, and in amendment of, the several Acts, now in force, for repairing and mending Highways, Roads, Bridges and Streets, and for appointing Surveyors of Highways within the several Townships in this Province.

CAP. XX.

Expired

An ACT to continue the several Acts respecting the Liverpool Light-House.

CAP. XXI.

Expired

An ACT to amend an Act, passed in the fortieth year of His late Majesty, to amend an Act, passed in the first year of His said late Majesty's reign, for the repairing and mending Highways, Roads, Bridges and Streets, and for appointing Surveyors of Highways within the several Townships of this Province.

CAP. XXII.

An ACT in addition to, and amendment of, an Act, made and passed in the fifty-seventh year of His late Majesty's reign, entitled, An Act for regulating Elections of Representatives to serve in General Assembly.

Preamble

WHEREAS, doubts exist as to the power of the Sheriff, or other Officer, holding Elections, to appoint a time for closing the Poll on each day during such Election, and in particular on the last day thereof, to remove which :

Time for holding
Poll determined

I. BE it enacted by the Lieutenant-Governor, Council and Assembly, That, from and after the publication hereof, it shall be imperative on each and every Sheriff, or other Officer holding Polls for the Election of Representatives to serve in General Assembly;

to

to close the Poll on each day during such Election, if between the twenty-second day of September and the twenty-second day of March, at four of the clock in the afternoon; and if between the twenty-second day of March and the twenty-second day of September, inclusive, at six of the clock in the afternoon, except on the last day, allowed by law, for holding such Poll, on which day it shall be imperative on such Sheriff or other Officer to close the Poll at three of the clock in the afternoon, at all times of the year.

Provided always, That nothing herein contained shall prevent the Poll from being closed upon Proclamation, or upon any agreement or arrangement entered into and agreed to by all the Candidates, or those who may appear for them, and entered on the Sheriff's Poll Book, that may not go to extend the holding of such Poll beyond the times herein mentioned, or to prevent any scrutiny or adjournment, or removal, of the Poll taking place in case the same may have been demanded.

And Whereas, *much vexation and expense doth happen, as well to the Freeholders as Candidates of those Counties wherein an adjournment or removal of the Poll is allowed, by reason of the long space of time between the first opening of the Poll and the second opening thereof, and so in respect to the third opening of such Poll, for remedy whereof*:

II. *Be it further enacted*, That upon application for the removal or adjournment of the Poll, the Sheriff or other Officer holding such Poll, shall proceed in manner as prescribed by the Act, of which this is in addition, and instead of giving notice that the Poll shall be held at the place to which the same may be adjourned or removed on the twelfth day from the first opening of such Poll, as by the said Act is specified, shall give notice that he will on the eighth day after such first opening of the Poll, inclusive, continue the same at the place to which the said Poll may be so removed, and shall give like notice in case of a second removal of said Poll.

And Whereas, *the population and settlement of the Township of St. Mary's, in the County of Sydney, has of late increased so rapidly in and about Sherbrooke Village, in the said Township, as to render it inconvenient for the majority of the Freeholders of the said Township to assemble as heretofore, at Country Harbour, in the said Township, for the purpose of being polled, for remedy thereof*:

III. *Be it further enacted*, That in future the Poll, upon adjournment from Guysborough, in the County of Sydney, shall be opened and held in Sherbrooke Village aforesaid, and not at Country Harbour as heretofore; any law, usage or custom, to the contrary notwithstanding.

And Whereas, *it will be of great convenience to Freeholders of the Eastern part of the County of Hants, that a Poll be opened at or near the house of John Singer, Jun. in the Township of Douglas*:

IV. *Be it therefore enacted*, That hereafter, at any Election to be held in and for the County of Hants, for Members to serve in the General Assembly, the Sheriff or other Officer shall, if thereto required, as by Law directed, give notice according to Law, that the Poll will be adjourned and opened at or near the House at present occupied by John Singer, Junior, in the Township of Douglas, and shall there continue the said Poll for the space of three days, or until all the Freeholders then and there present be polled.

And Whereas, *by the tenth section of the said Act, it is declared that when the Poll is removed from one part of a County or District to another part of a County or District, that the Sheriff shall proceed for the space of four days to take the Poll, or until the Electors then and there present be polled*.

And Whereas, *in the District of Pictou, four days have been found insufficient to enable all the Electors to be polled*:

Time of Polling
extended in Dis-
trict of Pictou

V. *Be it therefore enacted*, That the said Poll, when so removed to the District of Pictou, shall be held open for six days, or until all the Electors then and there present be polled.

Validity of Votes
in Cape-Breton

VI. *And be it further enacted*, That all and every person or persons holding any Lands within the Island of Cape-Breton, under and by virtue of any Crown Lease, or License of Occupation, which had been granted or issued by the former Government of that Island, and which were uncancelled and in force at the time the said Island was re-annexed to this Province, or under and by virtue of any Deeds, purporting to be Conveyances of Freehold Estates, made from the said titles, shall be entitled to vote as Freeholders.

Adjournment of
Poll from Argyle
to Yarmouth

VII. *And be it further enacted*, That it shall and may be lawful for the Sheriff of the County of Shelburne, or his Deputy, at any future Election of Members to represent the said County, if thereunto required by either of the Candidates, on the first day of the opening of the Poll at Argyle, and upon giving the like notice, and for the same space of time as is required by Law, on the removal of the Poll from Shelburne to Argyle, to remove and adjourn the said Poll to the Court-House in the Town of Yarmouth, there to be held for the space of four days, unless sooner closed according to Law.

CAP. XXIII.

Expired

An ACT to continue an Act respecting Aliens coming into this Province, or residing therein.

CAP. XXIV.

Expired

An ACT to continue and amend an Act, entitled, An Act for the Summary Trial of Actions.

CAP. XXV.

An ACT to alter the times of Sitting of the Inferior Court of Common Pleas and General Sessions of the Peace, in the Counties and Districts therein named.

Times of holding
Inferior Court in
Queen's County

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the publication thereof, the Inferior Court of Common Pleas and General Sessions of the Peace for the County of Queen's County, shall be held at Liverpool, on the fourth Tuesday of April and fourth Tuesday of October, instead of the times heretofore established for holding the same; and that the Inferior Court of Common Pleas and General Sessions of the Peace for the County of Shelburne, shall be held at Shelburne, on the second Tuesday of May, and the second Tuesday of September, instead of the times heretofore established for holding the same; and that the Inferior Court of Common Pleas, and General Sessions of the Peace, for the District of Yarmouth and Argyle, shall be held at Tusket, on the first Tuesday of May, and at Yarmouth on the fourth Tuesday of September, instead of the times heretofore established for holding the same; and that the Inferior Court of Common Pleas, and General Sessions of the Peace, for the District of Colchester, shall be held at Truro on the second

In County of
Shelburne

In District of
Colchester

cond

cond Tuesday of July, and the third Tuesday of January, instead of the times heretofore established for holding the same.

II. *And be it further enacted,* That all Writs, Process, Recognizances and Complaints, Rules, Orders and other Papers, which are or shall be made returnable into the said Inferior Courts of Common Pleas and General Sessions of the Peace, at their next sittings in the said several Counties and Districts, shall be returned into the said Courts in their respective Counties or Districts on the days herein before appointed for such sitting, and all parties and persons who are bound or summoned, or who ought to appear at the said Courts, at their next sittings, shall be held and obliged to appear at the said Courts, at the days and times on which such sittings are hereby directed to be held, and all Judges, Justices, Sheriffs, Constables, Jurors, Criers, and other Officers whom it may concern, are to take notice of this Act, and govern themselves accordingly.

Return of Writs,
&c.

CAP. XXXVI.

An ACT for the Preservation of Trout.

WHEREAS, the Preservation of the Fish denominated Trout, during the time of their spawning, will be highly beneficial to the Inhabitants of the Township and District of Halifax:

Preamble

I. *BE it therefore enacted by the Lieutenant-Governor, Council and Assembly,* That, from and after the publication hereof, it shall not be lawful for any person or persons, under any pretence whatever, to catch, take or destroy, any Trout Fish within the said Township and District of Halifax, from the first day of October to the first day of January, inclusive.

Trout not to be
caught between
1st October and
1st January

II. *And be it further enacted,* That every person who shall take, catch or destroy, or who shall sell, or expose to sale, or who shall buy, or cause to be bought, within the Township and District of Halifax, any Trout Fish, within the respective times herein before mentioned, shall, for every Trout so taken, caught, destroyed, sold, or exposed to sale, bought, or caused to be bought, forfeit the sum of One Shilling for each and every such offence: to be recovered on the Oath of one or more credible witness or witnesses, before any of His Majesty's Justices of the Peace; and in case of refusal or neglect to pay, the same shall be levied by Warrant of Distress, on the goods and chattels of such offender, and for want thereof such Offender shall be committed by such Justice to the County Jail, for a period not exceeding Eight Hours.

Penalty

III. *Provided always,* That nothing in this Act contained shall extend, or be construed to extend, to prohibit any Indian or other Poor Settler from taking or catching Trout within the times herein before mentioned, for his own use.

Exemption in fa-
vour of Indians
and Poor Settlers

CAP. XXVII.

An ACT in amendment of an Act, passed in the thirty-fourth year of His late Majesty's reign, entitled, An Act for the preservation of Partridges and Blue-Winged Ducks.

Expired

CAP. XXVIII.

Expired

An ACT to continue the several Acts of the General Assembly for granting to His Majesty certain Duties on Wine, Brandy, Gin, Rum, and other Distilled Spirituous Liquors, Molasses, Coffee and Brown Sugar, for the support of His Majesty's Government, and for promoting the Agriculture, Commerce and Fisheries, of the Province.

CAP. XXIX.

Expired

An ACT to continue an Act, entitled, An Act for granting a Drawback of the Duties on Brown or Raw Sugar, used in the Manufacture of Refined Sugars within the Province, and for regulating the mode of obtaining the same.

CAP. XXX.

Expired

An ACT to alter and continue the several Acts of the General Assembly, for the further increase of the Revenue, by raising a Duty of Excise on all Goods, Wares and Merchandise, imported into this Province.

CAP. XXXI.

Expired

An ACT to alter and continue the several Acts for raising an Additional Duty of Excise on all Goods, Wares and Merchandise, imported into this Province.

CAP. XXXII.

Expired

An ACT to alter and continue an Act, entitled, An Act imposing a Duty on Goods, Wares and Merchandise, imported from the United States of America, and for appropriating the same.

CAP. XXXIII.

Expired

An ACT to continue the several Acts of the General Assembly, for raising a Revenue to repair the Roads throughout the Province, by laying a Duty on Persons hereafter to be Licensed to keep Public Houses and Shops for the retail of Spirituous Liquors.

CAP. XXXIV.

An ACT in amendment of an Act, passed in the thirty-fifth year of His late Majesty's reign, entitled, An Act to prevent the Harbours Deserters from His Majesty's Army, and the sale of Arms, Accoutrements and Clothing, belonging to His Majesty.

35 Geo. III. Cap. 5; amended.

WHEREAS, in and by the said Act it is enacted, that if any Offender under the said Act shall not have sufficient goods and chattels whereon distress may be made to the value of the penalties recovered against him, or shall not pay such penalties within four days after conviction, then and in such case the Justices before whom the said conviction is had, may, by warrant under their hands and seals, commit such offender to the common Jail, there to remain for the space of three months, or cause such offender to be publicly whipped. And Whereas, Offenders under said Act, after conviction, and before the expiration of the said four days, have absconded, and evaded the punishment imposed by the said Act:

Preamble

I. BE it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the publication of this Act, it shall and may be lawful for the said Justices, before whom any conviction shall be had against any Offender under the said Act, to commit such Offender to the Common Jail, after conviction and before the expiration of the said four days, unless such Offender shall enter into recognizances, with two Sureties, for his personal appearance before the said Justices, at the expiration of the said four days, mentioned in the said Act.

Justices authorised to commit Offenders immediately to Jail

CAP. XXXV.

An ACT to continue an Act, entitled, An Act in addition to and amendment of an Act, passed in the forty-first year of His Majesty's Reign, entitled, An Act for repairing, cleansing and paving, the Streets in the Town and Peninsula of Halifax, and for removing obstructions therein; and also the Act, in amendment thereof, passed in the forty-second year of His present Majesty's Reign.

Expired

CAP. XXXVI.

An ACT relating to the Court of Commissioners at Halifax.

WHEREAS, by an Act of the General Assembly of the Province, made in the fifty-seventh year of His late Majesty's Reign, entitled, An Act for the Summary Trial of Actions, the Lieutenant-Governor, or Commander in Chief, for the time being, was authorised to appoint five fit and proper persons, to be Commissioners for the Trial of Actions, not exceeding Ten Pounds, within certain Districts.— And Whereas, a Commission having issued accordingly, a Court, for the purposes

Preamble

mentioned in the said Act, hath been held before Commissioners appointed for the Town of Halifax, and it is now become expedient, inasmuch as the said Act will expire at the present Sessions, to provide for the continuance of the said Court :

Commissioners' Court continued

I. *BE it therefore enacted by the Lieutenant-Governor, Council and Assembly,* That all the powers and authorities under the said Commission; vested in; and exercised by, the several persons who are now the Commissioners of the said Court shall be, and the same are hereby, continued unto them respectively, so long as this Act shall be in force.

Death, resignation or removal of a Commissioner

II. *And be it further enacted,* That upon the decease; resignation, or removal from Office, of any Commissioner, it shall be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, as often as the case shall occur, to appoint such fit person as he shall think proper, to supply the vacancy occasioned by such death, resignation, or removal from office, and to grant a Commission, with all necessary powers, accordingly.

Commissioners to be sworn into Office

III. *And be it further enacted,* That every Commissioner of the said Court, hereafter to be appointed, shall be sworn into office, and to the faithful discharge of his duty, before some one of the Judges of the Supreme Court at Halifax.

Clerk to Commissioners

IV. *And be it further enacted,* That the said Court of Commissioners shall appoint, during pleasure, a Clerk, who shall be sworn to the due execution of his office, and shall faithfully record all the proceedings thereof.

Court to be held first Monday in every Month

V. *And be it further enacted,* That the said Court shall be held before the said five Commissioners, now, or hereafter to be appointed, or any three of them, on the first Monday of every month in every year, and may continue sitting at each term two days; and shall have power and jurisdiction within the Township of Halifax, over all suits, and in which the whole dealing or cause of action shall have arisen within the said Township, and shall not exceed ten pounds; and also, over all Actions of Trover, Assault and Battery, Trespass on Lands, where the Title is not in question, and for Slander, wherein respectively the damages claimed shall not exceed five pounds. *Provided always nevertheless,* That in such Actions of Trover, Assault and Battery, Trespass on Land, and for Slander, the Defendant shall not, before the Trial commences, object to the Jurisdiction of the Court; but if such objection shall be made, the cause shall be forthwith discontinued. *Provided always nevertheless, and be it further enacted,* That Actions which involve the Title to land, or any other valuable right or duty, shall not be tried by the said Court, although the sum actually in dispute may not exceed ten pounds.

Jurisdiction of Court

Proviso

Process of Court

VI. *And be it further enacted,* That the Process of the said Court shall be Writs of Summons, Capias and Execution, which shall be tested in the name of the Commissioner appointed to preside therein, and be issued by the Clerk thereof, according to such forms as are or shall be established by the said Supreme Court, and shall be directed to the Sheriff, Constables or Officers, appointed by the said Commissioners.

Causes determined in a summary way

VII. *And be it further enacted,* That the said Court of Commissioners shall hear and determine all Causes in which they have jurisdiction in a summary way, by examining Witnesses on Oath, and shall decide the same with the least possible delay, and give Judgment thereon.

Judgment to be recorded

VIII. *And be it further enacted,* That the said Court may enter Judgment for any sum not exceeding Ten Pounds, on the verbal or written confession of any Defendant, made before them in open Court, and recorded by the Clerk.

Appeal from decision of Court

IX. *And be it further enacted,* That when the amount of the Judgment recovered, or the cause of Action, in any Suit shall exceed twenty shillings, the party aggrieved by the Judgment may appeal to the Supreme Court, and Execution, and all other proceedings

ceedings in the Suit shall be stayed upon sufficient security (which the said Court of Commissioners, or any one of them, is hereby empowered to take by recognizance) being given to abide the Judgment of the said Supreme Court thereon; and the Party appellant shall enter his Appeal, and proceed thereon before the said Supreme Court, at the first Term, and the Judges thereof shall try the Cause again, either in a summary way, or by a Jury, as to them shall seem proper, and give final Judgment thereon.

X. *And be it further enacted*, That no Suit, subject to the Jurisdiction of the Court of Commissioners, and wherein the whole dealing, or cause of Action, does not exceed Ten Pounds, shall be brought in the said Supreme Court, or in the Inferior Court of Common Pleas, except by appeal.

Suits can only be carried by appeal into Inferior or Supreme Court

XI. *And be it further enacted*, That Process of Execution from the said Court of Commissioners, may be served in any part of the County of Halifax, except the Districts of Colchester and Pictou, and that all Parties imprisoned under such Process shall be entitled to their discharge, according to the provisions of the several Laws of this Province relating to Insolvent Debtors.

Process of Execution issuing from the Court

XII. *And be it further enacted*, That the Commissioners, and other Officers of the said Court, shall be allowed to take and receive of and from the Suitors therein, the several Fees which are specified for them respectively in the Schedule or Table to this Act annexed, under the limitations therein expressed, and the Fees so paid shall be adjudged against, and levied from, the Party failing in the Suit: but if the Debt recovered be under Twenty Shillings, no more costs shall be allowed than Seven Shillings and Six Pence; and if under Ten Shillings, no more costs than Five Shillings; and if under Five Shillings, the allowance of any costs shall be wholly at the discretion of the Court, but not to exceed Five Shillings.

Allowance to Commissioners

SCHEDULE OF FEES.

Schedule of Fees

By the Commissioners—For taking Affidavit, and endorsing a Bailable Writ—One Shilling.

For every Trial and Judgment, to the whole Court—Three Shillings.

By the Clerk—For every Writ of Summons—Two Shillings.

Every Affidavit and Bailable Writ—Two Shillings and Six Pence.

All subsequent Proceedings, including final Judgment—Two Shillings.

Execution—One Shilling.

Every Recognizance, each Person—One Shilling.

Each and every Writ of Subpœna—Six Pence.

By the Sheriff or Constable, in all cases—For service of every writ, or Process—One Shilling.

Every Bail Bond—Two Shillings.

Poundage, if the Money be paid without sale of Property—Three Pence in the Pound.

If Property be taken and sold—Six Pence in the Pound.

Travel, per mile—Three Pence.

By Witnesses—So much as the discretion of the Court may deem proper, provided the sum does not exceed—Two Shillings and Six Pence for each day's attendance.

Travel, per mile—Three Pence.

XIII. *And be it further enacted*, That if any of the Persons named in the said Schedule, shall demand or receive any other or greater fees, than are by this Act allowed, he shall forfeit and pay a fine of five pounds, to be recovered with costs, in any action or suit by him or them that will sue for the same, either in the said Court of Commissioners,

Officers of Court demanding greater Fees

Proviso

missioners, or the said Supreme Court, where the same shall be tried and determined in a summary manner. *Provided always, and be it further enacted,* That no writ of Capias shall hereafter be issued from the said Court of Commissioners against any Person, for any sum less than twenty shillings, unless the party applying for the same shall make and subscribe an affidavit in writing, setting forth that he verily believes that unless such Capias is allowed the Debt will be lost.

Continuance of Act
Further continued by 7 Geo. IV.
Cap. 30

XIV. And be it further enacted, That this Act shall continue and be in force, from the publication hereof, for and during the term of one year, and thence until the end of the next Session of the General Assembly.

CAP. XXXVII.

Altered and amended by 6, Geo. IV. Cap. 34

An ACT to regulate and increase the number of Times for holding the Inferior Courts of Common Pleas and General Sessions of the Peace in and for the County of Sydney.

Preamble

WHEREAS, the present mode of holding the Inferior Courts of Common Pleas and General Sessions of the Peace within the County of Sydney, is found to be not only inconvenient, but detrimental to the internal policy of the said County :

Times and Places for holding Inferior Court in County of Sydney

I. BE it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the publication hereof, the Inferior Court of Common Pleas and General Sessions of the Peace, for said County of Sydney, shall be held four times in each and every year, that is to say: at Dorchester, in the Upper District of the said County, on the second Tuesday of March, and on the first Tuesday of November, in each year; and at Guysborough, in the Lower District of the said County, on the fourth Tuesday of March, and on the third Tuesday of November, in each year.

Jurisdiction of Court in Upper District

II. And be it further enacted, That the Jurisdiction of the said Inferior Court of Common Pleas, and General Sessions of the Peace, to be held, and of all Judges of the said Court of Common Pleas, Justices of the Peace, and all other Ministers of the Law (the Sheriff of the said County excepted) residing in the said Upper District of the said County, shall extend over, and be limited within, the bounds following, that is to say: the Shores of the Gut of Canso, the Antigonish Bay, and the Gulf of Saint Lawrence on the east and north; the line dividing the District of Pictou and the said County, on the west; and on the south by a line to-commence at the south-eastern angle of the said District of Pictou, and to run thence in a right line until it intersects the South River of Antigonish, at the north-east angle of land granted to James Archibald, Junior; thence in a right line until it intersects the west boundary line of the Township of Guysborough, at the point where the Main Road leading from Antigonish to Guysborough crosses said boundary line, thence along said line to the north-west angle of the said Township, and thence north eighty degrees east to the line of the Gut of Canso aforesaid.

Jurisdiction of Court in Lower District

III. And be it further enacted, That the Jurisdiction of the said Inferior Courts of Common Pleas and General Sessions of the Peace, to be held, and all Judges of the said Court of Common Pleas, Justices of the Peace, and other Ministers of the Law (the High Sheriff of the said County excepted) residing within the said Lower District of the said County, shall extend over, and be limited to, such part of the said County as is not included within the bounds in the second section of this Act defined.

IV.

IV. *And be it further enacted*, That the said Upper and Lower Districts of the said County, from and after the publication of this Act, shall respectively be deemed and held, in all things and in all respects touching and concerning the said Inferior Courts of Common Pleas and General Sessions of the Peace, to be held within them respectively, as aforesaid, and as to all acts done, or which may be necessary to be done, by any and all Judges of the said Inferior Court of Common Pleas, or General Sessions of the Peace, within their respective Jurisdictions, or by any Justice of the Peace, or other Minister of the Law, residing therein, (except the High Sheriff of the said County) as if the same were separate and distinct Counties of this Province.

The Inferior Court in Upper and Lower Districts to have distinct Jurisdiction

V. *And be it further enacted*, That the Lists of Petit Jurors to serve at the said Courts respectively, shall be drawn of Persons residing within their respective Jurisdictions.

Petit Jurors

VI. *And be it further enacted*, That it shall and may be lawful for the said Court of General Sessions of the Peace in each of the said Districts respectively, to cause to be drawn the usual number of Persons from those residing within their respective Jurisdictions, who are by law required to serve as Grand Jurors, and to issue a Venire for their attendance, which Jurors when summoned shall be bound to attend the Court, and shall, for all purposes, be taken and held to be the Grand Jury of the said District to which they belong.

Grand Jurors

VII. *And be it further enacted*, That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, to appoint and commission so many fit and proper Persons (not exceeding four), to be Justices of the Inferior Court of Common Pleas, as may be thought necessary for each of the said Districts respectively.

Appointment of Justices of Inferior Court

VIII. *And be it further enacted*, That all Actions now depending in the said Inferior Court of Common Pleas, shall be determined, and final judgment entered up therein, in the District in which the Defendants in such Actions at the time may reside, or if such Defendants be absent from the Province, in the District in which he shall have usually resided, except Actions of Ejectment and Trespass, wherein the Freehold or Title to the Soil is in question, which Actions of Ejectment and Trespass shall be tried and determined in the District where the land is situate.

Actions at present pending

IX. *Provided always, and it is further enacted*, That all Town and County business, and all appointments of Town and County Officers, and all rules and regulations done and transacted, made and entered into, by the Court of General Sessions of the Peace, at their sittings at Guysborough in November Term last, in so far as the same are authorised by Law, shall stand and remain in full force, operation and effect, until the first General Sessions of the Peace, which shall be held in the said Districts respectively, after the first day of January, which will be in the year of Our Lord one thousand eight hundred and twenty-five: *and provided always*, That nothing herein contained shall extend, or be construed to extend, to limit and restrain the power of the Supreme Court of the said County, to draw, and compel the attendance of its Petit and Grand Jurors from the body of the said County, save and except that the said Grand and Petit Jurors shall be exclusively considered as belonging to, and only bound to attend the sittings of the Supreme Court in, the said County: *and provided always*, That nothing in this Act contained shall be deemed, taken or held, to interfere with the Office of Sheriff of the said County, or of any person acting under him in his official capacity aforesaid.

Proceedings of Court of Sessions held at Guysborough, in November last

Proviso

Proviso

X. *And be it further enacted*, That the Justices and Grand Jury, at a General Sessions of the Peace for the Upper District of the said County, may and shall assess upon the Inhabitants of the said District such sum or sums of Money as shall and may

Expense of running lines of division of County how defrayed

be

be necessary and requisite to defray the expenses of running out and marking the before mentioned line in the usual manner.

CAP. XXXVIII.

An ACT to make further Provision for the Equal Administration of Justice in the Province of Nova-Scotia.

Preamble	W HEREAS, it is deemed expedient to make some further Provision for the Administration of Justice in the Courts of Common Pleas and General Sessions of the Peace within the Province :
Division of Province	I. <i>BE it therefore enacted by the Lieutenant-Governor, Council and Assembly,</i> That the Counties and Districts of the Province of Nova-Scotia, excepting the County of Cape-Breton, and the District of Halifax Proper, be divided into three Divisions ; the County of Sydney, the Districts of Pictou and Colchester, and the County of Cumberland, to form the Eastern Division ; the County of Hants, King's County, the County of Lunenburg and Queen's County, to form the Middle Division ; the County of Annapolis and the County of Shelburne, with their respective Districts, to form the Western Division ; and that it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to appoint one fit and proper Person for each Division, who shall have been regularly admitted and enrolled as an Attorney of His Majesty's Supreme Court of this Province, and who shall have practised in his profession for at least ten years after such admission, to be First-Justice of the Inferior Court of Common Pleas, and President or First-Justice of the Court of Sessions, held, or to be hereafter held, in each Division, aforesaid.
Appointment of First-Justices to Inferior Court in each Division	II. <i>And be it further enacted,</i> That the person so appointed for each Division as aforesaid, shall preside as the First-Justice in all and every of the sittings of the said Inferior Court of Common Pleas and Courts of General Sessions of the Peace, within and for the respective Division to which he shall be so appointed.
Duty of First-Justice	III. <i>And be it further enacted, by the authority aforesaid,</i> That there shall be allowed and paid, annually, for the Salary of each of the Persons who may be appointed under this Act, the sum of Four Hundred Pounds.
Salary of First-Justice	IV. <i>And be it also enacted,</i> That in addition to the aforesaid Salary of Four Hundred Pounds, there shall be paid to each of the persons appointed as aforesaid, the sum of twenty Shillings per day, for Travel, for each day he shall be actually employed in travelling in the discharge of the duties of the said Office, and not otherwise. <i>And provided also,</i> That the whole amount thereof shall never exceed Fifty Pounds, to each Person, in any one year.
Travelling Expenses	V. <i>And be it further enacted,</i> That it shall not be lawful for any Person who shall be appointed to the said office of First-Justice of the said Courts of Common Pleas, nor for any Person now appointed, or who may be appointed, First-Justice of the Courts of Common Pleas, for the County of Cape-Breton, to have a Seat in the House of Assembly, or to be elected to sit therein, nor shall they or any of them vote at or interfere in any Election.
First-Justices not to interfere in Elections	VI. <i>And be it further enacted,</i> That no Fees whatever, other than the travelling Fees hereinbefore mentioned, shall be payable or paid to any Judge so appointed, under this Act, but that the Fees heretofore payable to those Judges of the said Courts, who now act as First-Justices thereof, shall continue payable, and be paid to them,
Fees	

them, so long as they shall attend the said Courts; and that no person so appointed under this Act, shall practise as an Attorney, Solicitor or Proctor, in any Court of Law or Equity within the Province, nor shall he hold any other place, appointment or situation, of profit, under Government.

First-Justice not allowed to hold any other situation

VII. *And be it further enacted, by the authority aforesaid,* That in case a vacancy shall happen in the Office of Associate Circuit Judge of the Supreme Court, it shall not be lawful for the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, to appoint any other Person in the said Office, until after the sitting of the Assembly which shall meet and be held next after the happening of such vacancy.

Vacancy occurring in Office of Associate Circuit Judge

VIII. *And be it further enacted,* That each person to be appointed under this Act shall reside within the District to which he shall be so appointed.

Place of Residence of First Justice

At the **GENERAL ASSEMBLY** of the Province of Nova-Scotia, begun and holden at Halifax, on Tuesday, the Fifteenth day of February, 1825, in the Sixth Year of the reign of our Sovereign Lord **GEORGE** the Fourth, by the Grace of God, of the United Kingdom of Great-Britain and Ireland, **KING**, Defender of the Faith, &c. &c. &c. being the Fifth Session of the Twelfth General Assembly, convened in the said Province.*

*In the time of Michael Wallace, President and Commander in Chief, (in the absence of Sir James Kempt, G. C. B. Lieutenant-Governor); S. S. Blowers, Chief-Justice and President of Council; Samuel George William Archibald, Speaker of the Assembly; Sir Rupert D. George, Bart. Secretary of the Council; and James B. Francklin, Clerk of Assembly.

CAP. I.

An **ACT** for applying certain Monies, therein mentioned, for the service of the year of Our Lord One Thousand Eight Hundred and Twenty-five; and for appropriating such part of the Supplies granted in this Session of the General Assembly, as are not already appropriated by the Laws or Acts of the Province.

MAY IT PLEASE YOUR HONOR.

WE, His Majesty's Dutiful and Loyal Subjects, the House of Assembly of His Majesty's Province of Nova-Scotia, towards appropriating the Supplies granted to His Majesty, in this Session of the General Assembly, and for supplying the exigencies of His Majesty's Government, do humbly beseech that it may be enacted, and *BE it enacted, by the President, Council and Assembly, That*, by or out of such Monies as now are, or from time to time shall be and remain in the Public Treasury of this Province, there shall be paid the sum of 200l. to the Speaker of the House of Assembly, for his services during the present Session.

200l. Speaker of
Assembly

And a further sum of 100l. to the Solicitor-General for his services for the present year.

100l. Solicitor-
General

And a further sum of 500l. to the Treasurer of the Province, for his Salary, and as Comptroller and Auditor of Public Accounts, and in lieu of Office Rent, Clerks, and all other Contingent Expenses for the present year.

500l. Treasurer

And a further sum of 116l. 13s. 4d. to Nathaniel Atcheson, Esq. the Agent of the Province, for his services for the present year.

116l. 13s. 4d. N.
Atcheson

And a further sum of 100l. to the Clerk of the Council, in General Assembly, and as Clerk to His Majesty's Council, for his services for the same year.

100l. Clerk of
Council

And a further sum of 30l. for defraying the Expenses of the Council in General Assembly, for the same year: to be paid on the Certificate of the President of the Council, and not otherwise.

30l. Expenses of
Council

And

- And a further sum of 100l. to the Clerk of the House of Assembly, for his services for the present year. 100l. Clerk of Assembly
- And a further sum of 175l. to Messrs. Howe and Son, Printers, for Printing for Government, and the General Assembly, for the same year. 175l. Howe & Son
- And a further sum of 50l. to the Keeper of the House of Assembly and the Council Chamber, for the present year. 50l. Keeper of Assembly
- And a further sum of 110l. to be paid on the certificate of the Commissioners of the Revenue, to the Land Waiter, for the Port of Halifax; for the same year. 110l. Land Waiter
- And a further sum to be paid on the Certificate of the Commissioners of the Revenue, at the rate of seven shillings and six pence per day, to such person or persons as shall be employed during the year aforesaid by the Collector of Impost and Excise of the District of Halifax, as Extra Waiter or Waiters for the Port of Halifax; and five shillings per day to such Extra Waiter or Waiters when unemployed; and at the rate of five shillings per day to Temporary Waiters. Allowance to Extra Waiters
- And a further sum of 200l. to the Guager and Weigher for the Collector of Impost and Excise for the District of Halifax, for his services for the same year. 200l. Guager and Weigher
- And a further sum of 40l. to the Messenger to the Governor, Lieutenant-Governor or Commander in Chief for the time being, and His Majesty's Council, as well in their Legislative capacity as otherwise, for the present year. 40l. Messenger to Council
- And a further sum of 25l. to the Reverend Robert Willis, for his services as Chaplain to His Majesty's Council during the present Session. 25l. Rev. Robert Willis
- And a further sum of 25l. to the Reverend John Thomas Twining, for his services as Chaplain to the House of Assembly during the present Session. 25l. Rev. John Thomas Twining
- And a further sum of 40l. to John Boyd, for his services as Sergeant of Arms to the House of Assembly during the present Session. 40l. John Boyd
- And a further sum of 25l. to Matthew Forrester, for his services as Assistant Sergeant at Arms to the House of Assembly, during the present Session. 25l. Matthew Forrester
- And a further sum of 25l. to John Gibbs, for his services as Messenger to the House of Assembly, during the present Session. 25l. John Gibbs
- And a further sum of 30l. to the Clerk of the Commissioners of the Revenue, for his services for the present year. 30l. Clerk to Commissioners of Revenue
- And a further sum of 20l. to the Secretary of the Province, for Stationary on account of Warrants to be drawn on the Treasury for the same year. 20l. Secretary of Province
- And a further sum of 10l. to the Trustees of the Law Library, to be disposed of in such way as they may think proper for the advantage of the said Library. 10l. Law Library
- And a further sum of 222l. 4s. 5d. to the Attorney-General for his services for the present year. 222l. 4s. 5d. Attorney-General
- And a further sum of 100l. to the Treasurer of the Province, in addition to his Salary for the present year. 100l. Treasurer
- And a further sum of 250l. to defray such Contingent Expenses as may arise during the present year, to be drawn by Warrant from the Governor, Lieutenant-Governor, or Commander in Chief, for the time being. 250l. Contingent Expenses
- And a further sum of 600l. for the support of the Transient Poor for the present year, to be paid to the Commissioners of the Poor at Halifax. 600l. Transient Poor
- And a further sum of 20l. to the Person who has the care of the Gunpowder at Halifax, for his services for the present year. 20l. Keeper of Gunpowder
- And a further sum of 50l. to James Ratchford and Company, for the encouragement of a Packet to run between Winsor and Partridge Island, under such regulations as may be made and ordered by the Justices in their Session for the County of Hants, for the present year. 50l. Parrsborough Packet

400l. Island of Sable

And a further sum of 400l. to the Commissioner of the Island of Sable, for the support of that Establishment for the present year.

