ACTS

OF THE

GENERAL ASSEMBLY

OF

PRINCE EDWARD ISLAND,

PASSED IN THE YEAR

1834.

Charlotte-Town:

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M,DCCC,XXXIV.

TITLES OF THE ACTS.

Anno Quarto Regis GUILIELMI IV.

1834.

At the General Assembly of His Majesty's Island of PRINCE EDWARD, begun and holden at Charlotte-Town, on the Fourth day of February, Anno Domini One thousand eight hundred and thirty-one, and in the First Year of the Reign of our Sovereign Lord WILLIAM the FOURTH, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith; and thence continued, by several Prorogations, unto the Fourth day of February, One thousand eight hundred and thirty-four, and in the Fourth Year of his said Majesty's Reign, being the Fourth Session of the Thirteenth General Assembly convened in the said Island.

A. W. YOUNG, Lieut. Governor.

E. J. JARVIS, President of Council.

WM. M'NEILL, Speaker.

CAP. I.

An ACT for the Encouragement of EDUCATION.

[Passed March 27th, 1834.]

WHEREAS it is deemed expedient that suitable provision be made for the Advancement of General Education in this Island:

I. *Be it enacted, by the Lieutenant Governor, Council and Assembly,* That it shall and may be

lawful for the Lieutenant Governor, or other Commander-in-Chief for the time being, by and with the advice and consent of HisMajesty's Council, to nominate and appoint Seven fit and proper Persons (Three of whom shall be a Quorum), which Seven Persons so appointed shall constitute a Board of Education, and shall meet Four times in each Year—that is to say, on the last Thursday in the Months of January, April, July and October respectively, and shall give notice in the Public Newspapers at least Thirty Days previous to each Meeting.

Board of Education how appointed and where to meet.

II. *And be it further enacted,* That when and so often as any Vacancy shall occur in the said Board, by Death, Removal, or otherwise, it shall and may be lawful for the Lieutenant Governor, or Commander-in-Chief for the time being, by and with the advice aforesaid, to appoint other fit and proper person or persons to fill up such Vacancy.

Vacancies, how filled up.

III. *And be it further enacted,* That any person who may be a Candidate for the situation of Schoolmaster for any District School in this Island, shall, on one of the days of the said Meetings, or on such other day as any Three of the said Board shall appoint, present himself for and submit to an Examination of his Qualifications in the following Branches of Education herein after mentioned; and if the Board be satisfied with the Candidate's proficiency, they shall give him a Certificate of his having passed such Examination.

District Schoolmasters, Candidates for situations, how qualified, & to have Certificates of qualification:

IV. *Provided always, and be it further enacted,* That the said Board shall in no case examine or grant a Certificate to any person whatsoever, who shall not have first produced to the said Board a satisfactory Certificate of good moral character.

And of moral character.

V. *And be it further enacted,* That there shall be in future Three Classes of District Schoolmasters, who shall be licensed to teach in this Island, whose several Qualifications shall be as follows:—First or lowest Class, which shall consist of such persons who

To be in future Three Classes of District Schoolmasters.

First or lowest Class

shall be qualified to teach English, Reading, Writing and practical Arithmetic; Second Class, which shall consist of persons qualified, not only to teach the above Branches of Education, but shall also possess a competent knowledge of Mathematics, and prove to the satisfaction of the Board herein-before mentioned, their ability to teach Geometry, Trigonometry, Mensuration, Land Surveying, and Navigation, together with English Grammar; a Third or higher Class, who, in addition to the Qualifications last mentioned, shall possess a competent knowledge of the Classics, the higher Branches of the Mathematics, together with Geography and the use of the Globes; and the Board of Education, after having examined and ascertained the Qualifications of such Candidates who may appear before them, shall specify in the Certificate to be given them, to what Class of Teachers the said Candidates are duly entitled to belong.

qualification of.

Second Class, qualification of.

Third or higher Class, qualification of.

Certificate to be given to specify the Class to which Candidates belong.

VI. *And be it further enacted*, That no Schoolmaster or Teacher of the First or lowest Class shall be entitled to any Allowance by virtue of this Act, unless the Inhabitants of the District shall have first subscribed and raised for him at least the sum of Twenty Pounds per annum, and shall have also provided a sufficient School-House, to be exclusively used for that purpose; and also that he shall have under his Tuition the number of Twenty Scholars during the space of Twelve Months, immediately preceding the period of his claiming such Allowance.

Inhabitants of District to subscribe and raise £20 per annum before First Class Schoolmasters are entitled to allowance,

and to provide a School House,

and have 20 Scholars 12 months preceding claiming allowance.

VII. *And be it further enacted*, That no Teacher of the Second Class licensed as aforesaid, shall be entitled to receive any Allowance under and by virtue of this Act, unless the Inhabitants of the District to which such Teacher may be appointed shall have first subscribed and raised for him the sum of Twenty-five Pounds per annum, to be paid for his service as Teacher for the Year for which he claims to be entitled to the