50l. Sheriff of Cape-Breton

And a further sum of 50l. to be applied upon the same conditions as heretofore, for a compensation to the Sheriff of the County of Cape-Breton, for the services he may perform in the execution of his office within the present year.

300l. Commissioners of Bridewell

And a further sum of 200l. to aid the Commissioners of the Bridewell in the Town of Halifax, in paying off the debts due by that Establishment.

200l. Steam-Boat Company

And a further of 200l. to the Steam-Boat Company, to enable them to keep their Boat plying between Halifax and Dartmouth for the present year.

50l. clearing out Salmon River

And a further sum of 50l. (in addition to the sum of Ninety Pounds Five Shillings, subscribed by the Inhabitants of the Township of Clare,) for the purpose of removing and clearing various Obstructions in the Salmon River in the said Township: the said sum not to be drawn from the Treasury, until the whole sum subscribed for the purpose be expended, and such expenditure duly certified to the Lieutenant-Governor or Commander in Chief for the time being.

125l. clearing out River Roseway

And a further sum of 125l. to aid the Inhabitants of the County of Shelburne in clearing various Obstructions in the River Roseway in that County.

100l. clearing out River Musquodoboit

And a further sum of 100l. to be placed at the disposal of the Lieutenant-Governor, or Commander in Chief for the time being, for aiding the Inhabitants of the River Musquodoboit in removing the Obstructions to the navigation thereof.

50l. clearing out River St. Mary's

And a further of 50l. to assist the Inhabitants of the River St. Mary's, in the County of Sydney, in clearing from the said River, Rocks and other Obstructions at the Big Falls, so called.

300l. Wellington Aboiteau

And a further sum of 300l. to the Commissioners of Sewers of the Township of Cornwallis, to be applied in making the road over the Wellington Aboiteau, finishing the same, and connecting therewith the Public Roads leading from and to the said Aboiteau.

25l. Howe & Son

And a further sum of 25l. to John Howe and Son, for printing the Acts passed in the last Session of the General Assembly, for transmission to England, per Account.

15l. 15s. Nathaniel Smith, Jun.

And a further sum of 15l. 15s. to Nathaniel Smith, Junior, towards indemnifying him for the injury done his Diked Marsh Land, near the St. Croix River in Windsor.

281l. 13s. 10d. Kempt Road

And a further sum of 281l. 13s. 10d. to the Commissioners of the Roads for Halifax, to pay off that sum, due to them, for making the road from M'Alpine's through the Valley, to the Exercising Ground, called the Kempt Road, beyond the grant for that purpose in the last Session of the General Assembly.

150l. Kempt Road

And a further sum of 150l. to enable the Commissioners of the Roads for Halifax, to complete the Kempt Road.

500l. new road from Fultz's

And a further sum of 500l. to finish the new road from Fultz's, through the Valley, to Thompson's, on the Windsor Road.

300l. road round Ardoise Hills

And a further sum of 300l. to open the road to be made round the Ardoise Hills, agreeably to the Survey submitted by His Honor the President to the House of Assembly.

250l. Middle Musquodoboit Road

And a further sum of 250l. for making the new line of road through Middle Musquodoboit to St. Mary's in the County of Sydney.

60l. Rocky Run at Lake Porter

And a further sum of 60l. to assist the Inhabitants settled at and near Lake Porter, in the County of Halifax, to remove the Obstructions from the Rocky Run, so called, in the lower part of the said Lake; the same to be paid when it shall be duly certified that the Inhabitants have performed at least one hundred days work towards removing those obstructions.

5l. Philip Bayer

And a further sum of 5l. to Philip Bayer, in full compensation for the new road leading from M'Alpine's to the Exercising Ground passing through part of his Land.

And

And a further a sum of 30l. to Mary-Ann Smith, whenever it is duly certified that she has a House upon the Lot of Land she is now in the possession of, on the new road leading from Dartmouth to Musquodoboit, and that the same is opened, and sufficient for the entertainment of Travellers passing on that road.

30l. Mary-Ann
Smith

And a further sum of 587l. 5s. to defray the accounts of the expenditure for the rebuilding and repairs of Bridges on the Main Roads, that were carried away and injured by the overflowing of the Rivers in the Spring of the last Year, per abstract of the same.

587l. 5s. Road
Emergencies

And a further sum of 100l. to be placed at the disposal of the Lieutenant-Governor, or Commander in Chief for the time being, to be applied, by such persons as His Excellency shall appoint, for the purpose of procuring Seed Potatoes and Grain, for the Distressed Negroes at Hammond Plains, Dartmouth and Preston, and those at the Panuke Settlement, in the Township of Windsor, and Beech Hill near Halifax.

100l. Distressed
Negroes

And a further sum of 45l. 9s. 6d. to James Leishman, being the amount of Sheriff's Fees, paid by him on the sum of 1688l. 10s. 6d. paid by the said Leishman into the Excise Office, as Surety for Dundas and Buchanan.

45l. 9s. 9d. James
Leishman

And a further sum of 25l. to George Chipman, Esq. of Horton, for the purpose of ascertaining the practicability of opening a Water Communication from the Gaspereau River to Lahave River, by or through the Lakes.

25l. George Chip-
man

And a further sum of 50l. to the Committee of the Poor Man's Friend Society in Halifax, to aid them in carrying into effect the benevolent intentions of that Society.

50l. Poor Man's
Friend Society

And a further sum of 50l. to George Frederick Belvidere, for his services as Guager and Weigher in the Impost and Excise Office at Lunenburg, being for his Commissions on the sum of One Thousand Pounds, paid into the Treasury since the death of the late Collector, Mr. Wollenhaupt.

50l. G. F. Belvi-
dere

And a further sum of 22l. 10s. to Archibald M'Niel, for his services in teaching a Public School at Digby, in the years one thousand eight hundred and twenty-one, and one thousand eight hundred and twenty-two, under the late Act for the establishment of Schools, as certified by the Trustees for the said School.

22l. 10s. Archi-
bald M'Niel

And a further sum of 300l. to aid the Inhabitants of Lunenburg and New Dublin to erect a Bridge over Lahave River, nearly opposite to Wile's Saw Mill: the same to be expended by Commissioners to be appointed by His Excellency the Lieutenant-Governor or Commander in Chief for the time being, but not drawn from the Treasury until the said Bridge shall be completely built, and so certified by the Court of General Sessions of the Peace.

300l. Lahave Ri-
ver Bridge

And a further sum of 86l. 3s. 5d. to the Halifax Sugar Refinery Company, being for a Drawback of the Duty paid by them on Twenty Thousand Six Hundred and Eighty One Gallons of Molasses, used by them in the Manufacture of Refined Sugar since the month of September, in the last year.

86l. 3s. 5d. Sugar
Refinery Company

And a further sum of 419l. 19s. 5d. to Charles R. Prescott and others, the Commissioners for building a Bridge over Cornwallis River, to discharge certain demands against them, pursuant to the prayer of their petition.

419l. 19s. 5d. C.
R. Prescott and
others

And a further sum of 50l. to assist the Inhabitants of Queen's County, to clear out the River from Herring Cove Lake to Herring Cove: the same to be drawn from the Treasury when it shall be duly certified that the said Inhabitants have voluntarily contributed and performed at least One Hundred Days' work for that purpose.

50l. Herring Cove
Lake

And a further sum of 50l. for the purpose of removing obstructions and clearing out the Annapolis River from Bridgetown to the Town of Annapolis: to be paid when it shall be duly certified that the Inhabitants have performed labour to the amount of Twenty-five Pounds in removing those obstructions.

50l. Annapolis
River

And

- 100l. River Denny And a further sum of 100l. to enable the Inhabitants of the River Denny, in the Island of Cape-Breton, to remove certain Obstructions from the said River, which impede its navigation.
- 12l. 10s. Poor-House School And a further sum of 12l. 10s. to the Commissioners of the Poor at Halifax, to enable them to continue the School for the benefit of the Orphans and Poor Children now in the Poor-House.
- 114l. W. H. Shey and others And a further sum of 114l. to William H. Shey, Joseph Sentell, and Benjamin Dewolf, Commissioners for building a Bridge over the River Avon, near the Town of Windsor, to enable them to discharge sundry demands against them for labour and materials furnished for the said service, per account.
- 35l. William Fraser And a further sum of 35l. to William Fraser, Esq. one of the King's Counsel at Law, for his services in prosecuting Criminal Offenders in the Supreme Court at Windsor, during the Circuits of May and September; also, during the Western Circuits in June and September, in the last year; the same being certified by the Chief-Justice and the Circuit Judges.
- 20l. John Thomas Hill And a further sum of 20l. to John Thomas Hill, for his services in prosecuting Criminal Offenders in the Supreme Court in the County of Sydney, in the year One Thousand Eight Hundred and Twenty-three; and also, at a Special Court of Oyer and Terminer and Jail Delivery, held in the said County, in the month of May in the last year; the same being certified by the Judges of the said Courts.
- 100l. Arisaig Pier And a further sum of 100l. (in addition to the sum heretofore granted and unapplied) to aid the Inhabitants of the Gulf Shore to complete the addition to the Arisaig Pier.
- 900l. Post Communication And a further sum of 900l. for defraying the expense of the Post Communication in the present year, to include the Communication as kept up in the last year; and to extend the same from the Windsor Road to Shubenaccadie; from Dorchester Village to the Village of Sherbrooke, in the County of Sydney; and from Guysborough to Canso.
- 400l. Pictou Academy And a further sum of 400l. to the Trustees of the Pictou Academy, towards the support of that Establishment for the present year.
- 476l. 19s. 9d. Salt Bounty And a further sum of 476l. 19s. 9d. to the Persons claiming Bounties for Salt, supplied for the Fisheries, agreeably to an Abstract before the House of Assembly. *Provided*, The said claims are duly certified by the Commissioners appointed for that purpose.
- 20l. 5s. Fairbanks and M^cNabb And a further sum of 20l. 5s. to Messrs. Fairbanks and M^cNabb, for the Bounty claimed by them on a certain quantity of Salt, used in the Fisheries in the last year: to be certified as aforesaid.
- 500l. Commissioners for signing Treasury Notes And a further sum of 500l. to Charles Morris, James Foreman and William Lawson, Esquires, in full for the services performed by them as Commissioners for signing, cancelling and endorsing Treasury Notes, since the year One Thousand Eight Hundred and Twenty and to this date.
- 250l. Treasurer of the Province And a further sum of 250l. to the Treasurer of the Province, in full for his services to the present time, for signing, checking, and issuing Treasury Notes.
- 150l. Salt Bounty Commissioners And a further sum of 150l. to Thomas Boggs, James Bain and George N. Russell, in full for past services, as Commissioners for carrying into effect the Laws which granted a Bounty on Merchantable Fish and Salt, in the years one thousand eight hundred and twenty-three, and one thousand eight hundred and twenty-four; and also for examining and certifying the Accounts of those Persons now claiming the Bounty on Salt.
- 150l. Adjutant-Gen. of Militia And a further sum of 150l. to the Adjutant-General of Militia, in full for his services, and the payment of his Clerk, Stationary and Postage, for the present year.

And a further sum of 68l. 5s. 9d. to Lieutenant-Colonel M^cKay, for a balance due him for expenses incurred in repairing the Arms of the Pictou and Colchester Battalions of Militia, as certified by Lieutenant-Colonel Wodehouse, Inspecting Field-Officer of Militia. 68l. 5s. 9d. Lieut; Col. M^cKay

And a further sum of 11l. 19s. 9d. to Benjamin Dewolf, for the repair of the Arms of the First Battalion of the Hants County Militia, certified as aforesaid. 11l. 19s. 9d. B. Dewolf

And a further sum of 25l. to Lieutenant-Colonel Robert Dickson, to defray the expense of cleaning the Arms of the Second Battalion of the Colchester Militia, per Account. 25l. Lt. Col. R. Dickson

And a further sum of 50l. to enable Nathaniel Acheson, Esq. to procure and send out for the use of the House of Assembly, and as far as that sum will permit, the Public Acts of the Imperial Parliament, and Reports of Parliamentary Committees, during the past, and for the coming, years of the Reign of His present Majesty. 50l. Acts of Imperial Parliament

And a further sum of 437l. 4s. 2d. to defray the Accounts of Expenditure for, and work done to, the Government-House in the last year. 437l. 4s. 2d. Government House

And a further sum of 653l. 15s. 6d. to defray the Accounts of Expenditure for, and work done to, the Province Building in the last year. 653l. 15s. 6d. Province Building

And a further sum of 50l. to enable the Lieutenant-Governor, or Commander in Chief for the time being, to avail himself of the services of a scientific Engineer, to ascertain the practicability of connecting the Waters of Bradore Lake with the Atlantic Ocean, at St. Peter's, in the County of Cape-Breton. 50l. Bradore Lake

And a further sum of 100l. to repair the Bridge at Little Arichat, in the County aforesaid. 100l. Little Arichat Bridge

And a further sum of 400l. to repair the Bridge over the River Avon, in the County of Hants. 400l. Avon River Bridge

And a further sum of 20l. to William Hill, Esq. for his services in prosecuting Criminal Offenders in the Supreme Court at Amherst, Truro, Pictou and Antigonishe, during the Circuits in May and September, in the last year: the same being certified by the Circuit Judges. 20l. William Hill

And a further sum of 97l. 13s. 5d. to James G. A. Creighton, being the amount of Duty paid into the Treasury on a quantity of Wheat imported from Hamburg in the month of May in the last year, and sold for the use of His Majesty's Troops. 97l. 13s. 5d. J. G. A. Creighton

And a further sum of 79l. 10s. 3d. to Cuthbert Vaux, being the amount of Duty paid into the Treasury on a quantity of Wheat imported by him from Trieste in the month of August in the last year, and supplied for the use of His Majesty's Troops. 79l. 10s. 3d. Cuthbert Vaux

And a further sum of 94l. 10s. 1d. to Joseph Austen, being the amount of Duty paid into the Treasury on a quantity of Tobacco imported from the United States of America, and afterwards exported (in Tobacco Stems) to the Port of Bremen; and also, for the amount of duty, paid as aforesaid, on a quantity of Wheat imported from the said Port of Bremen into the Port of Halifax in the month of September in the last year, and purchased with the proceeds of articles the produce of the Province. 94l. 10s. 1d. Joseph Austen

And a further sum of 16l. 10s. 6d. to Jared I. Chipman, Esquire, late Sheriff of the County of Halifax, to defray certain expenses, paid by him, at the meeting of the Legislature in their last three Sessions. 16l. 10s. 6d. Jared I. Chipman

And a further sum of 450l. to be placed at the disposal of His Excellency Sir James Kempt, to enable him to cause the best kinds of the Dishly Breed of Sheep to be imported from England for the use of the Thirty Agricultural Societies; equally to be divided between them. 450l. Dishley Sheep

And a further sum of 200l. for the salary of the Secretary and Treasurer of the Central Board of Agriculture for the present year. 200l. Secretary Central Board

And

- 85l. Secretary of Province** And a further sum of 35l. to the Secretary of the Province, for his services to be performed in making out Road Commissions, &c. and for making out Warrants for the said service, in the present year.
- 35l. John Whidden** And a further sum of 35l. to John Whidden, for his services in drafting and copying Bills for the Members of the House of Assembly in the present Session.
- 35l. William Hill** And a further sum of 35l. to William Hill, Esq. for his services as Deputy-Clerk of the Council for the present Session.
- 100l. Clerk of Assembly** And a further sum of 100l. to the Clerk of the House of Assembly, to defray the expense of Extra Clerks, Servants, and other incidental expenses, during the present Session.
- 100l. Fuel, &c. for Council and Assembly** And a further sum of 100l. to defray the expense of Fuel, and for sundries, supplied for the use of His Majesty's Council and the House of Assembly, in the present Session; to be paid on the Certificates of the President of the Council, and the Speaker of the Assembly.
- 30l. Clerk of Assembly** And a further sum of 30l. to the Clerk of the Assembly, to defray the expense of Stationary, furnished for the use of His Majesty's Council, the House of Assembly, and the Commissioners of the Revenue.
- 60l. Robes, &c.** And a further sum, not exceeding 60l. to be drawn on the Certificate of the Speaker of the House of Assembly, towards defraying the expenses, under a former Resolution of the House of Assembly, for providing the necessary Robes and Habiliments of the Speaker and Clerk of the Assembly.
- 10l. Messenger of Council** And a further sum of 10l. to the Messenger of His Majesty's Council, in addition to the sum of Forty Pounds granted for his services the present year.
- 4650l. Great Roads** And a further sum of 4650l. for the great Roads in the Province, to be applied and expended agreeable to the Resolution passed in the House of Assembly on the fifteenth day of March in the present year, and agreed to by His Majesty's Council.
- 540l. District of Halifax** And a further sum of 540l. for the several Roads within the District of Halifax, to be applied and expended as aforesaid.
- 540l. District of Colchester** And a further sum of 540l. for the several Roads in the District of Colchester, to be applied and expended as aforesaid.
- 595l. District of Pictou** And a further sum of 595l. for the several Roads in the District of Pictou, to be applied and expended as aforesaid.
- 595l. County of Sydney** And a further sum of 595l. for the several Roads in the County of Sydney, to be applied and expended as aforesaid.
- 535l. County of Cumberland** And a further sum of 535l. for the several Roads in the County of Cumberland, to be applied and expended as aforesaid.
- 565l. County of Hants** And a further sum of 565l. for the several Roads in the County of Hants, to be applied and expended as aforesaid.
- 565l. County of King's County** And a further sum of 565l. for the several Roads in the County of King's County, to be applied and expended as aforesaid.
- 615l. County of Annapolis** And a further sum of 615l. for the several Roads in the County of Annapolis, to be applied and expended as aforesaid.
- 615l. County of Shelburne** And a further sum of 615l. for the several Roads in the County of Shelburne, to be applied and expended as aforesaid.
- 545l. County of Queen's County** And a further sum of 545l. for the several Roads in the County of Queen's County, to be applied and expended as aforesaid.
- 1100l. County of Cape-Breton** And a further sum of 1100l. for the several Roads in the County of Cape-Breton, to be applied and expended as aforesaid.
- 540l. County of Lunenburg** And a further sum of 540l. for the several Roads in the County of Lunenburg, to be applied and expended as aforesaid.

II. *And be it further enacted*, That a Commission of Seven and a half per Cent. instead of six per Cent. shall be allowed in the collection of the Light-Duties for the Port of Halifax for the present year.

Allowance to Collector of Light Duty

III. *And be it further enacted*, That the sum of Ten Shillings per Day be allowed and paid to the Members of the House of Assembly, for their attendance in General Assembly.

Allowance to Members of Assembly

IV. *And be it further enacted*, That if any accident shall happen to any of the Bridges on the Main Roads in this Province, or any unforeseen obstructions to travelling shall arise, from the fall of trees or otherwise, it shall and may be lawful for His Excellency the Lieutenant-Governor, or Commander in Chief for the time being, to order a Commissioner or Commissioners to repair or rebuild such Bridges; or to remove such obstructions; and it shall and may be further lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to draw Warrants on account and in favour of such Commissioner or Commissioners, provided the same shall not exceed the sum of Seven Hundred and Fifty Pounds.

Road Emergencies

V. *And be it further enacted*, That, for the further encouraging Richard Scott, Thomas Bulgin and James Scott, in the Manufacture of Slates, by opening and working Quarries of that Article, in the Township of Rawdon, there be granted and paid a sum of One Hundred Pounds to aid them in repairing and making good the Main Road leading from their said Quarries to the place of shipment, pursuant to the prayer of their Petition.

1001. Richard Scott, and others

VI. *And be it further enacted*, That a sum not exceeding One Thousand Pounds be granted to William Lawson, Esq. as Commissioner, to enable him to complete the repairs of the Government House and the Province Building: the same to be drawn for by him as may be requisite, and the expenditure to be accounted for by him to the House of Assembly.

1001. Repairs of Government-House and the Province Building

VII. *And be it further enacted*; That a sum of Two Hundred and Fifty Pounds be granted and placed, annually, for the three next years, at the disposal of His Excellency the Lieutenant-Governor, to enable him to co-operate with the Government of Lower Canada in the establishment of Steam Boats, to run between Quebec and Halifax.

Bounty on Steam-boats

VIII. *And be it further enacted*, That there be granted and paid the sum of Six Hundred Pounds to the first Adventurer or Adventurers, or Body Corporate, who shall erect a good and sufficient Furnace or Furnaces, Refinery and Forge, with proper Machinery, in this Province, at which there shall be manufactured and made, within six years, One Hundred and Fifty Tons of good Hollow Ware. And also, a further sum of Six Hundred Pounds to such Adventurer or Adventurers, or Body Corporate, when, by a Forge, established at or near to such Furnace, they shall have made and refined, from Ore of this Province, at the said Furnace, One Hundred Tons of Bar Iron of a merchantable quality.

Bounty on Iron

IX. *And be it further enacted*, That a sum of One Thousand Five Hundred Pounds be granted and paid, in Bounties of Two Pounds Ten Shillings per Ton, to the Owners of the first three Ships respectively, of the burthen of One Hundred and Eighty Tons, by Register, and upwards, which shall be owned and fitted out in this Province, and shall cross the Equator, on Whaling Voyages: the said Bounty to be paid on satisfactory proof being given that the said Vessels respectively have been actually engaged in the prosecution of said Whaling Voyages, for a period not less than two years, unless previously full. *Provided*, That the Vessel last fitted out shall only be entitled to the Balance remaining of the said sum of One Thousand Five Hundred Pounds, after paying the full amount of Bounty to the first and second Vessel. *And Provided*, The first Vessel be fitted out within three years.

Bounty on Whaling Vessels

X. *And be it further enacted*, That a sum of Seventy Pounds, granted in the last Session

Roads in County of Annapolis

tion

sion of the General Assembly, for the main Road between Annapolis and Digby ; and also, a sum of Ten Pounds, granted in the said Session, for the road from Little River to Petit Passage, in the Township of Digby, and remaining undrawn from the Treasury, shall be applied and expended agreeably to the Resolution passed in the House of Assembly on the Eighth day of April, in the present year, and agreed to by His Majesty's Council.

9000l. for reduc-
ing Provincial
Debt

XI. *And be it further enacted*, That a sum not exceeding Nine Thousand Pounds, including the Notes for Two Pounds, dated the seventh day of January, One Thousand Eight Hundred and Twenty-two, and for One Pound, dated the first day of June, One Thousand Eight Hundred and Twenty-three, withdrawn from circulation, under the Resolution of His Majesty's Council and the House of Assembly, passed in the present Session, shall be applied, under the direction of the Lieutenant-Governor, or Commander in Chief for the time being, by and with the advice of His Majesty's Council, to the reducing of the Provincial Debt.

9th, 12th, 15th,
16th, 18th, and
19th Sections Act
41st Geo. III. con-
tinued

XII. *And be it further enacted*, That the ninth, twelfth, fifteenth, sixteenth, eighteenth and nineteenth, sections or clauses of the Act, made and passed in the forty-first year of His late Majesty's reign, entitled, An Act for applying certain Monies therein mentioned, for the service of the year of Our Lord One Thousand Eight Hundred and One, and for appropriating such part of the Supplies, granted in this Session of the General Assembly, as are not already appropriated by the Laws or Acts of the Province, shall be and continue in full force and virtue until the twenty-fifth day of March, which will be in the year of Our Lord One Thousand Eight Hundred and Twenty-six, in as full and ample a manner as the same clauses would be were they again repeated word for word.

CAP. II.

Expired

An ACT to continue the several Acts of the General Assembly for the further increase of the Revenue, by raising a Duty of Exeise on all Goods, Wares and Merchandise, imported into this Province.

CAP. III.

Expired

An ACT to continue the several Acts of the General Assembly, for granting to His Majesty certain Duties on Wine, Brandy, Gin, Rum, and other distilled Spirituous Liquors, Molasses, Coffee and Brown Sugar, for the support of His Majesty's Government, and for promoting the Agriculture, Commerce and Fisheries, of the Province.

CAP. IV.

Expired

An ACT to continue an Act for establishing a Bridewell, or House of Correction, for the County of Halifax ; and for providing a Police Office in said Town, with proper Officers to attend the same.

CAP. V.

An ACT to continue an Act in addition to and amendment of an Act, passed in the forty-first year of His Majesty's reign, entitled, An Act for repairing, cleansing and paving, the Streets in the Town and Peninsula of Halifax, and for removing obstructions therein; and also the Act in amendment thereof, passed in the forty-second year of His present Majesty's Reign. Expired

CAP. VI.

An ACT to continue the several Acts of the General Assembly, for raising a Revenue to repair the Roads throughout the Province, by laying a Duty on Persons hereafter to be licensed to keep Public Houses and Shops for the Retail of Spirituous Liquors. Expired

CAP. VII.

An ACT to continue an Act, entitled, An Act in addition to and in amendment of, the several Acts, now in force, for repairing and mending Highways, Roads, Bridges and Streets; and for appointing Surveyors of Highways within the several Townships in this Province. Expired

CAP. VIII.

An ACT to continue an Act, entitled, An Act relating to the Court of Commissioners at Halifax. Expired

CAP. IX.

An ACT to continue An Act, entitled, An Act to amend an Act, passed in the fortieth year of His late Majesty's reign, to amend an Act, passed in the first year of His said late Majesty's reign, for the repairing and mending Highways, Roads, Bridges and Streets; and for appointing Surveyors of Highways within the several Townships of this Province. Expired

CAP. X.

An ACT to continue and amend an Act, entitled, An Act for the Summary Trial of Actions.Act 3d Geo. IV.
Cap. 20. continuedContinued by 7,
Geo. IV. Cap. 25

BE it enacted, by the President, Council and Assembly, That the Act, passed in the third year of His present Majesty's reign, entitled, An Act for the Summary Trial of Actions, which has been continued, by a subsequent Act, to the end of present Session of the General Assembly; and every matter, clause and thing, in the said Act contained, shall be further continued, and the same is hereby continued, for one year, and from thence to the end of the next Session of the General Assembly. *Provided always,* That nothing contained in the Act, hereby continued, shall extend or be construed to extend to permit the trial of any Action, in a summary way, which may involve the title to Land.

CAP. XI.

Expired

An ACT to continue an Act respecting Aliens coming into this Province, or residing therein.

CAP. XII.

Expired

An ACT to continue the several Acts respecting the Liverpool Light-House.

CAP. XIII.

Expired

An ACT to continue an Act, passed in the fifty-second year of His late Majesty's reign, entitled, An Act in further addition to the Act relating to Wills, Legacies and Executors, and for the settlement and distribution of the Estates of Intestates.

CAP. XIV.

Expired

An ACT to continue an Act, passed in the fifty-first year of His late Majesty's reign, entitled, An Act for the more easy recovery of Aebts against Co-partners and Joint Debtors.

CAP. XV.

Expired

An ACT to continue an Act, entitled, An Act for the better preservation of the Property of the Inhabitants of the Town of Halifax, by providing for a sufficient Watch at Night.

CAP. XVI.

An ACT to continue the several Acts for raising an additional Duty of Excise on all Goods, Wares and Merchandise, imported into this Province. Expired

CAP. XVII.

An ACT for the relief of James Kidston, an Insolvent Debtor. Executed

CAP. XVIII.

An ACT to authorise the Incorporation of a Company for Working Mines of Iron, and Manufacturing Iron, in the County of Annapolis. Repealed by 7 Geo. IV, Cap 6

CAP. XIX.

An ACT to continue an Act, entitled, An Act imposing a Duty on Goods, Wares and Merchandise, imported from the United States of America, and for appropriating the same; and also the Act, passed in the last Session of the General Assembly, to alter and continue the said Act. Expired

CAP. XX.

An ACT to continue the Act to provide for the Accommodation and Billetting of His Majesty's Troops, or of the Militia, when on their march from one part of the Province to another; and also the Acts in amendment thereof. Expired

CAP. XXI.

An ACT to authorise the Incorporation of a Company for erecting a Bridge across Cornwallis River.

WHEREAS, the Bridge lately built across the Cornwallis River, between the Townships of Cornwallis and Horton, in King's County, at the Fords of the said River, a short distance above the Townplot of Cornwallis, hath been carried away and destroyed by the floods and currents of the said River. And Whereas, the erection of a substantial Bridge across the said River will be of great advantage to the Inhabitants of the said Township, and it is therefore expedient to encourage, by corporate privileges, such Persons as are willing to engage in such undertaking: Preamble

1. BE it therefore enacted, by the President, Council and Assembly, That whenever a sufficient number of Persons shall have associated themselves together, for erecting Incorporation of Company

erecting and building a Bridge over Cornwallis River aforesaid, and agreed to raise sufficient Monies for that purpose, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, at any time within ten years from the passing hereof, by Letters Patent under the Great Seal of the Province, to make, erect, and incorporate, all and singular the Persons who, from time to time, shall be adventurers in, or parties to, the said undertaking, or have any share or interest in the Capital or Joint Stock of the said Association, and their and every of their Assigns respectively, into one Body, Politic and Corporate, in deed and in name, under the title of the Cornwallis Bridge Company, and by that name to have succession, to sue and be sued, to have a Common Seal, and to possess and enjoy such powers, with respect to choosing a President and other Officers, making Bye-Laws, and regulating the affairs of the said Company; as in such Letters Patent shall be expressed.

Amount of Property to be possessed by Company

II. *And be it further enacted*, That the said Company, when so incorporated, shall be, and they are hereby declared and made, capable in law, to have, hold, purchase, possess, enjoy and retain, lands, rents, and tenements, and monies, goods and chattels, to any amount not exceeding in the whole Ten Thousand Pounds; including the cost or value of the Bridge, and the same to sell, grant, demise, or otherwise dispose of, at their free will and pleasure: and further, to meet together when and so often as they shall see fit; and also, to make, establish, and put in execution, such Bye-Laws, Rules, and Regulations, as may be necessary for making and erecting the said Bridge, and all works connected therewith, maintaining and keeping up the same, for levying assessments and for governing the Company. *Provided*, The same be in no case repugnant to the Laws of this Province.

Privileges of Company

III. *And be it further enacted*, That in such Letters Patent shall be granted and contained all such other powers, privileges, authorities and immunities, in regard to the making, sustaining and repairing, the intended Bridge, for rendering the same beneficial and useful, and for managing and conducting the said Corporation, as are commonly granted to such Companies, and as shall appear to the Governor and His Majesty's Council proper and expedient.

Authority to erect Bridge over Cornwallis River

IV. *And be it further enacted*, That it shall be lawful for the said Company, when so incorporated, to make, erect and build, over and across the said River, and either on the scite of the Bridge which was destroyed as aforesaid; or at any other convenient place above or below the same, or opposite to or above the Town of Cornwallis aforesaid, a good and sufficient Bridge, of such size and dimensions, and of such materials, and with such and so many piers and abutments, and in such way and manner, as shall be proper, safe and convenient, for the passage of Passengers, Cattle and Carriages, of all descriptions, and at all times across and over the same; and according to such plan and method as the said Company shall think proper or expedient; and the same Bridge to alter, change, renew, amend, repair and sustain, as the said Company shall think fit.

Powers and privileges of Company continued for Fifty years

V. *And be it further enacted*, That the said Bridge, so to be erected or renewed, and all the piers, abutments, approaches, outlets, entrances, and appurtenances thereof, and all lands or other property, purchased or obtained for the said Bridge, or as appurtenant thereto, shall be, and the same are hereby vested in, and declared and made the sole and exclusive property of, the said Company, for and during the term of fifty years from the date of the said Letters Patent.

Toll or Pass Money

VI. *Provided always, and be it further enacted*, That a way and passage in, upon and over, the said Bridge, and the approaches, outlets and entrances thereof, shall be at all convenient times and seasons free and open to all His Majesty's Subjects, with their Cattle and Carriages, upon payment or tender of such reasonable Toll or Pass-money, as shall, from time, to time be fixed and allowed therefor by His Excellency the

the Lieutenant-Governor, or Commander in Chief, by and with the advice and consent of His Majesty's Council. *And provided always*, That His Majesty's Troops or embodied Militia, with their Munitions of War and Baggage, on their march, shall always be exempt from such Toll.

VII. *And be it further enacted*, That the piers, abutments, covering timber and materials, now remaining of the Bridge lately erected over the said River, and destroyed as aforesaid, shall be, and the same are hereby declared to be, assigned to, and vested in, the said Company, upon the issuing of the said Letters Patent, as and for their property.

Articles to be assigned to the Company

VIII. *Provided always, and be it lastly enacted*, That the said intended Bridge shall be erected, and completed, within Five Years from the date of the said Letters Patent; and be kept and maintained at all times in good and sufficient repair, during the continuance of the Toll hereby authorised to be levied.

Time allowed for the erection of the Bridge

CAP. XXII.

An ACT to prevent the cruel treatment of Horses, Sheep or other Cattle, by Persons owning or having the charge of the same.

BE it enacted, by the President, Council and Assembly, That if any Person or Persons owning or having the charge of any Horses, Sheep or other Cattle, shall wantonly and cruelly maim, wound, or otherwise hurt, any such Horses, Sheep or other Cattle, such Person or Persons shall, upon conviction, before any one Magistrate, by any one or more witnesses, forfeit for each and every offence a sum not exceeding Three Pounds, nor less than Five Shillings; and, on non-payment thereof, be committed to the Gaol or House of Correction, for a time not exceeding twenty days, at the discretion of the Magistrate.

Fine imposed upon persons wantonly maiming Cattle

II. *And be it further enacted*, That the sum forfeited shall be paid, one half to the Prosecutor, and the other half for the use of the Poor of the Parish in which the offence may be committed.

Fine, how disposed of

CAP. XXIII.

An ACT relating to the Terms of the Supreme Court at Halifax.

BE it enacted, by the President, Council and Assembly, That, from and after the passing of this Act, the Grand and Petit Jurors, who, by Law, are required to attend the said Supreme Court, shall not be bound to give their attendance thereon during the Trinity Term, in every year, unless such Jurors shall be specially summoned therefor under the Order of some one of the Judges for the issuing Writs of Venire Facias, returnable during the said Trinity Term.

Attendance of Jurors not required at the Trinity Term of Supreme Court in Halifax

CAP. XXIV.

An ACT relating to Special Juries.

Repealed by Act 1826

WHEREAS, the Fees and Penalties to which Special Jurors are now entitled and subject, are insufficient to procure their attendance:

Preambles

Allowance to
Special Jurors

I. *BE it therefore enacted, by the President, Council and Assembly, That, in future, there shall be paid and allowed to every Special Juror, sworn for the trial of any Cause depending in the Supreme Court at Halifax, the Fee of Five Shillings, instead of the Fees now by Law allowed to such Juror.*

Fine for non-at-
tendance imposed
upon Special
Jurors

II. *And be it further enacted, That every Special Juror, who, being duly summoned for the trial of any Cause, shall neglect to appear in Court at the time appointed therefor, shall forfeit and pay a fine of Twenty Shillings, instead of the penalty now exacted for non-attendance.*

Costs of Special
Jury not allowed
in some cases

III. *And be it further enacted, That in all causes where a Special Jury shall have been ordered, it shall be in the discretion of the Court to allow or refuse to the party applying therefor, the costs of such Jury, according as the Court shall consider the subject in dispute did or did not require a Special Jury for the trial thereof, or might properly, and without inconvenience, have been tried by the Common Jury.*

CAP. XXV.

Expired

An Act to continue an Act, entitled, An Act more effectually to secure the payment of the Provincial Duties of Excise, and to prevent Frauds in the Collection of the Provincial Revenue.

CAP. XXVI.

Acts of 3, Geo. IV.
Cap 25, 4 Geo. IV.
21 continued

An ACT to alter and continue the several Acts, relating to the Light-House erected on Cranberry Island, near the entrance of the Gut of Canso.

Acts continued

BE it enacted, by the President, Council and Assembly, That an Act, passed in the third year of His present Majesty's Reign, entitled, An Act to provide for the support of a Light-House, erected on Cranberry Island, near the entrance of the Gut of Canso; also the Act, passed in the fourth year of His said Majesty's Reign, entitled, An Act to continue, alter and amend, an Act, passed in the third year of His Majesty's Reign, entitled, An Act to provide for the support of a Light-House erected on Cranberry Island, near the entrance of the Gut of Canso; and every matter, clause, and thing, in the said Acts contained, shall be continued, and the same are hereby continued, for one year, and from thence to the end of the next Session of the General Assembly.

Light-Duty im-
posed upon Coasting
Vessels belonging
to the adjacent
British Provinces

Continued by 7
Geo. 4, Cap 27

II. *Provided always, and be it further enacted, That every Coasting Vessel, not exceeding the burthen of sixty-five tons, owned and registered in the adjacent British Provinces, shall pay, in lieu of the Duties by the Acts hereinbefore continued imposed, the sum of Twenty Shillings for each and every year, and no more: to be received and recovered as in and by the said Acts is provided.*

CAP. XXVII.

Expired

An ACT to continue an Act, entitled, An Act to repeal the several Acts of the General Assembly, passed to prevent forestalling, regrating and monopolizing.

CAP.

CAP. XXVIII.

An ACT to alter and continue the several Acts to provide Expired
for the greater security of the Province, by a better regu-
lation of the Militia, and to repeal the Militia Laws now
in force.

CAP. XXIX.

An ACT to continue an Act, passed in the fifty-first year of
His late Majesty's Reign, entitled, An Act to amend an
Act, passed in the twentieth year of His Majesty's Reign,
entitled, An Act for establishing a Public School in the
Town of Halifax.

BE *it enacted, by the President, Council and Assembly,* That the said Act, passed 51 Geo. 3 Cap 2,
 in the fifty-first year of His late Majesty's Reign, in amendment of the said Act, continued
 for establishing a Public School in the Town of Halifax, be, and the same is hereby,
 continued for the term of seven years from the publication hereof, and from thence to
 the end of the next Session of the General Assembly, and no longer.

CAP. XXX.

An Act to continue an Act in addition to an Act, passed in Expired
the thirty-third year of the reign of His late Majesty King
George the Second, entitled, An Act for regulating the
rates and prices of Carriages.

CAP. XXXI.

An Act in amendment of an Act, passed in the fourth year of Act of 4, Geo. 4
His present Majesty's Reign, entitled, An Act to regulate Cap 32, amended
the Jurisdiction of the Inferior Court of Common Pleas
within the County of Cape-Breton, and to fix and establish
the times and places for holding the said Inferior Court and
General Sessions of the Peace, in and for the said County.

BE *it enacted, by the President, Council and Assembly,* That, from and after the Time of sitting o
 publication of this Act, the Inferior Court of Common Pleas and General Ses- Court of Common
 sions of the Peace for the Western District of the said County of Cape-Breton, shall Pleas in the west-
 be held on the first Tuesday of October in each and every year. ern District of
Cape-Breton

CAP. XXXII.

Expired

An ACT to amend and continue an Act, made and passed in the thirty-eighth year of His Majesty's reign, entitled, An Act to amend and render more effectual, an Act, passed in the eighteenth year of His present Majesty's reign, entitled, An Act to prevent forestalling, regrating and monopolizing, of Cord Wood in the Town of Halifax ; and also, the Act, now in force, in addition thereto.

CAP. XXXIII.

An ACT to revive, amend and continue, the Act for granting a Drawback of the Duties on Brown or Raw Sugar, used in the manufacture of Refined Sugars, within the Province ; and for regulating the mode of obtaining the same.

Act revived and continued

Act of 57 Geo. 3, Cap 23, revived and continued

Further continued by 7 Geo. 4, Cap 35

Drawback allowed upon Molasses

Rules and Regulations respecting Drawbacks, to be observed

BE it enacted, by the President, Council and Assembly, That the Act, passed in the fifty-seventh year of His late Majesty's reign, entitled, An Act for granting a Drawback of the Duties on Brown or Raw Sugar, used in the manufacture of Refined Sugars within the Province, and for regulating the mode of obtaining the same, be revived and continued, and the same, with every matter, clause and thing, therein contained, is hereby revived and continued in force, until the twenty-fifth day of March, which will be in the year of our Lord One Thousand Eight Hundred and Twenty-six, and no longer.

And Whereas, *large quantities of Molasses are now consumed in the Manufacture of Sugars in this Province, and it is expedient to extend to Molasses, so consumed, the benefit of a Drawback :*

II. Be it therefore enacted, That any Person or Persons who shall carry on the manufacturing of Sugars within this Province, shall be entitled to the same Drawback of the Duties paid or payable on all Molasses, actually used or employed in such manufacture, as is or shall be granted or allowed on the exportation of the like article out of the Province.

III. And be it further enacted, That the Molasses, so to be used in the manufacture of Sugars, shall be subject to such and the like rules and regulations, and the removal thereof and of the Sugars therefrom manufactured, shall be made, and the Drawback hereby granted thereon, shall be allowed, under such and the like precautions, restrictions and provisions, and under such and the like Penalties and Forfeitures, in every respect, as in and by the Act hereby revived and continued, are provided and enacted, in respect to Brown or Raw Sugar, used in the manufacture of Refined Sugars, and in respect to the Drawback of Duties thereon.

CAP. XXXIV.

An ACT to alter the Sittings of the Courts of Common Pleas and General Sessions of the Peace in the District of Pictou and County of Sydney, in the Eastern Division, and in the County of King's County, in the Middle Division of the Province.

B*Et it enacted, by the President, Council and Assembly, That, from and after the publication hereof, the Courts of Common Pleas and General Sessions of the Peace for the County of Sydney, be held at Dorchester, in the Upper District of said County, on the first Tuesday of May, and third Tuesday of October; and at Guysborough, in the Lower District of said County, on the second Tuesday of May, and fourth Tuesday of October, instead of the times now by Law appointed for holding the same; and that the Courts of Common Pleas and General Sessions of the Peace for the District of Pictou, be hereafter held as follows:—at Pictou, on the third Tuesday of July and the fourth Tuesday of January, instead of the times now appointed by Law for holding the same.*

Times of sitting of
Court of Common
Pleas

At Dorchester
At Guysborough

At Pictou

II. *And be it further enacted, That the Courts of Common Pleas and General Sessions of the Peace for the County of King's County, be held at Horton on the second Tuesday of November, instead of the second Tuesday of October, as now by Law appointed for holding the same.*

At Horton

III. *And be it further enacted, That all Writs, Bail Bonds, Recognizances, Rules, Orders, and other Process, which are, or shall be made, returnable into the said Courts of Common Pleas and General Sessions of the Peace for and within the County of Sydney, and District of Pictou, hereinbefore mentioned, at the days and times now appointed by Law for holding the same, shall, instead thereof, be returned to the said Courts on the respective days and times hereinbefore fixed and appointed for the sittings thereof; and all Persons and Parties who are summoned or bound to appear, or who ought to appear by virtue of any Process or Proceedings, had in the said Courts at the days and times heretofore fixed for holding the same, shall be held and obliged to appear and answer in the said Courts respectively, on the respective days and times herein appointed for such sittings; and all Judges, Justices, Sheriffs, Coroners, Constables, Jurors and other Persons, are to take notice, and govern themselves accordingly.*

Return of Writs,
&c.

CAP. XXXV.

An ACT to allow a Drawback on Foreign Flour, and other articles, exported to Foreign Countries.

W*HEREAS, by several Acts of the Imperial Parliament of the United Kingdom of Great-Britain and Ireland, for regulating the trade between His Majesty's Possessions in America and the West-Indies and other Places in America, the West-Indies and other parts of the World, certain duties are imposed upon the importation into this Province from Foreign Countries, of Wheaten Flour and various other articles, and such duties are made payable to the Treasurer of the Province, to be applied as may be directed by the General Assembly. And Whereas, the Commerce and Navigation of this Province will be greatly and most beneficially promoted*

Preamble

promoted by the allowance of a Drawback of such Duties upon the exportation of the Articles, upon which the same have been paid to Foreign Countries:

Drawback allow-
ed upon the ex-
portation of dutia-
ble Articles

I. BE it therefore enacted, by the President, Council and Assembly, That whenever any Foreign Wheaten Flour, or other Goods, Wares and Merchandise, imported as aforesaid, and upon which the Duties imposed as aforesaid, have been duly paid, shall be re-exported from this Province to any Foreign Country, or Port or Place, not under the dominion of His Majesty, and to which such articles may be legally exported from hence, the Exporter or Exporters thereof shall be allowed and paid a Drawback of the whole of the Duties paid upon the same articles when first imported into the Province.

Forms to be ob-
served by Persons
claiming Draw-
backs

II. And be it further enacted, That every Person intending to claim the Drawback hereby allowed, shall deliver unto the Collector of the Provincial Duties of Excise, previous to the shipment and exportation of the Articles, so entitled to Drawback, an Entry and written Manifest thereof, specifying the nature, value, quality and description thereof; and the marks, numbers and descriptions, of the respective casks or packages wherein the same are contained, with the name of the ship in which the same are intended to be exported; the name of the Master thereof, and the Country, Port or Place, to which the same articles are destined: whereupon a Permit for the shipment and exportation of such articles, in such Vessel, and for such destination as aforesaid, shall be granted by the said Collector, directed to some Waiter, Searcher or proper Officer of the Excise, who shall personally attend at, and inspect, the lading and shipment of the said Articles, mentioned in such Permit on board the vessel named therein, and certify to such Collector, and verify, if required, by Oath, the actual lading and shipment of the respective articles contained in such Permit.

Examination of
Dutiable Articles
previous to Ship-
ment

III. And be it further enacted, That it shall be lawful for any such Waiter, Searcher or other Officer, as aforesaid, after the entry and manifest made as aforesaid, for the exportation of any such Foreign Wheaten Flour, or other Goods, Wares and Merchandise, as aforesaid, and before or after the shipping thereof, to open and strictly examine any cask or other package referred to in the Permit, and to take all other and necessary precautions and measures to see if the said articles are right entered; and if on such examination the same shall be found to be right entered, the Waiter, Searcher, or other proper Officer, shall, at his own charge, cause the same to be re-packed, (which charge shall be allowed to the said Officer, by the Commissioners of the Revenue, if they think it reasonable) but if on examination such Officer shall find such Flour, Goods, Wares and Merchandise, to be less in quantity or value than is expressed in the Entry and Manifest aforesaid, or find them entered under a wrong denomination, whereby the Revenue of the Province would have been defrauded, all such Goods may be seized, and the same shall be forfeited and lost, and the Owner or Merchant shall lose the benefit of receiving the drawback by this Act payable thereon.

Affidavit to be
made of shipment
of dutiable articles

IV. And be it further enacted, That when such shipment for exportation shall be made and certified as aforesaid, the Exporter of such Flour, Goods, Wares and Merchandise, and the Master of the Ship or Vessel wherein the same are laden, shall respectively make and subscribe, before the said Collector of the Provincial Excise Duties, an affidavit in writing, upon or annexed to such Manifest and Entry, and therein shall respectively depose and declare, on oath, that the Goods so described, valued, numbered and specified, in such Manifest and Entry, are actually laden and shipped on board the vessel named therein, and for the purpose of being exported from this Province to some Foreign Country, Port or Place, not under the dominion of His Majesty, and are not intended to be again landed, sold, exchanged or consumed, in any part of this Province, or of His Majesty's Dominions.

V. *And be it further enacted*, That further proof shall be made, by Oath, to the satisfaction of the Commissioners of the Revenue, that the Duties to which the several and respective articles described and specified in such Manifest and Entry as aforesaid, were, by law, liable on the first importation thereof into this Province, have been actually and truly paid and satisfied thereon, and that all and every the requisites of any present or future Act of the Imperial Parliament with respect to the importation or exportation of such articles into or from this Province, have been duly and fully complied with.

Affidavit to be made that the Articles upon which the Drawback is claimed, had paid the Duty

VI. *And be it further enacted*, That the Owner or Exporter of all such Flour, Goods, Wares and Merchandises, so shipped for exportation, and the Master of the Vessel, on board whereof the same are laden as aforesaid, shall execute, to the Collector of the said Provincial Duties of Excise, a Bond, with sufficient sureties, in a penal sum amounting to double the sum paid for duties, as aforesaid, upon the articles specified in such entry and manifest, with a condition that the said duties have been actually and truly paid thereon; and that all the said Flour, Goods, Wares and Merchandise, specified in such entry and manifest, shall be carried in such ship or vessel, without unnecessary delay, to, and landed in, such foreign country, port or place, for which they are destined, and shall not be fraudulently reloaded, used or consumed, within this Province, or any part of His Majesty's Dominions.

A Bond to be entered into

VII. *And be it further enacted*, That when and so soon as the said bond shall be given, and all the other requisites herein-before enacted complied with, the said Commissioners of the Revenue shall, and they are hereby required to, certify the same, with the amount of the Drawback to which the Exporter may be entitled under this Act, unto the Lieutenant-Governor, President, or Commander in Chief for the time being; who thereupon shall be authorised to grant a Warrant to the Treasurer of the Province, for the payment of the amount of such Drawback to the Exporter as aforesaid.

Commissioners of the Revenue to grant a Certificate to Shippers when the requisites of the Law have been complied with

VIII. *Provided always, and be it further enacted*, That no Drawback shall be allowed under this Act, unless the articles upon which the same is claimed shall amount in value to one hundred pounds, and shall be actually shipped for exportation within the space of three years from the time of their original importation, such time to be accounted from the report inwards of the Master of the Ship or Vessel wherein they were so reported.

Drawback not allowed except on articles amounting in value to 100l. Time allowed for the shipment of dutiable articles

IX. *And be it further enacted*, That the Bond or Obligation so to be executed as aforesaid, shall be cancelled upon due proof being made, to the satisfaction of the said Commissioners of the Revenue, that the condition thereof hath been performed, or that the Goods to which the same relates have been destroyed or lost by the perils of the seas, or otherwise. *Provided always*, That in such proof shall be included the Certificate of His Majesty's Consul or Vice-Consul, if there be any, at the Port or Place to which such Goods are exported, that the same have been duly landed there.

Bond—when to be cancelled

Proviso

X. *And be it further enacted*, That this Act shall be in force for one year from the passing thereof, and thence to the end of the next Session of the General Assembly.

This Act further continued by 7 Geo 4, Cap 24

This Assembly was dissolved by Proclamation on the 11th day of April, 1826.

At the **GENERAL ASSEMBLY** of the Province of Nova-Scotia, begun and holden at Halifax, on Wednesday, the First day of February, 1826, in the Seventh Year of the reign of our Sovereign Lord **GEORGE** the Fourth, by the Grace of God, of the United Kingdom of Great-Britain and Ireland, **KING**, Defender of the Faith, &c. &c. &c. being the Sixth and last Session of the Twelfth General Assembly, convened in the said Province.*

* In the time of Sir James Kempt, Knight Grand Cross of the Most Honorable Military Order of the Bath, Lieutenant-Governor; S. S. Blowers, Chief-Justice and President of Council; Samuel George William Archibald, Speaker of the Assembly; Sir Rupert D. George, Bart. Secretary of the Council; and James B. Francklin, Clerk of Assembly.

CAP. I.

An **ACT** for applying certain Monies, therein mentioned, for the service of the Year of Our Lord One Thousand Eight Hundred and Twenty-six; and for appropriating such part of the Supplies, granted in this Session of the General Assembly, as are not already appropriated by the Laws or Acts of the Province.

MAY IT PLEASE YOUR EXCELLENCY,

WE, His Majesty's dutiful and loyal Subjects, the House of Assembly of His Majesty's Province of Nova-Scotia, towards appropriating the Supplies granted to His Majesty, in this Session of the General Assembly, and for supplying the exigencies of His Majesty's Government, do humbly beseech that it may be enacted, and

1. *BE it enacted by the Lieutenant-Governor, Council and Assembly, That*, by or out of such Monies as now are, or from time to time shall be and remain, in the Public Treasury of this Province, there shall be paid the sum of 200l. to the Speaker of the House of Assembly, for his services during the present Session.

200l. Speaker of Assembly

And a further sum of 100l. to the Solicitor-General, for his services for the present year.

100l. Solicitor-General

And a further sum of 500l. to the Treasurer of the Province, for his Salary, and as Comptroller and Auditor of Public Accounts, and in lieu of Office Rent, Clerks, and all other contingent expenses, for the present year.

500l. Treasurer

And a further sum of 100l. to the Clerk of the Council in General Assembly, and as Clerk to His Majesty's Council, for his services for the same year.

100l. Clerk of the Council

And a further sum of 30l. for defraying the Expenses of the Council in General Assembly, for the same year, to be paid on the certificate of the President of the Council, and not otherwise.

30l. Expenses of Council

And a further sum of 100l. to the Clerk of the House of Assembly, for his services for the present year.

100l. Clerk of Assembly

And

- And a further sum of 175l. to Messrs. Howe & Son, Printers, for Printing for Government and the General Assembly, for the same year. 175l. Howe & Son
- And a further sum of 50l. to the Keeper of the House of Assembly and the Council Chamber, for the present year. 50l. Keeper of Assembly
- And a further sum of 110l. to be paid on the certificate of the Commissioners of the Revenue, to the Land-Waiter of the Port of Halifax, for the same year. 110l. Land Waiter
- And a further sum, to be paid on the certificate of the Commissioners of the Revenue, at the rate of 7s. 6d. per day, to such Person or Persons as shall be employed during the year aforesaid, by the Collector of Impost and Excise of the District of Halifax, as Extra Waiter or Waiters for the Port of Halifax: and 5s. per day to such Extra Waiter or Waiters, when unemployed; and at the rate of 5s. per day to Temporary Waiters. Allowance to Extra Waiters
- And a further sum of 200l. to the Guager and Weigher for the Collector of Impost and Excise for the District of Halifax, for his services for the same year. 200l. Guager and Weigher
- And a further sum of 40l. to the Messenger to the Governor, Lieutenant-Governor, or Commander in Chief for the time being, and His Majesty's Council, as well in their Legislative capacity as otherwise, for the present year. 40l. Messenger to Council
- And a further sum of 25l. to the Reverend Robert Willis, for his services as Chaplain to His Majesty's Council, during the present Session. 25l. Rev. Robert Willis
- And a further sum of 25l. to the Reverend John Thomas Twining, for his services as Chaplain to the House of Assembly, during the present Session. 25l. Rev. John Thomas Twining
- And a further sum of 40l. to John Boyd, for his services as Sergeant at Arms to the House of Assembly during the present Session. 40l. John Boyd
- And a further sum of 25l. to Matthew Forrester, for his services as Assistant Sergeant at Arms to the House of Assembly, during the present Session. 25l. Matthew Forrester
- And a further sum of 25l. to John Gibbs, for his services as Messenger to the House of Assembly, during the present Session. 25l. John Gibbs
- And a further sum of 30l. to the Clerk of the Commissioners of the Revenue, for his services for the present year. 30l. Clerk to Commissioners of Revenue
- And a further sum of 20l. to the Secretary of the Province, for Stationary, on account of Warrants to be drawn on the Treasury for the same year. 20l. Secretary of Province
- And a further sum of 10l. to the Trustees of the Law Library, to be disposed of in such way as they may think proper for the advantage of the said Library. 10l. Law Library
- And a further sum of 222l. 4s. 5d. to the Attorney-General, for his services for the present year. 222l. 4s. 5d. Attorney General
- And a further sum of 100l. to the Treasurer of the Province, in addition to his Salary for the present year. 100l. Treasurer
- And a further sum of 250l. to defray such Contingent Expenses as may arise during the present year, to be drawn by Warrant from the Governor, Lieutenant-Governor, or Commander in Chief, for the time being. 250l. Contingent expenses
- And a further sum of 600l. for the support of the Transient Poor for the present year, to be paid to the Commissioners of the Poor at Halifax. 500l. Transient Poor
- And a further sum of 20l. to the Person who has the care of the Gunpowder at Halifax, for his services for the present year. 20l. Keeper of Gunpowder
- And a further sum of 50l. to the Owners of the Packet running between Windsor and Partridge Island, to encourage the running of such Packet between the said places, under such regulations as may be made and ordered by the Justices in their Session, for the County of Hants, for the present year. 50l. Parrsborough Packet
- And a further sum of 400l. to the Commissioner of the Island of Sable, for the support of that Establishment for the present year. 400l. Island of Sable

50l. Sheriff of
Cape-Breton

And a further sum of 50l. to be applied upon the same conditions as heretofore, for a compensation to the Sheriff of the County of Cape-Breton, for the services he may perform in the execution of his office within the present year.

12l. 10s. to John
J. Greenwood

And a sum of 12l. 10s. to John J. Greenwood, in full for his time, and expenses incurred by him, in going from Halifax to Boston, as an evidence against the Forgers of Province Notes, in April last.

250l. Hon. Chas.
Morris

And a further sum of 250l. to the Honorable Charles Morris, Surveyor-General of the Province, in full compensation for services performed by him in superintending and directing the surveying of the Boundary Lines of certain Counties and Districts in the Province, under the orders of His Excellency the Lieutenant-Governor, during the last five years.

400l. Lines and
Boundaries

And a further sum, not exceeding 400l. to enable His Excellency the Lieutenant-Governor to proceed in making a survey of the Lines and Boundaries of the Counties and Districts in this Province, in addition to the balance of former Votes of the Legislature remaining unexpended.

900l. Post Com-
munication

And a further sum of 900l. for defraying the expenses of a Post Communication in the present year, as heretofore kept up.

39l. 2s. 6d. John
Howe & Son

And a further sum of 39l. 2s. 6d. to John Howe and Son, for printing the Acts passed in the last Session of the General Assembly, for transmission to England, per account.

200l. Commission-
ers of Bridewell

And a further sum of 200l. to the Commissioners of the Bridewell in the Town of Halifax, to aid in paying off the debts, and for the support of that Establishment:—100l. of which sum to be retained in the Treasury, to make good that sum paid by mistake last year, beyond the sum granted.

25l. George
Chipman

And a further sum of 25l. to George Chipman, Esq. of Horton, to enable him to complete his survey of the practicability of an Inland Water Communication, between the Gaspercau River and Lahave River; and for clearing out certain runs and falls between the Lakes, to facilitate the passage of Wood and Timber, pursuant to his Report and Plan of last year's survey, laid before the House of Assembly, by order of His Excellency the Lieutenant-Governor.

192l. J. G. A.
Creighton

And a further sum of 192l. to J. G. A. Creighton, being the amount of duty paid into the Treasury, on a quantity of Wheat, by him imported from Hamburgh in the year One Thousand Eight Hundred and Twenty-five, in the brig Nelly, Joseph Barret, master.

64l. 11s. 11d. to
Cuthbert Vaux

And a further sum of 64l. 11s. 11d. to Cuthbert Vaux, being the amount of duty paid into the Treasury on a quantity of Wheat imported by him from Trieste, in September last.

200l. Steam Boat
Company

And a further of 200l. to the Steam-Boat Company, to enable them to keep their Boat plying between Halifax and Dartmouth.

350l. Acadian
School

And a further sum of 350l. to the Trustees of the Acadian School in Halifax, to discharge the debts due from that Institution, including the sum due to Mrs. Joanna McKay, which is to be first paid.

293l. 7s. 2d. Na-
tional School

And a further sum of 293l. 7s. 2d. to the Trustees of the National School in Halifax, to enable them to discharge the debts of that Establishment.

92l. Catholic
School

And a further sum of 92l. to the Reverend John Carroll, to enable him to pay off the debts due from the Catholic School in Halifax; and the further sum of 50l. to reimburse the Reverend Messrs. Carroll and Dunphy the disbursements made by them in the two last years, on account of the said School.

400l. Pictou Aca-
demy

And a further sum of 400l. to the Trustees of the Pictou Academy, for the support of that Institution for the present year.

50l. Town School
Windsor

And a further sum of 50l. to the Trustees of the Town School in Windsor, to enable

ble them to pay the balance due on that Establishment, and to aid them in making certain necessary repairs to the School House; the money to be paid on a certificate from the General or a Special Sessions, that such amount has been faithfully applied to the purpose for which it was granted.

And a further sum of 60l. to Caleb H. Rand, James D. Harris, and John Whidden, in aid of the subscription of them and others for building a Central School House in King's County upon an extended plan, for the furtherance of Education by the Madras System—the accommodation of a large Sunday School, and other beneficial purposes, agreeably to the prayer of their Petition; the expenditure to be accounted for, duly certified by the Justices in Session. 60l. School House in King's County

And a further sum of 12l. 10s. to the Commissioners of the Poor in Halifax, to enable them to continue the School in the Poor-House, for the present year, for the benefit of Orphans and Poor Children in that Establishment. 12l. 10s. Poor-House School

And a further sum of 25l. to enable the Inhabitants of St. Mary's, in the County of Sydney, to erect a Beacon on Wedge Island, and a Buoy at the mouth of the River; and the same to be paid when certified by two of the Magistrates that the money has been duly expended. 25l. Beacon on Wedge Island

And a further sum of 1000l. to be at the disposal of His Excellency the Lieutenant-Governor, for the purpose of importing into the Province two or more thorough bred Seed Horses. 1000l. Seed Horses

And a further sum of 50l. to assist certain Inhabitants of Cornwallis in building a Wharf at Hall's Harbour, on the shore of the Bay of Fundy; the same to be drawn from the Treasury, when it shall be certified by the General Sessions of the Peace, that a sum of 25l. has been raised by private subscription, and expended on the said work. 50l. Wharf at Hall's Harbour

And a further sum of 20l. to Angus M'Donald, of Little Harbour, for the erection of an Oat-mill at that place. 20l. Angus M'Donald

And a further sum of 20l. to Charles B. Blackie, of Stewiacke, for the erection of an Oat-mill in that Settlement. 20l. Charles B. Blackie

And a further sum of 20l. to Donald M'Kinnon, of Arisaig Point, for the erection of an Oat-mill in that Settlement. 20l. Donald M'Kinnon

And a further sum of 20l. to Robert Dill, of Londonderry, for the erection of an Oat-mill in that Township. 20l. Robert Dill

And a further sum of 20l. to John Ehler, of Guysborough, for the erection of an Oat-mill in that Township. 20l. John Ehler

And a further sum of 20l. to David Murray, of Merigomish, for the erection of an Oat-mill in that Settlement. 20l. David Murray

And a further sum of 20l. to George M'Donald and Duncan Cameron, for the erection of an Oat-mill on the West River of Pictou. 20l. George M'Donald

And a further sum of 20l. to Daniel Harrington, for the erection of an Oat-mill at Antigonishe. 20l. Daniel Harrington

And a further sum of 20l. to William Lutwidge Newton, for the erection of an Oat-mill on the new Dartmouth Road. 20l. William Lutwidge Newton

And a further sum of 20l. to John M'Kay, for the erection of an Oat-mill in Earlown, in the District of Colchester. 20l. John M'Kay

And a further sum of 100l. to assist the Inhabitants at or near Port Medway River, in Queen's County, to remove obstructions in the said River, to be paid when it shall be certified, by the Court of Sessions, that a sum of 50l. has been raised by private subscription, and expended in the said work. 100l. Port Medway River

And a further sum of 75l. to enable Inhabitants of Petit River, in the County of Hants, 75l. Petit River

Hants; to remove certain obstructions from the said River, which impede its navigation; the said sum to be drawn from the Treasury, when it shall be certified by the Court of General Sessions, that a sum to that amount, together with the sum made up by private subscription, has been duly expended.

50l. St. Mary's River

And a further sum of 50l. in addition to the sum of 50l. granted in the last Session of the Legislature, to aid the Inhabitants of St. Mary's River, in the County of Sydney, to clear that River of Rocks, and other obstructions, at the Big Falls, so called: the sum hereby granted, not to be drawn until the work be completed, and so certified by the Justices in Session.

75l. Petit River

And a further sum of 75l. to assist the Inhabitants of New-Dublin, in the County of Lunenburg, to remove obstructions from the Petite River; the same to be drawn from the Treasury, when it shall be certified by the Court of Sessions, that the said Inhabitants have contributed and expended the sum of 25l. for that purpose. The whole of the expenditure, when the work shall be completed, to be certified in like manner.

50l. Lahave River

And a further sum of 50l. to assist the Inhabitants of the Townships of Lunenburg and New Dublin, to remove the obstructions out of the Lahave River; the same to be drawn from the Treasury, when it shall be certified, by the Court of Sessions, that the said Inhabitants have subscribed and expended the sum of 20l. for that purpose. The whole expenditure to be in like manner certified, when it shall be completed.

30l. Annapolis River

And a further sum of 30l. to aid the Inhabitants of Aylesford in clearing out the Annapolis River in that Township; to be drawn from the Treasury when it shall be certified by the Justices in Session that the sum raised by private subscription has been duly expended, and the whole expenditure to be certified in like manner.

40l. Cornwallis River

And a further sum of 40l. to assist further in clearing out the Cornwallis River, in addition to the Provincial Grant and private subscriptions expended for that purpose: the due expenditure of this sum to be certified by the Court of Sessions:

150l. Pier at Wilmot

And a further sum of 150l. to His Excellency the Lieutenant-Governor, to aid the Inhabitants of the Township of Wilmot in building a Pier or Wharf on the shore of the Bay of Fundy, at or near Gate's Mill, for the safety of Vessels: to be drawn from the Treasury when it shall be certified that the Inhabitants have raised and expended a sum of 75l. in that work; and also if, upon inquiry, His Excellency should find the building of a Pier or Wharf on the Bay of Fundy, as above mentioned, practicable.

93l. 0s. 11d Shipwrecked mariners Cape-Breton

And a further sum of 93l. 0s. 11d. at the disposal of His Excellency the Lieutenant Governor, for defraying certain demands for articles furnished to sundry poor distressed Shipwrecked Mariners in the Island of Cape-Breton, in the year one thousand eight hundred and twenty-four.

20l. William Robertson

And a further sum of 20l. to William Robertson, in full for provisions supplied, and advances made by him, and services performed, for the relief of the passengers and crew of the brig New Active, wrecked upon the Seal Islands in July, one thousand eight hundred and twenty-three.

25l. Chester River

And a further sum of 25l. to assist the Inhabitants of Middle River, in the Township of Chester, in removing certain obstructions that impede the navigation of that River: the said sum to be drawn from the Treasury when it shall be duly certified, by the Court of Sessions, that private subscriptions to the amount of 12l. 10s. together with this grant, have been duly expended.

50l. River from Herring Cove Lake to Herring Cove

And a further sum of 50l. to assist the Inhabitants of Queen's County, to remove obstructions in the River from Herring Cove Lake to Herring Cove: the said sum to be drawn from the Treasury when it shall be duly certified by the Court of Sessions, that such amount has been properly expended, and that the said Inhabitants have subscribed and expended at the least 15l. in addition thereto, for the same purpose.

And

And a further sum of 100l. at the disposal of His Excellency the Lieutenant-Governor, to aid the Inhabitants of Musquodoboit in removing obstructions to the navigation of the River Musquodoboit. 100l. River Musquodoboit

And a further sum of 50l. to aid the Inhabitants in clearing out certain obstructions in the St. Croix River, below the Panuke Lakes, in the County of Hants: which sum is not to be drawn from the Treasury until it shall be certified by the Justices in General or Special Sessions, that 25l. raised by private subscriptions for the same purpose has been expended: the expenditure of the sum hereby granted to be certified in like manner. 50l. St. Croix River

And a further sum of 50l. to enable the Inhabitants to clear out the River Denny, in Cape-Breton: the expenditure of this sum to be duly certified. 50l. River Denny Cape-Breton

And a further sum of 300l. to be placed at the disposal of His Excellency the Lieutenant-Governor, for putting into a state of repair, and good order, the Militia Arms of the several Battalions of Militia throughout the Province, agreeably to the recommendation of His Excellency. 300l. Militia Arms

And a further sum of 19l. 12s. to be placed at the disposal of His Excellency the Lieutenant-Governor, to enable him to pay the Accounts for cleaning Militia Arms in King's County, as certified by Lieutenant-Colonel Gesner. 19l. 12s. Militia Arms

And a further sum of 105l. 5s. 11d. to be placed at the disposal of His Excellency the Lieutenant-Governor, for the purpose of paying the several Accounts for the repairs of Militia Arms in the Counties of Annapolis and Shelburne, as certified by the Adjutant-General of Militia. 105l. 5s. 11d. Militia Arms

And a further sum of 150l. to the Adjutant-General of Militia, in full for his services, and the payment of his Clerk, Stationary and Postage, for the present year. 150l. Adjutant General Militia

And a further sum of 35l. to William Fraser, Esq. for his services as King's Counsel upon the Western Circuit during the past year. 35l. Wm. Fraser

And a further sum of 35l. to William Hill, Esq. for his services in conducting Criminal Prosecutions on the part of the Crown, in the Supreme Court at Pictou, in September last. 35l. Wm. Hill

And a further sum of 35l. to Thomas Dickson, Esq. for his services on the part of the Crown, in conducting Criminal Prosecutions at Pictou, in January last, under a Special Commission of Oyer and Terminer, and Gaol Delivery. 35l. Thos. Dickson

And a further sum of 126l. 8s. to defray the expenses incurred for extra work done on the Avon Bridge in the last year. 126l. 8s. Avon Bridge

And a further sum of 127l. 6s. 5d. to defray the expenses incurred in securing and completing the Bridge over the River St. Croix, in the last year. 127l. 6s. 5d. St. Croix Bridge

And a further sum of 44l. 11s. 1d. to defray the expenses incurred in sending a supply of Seed Potatoes and Indian Corn Meal, to distressed Inhabitants of Tracadie, in consequence of the failure of their crops in the last year. 44l. 11s. 1d. Distressed Inhabitants of Tracadie

And a further sum of 174l. 10s. 6d. to defray the expenses incurred under a Resolution of the Legislature, in the prosecution of Forgers of Province Notes at Boston in the last year. 174l. 10s. 6d. Prosecuting Forgers

And a further sum of 538l. 19s. 6d. to defray the Accounts for an additional expenditure on the new road from Fultz's to Thompson's, on the Windsor Road, in the last year. 538l. 19s. 6d. road from Fultz's to Thompson's

And a further sum of 100l. to Thomas W. James, for losses sustained by him as stated in his Petition. 100l. T. W. James

And a further sum of 10l. to J. I. Sawyer, Sheriff of the County of Halifax, for his expenses, as such Sheriff, at the opening and closing of the present Session of the General Assembly. 10l. J. I. Sawyer

And

851. A. Richardson And a further sum of 35*l.* to Andrew Richardson, Guager and Weigher of the District of Halifax, in addition to his salary for the present year.
1001. Fuel, &c. for Council and Assembly And a further sum of 150*l.* to defray the expense of Fuel, and for Sundries, supplied for the use of His Majesty's Council and the House of Assembly, in the present Session : to be paid on the Certificates of the President of the Council, and the Speaker of the House of Assembly.
1001. Clerk of Assembly And a further sum of 100*l.* to the Clerk of the House of Assembly, to defray the expense of Extra Servants, and other incidental expenses, during the present Session.
351. Clerk of Assembly And a further sum of 35*l.* to the Clerk of the House of Assembly, to defray the expense of Stationery, furnished for the use of His Majesty's Council, the House of Assembly, and the Commissioners of the Revenue.
351. John Whidden And a further sum of 35*l.* to John Whidden, for his services in drafting and copying Bills for the Members of the House of Assembly in the present Session.
351. William Hill And a further sum of 35*l.* to William Hill, Esq. for his services as Deputy-Clerk of the Council in the present Session.
2001. Academy at Annapolis And a further sum of 200*l.* to be paid to Commissioners, to be appointed by His Excellency the Lieutenant-Governor, to aid the Inhabitants of the Town of Annapolis to erect a suitable Building for an Academy or Grammar School : the said sum not to be drawn from the Treasury until the sum of 200*l.* raised by private subscriptions, shall have been expended, and so certified by the Justices in Session.
981. R. U. Marsters And a further sum of 98*l.* to Richard U. Marsters, to enable him to purchase a Transit Instrument, to further the important views of said Marsters, in relation to his contemplated improvements on Chronometers.
501. Rev. Pere Vincent And a further sum of 50*l.* to be placed at the disposal of His Excellency the Lieutenant-Governor, to encourage the Reverend Pere Vincent, who is now settled at the Indian Chapel, which was built by the Indians, near the Bras d'Or Lake, in the County of Sydney, and engaged without any remuneration in educating and taking care of such Indians and their Families.
1001. Distressed Negroes And a further sum of 100*l.* to be placed at the disposal of His Excellency the Lieutenant-Governor, or Commander in Chief for the time being, to be applied, by such persons as he shall appoint, for the purpose of procuring Seed Potatoes and Grain, for the Distressed Negroes at Hammond Plains, Dartmouth and Preston, and those at the Panuke Settlement, in the Township of Windsor, and Beech Hill near Halifax.
51801. Great Roads And a further sum of 5180*l.* for the Great Roads of the Province, to be applied and expended agreeable to the Resolution passed in the House of Assembly on the twenty-seventh day of February, in the present year, and agreed to by His Majesty's Council.
5001. District of Halifax And a further sum of 500*l.* for the several Roads within the District of Halifax, to be applied and expended as aforesaid.
5001. District of Colchester And a further sum of 500*l.* for the several Roads in the District of Colchester, to be applied and expended as aforesaid.
5501. District of Pictou And a further sum of 550*l.* for the several Roads in the District of Pictou, to be applied and expended as aforesaid.
5501. County of Sydney And a further sum of 550*l.* for the several Roads in the County of Sydney, to be applied and expended as aforesaid.
4951. County of Cumberland And a further sum of 495*l.* for the several Roads in the County of Cumberland, to be applied and expended as aforesaid.
5201. County of Hants And a further sum of 520*l.* for the several Roads in the County of Hants, to be applied and expended as aforesaid.
5201. County of King's County And a further sum of 520*l.* for the several Roads in the County of King's County, to be applied and expended as aforesaid. And

- And a further sum of 565l. for the several Roads in the County of Annapolis, to be applied and expended as aforesaid. 565l. County of Annapolis
- And a further sum of 560l. for the several Roads in the County of Shelburne, to be applied and expended as aforesaid. 560l. County of Shelburne
- And a further sum of 490l. for the several Roads in the County of Lunenburg, to be applied and expended as aforesaid. 490l. County of Lunenburg
- And a further sum of 490l. for the several Roads in the County of Queen's County, to be applied and expended as aforesaid. 490l. County of Queen's County
- And a further sum of 1080l. for the roads in the County of Cape-Breton, to be applied and expended in such manner as His Excellency the Lieutenant-Governor may think fit, agreeably to the Resolution, passed on the 27th day of February, in the present year, and agreed to by His Majesty's Council. 1080l. County of Cape-Breton
- And a further sum of 40l. to aid the Inhabitants of the County of Annapolis to remove rocks and other obstructions from the Annapolis River, above Bridgetown: to be paid when it shall be certified by the Court of Sessions that a sum of 20l. has been raised by private subscription, and expended in the said work. 40l. Annapolis River
- And a further sum of 50l. for removing obstructions, and clearing out the Scissabou River, between the lower and upper Falls; to be paid when it shall be certified, by the Sessions, that the Inhabitants have performed labour to the amount of twenty-five pounds, in removing the above obstructions. 50l. Scissabou River
- And a further sum of 200l. for building a Bridge over Remsheg River, near Renisse's, in aid of 154l. subscribed by the Inhabitants: said sum not to be paid until the Bridge shall be finished and so certified by the Justices in Session. 200l. Bridge over Remsheg River
- And a further sum of 40l. to repair the Bridge at Middle Stewiacke, lately injured by a flood. 40l. Bridge at Middle Stewiacke
- And further sum of 50l. to aid the Inhabitants of Earl Town, in the District of Colchester, to make and repair the Road and Bridges leading through that Settlement towards Pictou. 50l. road and bridges in Earl Town
- And a further sum of 200l. to open and improve the road from the Upper Stewiacke to Pictou, by New Larwick. 200l. road from Upper Stewiacke to Pictou
- And a further sum of 200l. for the road from Upper Musquodoboit to the line of the County of Sydney. 200l. road from Upper Musquodoboit to Co Sydney
- And a further sum of 50l. for the road from the line of the County of Sydney, through St. Mary's, to Guysborough. 50l. road towards Guysborough
- And a further sum of 100l. for the new Post Road from Antigonish to Cape-Breton, and to rebuild the Bridge over the Pomquet River, on the said road. 100l. Post Road from Antigonish to Cape-Breton
- And a further sum of 250l. to enable the Inhabitants of New Glasgow to build a Bridge across the East River, on the line of the new road, leading from the Middle River, to the County of Sydney: the said sum not to be drawn from the Treasury until it shall be duly certified by the Justices in Session, to His Excellency the Lieutenant-Governor, that a sum of one hundred and twenty pounds has been subscribed and paid towards the erection of the said Bridge, and that the Bridge is built and completed. 250l. Bridge over East River
- And a further sum of 20l. to aid the Inhabitants of Onslow to rebuild the Bridge over the Chiganoise River, near Thomas's. 20l. Bridge over Chiganoise River
- And a further sum of 50l. to improve the Road and repair the Bridges between Mount Denson, in Palmouth, and the Horton Line, on the lower Great Road leading to Horton. 50l. Road and Bridges between Mount Denson and Horton Line
- And a further sum of 50l. to alter and improve the Petite Road, near Wm. Salter's, in Newport. 50l. Petite Road
- And a further sum of 30l. to assist the Inhabitants to erect a Bridge over Meander River, near John Chambers's, in the County of Hants. 30l. Bridge over Meander River
- And

- 500l. road at Ardoise Hills And a further sum of 500l. to alter and improve the road at Ardoise Hills, in addition to the sum previously granted for that purpose.
- 100l. from Chester to Windsor And a further sum of 100l. to improve the Road from Chester to Windsor: one half of which sum to be expended in the County of Hants.
- 500l. roads from Wellington Dyke And a further sum of 100l. for widening, opening and improving, the roads as lately laid out, leading from the Wellington Dyke, in Cornwallis, to the Canal Street, on the north side; and Church Street, on the south side thereof.
- 50l. Causeway on Gaspereaux River And a further sum of 50l. to raise the Causeway on the south side of the Great Bridge, on the Gaspereau River in Horton, on the Mount Denson Road.
- 50l. Bridge over Advocate Harbour And a further sum of 50l. for completing the Bridge over a branch of Advocate Harbour, in Parrsborough, and the Causeways and Road connected therewith.
- 200l. Post Road near P. Martin's And a further sum of 200l. to make the alteration of the Post Road, on the western side of the Gaspereau Bridge, to avoid the hill near Perez Martin's in Horton, agreeably to a statement and a plan laid before the House of Assembly by His Excellency the Lieutenant-Governor.
- 100l. road from Horton to Sherbrooke And a further sum of 100l. for the improvement of the new road from George Chipman's, in Horton, to Sherbrooke; to be expended between Gaspereau River in Horton, and the Main Road running through Sherbrooke towards Annapolis.
- 20l. road from Tremain's to Nine Mile River And a further sum of 20l. to enable the Inhabitants to complete the road from Tremain's, on the Shubenaccadie River, to the Settlements on the Nine Mile River.
- 40l. from Fultz's to Fletcher's And a further sum of 40l. to repair the Main Road from Fultz's to Fletcher's.
- 250l. New Road from Dartmouth to Fletcher's And a further sum of 250l. in addition to the former grant of this Session, for the new road from Dartmouth to Fletcher's.
- 50l. Main Road from St. Peter's Bay to Sydney And a further sum of 50l. to assist in the completion of the Main Road from St. Peter's Bay to Sydney.
- 50l. Roads to the Gut of Canso And a further sum of 50l. to assist equally the Inhabitants of the Military Settlements on the Lake Ainslie, in cutting out roads to the Main Road at the Gut of Canso.
- 100l. Bridge over Margeree River And a further sum of 100l. to enable the Inhabitants at Margeree, to build a bridge over the Margeree River, in the County of Cape-Breton.
- 100l. Bridge over Plaister Paris Cove And a further sum of 100l. to aid the Inhabitants of the Gut of Canso, to build a bridge over Plaister Paris Cove.
- 50l. Road from Barrington to Cockawit And a further sum of 50l. for opening and improving the road from Barrington to Cockawit.
- 30l. Bridge at Barrington And a further sum of 30l. for repairing the Bridge on the Post Road at Barrington.
- 50l. New Dublin Road And a further sum of 50l. to aid the Inhabitants of New Dublin in opening a road from Conquerall Settlement to the Pleasant River road, passing Heb's Mill.
- 50l. Bridge over Floyd's River And a further sum of 50l. to repair the bridge over Floyd's River, in the Township of Chester.
- 50l. Bridge over Pirate Cove And a further sum of 50l. to assist the Inhabitants of the County of Sydney in building a Bridge over Pirate Cove.
- 50l. Road from Pubnico to Strawberry Point And a further sum of 50l. for the road from Pubnico to Strawberry Point.
- 25l. from Little Harbour to Ragged Island And a further sum of 25l. to repair the road from Little Harbour to Ragged Island, in the Township of Shelburne.
- 40l. from Morton's to Wellington And a further sum of 40l. for the road from Morton's to Wellington, in Queen's County.
- 20l. road from Shelburne road to Port Jolly And a further sum of 20l. for the road from the Shelburne road to Alexander M'Donald's, west side of Port Jolly, in Queen's County.
- 30l. road from Taylor's to Waterloo And a further sum of 30l. for the road from James Taylor's to Waterloo, and to repair Waterloo Road, in Queen's County.

And a further sum of 30l. for the road from the Falls, by the east side of Liverpool River, to the north bounds of the Township of Liverpool.

And a further sum of 30l. for the road from Smith's Tan Yard to Port Medway, in Queen's County.

And a further sum of 100l. to open and improve the road from Scissabou Falls to Yarmouth.

And a further sum of 100l. to alter the Main Post Road, on the east side of Moose River, to avoid the Long Hill, in the County of Annapolis.

And a further sum of 50l. to aid the Inhabitants in Wilmot, to repair the Bridge across the Main River at Lawrence Town.

II. *And be it further enacted*, That for encouraging the opening of the Shubenacadic Navigation between the Harbour of Halifax and the Basin of Mines, a sum of Fifteen Thousand Pounds be granted and paid to the Company now forming for that purpose, in manner following, that is to say:—The Company to be entitled to the sum of Four Thousand Pounds when the Communication is open and navigable for Vessels drawing eight feet of Water, from the mouth of the Shubenaccadie River to the South-east end of Lake William;—to the sum of Three Thousand Pounds when the Communication is complete, of the same depth, from Lake William to Lake Charles;—to the sum of Three Thousand Pounds when the Communication is complete, of the same depth, from Lake Charles to the south end of the Dartmouth Lake;—and to the sum of Five Thousand Pounds when the Communication is so completed, to the same depth, from the Dartmouth Lakes into the Harbour of Halifax. *Provided always*, That no greater sum than Three Thousand Pounds be paid out of the Treasury in any one year, on account of this Grant.

III. *And be it further enacted*, That a sum of One Thousand Pounds be granted and placed at the disposal of His Excellency the Lieutenant-Governor, for the relief of the Sufferers in the late calamitous Fire at Miramichi, in the Province of New-Brunswick, agreeably to the Resolution of the House of Assembly, passed on the sixteenth day of February last.

IV. *And be it further enacted*, That it shall and may be lawful for the Lieutenant-Governor, or Commander in Chief, for the time being, by and with the advice and consent of His Majesty's Council, by Warrant, to draw from the Treasury of the Province, the sum of Five Hundred Pounds, yearly, for the term of two years, for the purpose of paying two Inspecting Field-Officers of Militia, independent of the sum heretofore granted for the like purpose in Cape-Breton.

V. *And be it further enacted*, That the Collector of Impost and Excise, at the Port of Halifax, shall, and he is hereby required and directed to, keep a distinct account of all duties collected by him, upon the importation from the United States of America of live stock, apples, fruit, onions, biscuit and bread, under the Act of the General Assembly, passed this present Session, entitled, An Act for the further increase of the Revenue, by imposing a duty on Articles imported from Foreign Countries, and that the said amount of Duties upon the above specified Articles during the present year, shall be paid quarterly to the Commissioners of the Poor, for the use of the Poor of the Town of Halifax. *Provided*, Such payment do not exceed the sum of One Thousand Pounds during the year.

VI. *And be it further enacted*, That out of the unclaimed Agricultural Funds, the sum of Forty-Two Pounds Nine Shillings and Ten Pence, be paid to John Young, Esq. for a Chemical Apparatus, imported by him in the year one thousand eight hundred and twenty, the articles of which shall be disposed of, by His Excellency the Lieutenant-Governor, for any Public Institution he may select. And that the further

30l. road from Falls to north bounds of Liverpool

30l. Road from Smith's to Port Medway

100l. Road from Scissabou Falls to Yarmouth

100l. Post Road at Moose River

50l. Bridge at Lawrence Town

15,000l. Shubenaccadie Canal

1000l. Miramichi Sufferers

500l. Inspecting Field Officers

Allowance towards the support of the Poor in Halifax

42l. 9s. 10d. and 79l. 3s. 4d. to John Young, Esq.

sum of Seventy-Nine Pounds Three Shillings and Four Pence, out of the same unclaimed funds, be paid to the said John Young, in full for any claim of any kind or sort he may have or make against the Province.

1451. Repairs to
Assembly Room

VII. *And be it further enacted*, That a sum of One Hundred and Forty-Five Pounds, the balance of the Vote for fitting up the Assembly Room, and remaining undrawn in the Treasury, be appropriated to pay sundry Persons for labour and materials furnished, for fitting up the Court-House, and for such other repairs and materials as may be necessary for the Province Building.

501. Road between
Halifax & Chester

VIII. *And be it further enacted*, That a sum of Fifty Pounds, granted in the year One Thousand Eight Hundred and Twenty-five, for repairing the Road from the bounds of the County of Halifax, towards Chester, be expended this year on the said road, agreeably to the intention of the Legislature; the same not having yet been expended by the Commissioner, Thomas Holland.

Allowance to Col-
lection of Light-
Duty

IX. *And be it further enacted*, That a Commission of Seven and a half per Cent. instead of Six per Cent. shall be allowed in the collection of the Light-Duties, for the Port of Halifax, for the present year.

Pay of Members
of the House of
Assembly

X. *And be it further enacted*, That the sum of Ten Shillings per day be allowed and paid to the Members of the House of Assembly, for their attendance in General Assembly.

Road Emergencies

XI. *And be it further enacted*, That if any accident shall happen to any of the Bridges on the Main Roads in this Province, or any unforeseen obstructions to travelling shall arise, from the fall of Trees or otherwise, it shall and may be lawful for His Excellency the Lieutenant-Governor, or Commander in Chief for the time being, to order a Commissioner or Commissioners to repair or re-build such Bridges, or to remove such obstructions; and it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to draw Warrants on account and in favor of such Commissioner or Commissioners, provided the same shall not exceed the sum of Seven Hundred and Fifty Pounds.

Sections of Act 41
Geo. III. continued

XII. *And be it further enacted*, That the ninth, twelfth, fifteenth, sixteenth, eighteenth and nineteenth Sections or Clauses of the Act, made and passed in the forty-first year of His late Majesty's Reign, entitled, "An Act for applying certain Monies therein mentioned, for the service of the Year of Our Lord One Thousand Eight Hundred and One, and for appropriating such part of the Supplies, granted in this Session of the General Assembly, as are not already appropriated by the Laws or Acts of the Province," shall be and continue in full force and virtue, until the twenty-fifth day of March, which will be in the year of our Lord One Thousand Eight Hundred and Twenty-Seven, in as full and ample a manner as the same Clauses would be were they again repeated word for word.

This act amended by 4 Geo IV c 64 sec 4. p. 345.

CAP. II. An ACT relating to Highways, Roads and Bridges.

Surveyors of High-
ways—How ap-
pointed—

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the Grand Juries in the several Courts of General or Quarter Sessions of the Peace for the respective Counties and Districts in this Province, at such terms as the said Courts shall respectively direct, yearly and every year to nominate so many fit and proper Persons as they may consider necessary, as Surveyors of Highways, for each Township or Settlement; and the said Court shall, from the Persons

Persons so nominated, appoint as many as may be deemed expedient, to be Surveyors of Highways, for the Township or Settlement for which they are so nominated; and the Persons so appointed shall be sworn to the faithful discharge of the duties of that office; and any Person, so appointed, having received notice thereof, who shall refuse to accept of the said appointment, or shall neglect to be sworn to the faithful discharge of the duties thereof, within fourteen days next after such appointment, or having accepted, shall neglect his duty therein, shall forfeit for such refusal or neglect of duty the sum of five pounds.

To be sworn—

Refusing to serve

II. *And be it further enacted*, That every Person within each Township or Settlement, keeping any Cart, Team, or Truck, shall send, on every day appointed by the Surveyor of Highways, one Cart, or Team, or Truck, with two oxen or two horses, or with one horse, in case he owns no more, and one able man to drive the same, four days in every year, to work on the highways, Roads, Streets, or Bridges, allowing eight hours to each day's work; and such person not attending, or neglecting to perform the said duty, shall forfeit, for every day's neglect, if owning two or more horses or oxen, ten shillings; and if owning one horse only, seven shillings; and that every other householder or other person, able of body, between the ages of sixteen and sixty, not being a Military Person, or holding a Commission from His Majesty, in the Military or Civil Department of the Army, or an hired servant, minor, apprentice, journeyman, or day labourer, shall, on every day appointed as aforesaid, either by himself or other sufficient person to be hired by him, and provided with such necessary implements as shall be directed by the said Surveyor, work, and continue so to do, for the space of six days in every year, on the said Highways, Roads, Streets, or Bridges, within the Township or Settlement where they respectively reside; and every hired servant, minor, apprentice, journeyman and day labourer, shall, on every day appointed as aforesaid, either by himself or other sufficient person, and provided with necessary implements, as aforesaid, work, and continue so to do, for the space of two days, on the said Highways, Roads, Streets, or Bridges, within the Township or Settlement where they respectively reside; and such householder, hired servant, minor, apprentice, day labourer, or other person, not attending, or neglecting to perform the said labour, shall forfeit three shillings for every day's neglect.

Statute Labour

III. *And whereas, the labour of Men may be more useful than the employing Teams, Carts, or Trucks, in some Townships and Settlements.*

IV. *Be it therefore enacted*, That when any Surveyor of Highways shall judge the labour of Men more useful and necessary than that of Carts, Teams, or Trucks, the persons who by this Act are to supply Carts, Teams, or Trucks, shall be, and they are hereby required under the like penalty, to send two labouring men, instead thereof, furnished with necessary implements as aforesaid.

The Labour of men may be substituted for that of Teams, &c.

V. *And be it further enacted*, That the Constables for the several Townships in this Province, shall make out lists of all such persons who are owners of teams, carts, or trucks, as also of every other householder, and other persons liable to perform labour, under this Act, within their respective Townships, and the Settlements adjoining, and deliver the same to the Surveyors of Highways; and the said Constables, when required by the said Surveyors, shall summon the said persons contained in the said lists to meet on such days, and at such places, as the said Surveyors shall direct, to perform the labour required by this Act.

Lists of Persons liable to perform Statute Labour to be made out

VI. *And be it further enacted*, That the said Surveyors of Highways shall, at the most seasonable time, between the first day of April and the first day of November, yearly, (seed time and harvest only excepted,) cause the persons contained in their lists respectively to be summoned, giving them at least six days notice of the time and place where

Notice to be given to persons liable to perform Statute Labour

where they are to be employed, and shall there oversee and order the persons so summoned to labour in making and repairing the Highways, Roads, Streets, and Bridges in the most useful manner, during the number of days required by this Act, for each person to labour, and the Surveyors of Highways shall be excused from any other service on the Highways, than that of overseeing and ordering the persons employed thereon.

Statute Labour,
in certain cases,
may be remitted

VII. *And be it further enacted,* That upon application to two of His Majesty's Justices of the Peace, the said Justices shall and may, in their discretion, lessen the number of day's labour to be performed by any poor person who cannot, without detriment to his family, perform the labour required by this Act.

Carts, &c. of aged
Persons

VIII. *And be it further enacted,* That all persons keeping Carts, Teams and Trucks, who, being sixty years old, or upwards, are exempt from labouring on the said Highways, or Roads, shall nevertheless, when summoned so to do, send their Carts, Teams, or Trucks, for four days, to assist in making or repairing the same.

Alteration of
Highways, &c.

IX. *And be it further enacted,* That it shall not be lawful for any Surveyor of Highways, with the consent of the Owner of the Land, to alter any Highway, Road or Street, or make any repairs to any Highway, Road, or Street, in any Town, Township or Settlement, without the advice and consent of, at least, two Justices of the Peace.

Clearing of Roads
in Winter

X. *And be it further enacted,* That it shall and may be lawful for the Surveyors of the Highways, to order and direct the Inhabitants in their respective districts, as often as they shall deem necessary during the winter, to work on the public Highways, with their horses, oxen and sleds, in order that the roads may be rendered passable. *Provided always, nevertheless,* That no Inhabitant shall be compelled to furnish more than one day's labour of himself or cattle, for any one fall of snow, or where the fall or drift of snow shall not exceed the depth of twelve inches.

Penalty for neglect

XI. *And be it further enacted,* That every Inhabitant refusing or neglecting to obey such order of the Surveyor of Highways, shall forfeit for each refusal, or neglect, the sum of ten shillings.

Surveyors to ac-
count for the la-
bour expended by
them

XII. *And be it further enacted,* That every Surveyor of Highways, shall yearly, at the expiration of his office, render to the Court of General Sessions of the Peace, a true and faithful account, under Oath, of all the labour expended by him, designating the names of the persons, and the labour performed by each, and of all the fines received by him, and shall pay the overplus, if any in his hands, to his Successor, for the use of the Highways, under a penalty not exceeding ten pounds for each neglect.

Opening of new
Roads, or altera-
tion of old

XIII. *And be it further enacted,* That where any new Highway or Common Road from town to town, or place to place, in any County or District in this Province, shall be wanting, and where old Highways or Roads with more conveniency may be altered, upon application being made to the Court of General Sessions of the Peace, within the said County or District, the said Court is hereby authorised and required to appoint three persons, being Freeholders of the adjoining Townships, having most occasion for the said Highway, to inquire into the necessity and conveniency thereof, and to make their report thereon, and the same being judged to be of common necessity or conveniency, the said Court shall issue a warrant to the Sheriff, or his Deputy, to Summon a Jury out of the adjoining Townships, to meet at some convenient day and place therein mentioned, to view and lay out, or alter, such Highway or Road, who shall have an Oath administered to them, by the said Sheriff or his Deputy, who is hereby authorised to administer the same; to lay out, or alter such Highway or Road, according to their best skill and judgment, with most conveniency to the Public, and least prejudice or damage to the owner or owners of the lands on which the said Highway is to be laid out or altered, and to assess the damages to the owner or owners of such lands, as the said

said Jury shall think reasonable for the value of the land, and improvements made on the same; and also for the making of Fences on the sides of such Highway, which having done, the said Sheriff, or his Deputy, shall make a return thereof on the day appointed by the said Court, as well under his own, as the hands of the Jurors, by whose Oath the same is laid out or altered, to the end the same may be allowed of, and recorded, and after known for a public Highway; and all public Highways, hereafter to be laid out as aforesaid, shall not be less than sixty-six feet wide.

XIV. *Provided always, and be it further enacted,* That before such Highway or Road is allowed, and recorded for a Public Highway, the Court shall cause notice thereof to be given for the space of thirty days, to the intent, that if any person shall think himself aggrieved thereby, he may make his complaint, and inquiry shall be made before the said Court into the cause of such complaint.

Notice to be given

XV. *And be it further enacted,* That the said damages, to be assessed as aforesaid, with the expenses incurred, shall be assessed and levied upon the Inhabitants of the County or District wherein such Highway lies, and collected in such manner as County Rates are assessed, levied and collected.

Damage to be assessed and levied

XVI. *And be it further enacted,* That the Surveyors of the Highways of each Township or Settlement shall be, and they are hereby, authorised, to lay out particular and private ways, either open or pent, with swinging gates, for such Township or Settlement only as shall be thought necessary by the said Court of General Sessions of the Peace, upon application made to them by the persons concerned and interested therein.—*Provided,* That no damage be done to any person in his land, or otherwise, without such recompense to be made by the Township or Settlement in which the said Way may be laid out, as the Surveyors of Highways and the persons interested may agree, or as shall be ordered by the said Court of General Sessions of the Peace, upon inquiry into the same, by a Jury to be summoned for that purpose; and the sum or sums of money so agreed to be paid by the said Surveyors of Highways, or assessed by the Jury as aforesaid, together with the expenses incurred, shall be assessed and levied upon the Inhabitants of the Township or Settlement wherein such way lies, and collected in like manner as Poor Rates are assessed, levied and collected.

Private ways may be laid out

Recompense to owners of land how to be made

XVII. *And be it further enacted,* That it shall not be lawful for any Commissioner or Commissioners of Roads, now or hereafter to be appointed, to begin to lay out any new road, or to make any change or alteration in any old road, whereby any charge or expense of any kind whatsoever is to be brought on the Province, either for the purchase of enclosed and improved lands, or for any special damage which may be done to the owner of any waste or unimproved land, until such Commissioner or Commissioners shall first lay before the Governor and Council, a plan or admeasurement of such new road, or alteration of an old road, accompanied by an estimate, made by three credible and well qualified persons, of the probable expense of purchasing enclosed or improved lands, for such road or roads; and also the probable amount of any special damage which it may be necessary to pay, for carrying such roads through waste and unimproved lands, together with an estimate of the probable expense of making each and every part of such new road, and the probable expense of any Bridge or Bridges, Causeway or Causeways, necessary to be made therein; and no Commissioner or Commissioners of Roads, shall, on any account, commence to work on any such new road, or alteration of an old road, until the same shall have been approved of by the Governor, Lieutenant-Governor, or Commander in Chief, by and with the advice of His Majesty's Council, and until such Commissioner or Commissioners shall have received, in writing, a copy of the Order so made in Council, for the work on such new road or alteration of an old road, to commence; and the said Commission-

Plans of proposed Roads which may occasion any charge to the Province, to be submitted to the Governor and Council

er or Commissioners, upon receiving such Order in Council, shall notify all persons interested in the lands, that such Order has been made, so that all necessary steps may be immediately taken, for valuing, agreeably to the twelfth section* of this Act, the land or damage which it may be necessary to pay, for the establishing such road or roads.

Compensation to Owners of land

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1826
H. V. C. 1826
p. 300

XVIII. *And be it further enacted,* That in all cases where compensation has been or may hereafter be adjudged to the owners of lands, to enable them to fence the sides of such new Highway, payment of such compensation shall not be made to the said Owner or Owners, until such fences have been by him or them erected.

Persons acquiescing in the alteration of old, or formation of new, Roads through their land

XIX. *And be it further enacted,* That in all cases where old roads have been heretofore, or shall hereafter be, changed and altered without the proprietor or proprietors of the land through which such new road or roads shall have been made and laid out, making any demand from the Commissioner or Commissioners of payment for the land taken for such new road or roads, and for which no compensation or payment shall have been afterwards made by the Public, such acquiescence on the part of the Proprietor or Proprietors, shall be deemed and taken to be a voluntary surrender to the King forever, for a public road or highway, of all the land through which such new road or roads shall have been laid out and made, the same to measure in all cases the full width of sixty-six feet from side to side; and it shall be lawful for the proprietor or proprietors of the land so surrendered and given up, to take, have and enjoy, in fee simple, the whole of the land contained within the old road, so changed and altered as aforesaid, in lieu of the land so given for the use of the public, without payment or compensation as aforesaid. *Provided,* That he or they shall be the owner or owners of the whole of the land on each side of the old road.

Sum awarded in recompense of lands taken for a Highway how drawn

XX. *And be it further enacted,* That it shall be lawful for the Lieutenant-Governor, or Commander in Chief, for the time being, to grant his Warrant upon the Treasurer of the Province, in favour of the person or persons who shall have obtained a Verdict of a Jury, in manner aforesaid, for the sums awarded in recompense of any land so required and taken for a public road or highway, and also for so much money as shall be sufficient to pay the expenses incurred about such valuation.

Jurors refusing to serve

XXI. *And be it further enacted,* That if any Juror, duly summoned by the Sheriff, or his Deputy, for any purpose required in this Act, shall neglect to attend, or refuse to perform the duties required by this Act, every such Juror shall forfeit and pay for every such neglect or refusal, the sum of Twenty Shillings, to be levied by warrant of distress and sale of the offender's goods and chattels, on conviction of such offence before any two Magistrates of the County or District wherein the offender shall be resident, and the Sheriff or his Deputy shall summon others in the place of those who may neglect to attend or refuse to be sworn, until such Jury shall be completed to the number of twelve.

Persons altering a Public Highway or Private Road

XXII. *And be it further enacted,* That if any person or persons shall alter any public Road or Highway, or any private Road, the same having been laid out and established by Law, or shall make any encroachment thereon, not being lawfully authorised so to do, such person or persons so offending shall forfeit and pay the sum of Five Pounds.

Encumbering Highways

XXIII. *And be it further enacted,* That any one of His Majesty's Justices of the Peace shall and may on his own view, or upon the Oath of one credible Witness, impose a fine not exceeding Twenty Shillings on any Person who shall encumber any of the Highways, Roads, Streets or Bridges, in this Province, by laying Timber, Wood, Carts, Trucks, Rubbish, or any other thing thereon, to be recovered by Warrant of Distress, and sale of the Offender's Goods and Chattels, or in case such Offender shall not be known or found, the same shall be recovered by sale of so much of the timber or wood,

* See note to be thereunto referred

wood, and the carts, trucks, rubbish or other thing, encumbering such road, or street as aforesaid, and be paid to the Overseers of the Poor, for the use of the Poor of the Town or Place where or nearest the Place where the offence shall be committed, rendering the overplus, if any be, to the owner, when discovered; and if the nuisance shall continue, the same shall be deemed a new offence, and shall be prosecuted and liable to the penalty aforesaid.

XXIV. *And be it further enacted,* That it shall and may be lawful for the Courts of General Sessions of the Peace, for the several Counties and Districts, to make such Rules and Regulations as may be deemed necessary to prevent the side paths or ways along any Public Road or Street from being injured or destroyed, and every person offending against such Rules and Regulations made, upon conviction thereof before one of His Majesty's Justices of the Peace, shall forfeit a sum not exceeding Forty Shillings, nor less than Five Shillings, to be levied by Warrant of Distress, and sale of the offender's goods and chattels, and shall be applied towards the repairs of such side paths or ways.

Side Paths or Ways
along a Public
Road

XXV. *And be it further enacted,* That if any person or persons shall at any time hereafter draw, or cause or suffer to be drawn, along the Winsor Road or Hammond Plain Road, on his or their cart, truck or waggon, or other wheel carriage, having wheels whereof the feloes are of a less breadth than six inches, any logs, timber or other lumber, not being for the actual use of their own farms and buildings, he or they shall be liable to, and shall on every day to be appointed by the Surveyor of Highways, respectively attend in person, or send one able man, provided with such necessary implements as shall be directed by the said Surveyor, to work on the said road for two days, in respect of every horse or ox used at any one time during such year, in drawing logs, timber or other lumber, on any such cart, truck, waggon, or other wheel carriage, over and above the labour hereinbefore required to be performed.

Injuring the Wind-
sor and Hammond
Plain Roads

XXVI. *And be it further enacted,* That if any person or persons who shall be liable to perform the aforesaid labour on the said roads, being duly notified, shall refuse or neglect to attend, or to send one able man to work as aforesaid, he or they shall forfeit and pay Four Shillings for every day's neglect.

Refusal to repair
Roads

XXVII. *And be it further enacted,* That if any person or persons shall trail on any of the Roads or Highways, within this Province, when the same are bare of snow, or the frost in the ground insufficient to support the cattle travelling thereon, any logs, timber or other lumber, he or they shall forfeit and pay for every such offence, a fine not exceeding Twenty Shillings, nor less than five shillings; to be recovered before any one of His Majesty's Justices of the Peace for the County or District, wherein the offence may be committed, who may impose the same on his own view, or on the oath of a credible witness; to be levied by warrant from off the goods and chattels of the offender.

Trailing Timber
on the Highways.

XXVIII. *And be it further enacted,* That no person residing upon any Island within this Province, whereon there are any highways or roads in which the performance of any labour by this Act may be enforced, shall be compelled to work upon any highway, road, street, or bridge, situate or being upon the main land, or to furnish any labourer, cart, team, truck, oxen or horses, for the said service, nor be liable to any penalty or penalties for neglecting or refusing so to do, but each and every person residing on any such Island, and liable to perform labour under this Act, shall be obliged to perform the same upon some highway, or public road as aforesaid, upon the Island on which he resides.

Persons living on
Islands not liable
to perform Statute
labour on the
main Land

XXIX. *And be it further enacted,* That where any Island shall be connected with the main land by a causeway, bridge, or bridges, the person residing on such Island who shall be liable to perform such labour as aforesaid, shall be obliged to perform

Bridges connect-
ing Islands with
main lands

such

such part of the same as may be required in the keeping in repair or rebuilding such causeway, bridge or bridges.

J Fines and Forfeitures, how recovered and applied

XXX. *And be it further enacted*, That all fines and forfeitures directed to be paid by such person or persons as shall neglect to attend and perform the labour, and furnish the teams, carts and trucks, required by this Act for the repairs of Highways, roads, streets, or bridges, shall be sued for, and recovered with costs of suit, by the Surveyors of Highways before one or more Justices of the Peace, in like manner as debts are sued for and recovered; which fines, and forfeitures, so recovered, shall be applied to the repairs of the said highways, roads, streets and bridges.

J Fines recovered by bill, plaint or information

XXXI. *And be it further enacted*, That all other fines and forfeitures, not being less than Five Pounds, as aforesaid, imposed by this Act, shall be recovered, with costs of suit, by bill, plaint or information, in any Court of Record in this Province, one moiety thereof to be paid to the person or persons who shall sue for the same, and the other half to be applied to the repairs of highways, roads, streets and bridges, within such Township or Settlement, as the Court of General Sessions of the Peace, for the County or District where the offence was committed, shall direct.

And whereas, *the cutting down the trees and underwood, on the shores of the Harbour, Lakes, and Waters of this Province, near to which any public Highway is made, has been found injurious to such road, and exposes the same to be filled up with Snow—for remedy thereof,*

Destroying Trees upon the Margin of Roads, &c.

XXXII. *Be it enacted*, That, after the publication of this Act, if any person or persons shall cut down, or otherwise destroy, any trees or underwood growing or being upon the land lying between any river, lake, or arm of the sea, in this Province; and any public Road or Highway, made, or to be made, within thirty feet from the margin or shore of any such river, lake, or arm of the sea, every person so offending shall, on proof thereof, by the oath of one credible witness, before any one of His Majesty's Justices of the Peace for the County wherein the offence shall be committed, forfeit and pay a sum not exceeding Forty Shillings; to be levied in the same manner as fines for the non-performance of Highway Labour, and to be paid and applied, one half to the informer, and the other half to some one of the Surveyors of Highways, for the benefit and improvement thereof.

Acts of 1 Geo.
3 Cap 14, 5 Geo.
3 Cap 2, 13 & 14
Geo 3 Cap 3, 19
Geo 3 Cap 8, 23
Geo 3 Cap 5, 28
Geo 3 Cap 4, 40
Geo 3 Cap 1, 56
Geo 3 Cap 24, 3
Geo 4 Cap 5, 32
Geo 3 Cap 6, 44
Geo 3 Cap 9, 51
Geo 3 Cap 24, repealed

XXXIII. *And be it further enacted*, That the Act, made and passed in the first year of the reign of His late Majesty George the Third, entitled, An Act for the repairing and mending Highways, Roads, Bridges and Streets, and for appointing Surveyors of Highways within the several Townships in this Province; and also the Act, made and passed in the fifth year of His late Majesty's Reign, in addition to, and amendment of, the said Act; and also, an Act, made and passed in the thirteenth and fourteenth years of His said late Majesty's Reign, in further amendment of the said Act; and also, an Act, made and passed in the nineteenth year of His said late Majesty's Reign, entitled, An Act to explain, amend, and render more effectual, the several Laws of this Province, for repairing and mending Highways, Roads, Bridges and Streets; and also, the Act, made and passed in the twenty-third year of His late Majesty's Reign, in further addition to, and in amendment of, the Act first mentioned; and also, the Act, made and passed in the twenty-eighth year of His said Majesty's Reign, in amendment of the said Act first mentioned; and also, an Act, made and passed in the fortieth year of His said Majesty's Reign, in further addition to, and amendment of, the said Act first mentioned; and also, an Act, made and passed in the fifty-sixth year of His said Majesty's Reign, in further amendment of the said Act, first mentioned; and also, of an Act, passed in the fifth year of His said late Majesty's Reign, in addition to, and amendment thereof; and also, an Act, made and passed in the third

third year of His present Majesty's Reign, entitled, An Act in addition to, and amendment of, the several Acts now in force, for repairing and mending Highways, Roads, Bridges and Streets, and for appointing Surveyors of Highways within the several Townships in this Province. And all other Acts made in addition to the first Act before mentioned; also, the Act, made and passed in the thirty-second year of His late Majesty's reign, entitled, An Act to prevent the Windsor and Hammond Plain Road being injured by heavy loaded Carriages; and also the Act, made and passed in the forty-fourth year of His late Majesty's Reign, entitled, An Act to relieve a certain description of persons from sundry inconveniences arising from an Act, passed in the thirty-second year of the reign of His present Majesty, entitled, An Act to prevent the Windsor and Hammond Plain Road being injured by heavy loaded Carriages; and to extend the said Act, in amendment thereof, to the Township of Windsor; and also, an Act, made and passed in the fifty-first year of His late Majesty's reign, entitled, An Act in further addition to, and amendment of, the several Acts for the choice of Town Officers, and regulating of Townships, shall be, and are hereby repealed. *Provided always,* That any Statute by any of the aforesaid Statutes repealed, Provide in whole or in part, shall remain repealed,

CAP. III.

An ACT relating to Commissioners of Highways in Halifax, and certain other Places.

WHEREAS, *by virtue of several Acts of the General Assembly of this Province, repealed during the present Sessions, Commissioners have been appointed for repairing the Streets and Highways in the Town and Peninsula of Halifax, and in the Towns of Annapolis Royal, Windsor, Liverpool, Lunenburg, and Pictou, and it is expedient to provide for the continuance of the authority vested in the said Commissioners—* Preamble

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That the several and respective Persons who now are Commissioners for repairing, keeping in repair, and paying the Streets and Highways in the Town and Peninsula of Halifax, and in the Towns of Annapolis Royal, Windsor, Liverpool, Lunenburg, and Pictou, respectively, shall be, and they are hereby declared, Commissioners of Highways therein respectively, during the pleasure of the Governor, Lieutenant-Governor, or the Commander in Chief, for the time being, for the purposes and in the manner prescribed by this Act; and upon the death, removal, or refusal to act, of any one of the Commissioners for either of the said places, it shall be lawful for the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, with the advice of His Majesty's Council, to appoint some respectable Inhabitant and Freeholder of the town or place where the vacancy occurs, to supply the same; and such appointment to renew whenever necessary, to the end that the said Commissioners for each of the said places, may continue to be, in number, five for Halifax, and three for the other Towns.* Commissioners confirmed in their appointments
Vacancies how filled up

II. *And be it further enacted, That the jurisdictions, powers and authority, of the Commissioners of the said several Towns, shall be respectively confined and restricted to the bounds and limits following, that is to say:—* Jurisdiction of Commissioners in

For Halifax—To the Town and Peninsula of Halifax, the Dutch Village, and to the Road leading round Ledford Basin to Sackville Bridge. Halifax

Annapolis

For Annapolis Royal—To such parts of the said Town as extend eastwardly to the intersection of the main Road to Halifax, by that which leads to the Dalhousie Settlement; southwardly, to the General's Bridge, so called; westwardly to Allen's Creek, so called; and northwardly to Hog Island, including the same.

Windsor

For Windsor—For such parts of that Town as extend from the Island, called Smith's Island, to the northward and eastward, as far as the Bridge over the Trecothic Creek; on the main Road leading out of the Town of Windsor as far as the Church; and on the southward and westward to the Falmouth Ferry.

Liverpool

For the Town of Liverpool—To such parts thereof, as extend from Fort Point by the western side of Liverpool Harbour, to the Bridge crossing the main Road, leading to the Falls, near More's Tan-yard; thence south-west one mile; thence south-east one mile; thence north-east until it strikes the harbour of Liverpool, and thence by the said harbour to Fort Point aforesaid.

Lunenburg

For the Town of Lunenburg—To such parts thereof as extend east to the Garden Lots; south-west to Burn's Tan-yard; west to Fenner's Tavern; and north to the Bridge in rear of the Town.

Pictou

And for the Town of Pictou—To such parts thereof as extend from the west side of the Town Gut, so called; on the west to the west side line of the farm now occupied by David Lowden on the east; and from the waters of the harbour of Pictou on the south, to the rear line of the original lots laid out and fronting on the said harbour on the north.

Division of Districts among Commissioners

III. *And be it further enacted*, That each of the places aforesaid, for which Commissioners now are or shall hereafter be appointed, shall be by them divided into such and so many wards and divisions as they shall judge convenient, and such ward or division as each can respectively superintend, shall be assigned to him; and they shall appoint a Clerk and a Receiver of Monies for their respective jurisdictions.

Duties of Commissioners

IV. *And be it further enacted*, That in every town or place, subject respectively to the jurisdiction of the Commissioners of Highways, appointed or to be appointed—it shall be the duty of such Commissioners respectively, and they are hereby respectively required and authorized, to remove all obstructions and incumbrances, from time to time, being in or upon the Streets, Roads, or Highways, within their respective limits; and to prevent all encroachments in or upon such Streets, Roads, or Highways; and to manage, direct, and execute, all repairs, alterations and improvements, required thereupon; and to make and open new Streets or Highways, where the same shall be authorized to be made; and to make and repair all Bridges now or hereafter to be erected: and to enforce and cause to be observed all the regulations and provisions, which by this Act are, or hereafter shall be enacted, or in force, touching such Bridges or Highways, or the work or labour to be performed thereon; and especially to ask, require, call out, levy, and receive, of and from the several persons inhabiting within their respective limits or jurisdiction, and liable to perform Highway labour, all such sums of money, services, highway work, and labour, and penalties or compositions therefor, as are hereinafter provided, or shall be hereafter due, payable, or to be performed, by any such inhabitants.—And further, to prosecute for all offences committed against the provisions of this or any future Act relating to Highways; and moreover in the name of the said Commissioners respectively, to bring any action, or actions, against any person or persons, holding or receiving monies appropriated to the repair of Streets, Roads, or Highways, or refusing, or neglecting to pay, or satisfy, any fine or penalty appropriated thereto; or his, her or their, proportion of any rate or assessment of monies for highway work, or commutation or compensation therefor, or refusing or neglecting to perform his proportion of highway labour.

V. *And be it further enacted*, That in every suit to be prosecuted as aforesaid, the Commissioners prosecuting the same shall have the like process and remedy for the penalty or sum sought to be recovered, as if the amount thereof were a private debt contracted with them respectively ; and such suit shall be heard and determined in the Courts, or before the Justices possessing jurisdiction over suits, for debts to the like amount.

Prosecutions

VI. *And be it further enacted*, That every Person within the jurisdiction of the respective Commissioners aforesaid, keeping any Cart, Team or Truck, shall send, on every day appointed by the Commissioners, one Cart, Team or Truck, with two Oxen or two Horses, or with one Horse in case he owns no more, and one able man to drive the same, for four days in every year ; to work on the Highways, Roads, Streets or Bridges, allowing eight hours to each day's work ; and such person not attending, or neglecting to perform the said duty, shall forfeit for every day's neglect, if owning two or more Horses, ten shillings ; and if owning only one Horse, seven shillings ; and that every other householder, or other person, able of body, between the ages of sixteen and sixty, not being a Military Person, or holding a Commission from His Majesty in the Military or Civil Departments of the Army, or an hired servant, minor, apprentice, journeyman or day-labourer, shall, on every day appointed as aforesaid, either by himself, or other sufficient person, to be hired by him, and provided with such necessary implements as shall be directed by the said Commissioners, work, and continue so to do, for the space of six days in every year, on the said Highways, Road, Streets, or Bridges, within the Town or Place where they respectively reside. And every hired servant, minor, apprentice, journeyman and day labourer, shall, on every day appointed as aforesaid, either by himself or other sufficient person, and provided with necessary implements as aforesaid, work and continue so to do, for the space of two days, on the said Highways, Roads, Streets or Bridges, within the town or place where they respectively reside ; and such householder, hired servant, minor, apprentice, day labourer or other person, not attending, or neglecting to perform the said labour, shall forfeit three shillings for every day's neglect.

Statute Labour to be performed

VI. *And be it further enacted*, That all persons keeping carts, teams or trucks, who, by being sixty years old or upwards, are exempt from labouring on the said highways, or roads, shall nevertheless, when summoned so to do, send their carts, teams, or trucks, for four days, to assist in making and repairing the same.

Statute Labour to be performed by aged persons owning teams, &c.

VIII. *And be it further enacted*, That it shall and may be lawful for the said Commissioners, to order and direct the Inhabitants on the respective Districts, as often as they shall deem necessary during the winter, to work on the public highways, with their Horses, Oxen, and Sleds, in order that the roads may be rendered passable. And every Inhabitant refusing or neglecting to obey such order, shall forfeit for each refusal or neglect the sum of ten shillings. *Provided always, nevertheless*, That no Inhabitant shall be compelled to furnish more than one day's labour of himself or Cattle for any one fall of snow, or to work in any case where the fall or drift of snow shall not exceed the depth of twelve inches.

Clearing Roads in Winter

And whereas, the labour of Men may, in certain places, be more useful than the employing Teams, Carts, or Trucks.

IX. *Be it therefore enacted*, That when the said Commissioners shall judge the labour of Men more useful or necessary than the employment of Carts, Teams, or Trucks, then and in every such case, the persons who by this Act are required to furnish carts, teams, or trucks, shall instead thereof be, and they are hereby required, under the like penalties, to send two labouring men, provided with necessary implements as aforesaid, to labour during the time appointed as aforesaid.

Labour of Men preferred

Persons keeping
more than two
Horses

X. *And be it further enacted,* That every person resident in the Town or Peninsula of Halifax, and keeping Carts or Trucks, with more than two Horses, shall, besides the performance of highway labour, with a Cart or Truck, Horse or Horses, and man to attend the same, during four days as hereinbefore provided, be subject and liable to pay for the additional Horses so kept above the number of two, the following sums, that is to say, for a third horse, seven shillings, and for a fourth and every other horse, five shillings each.

Persons keeping
Horses not em-
ployed with Carts,
&c.

XI. *And be it further enacted,* That every person resident as last aforesaid, who may keep Horses not employed with carts or trucks, or for which he may not be subject to the labour or payments hereinbefore provided, shall pay for such horses annually as follows—for one Horse seven shillings; for each additional Horse five shillings.

Constables to
make out lists of
Owners of Horses,
&c.

XII. *And be it further enacted,* That the Constables for the several Towns and Places, aforesaid, shall make out lists of all such persons who are owners of Horses, Teams, Carts or Trucks; as also of every other householder and other person liable to perform labour under this Act, within the respective Districts of the said Commissioners, and deliver the same to them; and when required by them respectively, such Constables shall summon the person contained in such lists, to meet on such days, and at such places, as the said Commissioners shall direct, to perform the labour required by this Act.

Notification of
Persons to perform
Statute Labour

XIII. *And be it further enacted,* That the said respective Commissioners shall, at the most reasonable time, between the first day of April and the first day of November, yearly, (seed time and harvest in all the said places, save the Town of Halifax, excepted) cause the persons contained in their lists respectively to be summoned, giving them at least six days notice of the time and place where they are to be employed, and shall there oversee and order the persons so summoned, to labour in making and repairing the Highways, Roads, Streets and Bridges, within the jurisdiction of the said Commissioners respectively, in such manner as the said Commissioners shall deem most useful and necessary, during the time, by this Act required, for the performance of Highway Labour; and the said Commissioners shall be excused from any other service on the Highways.

Powers of Com-
missioners

XIV. *And be it further enacted,* That the said Commissioners, or the major part of them, shall and may, from time to time, order and direct the Streets and Lanes, or any of them, within their respective wards or divisions, to be cleaned, repaired, raised, sunk, altered, or paved, as they may think best; and also cause to be dug, gathered, and carried out of, or brought into, the said Streets, Lanes and Roads, such gravel, stones, earth, or other materials, from the shores of the harbours within their respective jurisdictions, provided the same be done with as little injury as possible to the proprietor or proprietors of the soil; and shall and may also employ Boatmen, Carts, Workmen, and Labourers, and pay and satisfy them for their services as they shall judge necessary and conducive to the accomplishing the ends and designs of this Act; and also make contracts with any fit persons for the repairing and paving the Streets, Highways and Lanes, within their jurisdictions respectively, or any part thereof, on the best terms that can be procured for the public; and shall and may, if they think proper, bargain or compound with any of the Inhabitants by the year for such sum or sums of money as the said Commissioners may think reasonable for the share or proportion of Highway Labour, or payments required by this Act, from such Inhabitants, for and towards the repairing, paving, or keeping in repair, the said Streets or Highways, provided such composition money be paid in advance; and shall also have power and authority to put up bars or fences, to shut up any street, streets or highways, while the same are undergoing repairs, by paving or otherwise.

Drains, Water
Courses, &c.

XV. *And be it further enacted,* That the said Commissioners respectively, shall have

have power to raise, sink, alter or new lay, any drain, water courses, pipes or common sewers, as often and in such place as they may think proper, provided the same be done with as little detriment and inconvenience to the neighbours and others as the circumstances of the case will admit of; and the said Commissioners may cause the course or direction of any gutter, water course or channel, running in or through the said Streets or Highways, to be turned or altered as they think proper.

XVI. *And be it further enacted,* That every Person within the Towns of Halifax, Annapolis Royal, Windsor, Liverpool, Lunenburg and Pictou, shall be obliged to keep the gutters and streets before the houses, building or land, inhabited or occupied by him, her or them, clear and free from dirt, filth and nuisances, of every kind; and that whenever any earth, ashes, manure, stones, brick, shavings, chips, dirt, filth, offal, or any other thing, shall be found lying, thrown or placed, in any of the said Streets, Lanes or Highways, the person or persons before or nearest whose house, building or land, the same shall be, shall forfeit and pay a fine of twenty shillings, together with the expense incurred by the said Commissioners in removing the same; and the said Commissioners, or any one of them, are hereby authorised to cause such earth, ashes, manure, stones, shavings, rubbish, dirt, filth or offal, to be instantly removed, without giving any notice to the owner or supposed owners thereof, or being at all answerable for the same. *Provided always,* That no person shall be liable to the said penalty, unless he shall have thrown or placed the said nuisance in the Street, Lane or Highway, where the same shall be found, or not having thrown or placed the same in the said Street, Lane or Highway, shall suffer the same to continue for the space of Twenty-four hours.

Inhabitants to keep streets, &c. clear before their Houses

XVII. *And provided always, and be it further enacted,* That any Person or Persons, by leave of the said Commissioner, may place or deposit in any such Street, Lanes or Highways, Stones, Bricks, Timber or other materials, for the purpose of building Houses or other work, and may set up or erect posts, bars or enclosures, for the better securing such materials, and continue the same for such time only as the Commissioners, or the major part of them, may give leave, and in manner and form as they shall in writing direct, and no longer, on pain of forfeiture thereof.

Exception in favor of Persons engaged in building

XVIII. *And be it further enacted,* That it shall and may be lawful for the said Commissioners, or the major part thereof, to cause any well or wells to be dug or sunk, and pumps to be therein placed, in any part of the Streets and Lanes, where they shall judge necessary and most convenient for the same to be placed, and constructed in such manner as the said Commissioners may direct.

Wells may be sunk

XIX. *And be it further enacted,* That the said Commissioners shall cause all sign-posts, show glasses, show boards, porches, steps, fences, cellar doors, and all and every other material, matter or thing, belonging to any House, Warehouse, Shop, Cellar, or Building, or to any lot of ground or inclosure, which cause or occasion any nuisance, annoyance, encroachment, or obstruction, in any of the Streets, Lanes and Highways, within the respective jurisdictions of the said Commissioners, to be wholly removed, or otherwise to be placed or altered in such manner and form as shall be approved by them, or the Surveyor employed by them; and, in case it can be done without any particular inconvenience to the Public, shall and may permit and suffer the same to remain. *Provided,* The owners or proprietors thereof, or any of them, will give security that the same shall not be repaired, or again rebuilt; and also, to pay and satisfy to the said Commissioners, or the major part of them, a reasonable yearly ground rent, for the part of the Street so encroached on, to the satisfaction of said Commissioners, during the continuance of such encroachment.

Sign Posts, Porches, &c. may be removed

Lanes of Streets
protected from en-
croachment

XX. *And be it further enacted,* That every person or persons intending to erect any building upon, or close to the line of any Street or Highway within the jurisdiction of such Commissioners respectively, shall, before digging a foundation, or beginning to erect such building, make application to the said Commissioners to cause the line of such Street or Highway to be defined and laid out, and shall dig such foundation, and erect such building, within the said line, so as to avoid making any encroachment upon such Street or Highway; and if it shall be necessary to employ a Surveyor on such occasion, the expense of such Surveyor shall be defrayed by the person or persons so intending to build as aforesaid; and if any person or persons shall erect any building upon the line of any such Street or Highway, without making application, and having the line thereof ascertained as aforesaid, he, she or they, shall forfeit and pay the sum of ten pounds, to be recovered and applied for the purposes of this Act, and shall also remove such building, if it shall be found to have encroached upon any such Street or Highway, or otherwise the said Commissioners shall and may proceed to remove the same, or take such other steps as are allowed by law in cases of common nuisance.

Differences arising
respecting Lines
of Streets

XXI. *And be it further enacted,* That when and so often as the Commissioners shall have proceeded as directed by this Act, to ascertain the line of any Street, Lane, or Highway, for any person or persons about to erect any building thereon, and the person or persons about to build, shall be dissatisfied with the line pointed out by the said Commissioners, it shall and may be lawful for the Chief-Justice, or any other Judge of the Supreme Court, in term time, or during vacation, upon the application of the Commissioners, or the person or persons so dissatisfied, to issue a Precept to the Sheriff of the County, or his Deputy, to summon a Jury of the Freeholders nowise interested in establishing or altering the line of the said Street, to meet at some convenient day therein mentioned, to view and lay out the line of such Street, or Lane, or Highway, who shall have an oath administered to them by the Judge who shall issue the Precept, well and truly to lay out and fix the line of such Street, Lane, or Highway, according to the best of their skill and judgment, and the witnesses, if any shall be offered by either party, shall be sworn before the said Judge; and if the Jurors, or either of the parties shall require it, a new Survey shall be made of the line of such Street, Lane, or Highway, which being done, the Sheriff or his Deputy shall make a return forthwith, under the hands of himself and the Jurors, to the Judge, who, having approved and confirmed the same, shall direct the said return to be filed in the Office of the Prothonotary of the Supreme Court, and an exemplification thereof to be deposited in the Office of the Surveyor-General. *Provided always,* That if the said Judge shall not approve and confirm the said return, a new Precept may be issued for the purposes aforesaid, and the said Judge shall direct by whom the costs and expenses of the said proceedings shall be paid, which said costs and expenses shall be taxed, and shall in no case exceed ten pounds.

No street to be
broken up without
permission of
Commissioners

XXII. *And be it further enacted,* That no person shall be at liberty to dig up or break open the soil of any Street or Highway, within the jurisdiction of the said Commissioners respectively, without first applying to them, and obtaining their permission in writing, specifying the purpose for which such breaking of the soil is required; and the said Commissioners may impose such terms upon the person applying, as the security of passengers, by day or night, shall appear to them to require; and any person acting contrary hereto, or to the terms imposed by the said Commissioners, shall forfeit and pay five pounds for every such offence.

And whereas, it is necessary to provide for the preservation of the Side Paths or Ways, which are or hereafter may be made along any Public Street or Highway, within the respective Towns and Places aforesaid.

XXIII.

XXIII. *Be it therefore enacted,* That every Person who shall drive any Cart, Truck, or Carriage, or ride with a Horse upon or over any such Side Path or Way, or roll heavy articles of any description over, or place the same thereupon, to the injury or obstruction of such Side Paths or Ways—such person, so offending, shall, for every such offence, forfeit and pay a fine not exceeding forty shillings, and not less than five shillings; to be recovered with costs, in the manner, and to be applied as aforesaid.

Protection of Side Paths

XXIV. *And be it further enacted,* That in addition to the rates, duties and services, by law imposed for the making and repairing of Streets and Highways, within the jurisdiction aforesaid, it shall and may be lawful for the Treasurer of each County, for the time being, in which the said Commissioners have jurisdiction, and he is hereby required to pay to the said Commissioners respectively, out of the County Treasury quarterly, three fifth parts of the monies arising from the duty from time to time collected on licensed houses and shops, within the respective jurisdictions aforesaid, to be applied by the said Commissioners for the purposes of this Act, and within their jurisdiction aforesaid.

Appropriation of part of the License Duty to the improvement of Roads

XXV. *And be it further enacted,* That the said Commissioners respectively shall keep a regular and exact account of all monies received by them, and of all services performed in the execution of this Act, under their direction, within their respective jurisdictions, and shall, on or before the tenth day of February in every year, make up and render, under their hands, or the hands of the major part of them, in Halifax, to the Treasurer of the Province, and in the other places aforesaid, to the Court of General Sessions of the Peace, a general, regular and fair account, in writing, of all monies received and paid by them in the execution of, or under and by virtue of this Act; and also of all services done and performed as aforesaid, and of the costs and expense of doing the same for the past year, to the end that the said account for Halifax may be audited and passed in the General Assembly at their next meeting; and the accounts in the other places aforesaid, be audited and passed by the said Court of Sessions.

Commissioners to account annually

XXVI. *And be it further enacted,* That no action or suit shall be commenced against any person or persons for any thing done in pursuance of this Act, until twenty days notice thereof shall be given in writing, to one or more of the said Commissioners, or after six calendar months next after the fact committed for which such action or suit shall be brought; and every such action shall be brought, laid and tried, in the County within which the Commissioners have jurisdiction, and not elsewhere. And the Defendant or Defendants, in such suit or action, may tender amends, or may plead the general issue, and give this Act, and the special matter, in evidence at any trial to be held thereupon; and if the matter or thing shall appear to have been done in pursuance of this Act; or if it shall appear that the said Action or Suit was brought before the twenty days notice thereof given as aforesaid, or that sufficient amends were tendered, or if the action or suit shall not be commenced within the time herein limited, or within the County aforesaid—then the Jury shall find for the Defendant or Defendants; and if a verdict shall be given for the Defendant or Defendants, or if the Plaintiff or Plaintiffs in such actions shall become nonsuit, or suffer a discontinuance thereof, or if upon any demurrer or demurrers in such action or actions, judgment shall be given for the Defendant or Defendants, then and in either of the cases aforesaid, such Defendant or Defendants shall recover treble costs, and have judgment therefor accordingly.

Action against Commissioners

And whereas the main public Road, leading from Halifax to Sackville Bridge, is frequently encumbered and obstructed, to the great annoyance and danger of Travellers and Passengers on the Road—for remedy whereof:

XXVII. *Be it enacted,* That all logs, spars, bark, scantling, boards, planks, slabs, cordwood, hoop poles, staves, laths, fencing materials, stones, and timber of any kind, which

Obstructions, on the road between Mr. Alpine's and Sackville

which shall be found in the ditches or track of the said road, between M^rAlpine's house and the Sackville Bridge, shall be *ipso facto* forfeited ; and it shall and may be lawful for the said Commissioners for Halifax, or any of them, without any suit or process of law whatever, to cause all articles so found to be instantly seized and disposed of in such way, or manner, as they thall think proper ; and if the same shall be sold, the proceeds of such sale shall be applied by the said Commissioners for the repair and improvement of the said Road.

Powers of Surveyors of Highways in Halifax, &c. suspended

XXVIII. *And be it further enacted,* That the Commissioners, appointed or to be appointed under this Act, shall, within their respective jurisdictions aforesaid, have and exercise all powers and authorities which are now, or hereafter may be, vested in any Surveyor or Surveyors or Highways, and that no Surveyor or Surveyors of Highways shall have, exercise or enjoy, any power or authority whatsoever within the respective places or jurisdictions aforesaid, but the same shall be wholly suspended during the operation of this Act.

Acts of 41, Geo. 3, cap. 5, 42, Geo. 3, cap. 8, 58, Geo. 3, cap. 17, repealed

XXIX. *And be it further enacted,* That the Act of the General Assembly of this Province, made and passed in the forty-first year of the reign of His late Majesty King George the Third, entitled, An Act for the repairing, keeping in repair, cleaning and paving, the Streets in the Town and Peninsula of Halifax, and for removing obstructions therein, and also to suspend the power and authority vested in the Surveyors of Highways within the Town and Peninsula of Halifax, after the first day of August next, during the operation of this Act ; and also the Act, passed in the forty-second year of the same reign, entitled, An Act in addition to the last recited Act ; and also the Act, made and passed in the fifty-eighth year of the same reign, entitled, An Act in addition to and in amendment of the first mentioned Act, and every matter, clause and thing, in the said Acts respectively contained, be, and the same are hereby, repealed.

Acts of 8, Geo. 4, cap. 16, 3, Geo. 4, Cap. 34, 4, Geo. 4, cap. 26, repealed

XXX. *And be it further enacted,* That the Act, passed in the third year of His present Majesty's reign, entitled, An Act to extend the Act, passed in the forty-first year of His late Majesty's reign; entitled, An Act for the repairing, keeping in repair, cleansing and paving, the Streets in the Town and Peninsula of Halifax, to the Town of Windsor ; and also the Act, passed in the same third year of His present Majesty's reign, to extend the said recited Act to the Towns of Liverpool and Lunenburg ; and also the Act, passed in the fourth year of His present Majesty's reign, to extend the same recited Act to the Towns of Pictou and Annapolis Royal, and every matter, clause and thing, in the said respective Acts contained, be, and the same are hereby, repealed.

CAP. IV.

An ACT for the further increase of the Revenue, by imposing a Duty upon Articles imported from Foreign Countries.

Additional Duties on Articles of Foreign Growth, Produce or Manufacture

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That there shall be raised, levied, collected and paid, unto His Majesty, His Heirs and Successors, for and upon the Goods, Wares and Merchandize, hereinafter mentioned, and upon Horses, Neat Cattle, and other Live Stock, imported into this Province, not being the growth, produce or manufacture, of the United Kingdom of Great-Britain and Ireland, or of His Majesty's Possessions abroad, but of Foreign growth, produce or manufacture,

manufacture, the respective rates, duties, and impositions, hereinafter stated and set forth, in addition to the Duties imposed by the Statute of the Imperial Parliament of the said United Kingdom, passed in the sixth year of His present Majesty's Reign, entitled, An Act to regulate the Trade of the British Possessions abroad, that is to say :—

For and upon all Horses, Neat Cattle, and other Live Stock, such sum in addition to the Duty payable thereon by the said Act of the Imperial Parliament, as will make the whole duty upon each of the following Live Stock amount to the sums hereinafter mentioned :—

For every Horse, Mare or Gelding, Four Pounds of lawful money of this Province.

For every Ox, three years old, the sum of Two Pounds Ten Shillings.

For every Cow, or head of young Cattle, three years old and under, One Pound Five Shillings.

For every Sheep, Three Shillings and Six Pence; and for every Hog, Two Pounds.

And also, for and upon the following Wines, that is to say—Champagne, Madeira, Port, Claret, Lisbon or Sherry Wines, whether the same shall be imported in bottles, or otherwise, such additional sum as will make the whole duty payable thereon for every gallon, Two Shillings of lawful Money as aforesaid, over and above any duty payable thereon by any Act of the British Parliament, passed prior to the eighteenth year of the Reign of His late Majesty King George the Third.

And for and upon all other Wines, whether the same shall be imported in bottles, or otherwise, such additional sum as will make the whole duty payable thereon for every gallon One Shilling and Six Pence over and above as aforesaid.

For and upon every hundred weight of Biscuit or Bread, Two Shillings.

For every barrel of Apples and Pears, and other Fruit, and so in proportion for a lesser quantity, Five Shillings.

For every hundred weight of Onions, and so in proportion for a lesser quantity, Two Shillings and Six Pence.

For all Tobacco manufactured, Oil, or Spirits of Turpentine, and Chocolate, the further additional duty of Ten Pounds for every One Hundred Pounds of the true and real value thereof.

II. And be it further enacted, by the authority aforesaid, That all Goods, Wares, and Merchandizes, imported into the Province, chargeable with duty under the said Act of the Imperial Parliament, shall be also chargeable with the duties imposed by the Act, passed in the present Session of the General Assembly, entitled, An Act for the further increase of the Revenue, by continuing and amending an Act of the General Assembly for raising a duty of Excise, and by the Act thereby continued, over and above the duties by the said Act of Parliament imposed, except the several articles herein mentioned and charged with specific duties, and the several articles exempted from duty by the said Provincial Acts. And also, except Foreign Brandy, Geneva, and Cordials, Foreign Rum, and other distilled Spirituous Liquors, Foreign Cocoa, and Molasses, which articles are now chargeable with the amount of the Impost Duty imposed during the present Session, payable on Rum and distilled Spirituous Liquors, Coffee, Sugar and Molasses, the produce of the British Dominions, in addition to the duties imposed thereon by the said Act of Parliament; and except also, Indian Corn, Rice, Peas, Beans, and Seeds of all kinds, Hides and Tallow, White Oak Staves, Heading Hoops and Shingles. And it is hereby declared and enacted, that all Goods, Wares, and Merchandize, hereafter imported from any country or place within the limits of the East-India Company's Charter, shall be subject and liable to the duties imposed by the said Provincial Acts, in the same manner only as if such goods had been imported from Great-Britain and Ireland.

Articles exempted
from additional
Duties

Collection and application of Duties

III. *And be it further enacted*, That the said duties, hereby imposed, shall be raised, levied, secured, collected and paid, and shall be applied and appropriated, and drawbacks thereof shall be allowed, in such and the like manner, and by and to such persons, and by the same means, and under such and the like penalties, forfeitures, regulations and provisions, as are prescribed, provided and ordained, or from time to time shall be in force, with respect to the duty of Impost or the duty of Excise granted during this Session of the General Assembly, or as are provided and contained in the second, third, fifth and tenth Sections, except the proviso to the said tenth Section annexed of the Act of this Assembly, passed in the fourth year of the Reign of His present Majesty, entitled, *An Act imposing a duty on Goods, Wares, and Merchandise, imported from the United States of America, and for appropriating the same*: which said Sections of the said Act are hereby revived and continued in force during the continuance of this Act; and all the clauses, provisions, penalties and regulations, of the said Act, and of the several Acts in force with respect to the Provincial Duties of Impost and Excise, and to the articles respectively chargeable therewith, shall severally and respectively, so far as the same can or may be made applicable thereto, apply to and regulate the respective duties by this Act imposed, and the several articles chargeable therewith, and according to such directions as the Commissioners of the Revenue may deem it expedient to make in this behalf.

Time of Payment of Duties on Articles warehoused extended

IV. *And be it further enacted*, That whenever any articles chargeable with duty under this Act shall be warehoused in the manner prescribed by the said Act of the said Imperial Parliament, then, and in every such case, the party by whom the said duties were secured shall be allowed credit, and further time, for the payments due upon his securities for such of the articles as there remain until they shall be taken out of the warehouse. *Provided always*, That the said articles have not remained in the warehouse longer than one year from the date of the security taken for the duty thereon, except as is hereinafter provided.

Time of payment of Duties extended

V. *Provided always, and be it further enacted*, That when any Foreign Goods, liable to Duty by the said Act of the Imperial Parliament, and also to the Duties of Excise under this Act, shall be warehoused under the provisions of the said Act—that further time of payment shall be allowed upon the Bonds given for the Duty of Excise secured under the said Provincial Act, until the same shall be taken out of the warehouse for consumption, or until the duties imposed upon such goods by the said Act of the Imperial Parliament shall become payable.

Exportation of dutiable articles

VI. *And be it further enacted*, That when any Foreign Goods, so liable to duty as aforesaid, shall be exported from this Province, pursuant to the regulations of the said Act of Parliament, that it shall and may be lawful for the Commissioners of the Revenue on due proof thereof, to cause the bonds given for the Duty of Excise on the same goods to be cancelled, or an Indorsement to be made thereon to the amount of the duties on the goods so exported.

And whereas, *the Fisheries of this Province, and the Trade arising therefrom, require encouragement*:

Articles exempted from the additional Duty, purchased with the proceeds of Fish and Fish Oil exported from the Province

VII. *And be it therefore enacted*, That it shall and may be lawful for the Commissioners of the Revenue, and they are hereby authorised and required, by order of their Board, from time to time to exempt from the said Duty of Excise imposed by the said Provincial Act, such other Foreign Goods, liable to duty under the said Act of the Imperial Parliament, and not hereinbefore exempted, as shall appear to them, upon due and satisfactory proof upon oath, to have been actually and bona fide purchased or procured with the proceeds of Fish and Fish Oil, caught, cured and made, by the Inhabitants of this Province, and others employed in the Fisheries thereof, and which shall

shall have been exported in Vessels owned and registered within this Province, or belonging to British Merchants engaged in, and carrying on, the Fisheries of the same: all which proof shall be taken in writing, in such way as that the same may be submitted for the inspection of the General Assembly when required.

VIII. *And be it further enacted*, That the Collectors of Impost and Excise throughout the Province, except at the Port of Halifax, shall be allowed and paid Two Pounds and Ten Shillings on every Hundred Pounds by them collected and paid within their respective Districts, under and by virtue of this Act, and no other or greater fee or per centage whatsoever, for such collections and payments.

Allowance to Collectors of Impost and Excise

IX. *And be it further enacted*, That out of the monies, in cash, which shall hereafter be collected and paid into the Treasury of the Province, by the Collector of Impost and Excise for the District of Halifax, by virtue of this Act, there shall be allowed and paid to the said Collector, the sum of Three Pounds and Ten Shillings for every Hundred Pounds so by him collected and paid into the Treasury. *Provided always*, That if the amount of Commission granted by this Act, or any other Act of the General Assembly, to the Collector of Impost and Excise for the District of Halifax, shall exceed in the whole the sum of Seven Hundred Pounds for the year ending on the eighteenth day of March, one thousand eight hundred and Twenty-Seven, the surplus shall be accounted for and paid by the said Collector into the Treasury of the Province.

Allowance to Collectors of Impost and Excise at Halifax

X. *And be it further enacted*, That all Monies which shall be paid into the Treasury, by virtue of this Act, shall from time to time be drawn for by the Governor, Lieutenant-Governor or commander in Chief for the time being, by Warrant under his hand and seal, pursuant to the instructions and directions of His Majesty, in payment and discharge of any Monies appropriated, or to be appropriated, by any Act or Acts of the General Assembly.

Revenue applied to the payment of appropriations

XI. *And be it further enacted*, That this Act, and every thing herein contained, shall continue and be in force until the thirty-first day of March, which will be in the year of our Lord one thousand eight hundred and twenty-seven, and no longer.

Continuance of Act

CAP. V.

An ACT concerning Schools.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That, for the Education and Instruction of the Youth and Children of this Province, in common reading, writing and arithmetic, in morals and manners, English Schools shall be established and supported throughout the Province, in manner hereinafter provided.

Establishment of Schools

II. *And be it further enacted*, That the Justices assigned to keep the Peace in each County and District, shall, at their General or Quarter Sessions, upon the presentment and return of the Grand Jury therefor, cause the whole of the inhabited parts of the same to be laid off and subdivided into such and so many convenient School Districts as to them it may appear necessary to establish for the education of the Children therein residing respectively, and shall allot to each District such extent and dimensions that the School-House therein to be erected may be within a reasonable distance from the residences of the Scholars.

In Districts

III. *And be it further enacted*, That the said Justices and Grand Jury shall establish the boundaries of every School District with as much accuracy as possible, and shall transmit a description thereof to the Commissioners of Schools for the County, to be appointed as is hereinafter provided.

Description of School Districts

IV. *And be it further enacted*, That whenever two thirds in number of the Inhabitants

Proceedings of Inhabitants

tants in any School District, rateable or subject to be assessed as herein enacted, desire the establishment of an English School under this Act, they shall certify the same in writing, signed by them respectively, to the Justices in any General or Special Sessions, who, upon proof made of such certificate, and that the parties subscribing the same compose two thirds of such rateable Inhabitants, shall allow such certificate, and order such School to be established, whereupon this Act, and every matter and thing herein contained, shall attach to such School District, and all the Inhabitants thereof, and commence and begin to be in operation therein.

Appointment of
Trustees

V. *And be it further enacted*, That the Inhabitants rateable as aforesaid in each School District, shall at such convenient time and place, and in such manner as shall be appointed by the Justices aforesaid, choose and nominate three fit and proper Persons to be Trustees of the School in such District, and certify such nomination forthwith to the said Justices, to be by them allowed and recorded; and the same proceedings shall be adopted in all cases of vacancy in the trust.

Trustees Incorporated

VI. *And be it further enacted*, That the Trustees so chosen, allowed and recorded, and their Successors in Office, shall be a Body Corporate in deed and in law, by the name of the School Trustees, for the District for which they are chosen, and by that name shall have succession; a common Seal and Corporate Powers for the purposes of this Act; and be capable of suing, and being sued, in relation to all matters connected with the School of the District, and the rights and property thereof; and shall and may receive grants and devises of Land, and gifts, and bequests, for the use or benefit of the School; stand seized of the School House, and Land thereto appertaining; contract with, hire and employ, any licenced Teachers for the School; direct the studies and discipline thereof; collect, recover, receive, pay and appropriate all monies, rents, and funds, raised, granted, or applicable for its support and maintenance, and generally manage, direct, conduct and superintend, all the affairs, concerns and business thereof; and have, possess, exercise and enjoy, all powers, authorities and privileges, necessary to such their office, and the well-being and support of the School. Moreover, the said Trustees shall, once in every year, make a report in writing, under their hands, of the state, affairs and condition, of the School, to the Board of Commissioners, hereinafter mentioned, and observe their instructions thereon

Trustees neglecting
their duty

VII. *And be it further enacted*, That upon the request and representation of the said Board of Commissioners, and upon proof of misconduct or neglect of duty, by any such Trustees, the said Justices in Session shall, and they are hereby authorised to, remove him from office, and he shall not again be eligible thereto, and the Inhabitants shall proceed to choose another Trustee in manner aforesaid.

Appointment of
Commissioners

VIII. *And be it further enacted*, That there shall be established in every County, and in the Districts of Colchester and Pictou, for the inspection and general superintendence of the whole of the Schools therein respectively, a Board of Commissioners, consisting of three Persons, to be named and commissioned by His Excellency the Governor, and to hold such office during his pleasure.

Duty of Commissioners

IX. *And be it further enacted*, That it shall be the duty of every such Board of Commissioners, and they shall have power and authority within their jurisdiction, to superintend and inspect the Schools, and the management, conduct, and affairs thereof: to cause the provisions of this and all other Acts relating to Schools to be duly observed; to licence such persons to be Teachers or Schoolmasters, as, after due and careful investigation into their literary acquirements, general competency and moral characters, they shall deem fit to be employed in that office; to establish all the general regulations and course of instruction to be observed in the Schools; to decide all differences that may arise; to receive returns annually from the respective School

Trustees,

Trustees, of the state, progress, and improvement of each School; to report thereon at the end of each year, for the information of the General Assembly, in such manner as the Governor shall direct; and generally to attend to, and enforce, the operation of the system of Schools hereby established.

X. *And be it further enacted,* That the said Commissioners shall be authorised to appoint a Clerk for the business of the Board, to whom such allowance for his services shall be paid from the Treasury, as the Governor, upon the Report of the Board, shall order, provided the sum do not exceed, in any year, the sum of Ten Pounds.

Appointment of Clerk to Commissioners

XI. *And be it further enacted,* That a sufficient School House shall be erected, provided and maintained, in every School District.

Erection of School House

XII. *And be it further enacted,* That in every School all the Youths and Children within the District shall be taught and instructed in reading, writing and the common rules of arithmetic, in morals and manners, without any charge or expense therefor, save only for their respective proportions of the necessary fuel for the School; but if it be at any time desired or requested of the Trustees, that any child shall be instructed beyond the common course of reading, writing and arithmetic, the Trustees shall, if they think proper, direct such further and additional instruction to be given by the Master.

Tuition

XIII. *And be it further enacted,* That in every School District containing thirty Families or Householders, the School shall be kept up and supported during the whole year. *Provided always,* That the Board of Commissioners shall and may be authorised, under the particular circumstances or situation of any School District, to enlarge or diminish the number of families or householders to which is attached the obligation of maintaining a School during the whole year.

Continuance of School

Proviso

XIV. *And be it further enacted,* That whenever the number of families or householders, by this Act, or by the order of the Commissioners, required to maintain a yearly School, shall not be found in any one School District, such District shall be, by the order of the Commissioners, attached to and connected with the nearest School District, where the number of families, to which a yearly School shall be assigned, shall be likewise deficient, and the two Districts shall conjointly maintain the School during the year, and the same shall be kept in each during such part of the year as the Commissioners, having reference to the number of families in each, shall appoint.

School Districts may be united

XV. *And be it further enacted,* That no person shall be employed as a Teacher or Schoolmaster of an English School within this Province, unless he shall be first licensed in the manner hereinbefore directed, under a Penalty not exceeding Ten Pounds, to be recovered by the Trustees.

Schoolmasters to be licensed

XVI. *And be it further enacted,* That each Schoolmaster or Teacher, employed in the Schools hereby established, shall be entitled to receive from the Trustees of the District, or combined Districts, for which he shall be engaged, such salary as shall have been contracted and agreed for, but the amount of such salary shall not be less than after the rate of the sum of Fifty Pounds Currency for the year, or such lesser amount as the Commissioners shall establish for each School District, upon consideration of the ability and situation of the Inhabitants.

Salary to Schoolmasters

XVII. *And be it further enacted,* That the Trustees shall and may also agree with the Schoolmaster, if they think it convenient, that a proportion of his salary shall be payable by the Inhabitants in produce, according to the custom of the Country; and all sums which the Schoolmaster shall certify to be so paid to him, shall be allowed to the Inhabitants on account of their School rates; and if the composition so agreed for shall not be duly paid, the said Trustees shall, and they are hereby required, to sue therefor.

A proportion of Salary may be paid in produce

School-Houses
built and main-
tained by assess-
ment

XVIII. *And be it further enacted,* That the expense of building and maintaining the School House in repair, of the salary of the Schoolmaster, and of other charges necessary for the support and maintenance of the School, in each School District, or in any combined School Districts, shall be raised and levied from the Inhabitants thereof, in each and every year, by an equal rate or assessment, upon each person according to his ability, and in all respects, in the like manner, and under and subject to the same regulations, and by the same means, course and proceedings, as by any Acts of the General Assembly of this Province now in force, or hereafter to be enacted, are, or may be provided for levying rates for the support of the Poor, and shall be assessed at the same time with the Poor Rate for the County, District or Township, wherein the School District may be situate, and shall be collected by, and be paid over, to the Trustees of the School District, from which it was raised.

Trustees to cer-
tify amount re-
quired to be raised

XIX. *And be it further enacted,* That the Trustees shall certify in every year, to the said Justices in Sessions, the amount required to be raised for the expenses of the School aforesaid, and after allowance by the said Justices of the sum necessary to be assessed for that purpose, they shall order and direct the rate therefor to be assessed by the Assessors of the Poor Rates.

Schools voluntari-
ly supported, ex-
empted from
School rate

XX. *Provided always, and be it further enacted,* That if the Inhabitants of any School District, or combined Districts, shall voluntarily raise and pay in any year the expense of the School House, and the salary of the Master, with the charges attendant on the maintenance of the School, then and in that case the said Inhabitants shall be exempt from such School Rate, for the year wherein such salary and expense would otherwise have been assessed.

Provincial allow-
ance towards sup-
port of Schools

XXI. *And to the end, that the education of the Children of the Poor, may be duly provided for, Be it further enacted,* That, during the continuance of this Act, there shall be placed at the disposal of His Excellency the Governor, in each and every year, the sum of Two Thousand and Five Hundred Pounds, wherefrom there shall be paid and allowed to the Board of Commissioners in each of the eleven Counties and Districts of Nova-Scotia, a sum not exceeding One Hundred and Eighty Pounds; and for the County of Cape-Breton a sum not exceeding Two Hundred and Twenty Pounds; and for the Town of Halifax, a sum not exceeding Three Hundred Pounds—that is to say, One Hundred Pounds each, for the National, Acadian and Catholic Schools; which monies, except the said three sums of One Hundred Pounds, shall be applied by the Board of Commissioners, according to the situation, ability and circumstances, of the People of each School District, within their Jurisdiction, towards defraying the expense of the schooling poor Orphans, and the Children of the poor within the same, in proportion to their numbers in each School District respectively, and the ability of the Inhabitants.

How to be drawn

XXII. *And be it further enacted,* That the sum allowed by the Commissioners shall be drawn by Warrant from the Treasury, upon their certificate to His Excellency the Governor.

Act may be altered
during present
Session
Act continued for

XXIII. *And be it further enacted,* That this Act may be altered or amended during the present Session of Assembly.

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

CAP. VI.

An ACT to authorise the Incorporation of a Company for working certain Mines of Iron in the County of Annapolis.

WHEREAS, in some Grants of Land formerly made by His Majesty within this Province, Mines of Iron and Iron Ore were not reserved for the Crown, but were transferred and conveyed by His Majesty to the Persons named in such Grants; and whereas certain Persons have associated themselves together for the purpose of working such Mines of Iron and Iron Ore, as have been so as aforesaid granted by His Majesty:

Preamble

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, by Letters Patent under the Great Seal of this Province, to make, erect and incorporate, all and singular the Persons so associated as adventurers in, or parties to, the said undertaking, or their assigns, into one Body Politic and Corporate, in deed, and in name, under the Title of the Annapolis Iron Mining Company; and, by that name, to have succession, to sue and be sued, to have a common seal, and to possess and enjoy such powers with respect to the choice of a President, and other officers, making bye-laws, and regulating the affairs of the said Company, as shall be expressed in the same Letters Patent.

Incorporation of Company

II. *And be it further enacted,* That the said Company, when so incorporated, shall, and they are hereby declared and made capable in law, to have, hold, purchase, receive, possess, enjoy, and retain lands, rents and tenements, monies, goods, chattels and effects, to the amount of Fifty Thousand Pounds, and no more at any one time; and also to sell, grant, demise, alien, or otherwise dispose of, such lands, tenements, rents, monies, goods, chattels and effects, at their free will and pleasure.

Property of Company

III. *And be it further enacted,* That in such Letters Patent, the necessary Officers of such Corporation shall be named and designated, and proper persons appointed to be such Officers for the first year, and that the said Corporation may make, establish, and put in execution, such laws and regulations as may be necessary for carrying into effect the said purposes of the said Association, for levying the Assessments, and for the government of the said Corporation. *Provided,* The same shall in no case be repugnant to the Laws of this Province.

Officers of Corporation to be named in Letters Patent

Regulations

IV. *And be it further enacted,* That the Capital or Joint Stock of the said Corporation shall be divided into such and so many shares, as the said Corporation, by their bye-laws or ordinances, shall, from time to time, appoint; and such shares shall be transferable, and be conveyed in such manner, and under such restrictions and conditions, as in such bye-laws shall be appointed.

Joint Stock to be divided into Shares

V. *And be it further enacted,* That the Joint Stock or Property of the said Corporation shall first be responsible for the debts and engagements of the said Corporation, and that no person or persons who shall or may have dealings with the said Corporation, shall, on any pretence whatsoever, have recourse against the separate property of any present or future member of the said Corporation, beyond the amount of the shares or stock held by such individual member in the said Corporation, or against their persons, further than may be necessary to secure the faithful application of the funds of the said Corporation.

Debts of the Corporation

And to the end that inconvenience, delay and expense, may be avoided in ascertaining whether His Majesty has granted the Iron Ore found in and upon any Lands that may come to the possession of the said Company—

VI.

Measures necessary to be taken preparatory to the opening of Mines

VI. *Be it further enacted, by the authority aforesaid,* That whenever the said Company shall be desirous of opening any Mine or Mines of Iron or Iron Ore, and before they shall proceed to work the same, the President of the said Company shall transmit to the Surveyor-General of the Province, an Abstract of the Grant of the Lands in and upon which the said Company shall intend to open Mines, and dig Iron, or Iron Ore, containing in such Abstract the date of the Grant, the name of the Governor who made the same, a description of the lands therein granted, and the name or names of the Grantees; and also, the whole of that part of the Grant in which it is supposed His Majesty has conveyed and transferred to the Grantee, His right in such Mines; and if upon comparing the same with the Record of the said Grant, the said Surveyor-General shall find that the same is a correct Abstract of the Grant, and that His Majesty's right in Mines of Iron is granted therein, he shall certify the same under his hand to the Governor or Commander in Chief for the time being, which said certificate shall be written upon the said Abstract, or annexed thereto; and if the Governor or Commander in Chief, for the time being, shall be satisfied with such certificate, and that His Majesty has granted His right to the Iron, and Iron Ore, in and upon such land, and shall signify such his satisfaction in writing, under his Hand, and Seal at Arms, to be indorsed upon the said Abstract, or annexed thereto; then the said Company shall and may proceed to open and work any Mines of Iron, or Iron Ore, found in and upon the Lands described in such Grant and Abstract; and the said certificate of the Surveyor-General, and assent and satisfaction of the Governor or Commander in Chief, as aforesaid, made and signified, shall be adjudged, and taken to be full and perfect evidence that His Majesty has granted the Mines of Iron and Iron Ore in and upon the said Lands; and the said Company shall never thereafter be hindered, sued, or prosecuted, by His Majesty, His Heirs, or Successors, for opening and working such Mine or Mines.

Unauthorised removal of Iron Ore, &c.

VII. *And be it further enacted, by the authority aforesaid,* That if the said Company, or any of the persons belonging thereto, shall knowingly and wilfully dig, take or carry away, any Iron, Iron Ore, or other Mineral, in, upon, or from any land or place, where the same Iron, Iron Ore, or other Mineral, shall not have been expressly granted by His Majesty, either to the said Company, or to some person or persons from whom the said Company shall have purchased or procured the same—that then, and in that case, the said Letters Patent shall cease and be void; and all the powers, rights and privileges, of the said Corporation, and the persons composing the same, shall cease and determine in the same manner as if this Act had not been made.

Reservation in favor of His Majesty

VIII. *And be it further enacted,* That nothing herein contained shall extend, or be construed to extend, to prevent any other Company, or Persons, to whom His Majesty shall at any time grant permission or licence therefor, from working any Iron Mines, and digging Ore therefrom, or at all to interfere with His Majesty's rights in Mines and Minerals.

The Rights of the Crown in Mines

IX. *And be it further enacted,* That this Act, nor any clause thereof, nor any thing herein contained, shall extend, or be construed to extend, to invest the said Company with any power, right or authority, to work any Mines of Iron, or to procure or raise any Iron Ore, or to manufacture any Iron, in, from, out of, or upon, any Lands whatever, in which any Mines of Iron, or Iron Ore, are, and is, or may be reserved to the Crown, or which are, and is, or may be, in any manner, vested in the Crown, of which the Crown has not been, and is or may be divested, nor in any manner to interfere with, infringe, or prejudice the rights, privileges and prerogative of the Crown, nor the rights, privileges, property, or interest of any individual or individuals, unless upon full and proper grant, deed, lease, licence, permission, or other sufficient authority from the Crown,

Crown, or from such individual or individuals as may have property or interest therein to the said Company.

X. *And be it further enacted*, That the said Letters Patent shall continue and be in force for the space of Ninety-Nine years from the passing thereof, and no longer.

Limitation of
Letters Patent

XI. *And be it further enacted*, That the Act, made and passed in the last Session of the General Assembly, entitled, An Act to authorize the incorporation of a Company for working Mines of Iron, and manufacturing Iron, in the County of Annapolis, and every matter, clause and thing, therein contained, shall be, and the same are hereby, wholly repealed.

Act of 6 Geo 4
cap 18, repealed

CAP. VII.

An ACT for the more easy recovery of Debts against Co-Partners and Joint Debtors.

WHEREAS, *Co-Partners and other Persons often contract Debts jointly, and some of such Joint Debtors being resident out of the Province, or absent from it the recovery of such Debts is thereby delayed and impeded—for remedy thereof:*

Preamble

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That where Co-Partners, or others, are, or shall become jointly indebted, by specialty or simple Contract, to any person or persons, and any one or more of such Joint Debtors shall be absent or resident out of the Province, the creditor or creditors in all suits in such cases hereafter to be instituted, may proceed to recover such Debts, by purchasing out of the Supreme Court, a writ or writs of Mesne Process against all the said Co-Partners or Joint Debtors, which shall be served in the usual manner, upon such of the Defendants as shall be in the Province; and if such Mesne Process shall be a writ of Attachment, the Sheriff or Officer to whom the same shall be directed, may, and is hereby authorised, to levy such Attachment on the joint property of all the Co-Partners or Joint Debtors, and hold the same to respond the Judgment to be given in such case.

Mode of proceeding
against Joint
Debtors

II. *Provided always, and be it enacted*, That if it shall be made appear to the said Court by affidavit, or plea in abatement, that the names of any of the said Co-Partners or Joint Debtors, are omitted in the writ, or that any of them who were in the Province at the time of issuing such Mesne Process, as aforesaid, have not been duly served with the same in the usual manner, it shall be lawful for the Court to abate the writ, or to stay the proceedings, as the case may require: any thing herein contained to the contrary notwithstanding.

Writs to abate on
non-joinder of co-
defendant

III. *And be it further enacted*, That in all cases as aforesaid, the Plaintiff or Plaintiffs may file his or their declaration against such of the Co-Partners or Joint Debtors as have been duly served with Mesne Process, and may suggest in the said Declaration, that the other Co-Partners or Joint Debtors (naming them) were absent out of the Province, and without the jurisdiction of the Court, at the time of issuing the Process, and at the time of filing such Declaration; and thereupon the Plaintiff or Plaintiffs may proceed, according to the usual practice of the Court, to obtain Judgment against the said Co-Partners or Joint Debtors, who have been so duly served with Process, in the same manner as is practiced in England against a Defendant whose Co-Partner or Joint Debtor has been outlawed.

Filing Declarations

Judgments

IV. *And be it further enacted*, That it shall be lawful for the Plaintiff or Plaintiffs, after Judgment recovered as aforesaid, to take out Execution thereon, and to cause the same to be extended on the joint or separate property, or on the persons of all the said Co-Partners or Joint Debtors. *Provided always*, That it shall not be lawful, by virtue

Writs of Execu-
tion

Proviso

- Proviso** of this Act, to execute any such writ or process against the body, goods, or estate, the sole property of any person not brought into Court, as a party to such suit. *And provided also*, That if any such defendant shall make affidavit, that it is necessary for him to receive instruction or information respecting such suit from his absent Partner or Joint Debtor, and that he cannot safely proceed to the trial of the cause without communication with the said absentee, and that he is not seeking for delay only—it shall be lawful for the Court, on application grounded on such affidavit or other sufficient cause, to grant to the defendant or defendants a reasonable imparlance allowed in common cases.
- Imparlance may be granted on affidavit**
- Return of Debtors pending Actions** V. *And be it further enacted*, That if any Co-Partner or Joint Debtor, being absent as aforesaid, and not served with Mesne Process, shall come into the Province before the final determination of the suit against his Co-Partner or Joint Debtor, and shall apply to the Court to be admitted to appear to defend the said action, the Court shall admit him accordingly, and shall cause such amendment to be made in the proceedings as may be required to make the same regular and consistent.
- Debtors returning subsequent to Actions** VI. *And be it further enacted*, That if any such absent Debtor or Co-Partner shall come into the Province after final Judgment given in any such cause, it shall be lawful for the Plaintiff or Plaintiffs, in case he or they shall not have received full satisfaction on such Judgment, to sue out a writ of *scire facias* against such last-mentioned Co-Partner or Joint Debtor, requiring him to appear and shew cause why execution should not be had against him, his goods, chattels, lands, and tenements, to satisfy the said Judgment, or whatever may remain due thereon; and such defendant shall be allowed to plead, either in bar to the original suit, or in answer to the said *scire facias*; and thereupon the Court shall proceed to try and determine the same, and to give Judgment, as in other causes instituted by such writ.
- This Act not to interfere with that against absent or absconding Debtors** VII. *And be it further enacted*, That nothing herein contained shall be construed to affect, or prevent any proceedings which may or shall hereafter be instituted against any absent or absconding Debtors, pursuant to the Act in such case made and provided.

CAP. VIII.

An ACT in addition to, and in amendment of, an Act, made and passed in the thirty-second year of the Reign of His late Majesty King George the Second, entitled, An Act directing the Guardianship of Minors.

- Preamble** WHEREAS, it is expedient to repeal certain Provisions in the Act, made by the General Assembly of this Province, in the thirty-second year of the Reign of His Majesty King George the Second, entitled, An Act directing the Guardianship of Minors, whereby certain grievances and disabilities are imposed upon Heirs and Minors professing the Popish Religion, and such Persons as may be appointed to the custody or tuition of such Heirs or Minors, or be by them chosen as their Guardians:
- 3d & 5th Sec. 32 Geo 2, cap 26, repealed** I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That so much of the said Act as prevents or excludes the committing, devising, or otherwise disposing of, the guardianship, custody, or tuition of children or minors, to persons not being Protestants, be repealed; and that it shall and may be lawful for Fathers to dispose of the custody and tuition of their children, according and subject to the provisions of said Act, to any person or persons whether Protestant or not.
- Appointment of Guardians** II. *And be it further enacted*, That it shall and may be lawful for the Governor, Lieutenant-

Lieutenant-Governor, or Commander in Chief, for the time being, and the Judges of Probate for the different Counties and Districts in this Province, to commit or dispose of the custody, care, or guardianship of children, or minors, according to the provisions of said Act, to any person or persons whether Protestant or not: which person or persons shall thereupon have the same rights and privileges, and be subject to the same limitations and conditions, as persons heretofore appointed under said Act.

III. *And be it further enacted*, That so much of the said Act as relates to the Recognizance to be entered into by persons to whom the custody and tuition of heirs and minors professing the Popish Religion, shall be committed, and which requires the condition, that such heirs shall be educated in the Protestant Religion, be repealed, and the same is hereby repealed. And it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, and the Judges of Probate for the different Counties and Districts in this Province, to take such recognizance as aforesaid, from all persons to whom the tuition and custody of all such heirs or minors, shall be committed, and their sureties, without any such condition, that the heirs or minors as aforesaid shall be educated in the Protestant Religion.

Recognizance of Guardians

CAP. IX.

An ACT to allow of the Bridge at Bridgetownin, the County of Annapolis, being made a Drawbridge.

WHEREAS, the increase of Ship-Building on the Annapolis River, above the Bridge at Bridgetown, and the exportation from thence of large quantities of Lumber and Country Produce, render it expedient that said Bridge should be made a Draw-Bridge, in order that Vessels may pass through the same:

Preamble

And Whereas, certain Persons have subscribed and made up a Sum of Money, for the purpose aforesaid—

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That, from and after the publication of this Act, it shall and may be lawful for the Justices in any General or Quarter Sessions of the Peace, held at Annapolis Royal, in the County of Annapolis, to nominate and appoint two fit and proper Persons in said County, to be Supervisors for the purpose of altering the aforesaid Bridge, in such manner as to convert it into a Drawbridge, convenient for the passage of Vessels through the same.

Appointment of Supervisors

II. *Provided always, and be it further enacted*, That the said Supervisors shall not be at liberty to proceed in making such alteration until a sufficient sum to complete the same shall have been placed at their disposal, and that the said Supervisors shall be responsible over, and account to, the Courts of Sessions of the Peace at Annapolis Royal aforesaid, for the due and proper completion of such alteration, and the just application of said sum for that purpose, in such manner, and within such reasonable time, as the said Court may order and direct, under such penalty, not exceeding Fifty Pounds, as the said Court may adjudge in a summary manner, to be levied by Warrant of Distress, issued by said Court.

Means for defraying expense to be provided

Responsibility of Supervisors

III. *And be it further enacted*, That, after such alteration shall have been completed, whenever it may become necessary to raise the Draw of said Bridge, for the purpose of allowing Ships, Vessels, or other bulky article, to pass through the same, it shall and may be lawful for the Master or other Person, having the charge and direction of such Ship, Vessel, or other article, to cause the Draw of the said Bridge to be raised, for the purpose aforesaid, replacing the same after the passing through of such Ship, Vessel,

Drawing Bridge

or

or other article, in such way as may be proper to allow the passing over said Bridge in the usual manner. *Provided always*, That the said Draw shall not be kept raised for the purposes aforesaid, for a longer period than fifteen minutes at any one time.

Draw kept raised
beyond limited
time

IV. *And be it further enacted*, That if any such Master or other Person or Persons having the charge or direction of the Ship, Vessel, or other article, passing through said Bridge, or any other person or persons under whose direction the said Draw may be raised, shall keep the same so raised, and without properly and carefully replacing it for passage over the same, for a longer period than fifteen minutes at any one time, (except it may be for the purpose of repairing the same under legal authority) every such person or persons, so offending, shall forfeit, for each and every time he or they shall so keep the said Draw raised for such longer period, a sum not exceeding forty shillings, nor less than twenty shillings, to be adjudged in a summary way by any one or more of His Majesty's Justices of the Peace, in the name of our Sovereign Lord the King, upon the oath of one credible witness, and levied, with costs of suit, by Warrant of Distress, from off the goods and chattels of the offender, and paid over to the Surveyors of Highways at Bridgetown, to be applied to the repairs of Highways.

Damages may be
recovered for in-
juries

V. *Provided always, and be it further enacted*, That nothing herein contained shall extend, or be construed to extend, to deprive any person or persons of the right he or they may have to recover damages for any injury sustained by the keeping up of said Draw, beyond the time herein before limited, or by its not being replaced in a careful and proper manner, or by any other thing connected therewith.

CAP. X.

An ACT to secure to William Hague, and his Assigns, for a definite period, the exclusive use of the Cast Metal Patent Machine or Weigh-Bridge, for the purpose of Public Weighing in the Town of Halifax.

Preamble

WHEREAS, *William Hague proposes to import and bring into the Town of Halifax, at a large expense, a Cast Metal Patent Machine, called a Weigh-Bridge, for the purpose of weighing for the Public, at a fixed rate, in said Town, provided he can have the exclusive privilege of using such Machinery for public weighing for a certain term:—And Whereas, it is desirable that such improved Machinery should be brought into use in said Town—*

Privilege granted
to William Hague
to import and use
for ten years, a
Cast Metal Patent
Weighing Ma-
chine

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That,* from and after such time as the said William Hague shall have imported, and fully prepared for use in the Town of Halifax, at some convenient place, a Cast Metal Patent Machine or Weigh-Bridge, upon improved principles, to weigh as much as Five Tons at one time, and the same shall be such as shall meet with the approbation of the Justices in Session, or a majority of them, and be so certified, the said William Hague and his Assigns, shall have, exercise and enjoy, the right and privilege of weighing for the Public in the Town of Halifax, with such Machine, for such time during the term of Ten Years then next ensuing, as the said Machine shall be kept in good order and ready for public use, subject to the conditions of this Act. *Provided however*, That the said Machine shall be so imported, and made ready for use in said Town, within one year next after the publication hereof, and that such right and privilege shall cease and be determined at any time when the public right of using said Machine shall be withheld, or may have been suspended for the term of six months.

Proviso

II. *And be it further enacted,* That during such part of the said term of ten years as the said right and privilege shall be held and enjoyed by the said William Hague and his Assigns, it shall not be lawful for any other person or persons, to use, in or for public weighing, in said Town, or its vicinity, any such Machine, or Weigh-Bridge, as that to be so imported and brought into use by the said William Hague; but such right and privilege of using for public weighing such Weigh-Bridge as aforesaid, shall be confined to, and enjoyed exclusively by, the said William Hague, and his Assigns, for and during such term, within the said ten years, as he and they may be entitled to such right under the provisions of this Act, and shall conform thereto. *Provided always,* That nothing herein contained shall extend, or be construed to extend, to prohibit the use of the Weighing Machines at present erected and used, in said Town, or any other of a similar construction.

Privilege granted exclusively to William Hague

Proviso

III. *And be it further enacted,* That the price or fees for Weighing, and the trouble connected therewith, to be charged and taken by the said William Hague and his Assigns, for such Public Weighing with said Weigh-Bridge, shall be as follows, and no more, viz:—

Allowance for Weighing

For any article or articles weighed at one time, whose weight shall not exceed fifteen hundred weight—six pence.

For every such article or articles, so weighed at one time, whose weight shall be upwards of fifteen hundred weight, and not exceed one ton—one shilling.

And in like manner, the addition of three pence for every additional five hundred weight, and so upwards, to the next additional five hundred weight, in such way as above regulated, with regard to articles weighing from fifteen hundred weight to one ton.—*Provided,* the same do not exceed three tons at one time.

And for such article or articles, weighed at one time, as shall be of the weight of three tons or upwards, the sum of three shillings, and no more.

Provided always, That no fee or charge whatever shall be demanded, made or taken, by the said William Hague, or his Assigns, for the weight of the Cart, Waggon, Truck, Sled, or other Carriage, containing the articles so weighed by such machine; and that he and they shall be bound to weigh such Carriage free of expense, after its load shall have been discharged, so as to ascertain the true weight thereof, and shall deduct the same from the gross weight, and charge only for the net weight of the article or articles.

Proviso

V. *And be it further enacted,* That if the said William Hague, or his Assigns, shall receive for such weighing, and the giving the usual Ticket, and any other trouble connected therewith, any other or greater fees than such as are herein before specified, it shall and may be lawful for the Justices of the Peace, in any General or Quarter Sessions, held in said Town, to declare and pronounce the right and privilege herein granted to the said William Hague and his Assigns, to be determined, and the same shall thereupon be determined and cease accordingly.

Demanding more than the legal allowance for Weighing

VI. *And be it further enacted,* That the said William Hague and his Assigns, and each of them, before making use of the said Machine or Weigh-Bridge, for the purpose of Public Weighing, shall be severally sworn to the faithful discharge of their duties, as Surveyors and Weighers of Hay, and be duly qualified therefor, in manner as is prescribed by the Laws of this Province; and shall be in addition to any Surveyors and Weighers of Hay that may be appointed and qualified under the said Laws. *Provided nevertheless,* That it shall not be lawful for the said William Hague, or his Assigns, to ask or receive, for his or their services or trouble, as such Surveyor or Weigher, in any manner whatever, any other or greater fees than those herein before mentioned and appointed therefor.

William Hague and his Assigns to be severally sworn

Proviso

CAP. XI.

An ACT to provide for the Master of the Rolls in the Court of Chancery.

Preamble

WHEREAS, His Most Gracious Majesty has deemed it expedient to appoint a Master of the Rolls in the Court of Chancery in this Province, with the view of aiding His Excellency the Lieutenant-Governor, as Chancellor, in performing the various duties in the said Court.

And Whereas, it has been recommended by His Excellency the Lieutenant-Governor, to the House of Assembly, to make a suitable provision for that Officer—

Annual Salary for the Master of the Rolls

I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That there shall be allowed and paid annually for the salary of the Master of the Rolls in the Court of Chancery for the time being, the sum of Six Hundred Pounds.

No fees allowed to Master of the Rolls.

II. And be it further enacted, That the said salary, so to be allowed and paid as aforesaid, shall be in full of, and in lieu of, all fees and emoluments whatsoever; nor shall it be lawful for the Master of the Rolls hereafter, to take and receive any fee or emolument, for or in respect of his said situation of Master of the Rolls, or as a Master in Chancery, other than the salary granted by this Act; nor shall it be lawful for any Master in Chancery, after the passing of this Act, to take or receive any fees established by any Law heretofore passed, other than for Poundage on Sales, and for drawing and executing Deeds of Conveyance, or on references made to him out of Court.

What fees allowed to Masters in Chancery

CAP. XII.

An ACT to provide for the erection and support of a Light-House on Mauger's Beach, and to regulate the Light-Duties hereafter to be paid.

Preamble

WHEREAS, it has been deemed expedient, for the protection of Ships and Vessels entering the Harbour of Halifax, that a Light-House should be placed on the Beach commonly called Mauger's Beach—

1500l. appropriated for erection of Light House, on Mauger's Beach

I. Be it enacted, by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to erect, or cause to be erected, on the said Beach, a good and sufficient Light House for the aforesaid purpose, provided the cost of the same do not exceed the sum of One Thousand and Five Hundred Pounds.

Acts regulating Light-Houses extended to that at Mauger's Beach

II. And be it further enacted, That all the Provisions, Clauses and Regulations, mentioned and contained in any Act or Acts now in force, which regulate the Light-Houses of the Province, and provide for collecting the Light-Duties, and compelling the payment thereof, and regulating the expenditure of the Monies so collected, are hereby extended and made applicable to the said Light-House, whenever the same shall be established as aforesaid.

Light-Duties

III. And be it further enacted, That, from and after the publication of this Act, no Ship or Vessel whatsoever shall be liable to pay any further Light-Duty than Four Pence Currency per Ton, any Act to the contrary notwithstanding.

CAP. XIII.

An ACT to continue an Act, in addition to an Act, passed in the thirty-third year of the reign of His late Majesty King George the Second, entitled, An Act for regulating the rates and prices of Carriages.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the fiftieth year of His late Majesty's reign, entitled, An Act in addition to an Act, passed in the thirty-third year of the reign of His late Majesty King George the Second, entitled, An Act for regulating the rates and prices of Carriages, and every matter, clause and thing, therein contained, be continued, and the same are hereby continued, for five years, and from thence to the end of the next Session of the General Assembly.

Act 50th Geo. III.
cap. 7. continued

CAP. XIV.

An ACT to authorize the further issuing of Treasury Notes, and cancelling those heretofore issued.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the Lieutenant-Governor, or Commander in Chief for the time being, to appoint three fit and proper Persons as Commissioners to issue Treasury Notes, to an amount not exceeding Forty Thousand Pounds: Thirty-five Thousand whereof to be in Notes of Twenty Shillings, and the remaining Five Thousand in Notes of Ten Shillings, which said Notes shall be indented and impressed with the words "*Nova-Scotia*," signed by the Treasurer of the Province, and countersigned by not less than two of the said Commissioners, and in such form, figures and words, as the said Commissioners shall direct; all which Notes shall be dated on the first day of the month in which the same are issued; and, when so completed and signed, shall be delivered to the Treasurer, in such sums as the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, shall by Warrant direct, by the Persons appointed to countersign the same, and the Treasurer shall be accountable for such Notes so delivered to him.

Appointment of
Commissioners to
issue Treasury
Notes, to an a-
mount not exceed-
ing 40,000l.

Description of
Notes

II. *And be it further enacted*, That the said Commissioners, so to be appointed as aforesaid, before they enter upon the duties imposed by this Act, shall respectively take and subscribe, before any one of His Majesty's Justices of the Courts of Record in this Province, the following Oath:—I, A. B. do swear that I will well and faithfully do and perform what I am directed and empowered to do as a Commissioner to issue Treasury Notes, under an Act, entitled, An Act to authorize the further issuing of Treasury Notes, and cancelling those heretofore issued, and that I will not knowingly sign any more or greater amount of Treasury Notes than I am authorised to do under the said Act—So help me God: which Affidavit shall be filed in the Office of the Secretary of the Province.

Oath to be taken
by Commissioners

III. *And be it further enacted*, That when and so often as Money shall become due and payable by virtue of any Act or Acts already passed, or that may be passed, during the present Session of the General Assembly, and Warrants for the same are produced for payment to the Treasurer of the Province, he shall pay the amount of such

Warrants on the
Treasury may be
paid in Notes

Warrants

Warrants on demand, in Gold or Silver, if such be in the Treasury, or if not, then in the said Notes, to the person or persons entitled to receive the same; which Notes shall be again received at the Treasury, and also taken by the Collectors of Impost and Excise for the several Districts in this Province, at the specified value, equal to the like value in Gold and Silver when and as often as the same are presented and offered in payment of Duties.

Notes may be funded after the expiration of three Years

IV. *And be it further enacted*, That if any Person at any quarterly period, after the expiration of three years from the date of the said Notes, shall tender for payment at the Treasury, any number of Treasury Notes, amounting to not less than One Hundred Pounds in value, issued under and by virtue of this Act, in case the Treasurer shall not be able to pay the same in Gold and Silver, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, by and with the advice of His Majesty's Council, by Warrant under His Hand and Seal, to direct the Commissioners aforesaid to fund such sum or sums of Money in Treasury Notes as shall be so tendered in payment from time to time as aforesaid, and to grant Certificates to the amount thereof on interest; and the said Commissioners shall, in the presence of the said Treasurer, cancel the said Notes, by cutting therefrom the name of the Treasurer, and the year in which they are issued, and shall deliver the same to the Secretary of the Province to be examined and destroyed by the Joint Committee of His Majesty's Council and the House of Assembly, appointed to examine the Public Accounts.

Printing and completing Notes

V. *And be it further enacted*, That the Treasurer of the Province, together with the Persons appointed to countersign the said Notes, are hereby empowered to contract for and superintend the printing and completing the Blanks of such Notes as are directed to be issued by virtue of this Act.

And whereas, *it is expedient to reduce the Funded Debt of the Province—*

Notes now in circulation to be withdrawn

VI. *And be it further enacted*, That the Treasurer of the Province is hereby directed, within ten days after each quarter, to pay over to the Commissioners appointed under and by virtue of this Act, for the amount of the new Notes delivered to him, an equal sum in Notes now in circulation, or in Gold or Silver; and the Commissioners are hereby directed to cancel the Notes so paid in by the Treasurer, and with the Gold and Silver so received by them from the Treasurer as aforesaid, to call in and pay the Loan Certificates, commencing with the first Certificate on the List kept by the said Treasurer and Commissioners, with the interest thereon, up to the end of the said quarter.

Payment of Loan Certificates

Counterfeiting of Notes

VII. *And be it further enacted*, That if any Person or Persons whatsoever shall counterfeit any Treasury Notes issued by virtue of this Act, or alter any of the same so that they shall appear to be of greater value than when originally issued, or shall knowingly pass or give in payment any of the said Notes so counterfeited or altered, every Person convicted thereof, shall be set in the Pillory for the space of one whole hour, and one of the ears of such offender shall be nailed thereto, and such offender shall be publicly whipped through the streets of the Town or Place where such offence shall have been committed, and shall pay all charges of the prosecution.

CAP. XV.

An ACT to enable the Trustees of the Common of Lunenburg to lease the same for the improvement thereof.

Preamble

WHEREAS, *the Common belonging to the Township of Lunenburg has run to waste, and become of little value from want of cultivation—*

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly,* That, from and after the publication of this Act, it shall and may be lawful for the Trustees of the aforesaid Common, to make Leases of such parts thereof, as they may think proper, for any term or terms not exceeding ten years, which Leases shall contain such provisoes, covenants, and conditions, as the said Trustees may judge best for the improvement of the said Common, and the due regulation of such Leases, and shall be sufficient to convey to the person or persons to whom the same may be so made, such Estate as may be therein expressed, subject to the conditions and covenants therein contained.

Common of Le-
nburg may be
leased

II. *And be it further enacted,* That whatever sums of Money shall be received by the said Trustees as rent under the aforesaid Leases, the same shall be applied and made use of, by the said Trustees, for the general benefit and improvement of said Common, in such way as they shall deem most adviseable, and the expenditure thereof accounted for to the General Sessions of the Peace.

Rents to be ap-
plied to its im-
provement

CAP. XVI.

An ACT to alter and continue the Acts for the regulation of the Militia.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the first year of His present Majesty's Reign, entitled, An Act to provide for the greater security of this Province, by a better regulation of the Militia, and to repeal the Militia Laws now in force; and also, an Act, passed in the fourth year of His said Majesty's reign, to alter and continue the said Act, and every matter, clause and thing, in the said Acts contained, except so much thereof as may be hereby altered, shall be continued, and the same are hereby continued for one year, and from thence to the end of the next Session of the General Assembly.

Acts of 1 and 2
Geo 4 cap 1, and
4 Geo 4 cap 4,
continued

II. *And be it further enacted,* That hereafter, instead of the Four Meetings of Militia, for the purpose of training, as directed by the twenty-seventh Section of the first mentioned Act hereby continued, the Militia shall be called out and assemble twice in the year, and no more, either by the entire Regiment or Battalion, or by such Detachments as the Commanding Officers of the respective Regiments or Battalions shall direct, and on such days as the Governor may appoint for that purpose.

Militia to assem-
ble twice in each
year

III. *And be it further enacted,* That instead of the fines imposed by the twenty-eighth Section of the said Act, for non-attendance at any Regiment or Battalion Meeting, each and every Militia-man, not attending such meeting; conformably to Law, shall, for the first offence, be subject to a fine of Ten Shillings, and for the second like offence, in the same year, to a fine of Twenty Shillings, which fines for non-attendance shall be sued for, prosecuted and recovered, and be applied conformably to the provisions of the said continued Acts, by the Clerk of the Company to which the offender may belong, but in the name of the Commanding Officer of such Company, instead of the Clerk thereof; and that such Clerk shall be a competent witness, upon such prosecution: any law, usage, or custom, to the contrary notwithstanding.

Fines for non-at-
tendance at Train-
ings

IV. *And be it further enacted,* That in all cases of appeal, to a Board of Officers, against any fine according to the provisions of the Acts hereby continued, the notice of such appeal thereby prescribed, shall be given in writing; which notice shall be laid before the Board of Officers appointed to consider such appeal, at their meeting, for that purpose; and no appeal shall be by them considered, unless such notice of the same shall have been so given in writing: and notice of the time of meeting of the Board to consider the appeals, shall be given by the Clerk to the Appellant.

Appeals against
Fines

Improper conduct
of Militia-men on
Parade

V. *And be it further enacted*, That the fine to which every enrolled Militia-man appearing on parade, who shall refuse or neglect to perform Militia duty, or shall depart from his Company without leave from the Commanding Officer of the Regiment, Battalion, or Company, to which he shall belong, is made subject, under and by the twenty-eighth Section of the said first mentioned continued Act, shall be imposed by the then present Commanding Officer of the Regiment or Battalion, or Detachment thereof, on parade, in place of the Commanding Officer of the Company, as provided in and by the said Section.

Militia protected
from arrest, on
days of training

VI. *And be it further enacted*, That each and every Militia-man, duly enrolled according to the provisions of said continued Acts, and who shall have received notice of any Militia muster or training, conformably thereto, shall be wholly free and exempt from arrest, under and by virtue of any civil process during the days on which such muster or training shall take place: *Provided*, he shall attend the same, or shall be proceeding from his place of residence towards the place of such muster or training, for the purpose of such attendance, or returning therefrom; and every such arrest, if made, is hereby declared to be wholly void; and every Sheriff or other Officer, actually making such arrest, shall be subject and liable to an Action for damages at the suit of the party who shall be so arrested.

CAP. XVII.

An ACT in addition to an Act, made and passed in the fifty-fourth year of His late Majesty's reign, relating to the quality and exportation of Ton Timber.

Ton Timber to be
marked

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the publication of this Act, each and every Surveyor and Surveyors of Ton Timber, who shall be called upon either by the Vendor or Purchaser thereof, shall, at the time of making survey of the same, mark in figures on each and every stick of Ton Timber, by him surveyed, the exact number of square feet such stick shall contain, together with the initial letters of his own name, and that of the private mark of the purchaser, and shall forthwith make out and deliver to such Vendor or Purchaser a Bill of Survey of such Timber, specifying the number and contents of each stick, the quality thereof, whether hardwood, pine, spruce, or other kind of Timber; and also, whether the same be merchantable or not merchantable, according to the provisions of the Act to which this is in addition.

Defacing Marks

II. *And be it further enacted*, That if any Person shall cut, deface, or otherwise destroy, any marks, so to be made upon any stick of Ton Timber, without the knowledge or permission of the owner thereof, every such person, so offending, shall forfeit and pay for every such offence, a sum not exceeding Twenty Shillings, nor less than Five Shillings; to be recovered on the oath of one or more credible witness or witnesses, or on the confession of the party, before any one of His Majesty's Justices of the Peace, in and for the County or District where such offence shall have been committed; the same to be levied with lawful costs either on the person or property of the offender, and paid to the informer.

CAP. XVIII.

An ACT for the Relief of Roman Catholics.

WHEREAS, *Liberty of Conscience in all matters of religious belief, and freedom in regard to all religious rites and ordinances, are the undoubted right and privilege of His Majesty's Subjects in this Province:* Preamble

And Whereas, by a Statute of the General Assembly of this Province, passed in the twenty-third year of the Reign of His late Majesty King George the Third, entitled, "An Act for the relieving His Majesty's Subjects professing the Popish Religion from certain penalties and disabilities imposed upon them by two Acts of the General Assembly of this Province, made in the thirty-second year of His late Majesty's Reign, entitled, *An Act confirming Titles to Land, and quieting Possessions; and An Act for the establishment of Religious Public Worship in this Province, and for suppressing of Popery*"—the said penalties and disabilities were repealed, subject to certain conditions specified in the fifth and sixth Sections of the said Act.

And Whereas, the said fifth and sixth Sections ought to be repealed—

It is therefore enacted, That the fifth and sixth Sections of the said Act, passed in the twenty-third year of His late Majesty's Reign, entitled as aforesaid, and every matter and thing, in the said fifth and sixth Sections contained, shall be, and the same are hereby, altogether repealed; and His Majesty's said Subjects in this Province, professing the Roman Catholic Religion, shall henceforth be entirely free and exempt from all the penalties and disabilities aforesaid. Sec. 5th & 6th of Act 23 Geo 3 cap 9, repealed

CAP. XIX.

An ACT to repeal the last Clause of the Act to prevent the circulation of base and counterfeit Halfpence, and other Copper Coin, and to establish the current value of English Crowns, Half Crowns and Shillings, in this Province.

WHEREAS, *it is found expedient to repeal so much of the said Act as fixes, at a certain standard, the current value of the English Crown-piece, and the several proportions thereof, so that in future such Coin may pass current in this Province according to the actual value—* Preamble

It is therefore enacted, by the Lieutenant-Governor, Council and Assembly, That the last Section of the Act, passed in the twenty-eighth year of the Reign of His late Majesty King George the Third, entitled, *An Act to prevent the circulation of base and counterfeit Halfpence, and other Copper Coin, and to establish the current value of English Crowns, Half Crowns, and Shillings, in this Province, and every matter and thing, in the said Clause contained, shall be, and the same are hereby, repealed.* Last Section of Act 28th Geo 3 cap 9, repealed

CAP. XX.

An ACT to suspend the operation of several Acts of the General Assembly, passed to prevent Forestalling, Regrattling and Monopolizing.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the thirty-second year of the Reign of His Majesty King George the Acts of 32 Geo 2 cap 10, and 6 Geo 3 cap 6, suspended

the Second, entitled, An Act to prevent Forestalling the Market; and also the Act, passed in the sixth year of His late Majesty King George the Third, entitled, An Act against Forestallers and Regrators, and every matter, clause and thing, in the said Acts contained, shall be, and the same are hereby, suspended for the term of five years, from the passing of this Act.

Continued for five years

II. *And be it also enacted*, That this Act shall be in force for five years and no longer.

CAP. XXI.

An ACT to suspend the operation of the Acts to prevent forestalling, regrating and monopolizing, of Cord Wood, in the Town of Halifax.

Act 18th Geo. III.
Cap. 5, suspended
for five years

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the eighteenth year of His late Majesty's Reign, entitled, An Act to prevent forestalling, regrating, and monopolizing, of Cord Wood, in the Town of Halifax; and also, the several Acts, passed by the General Assembly, to amend the said Act, and to continue the said amending Acts; and every matter, clause and thing, in the said Acts contained, shall be, and the same are hereby suspended, for the term of five years, from the passing of this Act.

Continued for five years

II. *And be it also enacted*, That this Act shall be in force for five years, and no longer.

CAP. XXII.

An ACT to continue the Act to prevent Disorderly Riding, and to regulate the Driving of Carriages on the Streets of Halifax, or other Towns, or on the Public Roads of this Province, and for repealing certain Acts therein mentioned.

Act 4th Geo. IV
Cap. 39, continued

BE it enacted by the Lieutenant-Governor, Council and Assembly, That the Act passed in the fourth year of His present Majesty's Reign, entitled, An Act to prevent Disorderly Riding, and to regulate the Driving of Carriages on the Streets of Halifax, or other Towns, or on the Public Roads of this Province, and for repealing certain Acts therein mentioned; and every matter, clause and thing, in the said Act contained, be continued, and the same are hereby continued, for five years, and from thence to the end of the next Session of the General Assembly.

CAP. XXIII.

An ACT to continue an Act respecting Aliens coming into this Province, or residing therein.

Act 38th Geo.
III. cap. 1, con-
tinued

BE it enacted by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the thirty-eighth year of His late Majesty's reign, entitled, An Act respecting Aliens coming into this Province, or residing therein; and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued, for one year, and from thence to the end of the next Session of the General Assembly.

CAP

CAP. XXIV.

An ACT to continue the Act for establishing a Bridewell, or House of Correction, for the County of Halifax, and for providing a Police Office in said Town, with proper Officers to attend the same.

BE it enacted by the Lieutenant-Governor, Council and Assembly, That an Act, Act 55th Geo. III. Cap. 9, continued passed in the fifty-fifth year of His late Majesty's Reign, entitled, An Act for establishing a Bridewell, or House of Correction, for the County of Halifax, and for providing a Police Office in said Town, with proper Officers to attend the same; and every matter, clause and thing, therein contained, be continued, and the same are hereby continued, for one year, and from thence to the end of the next Session of the General Assembly.

CAP. XXV.

An ACT to continue an Act for the Summary Trial of Actions, and the Act in amendment thereof.

BE it enacted by the Lieutenant-Governor, Council and Assembly, That the Act, Acts of 3 Geo. IV. cap. 30, and 6 Geo. IV cap. 10, continued passed in the third year of His present Majesty's Reign, entitled, An Act for the Summary Trial of Actions; and also the Act in amendment thereof, passed in the last Session of the General Assembly; and every matter, clause and thing, in the said Acts contained, shall be continued, and the same are hereby continued, for one year, and from thence to the end of the next Session of the General Assembly.

CAP. XXVI.

An ACT to continue the Act for the better preservation of the Property of the Inhabitants of the Town of Halifax, by providing for a sufficient Watch at Night.

BE it enacted by the Lieutenant-Governor, Council and Assembly, That an Act, Act 58th Geo. III. cap. 12, continued passed in the fifty-eighth year of His late Majesty's reign, entitled, An Act for the better preservation of the property of the Inhabitants of the Town of Halifax, by providing for a sufficient Watch at Night, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued, for one year, and from thence to the end of the next Session of the General Assembly.

CAP. XXVII.

An ACT to continue the several Acts relating to the Light House erected on Cranberry Island, near the entrance of the Gut of Canso.

BE it enacted by the Lieutenant-Governor, Council and Assembly, That an Act, Acts continued passed in the third year of His present Majesty's reign, entitled, An Act to provide

Acts of 3 Geo. 4, cap. 25, 4 Geo. 4, cap. 21, and 6 Geo. 4, cap. 26, continued

vile for the support of a Light-House erected on Cranberry Island, near the entrance of the Gut of Canso; also the Act, passed in the fourth year of His said Majesty's reign, to continue, alter and amend, the said Act; also an Act, passed in the last Session of the General Assembly, to alter and continue the said Acts, and every matter, clause and thing, in the said several Acts contained, shall be continued, and the same are hereby continued, for one year, and from thence to the end of the next Session of the General Assembly.

CAP. XXVIII.

An ACT to continue an Act, entitled, An Act in further addition to the Act relating to Wills, Legacies and Executors, and for the Settlement and Distribution of the Estates of Intestates.

Act 52d Geo. III cap. 8, continued

BE it enacted by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the fifty-second year of His late Majesty's reign, entitled, An Act in further addition to the Act relating to Wills, Legacies and Executors, and for the Settlement and Distribution of the Estates of Intestates, and every matter, clause and thing, therein contained, be continued, and the same are hereby continued for one year, and from thence to the end of the next Session of the General Assembly.

CAP. XXIX.

An ACT to continue the several Acts respecting the Liverpool Light-House.

Acts 52 Geo. III. cap. 4, and 59 Geo. III. cap. 26, continued

BE it enacted by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the fifty-second year of His late Majesty's Reign, entitled, An Act to provide for the support of a Light-House on the south end of Coffin's Island, on the eastern side of the entrance of Liverpool Harbour; also, the Act, passed in the fifty-ninth year of His Majesty's Reign, to revive, continue and amend, the said Act, and every matter, clause and thing, in the said Acts contained, shall be continued, and the same are hereby continued, for one year, and from thence to the end of the next Session of the General Assembly.

CAP. XXX.

An ACT to continue an Act, entitled, An Act relating to the Court of Commissioners at Halifax.

Act of 4 and 5 Geo. 4 cap. 36, continued

BE it enacted by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the fourth year of His present Majesty's reign, entitled, An Act relating to the Court of Commissioners at Halifax, and every matter, clause and thing, therein contained, be continued, and the same are hereby continued, for one year, and from thence to the end of the next Session of the General Assembly.

CAP. XXXI.

An ACT to continue an Act, entitled, An Act more effectually to secure the payment of the Provincial Duties of Excise, and to prevent Frauds in the collection of the Provincial Revenue.

BE it enacted by the *Lieutenant-Governor, Council and Assembly*, That the Act, made and passed in the third year of His present Majesty's Reign, entitled, An Act more effectually to secure the payment of the Provincial Duties of Excise, and to prevent Frauds in the collection of the Provincial Revenue; and every matter, clause and thing, in the said Act contained, shall be continued, and the same are hereby continued, until the twenty-fifth day of March, which will be in the year of our Lord one thousand eight hundred and twenty-sever

Act 3d Geo. IV.
cap. 24, continued

II. *And be it further enacted*, That all the Provisions and Regulations of the said Act shall, so far as they may or can be applicable thereto, extend unto, and be applied to, all articles whatsoever, which, by force or virtue of any Acts of the present Session of the General Assembly, shall be made chargeable with any Duties, or be declared entitled to any drawback of duties whatsoever.

Articles chargeable with duties, or entitled to drawback

CAP. XXXII.

An ACT to continue the several Acts of the General Assembly, for raising a Revenue to repair the Roads throughout the Province, by laying a Duty on Persons hereafter to be licensed to keep Public Houses and Shops for the retail of Spirituous Liquors.

BE it enacted, by the *Lieutenant-Governor, Council and Assembly*, That an Act, passed in the thirty-ninth year of His late Majesty's reign, entitled, An Act for raising a Revenue to repair the Roads throughout the Province, by laying a Duty on Persons hereafter to be licensed to keep Public Houses and Shops for the retail of Spirituous Liquors, and for regulating such Public Houses and Shops; also, the several Acts, passed in the forty-first, forty-sixth, and fifty-fifth years of His late Majesty's Reign, for reviving, altering, continuing and amending, and adding to, the said Act; and every matter, clause and thing, in the said Acts contained, be continued, and the same are hereby continued in force, until the twenty-fifth day of March, which will be in the year of our Lord One Thousand Eight Hundred and Twenty-seven, and no longer.

Acts of 89 Geo. 3, cap. 13, 41
Geo. 3, cap. 12,
46 Geo. 3, cap. 3,
and 55 Geo. 3, cap. 17, continued

CAP. XXXIII.

An ACT to continue the Act to provide for the accommodation and billeting of His Majesty's Troops, or of the Militia, when on their march from one part of the Province to another, and also the Acts in amendment thereof.

Acts of 48 Geo. 3,
cap. 2, 51 Geo. 3,
cap. 5, and 53,
Geo. 3, cap. 17,
continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, made in the forty-eighth year of His late Majesty's Reign, entitled, An Act to provide for the accommodation and billeting of His Majesty's Troops, or of the Militia, when on their march from one part of the Province to another; and also, the Acts, passed in the fifty-first and fifty-third years of His late Majesty's Reign, in amendment thereof; and every matter, clause and thing, in the said Acts contained, shall be continued, and the same are hereby continued, for one year, and from thence to the end of the next Session of the General Assembly.

CAP. XXXIV.

An ACT to continue an Act, passed in the Sixth year of His present Majesty's Reign, entitled, An Act to allow a Drawback on Foreign Flour, and other Articles, exported to Foreign Countries.

Act 6th Geo. 4,
cap. 35, continu-
ed

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the sixth year of His present Majesty's Reign, entitled, An Act to allow a Drawback on Foreign Flour, and other Articles, exported to Foreign Countries; and every matter, clause and thing, in the said Act contained, shall be continued, and the same are hereby continued, until the twenty-fifth day of March, which will be in the year of our Lord one thousand eight hundred and twenty-seven, and no longer.

CAP. XXXV.

An Act to continue the Acts for granting a Drawback of the Duties on Brown or Raw Sugar, used in the Manufacture of Refined Sugars within the Province, and for regulating the mode of obtaining the same.

Acts of 57 Geo.
3, cap. 23, and 6
Geo. 4, cap. 83,
continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the fifty-seventh year of His late Majesty's reign, entitled, An Act for granting a Drawback of the Duties on Brown or Raw Sugar, used in the manufacture of refined Sugars within the Province, and for regulating the mode of obtaining the same; and also, the Act, passed in the last Session of the General Assembly, to revive, amend and continue, the said Act, and every matter, clause, and thing, in the said Acts contained, shall be continued, and the same are hereby continued in force, until the twenty-fifth day of March, which will be in the year of our Lord One Thousand Eight Hundred and Twenty-seven, and no longer.

CAP. XXXVI.

An ACT to provide for the support of His Majesty's Government in this Province, and for promoting its Agriculture, Commerce and Fisheries, by continuing and amending an Act of the General Assembly, for granting Duties of Impost on Wine, Brandy, Gin, Rum, and other Distilled Spirituous Liquors, Molasses, Coffee and Brown Sugar.

BE it enacted by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the fifty-fifth year of His late Majesty's Reign, entitled, An Act for granting to His Majesty certain Duties on Wine, Brandy, Gin, Rum, and other Distilled Spirituous Liquors, Molasses, Coffee and Brown Sugar, for the support of His Majesty's Government, and for promoting the Agriculture, Commerce, and Fisheries, of this Province; and every matter, clause and thing therein contained, save and except the first, twenty-first, twenty-second, twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh and twenty-eighth Sections of the said Act, and except, so far as the said Act is hereinafter altered or amended, shall be continued, and the same are hereby continued until the twenty-fifth day of March, which will be in the year of our Lord One Thousand Eight Hundred and Twenty-Seven, and no longer.

Act 55th Geo.
III cap. 2, [except
certain Sections]
continued

II. And be it further enacted, That instead, and in lieu, of the Duties in the first Clause of the said Act hereby continued, there shall be substituted, raised, levied, collected, and paid to His Majesty, His Heirs and Successors, on all Wine, Brandy, Gin, Rum, and other Distilled Spirituous Liquors, Molasses, Coffee, and Brown Sugar, Maple Sugar only excepted, which shall, or may hereafter be imported, or brought into this Province, or manufactured therein, the respective rates and impositions following, that is to say:—

Duties payable on
Wines, Brandy,
Gin, Rum, Molas-
ses, Sugar, Coffee

For and upon the following Wines, that is to say:—Champagne, Madeira, Port, Claret, Lisbon and Sherry, two shillings per Gallon.

For and upon all other Wines, one shilling and six-pence per Gallon.

For and upon all Brandy, Gin, and Spirits, the manufacture of the United Kingdom, one shilling per Gallon.

For and upon all other Brandy, Gin, and Cordials, one shilling and four-pence per Gallon.

For and upon all Shrub, one shilling per Gallon.

For and upon all Rum, and other Distilled Spirituous Liquors, one shilling and one penny per Gallon

For and upon all Rum, and other Spirituous Liquors, distilled in this Province, six-pence per Gallon.

For and upon every Gallon of Molasses, one penny.

For and upon every Pound of Coffee, one penny half-penny.

For and upon every hundred weight of Brown Sugar, Maple Sugar excepted, four shillings.

All which said Duties shall be paid by the Importer or Manufacturer, of such Articles, and shall be collected and secured by the means, and under the regulations and penalties, and shall be drawn back on exportation, in the way and manner in and by the above recited Act, and in this Act, provided and contained.

III. *Provided always, and be it further enacted,* That all Goods and Merchandize,

Articles subject to duty by Act of Imperial Parliament exempted from duty under this Act

the growth, produce or manufacture, of any Foreign Country or Place, not under the Dominion of His Majesty, and subject to the Duties imposed by the Statute of the Imperial Parliament of Great-Britain and Ireland, passed in the sixth year of His Majesty's reign, and entitled, An Act to regulate the Trade of the British Possessions abroad, shall be wholly free and exempt from the Duties imposed by this Act.

Time allowed for payment of duties articles warehoused

IV. *And be it further enacted*, That whenever any Articles, chargeable with Duty under this Act, shall be warehoused in the manner prescribed by the said Statute of the Imperial Parliament, then, and in every such case, the party by whom the said Duties were secured, shall be allowed Credit, and further time, for the payments due upon his securities, for such of the Articles as there remain, and until they shall be taken out of the Warehouse. *Provided always*, That the said Articles have not remained in the Warehouse longer than one year from the date of the security taken for the duty thereon.

Manifests of Cargoes of Vessels arriving in Ports of Nova-Scotia

V. *And be it further enacted*, That the Master of every Registered Vessel, shall, within twenty-four hours after its arrival in any Port, Harbour, or Creek, of this Province, render an account or report in writing, to the Collector of Impost and Excise, for the District in which such Vessel shall arrive, of the articles of Cargo laden on board such Vessel, at her last Port, and then on board the same, and shall verify the said account or report by the following Oath:—

Oath to be taken by Master

I, A. B. do solemnly swear, that the account or report which I have now made and subscribed, contains a true and just account of all the articles of every description laden on board the called the at and that I have not landed, or suffered to be landed, sold, delivered, bartered or exchanged, from or out of the said any articles whatever at any port or place within this Province, or on the coast thereof, since my sailing from So help me God.

Penalty to which Masters are liable for breaking bulk previous to entry

VI. *And be it further enacted*, That if any Master of any Registered Vessel shall neglect to render the account or report aforesaid, or shall break bulk of or on board of such vessel, or shall unlade or land any article whatever, before he shall have rendered the said account, or report, such Master, or the Owner of such registered vessel, shall forfeit and pay the sum of Twenty Pounds, to be recovered by bill, plaint, or information, in any Court of Record of this Province; one half to His Majesty, His heirs and successors, for the support of the Government of this Province; the other half to the person who shall sue for the same, with costs of suit.

Live Stock or perishable articles may be landed previous to entry

VII. *And be it further enacted*, That in case any Coasting Vessel shall arrive at the Port of Halifax, with Live Stock, or other perishable articles, on the deck of such vessel, after the hours of transacting business at the Office of Impost and Excise there are passed, it shall and may be lawful for the Collector of Impost and Excise, the Gauger, or either of the Tide Waiters, to permit and suffer the Master thereof to unlade the Live Stock, and other perishable articles, before rendering the report or account herein before required to be made and rendered.

Seizures

VIII. *And be it further enacted*, That if any Ship, Vessel or Goods, shall be seized for any cause of forfeiture, and any dispute shall arise touching a breach of the Revenue Laws, or whether the Duties for such Goods have been paid, or whether the same have been legally imported, or exported, or concerning the place from whence such Goods were brought, then and in such case, the proof thereof shall lie upon the owner or claimant of such Ship, Vessel or Goods, and not upon the officer who shall seize or stop the same; any Law, usage or custom, to the contrary notwithstanding.

Drawbacks

IX. *And be it further enacted*, That upon the exportation from this Province of any articles, chargeable with duty under this Act or the Act hereby continued, and upon compliance with, and observance of, all the Rules and Regulations from time to time

in force, respecting drawbacks of the Impost Duty, there shall be allowed to the owner or exporter, in the manner prescribed for the payment or allowance of Drawbacks, the whole Duty of Impost by this Act, or the said continued Act, paid or payable upon the articles exported, and no part of such Duty shall be retained as a Sunk Duty; any thing in the said continued Act to the contrary notwithstanding. *Provided always,* That the articles exported amount in quantity to the Weight or Measure in the said Act limited for the allowance of Drawbacks.

X. *And be it further enacted,* That every person employed by the Collector of Impost and Excise, for the District of Halifax, as a Waiter, Extra Waiter, or Temporary Waiter, shall have all the powers and authority to enter on board any Ship or Vessel, and to seize any Ship, Vessel, Boat, Cart, Waggon, Truck, Sled, or Horse, and to sue for any penalties or penalty, that are now by Law possessed by the Collector, Land Waiter or Guager; and the person making any seizure, or prosecuting for any penalty, shall be entitled to one half of such seizure or penalty, and no Officer, or Person employed in the service of the Provincial Revenue, shall be entitled to any part of any seizure or penalty, save and except the Officer or Person who shall actually have made the seizure, or shall have been the means of recovering any such penalties respectively.

Powers vested in Waiters

XI. *And be it further enacted,* That the Act, passed in the first year of His present Majesty's Reign, entitled, An Act to impose an additional duty on Wine hereafter to be imported into this Province, and to appropriate the same for the payment of the Interest of the Funded Debt of the Province, and every clause, matter and thing, in that Act contained, shall, on the twenty-fifth day of March in this present year, cease, determine, and be wholly repealed.

Act 1st & 2d Geo. IV Cap 33 repealed

XII. *And be it further enacted,* That this Act, and every matter and thing herein contained, shall continue and be in force from the twenty-fifth day of March in the present year, until the twenty-fifth day of March, which will be in the year One Thousand Eight Hundred and Twenty-Seven, and no longer.

Continuance of Act

CAP. XXXVII.

An ACT for the further increase of the Revenue of the Province, by continuing and amending an Act of the General Assembly for raising a Duty of Excise.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act passed in the thirty-second year of His late Majesty's Reign, entitled, An Act for the further increase of the Revenue, by raising a Duty of Excise on all Goods, Wares and Merchandize, imported into this Province; and every matter and thing in the said Act contained, save and except the third, fourth, fifth and sixth Sections of the said Act, and except so far as the said Act is hereinafter altered, or amended, shall be continued, and the same are hereby continued, until the twenty-fifth day of March, which will be in the year of our Lord One Thousand Eight Hundred and Twenty-Seven, and no longer.

Act 32d Geo. III Cap 13 (with exceptions) continued

II. *And be it further enacted,* That on all Goods, Wares and Merchandize, by the said Act chargeable with a Duty of Two Pounds and Ten Shillings for every Hundred Pounds worth thereof, there shall be raised, levied, collected and paid, an additional Duty of Excise, after the rate of One Pound and Five Shillings, to be calculated on the first cost of every Hundred Pounds worth of such Goods imported into, and consumed in this Province, and so in proportion for a greater or less quantity thereof.

Duty to be paid on Goods, Wares and Merchandize

III.

Articles exempted
from duty

III. *And be it further enacted*, That the following Articles shall be free and exempt from the Duties of Excise imposed by the said Act of the thirty-second year of the Reign of His late Majesty, and by this present Act, to say—all Goods, Wares and Merchandize, chargeable with any Duty under any other Act of the present Session of the General Assembly; also Flour, Meal, Grain, and Lumber of all kinds; also, Salt, Coals, Pitch, Tar, Turpentine, Fish, Fish Oil, Furs and Skins of all kinds, Iron in Bars and Bolts, unwrought Iron, Cast Iron Machinery for Mills, Hemp, Anchors, Grapnals, Copper used in Ship Building, Iron Cables, Sail Cloth, Cordage, Nets, Twine, Lines and Fish Hooks; and also, Salted Beef, Salted Pork, Butter and Cocoa, imported for the use of His Majesty's Army or Navy, by any Contractor or Commissary, actually in His Majesty's Service, and with respect to which the conditions and directions by the Seventh Section of the Act hereby continued, are or may be in all things observed: all which said enumerated and described articles shall and may be imported into, and consumed within, this Province, free from all Duties under the present and the above continued Act.

Collection of Du-
ties

IV. *And be it further enacted*, That the Duties imposed by the Act hereby continued, and by the present Act, shall be raised, levied, collected and paid, by the ways, means, rules, provisions and directions, and under the exemptions, regulations, forfeitures and penalties, expressed, prescribed and declared, in the Act hereby in part continued; and also, in the Act of the present Session of the General Assembly, entitled, An Act to provide for the support of His Majesty's Government in this Province, and for promoting its Agriculture, Commerce and Fisheries, by continuing and amending an Act of the General Assembly, for granting Duties of Impost on Wine, Brandy, Gin, Rum, and other distilled Spirituous Liquors, Molasses, Coffee and Brown Sugar, and also in the said continued Act; and all the Clauses of the said two last mentioned Acts, so far as the same can or may be made applicable thereto, are hereby applied to the Goods hereby made chargeable with a Duty of Excise, and to the Importation thereof.

Drawbacks allow-
ed

V. *And be it further enacted*, That the whole Duties of Excise, hereby made payable or chargeable, under the Act hereby continued, shall be drawn back on exportation of any Articles chargeable therewith, of the value of One Hundred Pounds Sterling, for the first cost thereof, and such drawback of duty shall be allowed in the manner, and under the conditions, penalties and regulations, prescribed with respect to Drawbacks of the Impost Duties upon Wine, Brandy, Rum and other distilled Spirituous Liquors, Molasses, Coffee and Brown Sugar.

Articles subject
to duties, may be
warehoused

VI. *And be it further enacted*, That the articles hereby subject to Excise Duties as aforesaid, shall and may be warehoused, and credit shall be allowed for the said Duties in the same manner as the said Articles, subject to Impost Duty, may be warehoused, and credit given for the payments of duty due thereon.

Differences arising
between Collectors
of Excise and
Importers how to
be settled

VII. *And be it further enacted*, That whenever any difference shall arise between a Collector of Impost and Excise, and the Owner or Importer of any Article, by this Act or the Act hereby continued, subject to Duty of Excise, as to the quantity, quality, or value thereof, such difference shall be settled by three Merchants, mutually to be chosen by the said Collector, and the Owner or Importer, and the opinion of two of the said Merchants shall be final. *Provided always*, That such Collector shall retain in his custody the Articles upon which the difference shall arise until the same shall be adjusted.

Contents of Pack-
ages

VIII. *Provided always, and be it further enacted*, That the Master of any Vessel importing Goods subject to the said Duties of Excise, shall not be compelled to disclose the contents of the several Packages, laden on board of his Vessel, in any other shape, manner or form, than he would be compelled to disclose the same at His Majesty's Custom-House in Halifax.

IX. *And be it further enacted,* That if any Goods of the value of Five Pounds or upwards, and subject to the said Duties of Excise, shall hereafter be found in the possession or custody of any Shopkeeper or Trader, without a Certificate that the Duty of Excise hath been paid or secured thereon, such Shopkeeper or Trader shall be subject, for such offence, to a penalty not less than five pounds, nor more than fifty pounds.

Certificates of Duties having been paid, may be demanded of Shopkeepers

X. *And be it further enacted,* That whoever shall have in possession any article subject to Excise Duty, under this Act, or the Act hereby continued, of the value of Fifty Pounds or upwards, and whereon such Duty shall not be paid or secured, as required by Law, with respect to the articles chargeable with Impost Duty—such persons shall be subject to the like penalties, and the Goods to the like forfeitures, as articles chargeable with Impost would be in similar circumstances; and all penalties and forfeitures in respect to Goods chargeable with Excise Duties, shall be sued for, prosecuted, condemned, and recovered, and be applied, and be distributed, in the like manner as penalties or forfeitures incurred, in respect to articles subject to the said Impost Duties.

Violations of this Act

XI. *And be it further enacted,* That out of the Monies which shall hereafter be secured, collected, and paid, in Cash, into the Treasury of the Province, by the Collector of Impost and Excise, for the District of Halifax, by virtue of the Act hereby continued, or by virtue of this Act, there shall be allowed and paid to the said Collector the sum of three pounds ten shillings for every hundred pounds so by him collected and paid into the Treasury. *Provided always,* That if the amount of the Commission granted by this Act, or any other Act of the General Assembly, to the Collector of Impost and Excise, for the District of Halifax, shall exceed in the whole the sum of Seven Hundred Pounds, for the year ending on the eighteenth day of March, One Thousand Eight Hundred and Twenty-Seven, the surplus shall be accounted for, and paid by the said Collector into the Treasury of the Province.

Allowance to Collector of Impost and Excise at Halifax

XII. *And be it further enacted,* That all Monies which shall be paid into the Treasury by virtue of this and the before recited and continued Act, shall from time to time be drawn for by the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, by warrant under his Hand and Seal, pursuant to the instructions and directions of His Majesty, in payment and discharge of any Monies appropriated, or to be appropriated, by any Act or Acts of the General Assembly.

Revenue applied to the payment of Appropriations

XIII. *And be it further enacted,* That this Act shall continue and be in force from the twenty-fifth day of March, in the present year, until the twenty-fifth day of March, which will be in the year of our Lord One Thousand Eight Hundred and Twenty-Seven and no longer.

Continuance of Act

CAP. XXXVIII.

An ACT to facilitate the Establishment of Banks for Savings.

BE it enacted by the Lieutenant-Governor, Council and Assembly, That whenever any Bank or Institution for Savings, and for receiving the Deposits of the Poor, or of the Labouring Classes, shall be formed in this Province, it shall be lawful for the Lieutenant-Governor, with the advice of His Majesty's Council, to incorporate the Trustees, or persons appointed to manage the affairs thereof, by Letters Patent under the Great Seal of the Province, and to grant thereby all such corporate rights and privileges as shall be necessary for the management and well-being of the Institution, or as are usually granted thereto in England.

Incorporation of Saving Banks

Sums of £100 and upwards may be funded at the Treasury

II. *And be it further enacted,* That the Trustees of every such Bank for Savings shall, and they are hereby authorized, upon the first day of January, of April, of July, or of October in any year, to pay the Monies, from time to time deposited with them or remaining in their hands, on account of the Contributors to such Institution, into the Treasury of the Province, in sums of not less than One Hundred Pounds each, which payment shall be placed to the credit of the Trustees. *Provided always,* That the sums so to be paid into the Treasury, shall not exceed in the whole Fifteen Thousand Pounds.

Certificates to be granted by Treasurer bearing interest

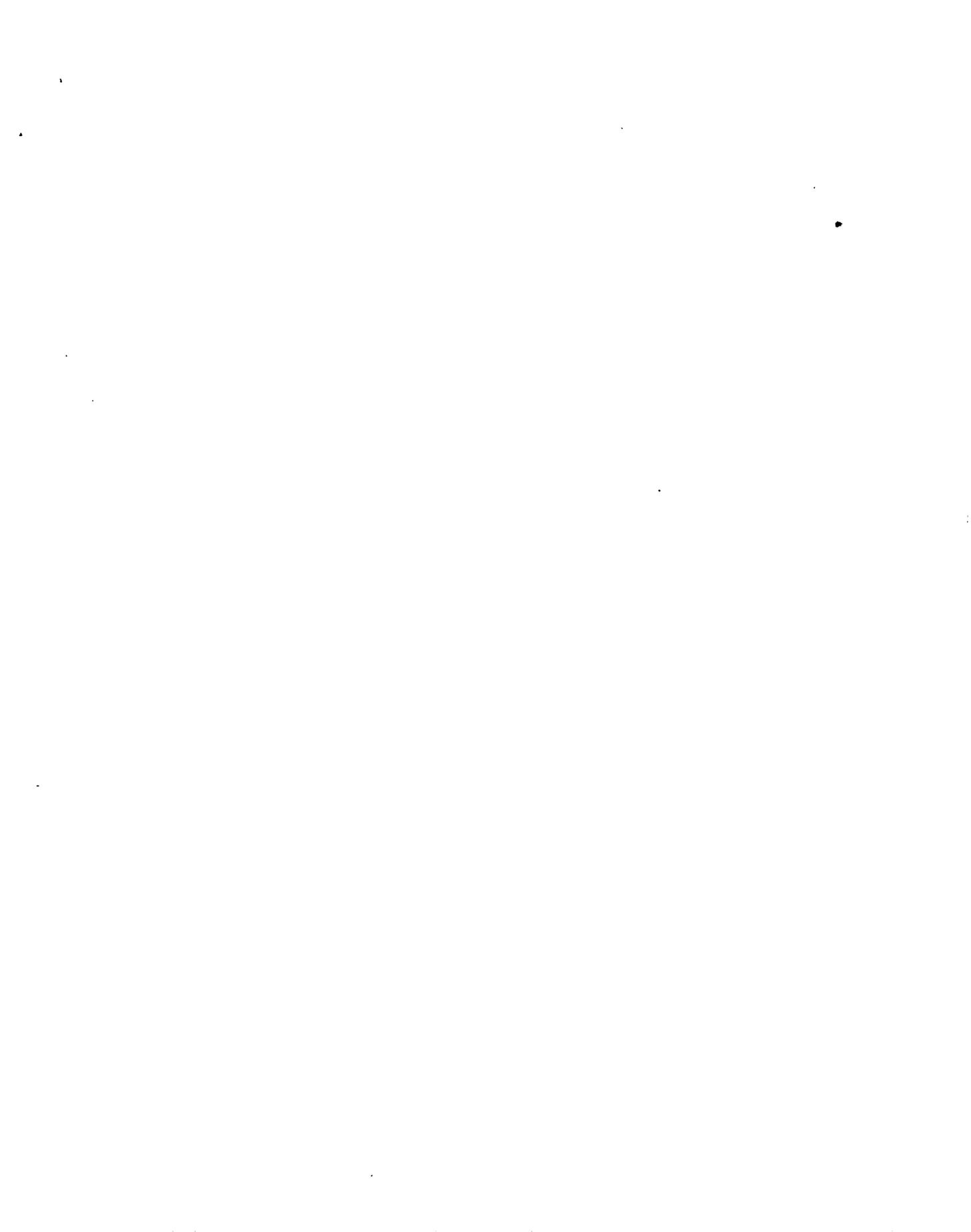
III. *And be it further enacted,* That for every sum of one hundred pounds, or upwards, so paid into the Treasury, a Certificate, bearing even date with the payment, and payable at any time after the lapse of one year therefrom, and bearing Interest at the rate of four pounds per cent. by the year, shall be granted to the Trustees, in such and the like form and manner as the certificates for the Funded Debt of the Province are now granted.

Certificates transferable

IV. *And be it further enacted,* That the Certificates, so to be granted to such Trustees, shall be transferable by their Indorsement, and the holder shall be entitled to receive the Interest thereon, yearly, at the Treasury, out of any Monies therein.

Application of Money so funded

V. *And be it further enacted,* That the Monies, from time to time received from such Trustees, shall be applied under the direction of the Commissioners for signing Treasury Notes, towards the liquidation of the Funded Debt of the Province.



LIST OF EXPIRED ACTS.

1817.	57.	Geo. 3.	c.	4.	Duties on Wine, Brandy, &c.
			c.	5.	Duty on articles from United States.
			c.	6.	Revenue Excise Duty.
			c.	8.	Public Houses, licensing.
			c.	13.	Roads and Bridges.
			c.	17.	Partridges and Blue Winged Ducks.
			c.	19.	Summary Trial of Actions, in Supreme and Inferior Courts.
			c.	21.	Continuation of former Acts.
			c.	22.	Exportation of Corn and Potatoes.
			1818.	58.	Geo. 3.
c.	2.	Licensing Public Houses.			
c.	3.	Drawbacks.			
c.	4.	Revenue, United States.			
c.	5.	Revenue.			
c.	6.	Halifax School.			
c.	10.	Summary Trials.			
c.	18.	Grammar Schools.			
c.	19.	Solicitors and Proctors.			
c.	20.	Wills, Legacies and Executors.			
c.	24.	Militia.			
c.	25.	Copartners and Joint Debtors.			
c.	26.	Exportation of smoked Herrings, &c.			
c.	28.	Act to continue former Acts.			
1819.	59.	Geo. 3.	c.	30.	Forestalling Cord Wood.
			c.	2.	Revenue.
			c.	3.	Do.
			c.	4.	Do.
			c.	5.	Drawback.
			c.	6.	Exportation of smoked Herrings.
			c.	13.	Agriculture.
			c.	18.	Schools.
			c.	19.	Act continuing former Acts.
			c.	20.	Insolvent Debtors.
			c.	24.	Excise.
			c.	29.	Summary Trial Act.
			c.	30.	Sales at Auction.
			1820.	60.	Geo. 3.
c.	2.	Excise.			
c.	3.	Drawback.			
c.	5.	Duties, United States.			
c.	6.	Sales at Auction.			
c.	8.	Shipwrecks.			
c.	9.	Smoked Herrings.			
c.	10.	Monopolizing Cordwood.			
c.	11.	Billeting of His Majesty's Troops.			

ii.

	c.	12.	Summary Trials before Justices.
	c.	13.	Watch at Night.
	c.	14.	Summary Trial of Actions.
	c.	15.	Cranberry Island Light-House.
	c.	16.	Alien Act.
	c.	17.	Revenue.
	c.	19.	Lumber Trade.
	c.	20.	Licensing Public Houses.
	c.	21.	Cleansing and Paving Streets.
	c.	22.	Schools.
	c.	23.	Roads and Bridges.
	c.	24.	Rates of Carriages.
	c.	25.	Militia.
	c.	26.	Settlements on Gay's River.
	c.	27.	Bridewell.
1820 & 1821. 1 & 2, Geo. 4.	c.	8.	Summary Trials before Justices.
	c.	11.	Revenue.
	c.	12.	Do.
	c.	13.	Do.
	c.	14.	Summary Trial Act.
	c.	15.	Watch at Night.
	c.	16.	Drawbacks.
	c.	20.	Rates of Carriages.
	c.	22.	Forestalling Wood.
	c.	23.	Smoaked Herrings.
	c.	24.	Cranberry Island Light-House.
	c.	25.	Aliens.
	c.	26.	Bridewell.
	c.	27.	Paving Streets.
	c.	28.	Cape-Breton.
	c.	29.	Billeting Act.
	c.	30.	Schools.
	c.	31.	Sales at Auction.
	c.	34.	Roads and Bridges.
	c.	35.	Revenue, United States.
	c.	36.	Revenue.
1822. 3. Geo. 4.	c.	2.	Revenue.
	c.	3.	Do.
	c.	6.	Sales at Auction.
	c.	8.	Revenue.
	c.	9.	Do.
	c.	10.	Do.
	c.	14.	Bridewell.
	c.	15.	Militia.
	c.	17.	Rates of Carriages.
	c.	18.	Watch at Night.
	c.	19.	Roads and Bridges.
	c.	20.	Monopolizing Cordwood.
	c.	21.	Streets of Halifax.
	c.	22.	Billeting.

III.

		c.	23.	Licensed Houses.
		c.	26.	Liverpool Light-House.
		c.	35.	Summary Trials.
1823.	4. Geo. 4.	c.	2.	Fisheries.
		c.	3.	Revenue, United States, expired but revived in part.
		c.	8.	Summary Trials.
		c.	11.	Revenue.
		c.	14.	Excise.
		c.	15.	Excise.
		c.	16.	Drawbacks.
		c.	17.	Roads and Bridges.
		c.	18.	Bridewell.
		c.	19.	Revenue.
		c.	20.	Watch and Ward.
		c.	27.	Liverpool Light-House.
		c.	28.	Monopolizing Cordwood.
		c.	29.	Summary Trial of Actions.
		c.	31.	Excise.
		c.	32.	Militia.
		c.	34.	Revenue.
		c.	37.	Repairing Streets.
		c.	38.	Price of Carriages.
1824.	4 & 5. Geo. 4.	c.	5.	Attornies.
		c.	6.	Brandy.
		c.	9.	Bridewell.
		c.	10.	Monopolizing.
		c.	11.	Monopolizing.
		c.	12.	Rates of Carriages.
		c.	13.	Cranberry Island Light-House.
		c.	15.	Revenue.
		c.	16.	Watch at Night.
		c.	17.	Billetting.
		c.	18.	Militia.
		c.	19.	Highways.
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		c.	27.	Partridges and Blue Winged Ducks.
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		c.	29.	Drawback.
		c.	30.	Revenue.
		c.	31.	Do.
		c.	32.	Do.
		c.	33.	Licensed Houses.
		c.	35.	Paving Streets.
1825.	6. Geo. 4.	c.	2.	Revenue.
		c.	3.	Do.
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			c.	12.	Appropriation.
			c.	14.	Authorising sale of old Jail, at Windsor.
			c.	26.	Insolvent Debtors.
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			c.	35.	Encouragement of Cod Fishery
1819.	59.	Geo. 3.	c.	8.	Appropriation.
			c.	21.	Encouragement of Cod Fishery.
1820.	60.	Geo. 3.	c.	28.	Appropriation.
1820 & 1821.	1 & 2.	Geo. 4.	c.	1.	Appropriation.
1822.	3.	Geo. 4.	c.	28.	Relief of David Williams.
			c.	31.	Sale of Court-House, at Guysborough.
			c.	36.	Appropriation.
1823.	4.	Geo. 4.	c.	1.	Appropriation.
1824.	4 & 5.	Geo. 4.	c.	2.	Appropriation.
1825.	6.	Geo. 4.	c.	17.	Relief of James Kidston.

LIST OF ACTS DISALLOWED BY HIS MAJESTY.

1817.	57.	Geo. 3.	c.	2.	Copper Coin Act.
1818.	58.	Geo. 3.	c.	13.	Common of Halifax.
1819.	59.	Geo. 3.	c.	10.	Appointment of Clerks of Supreme and Inferior Court.
			c.	16.	Marriage Licence Act.

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ACTS REPEALED.

BY WHAT ACTS.

32, Geo. 2, c. 14.	Trespases.	3, Geo. 4, c. 32.
32, Geo. 2, c. 26,	Sec. 3 & 5. Guardianship of Minors.	7, Geo. 4, c. 8.
33, Geo. 2, c. 8.	Disorderly Driving.	4, Geo. 4, c. 23.
34, Geo. 2, c. 7.	Commissioners of Sewers.	4, Geo. 4, c. 13.
1, Geo. 3, c. 14.	Highways.	7, Geo. 4, c. 2.
3 & 4, Geo. 3, c. 7.	Poor, repealed with exceptions.	4, Geo. 4, c. 6.
5, Geo. 3, c. 2.	Highways	7, Geo. 4, c. 2.
8, Geo. 3, c. 11.	Maiming Cattle.	4 & 5, Geo. 4, c. 4.
13 & 14, Geo. 3, c. 3.	Highways.	7, Geo. 4, c. 2.
19, Geo. 3, c. 8.	Do.	Do.
23, Geo. 3, c. 5.	Do.	Do.
23, Geo. 3, c. 9,	Sec. 5 & 6. Roman Catholics.	7, Geo. 4, c. 18.
28, Geo. 3, c. 4,	Highways.	7, Geo. 4, c. 2.
28, Geo. 3, c. 9,	Sec. 2. English Crowns.	7, Geo. 4, c. 19.
29, Geo. 3, c. 1.	Elections.	57, Geo. 3, c. 7.
29, Geo. 3, c. 7.	Disorderly Driving.	4, Geo. 4, c. 23.
32, Geo. 3, c. 6.	Windsor and Hammond Plains.	7, Geo. 4, c. 2.
32, Geo. 3, c. 8.	Elections.	57, Geo. 3, c. 7.
37, Geo. 3, c. 3.	Do.	Do.
40, Geo. 3, c. 1.	Highways.	7, Geo. 4, c. 2.
40, Geo. 3, c. 14.	Roads.	59, Geo. 3, c. 1.
41, Geo. 3, c. 5.	Repairing and Paving Streets of Halifax.	7, Geo. 4, c. 3.
42, Geo. 3, c. 4.	Chancery Fees.	1 & 2, Geo. 4, c. 40.
42, Geo. 3, c. 8.	Repairing and Paving Streets of Halifax.	7, Geo. 4, c. 3.
44, Geo. 3, c. 9.	Windsor and Hammond Plains.	7, Geo. 4, c. 2.
51, Geo. 3, c. 24.	Town Officers.	7, Geo. 4, c. 2.
53, Geo. 3, c. 14.	Insolvent Debtors.	59, Geo. 3, c. 22.
53, Geo. 3, c. 15.	Funding Treasury Notes, repealed in part.	57, Geo. 3, c. 16.
55, Geo. 3, c. 11.	Pictou Firewards.	4, Geo. 4, c. 24.
56, Geo. 3, c. 10.	Plaster of Paris Trade.	58, Geo. 3, c. 8.
56, Geo. 3, c. 24.	Highways.	7, Geo. 4, c. 2.
56, Geo. 3, c. 29.	Pictou Academy, repealed in part.	59, Geo. 3, c. 15.
57, Geo. 3, c. 10.	Town, County and Poor Rate, repealed in part.	4, Geo. 4, c. 6.
57, Geo. 3, c. 18.	Militia Law.	1 & 2 Geo. 4, c. 2.
58, Geo. 3, c. 17.	Repairing and Paving Streets of Halifax.	7, Geo. 4, c. 3.
58, Geo. 3, c. 21.	Trespases.	3, Geo. 4, c. 32.
58, Geo. 3, c. 23.	Do.	Do.
59, Geo. 3, c. 7.	Drawback.	4, Geo. 4, c. 10.
59, Geo. 3, c. 23.	Militia.	1 & 2, Geo. 4, c. 2.
59, Geo. 3, c. 28.	Poor, repealed, except so far as may relate to the Town of Halifax.	4, Geo. 4, c. 6.

1 & 2, Geo. 4, c.	6.	Trespasses.	-	3, Geo. 4, c.	32.
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3, Geo. 4, c.	5.	Highways.	-	7, Geo. 4, c.	2.
3, Geo. 4, c.	16.	Streets of Windsor.	-	7, Geo. 4, c.	3.
3, Geo. 4, c.	27.	Disorderly Driving.	-	4, Geo. 4, c.	23.
3, Geo. 4, c.	34.	Streets of Liverpool and Lunenburg.	-	7, Geo. 4, c.	3.
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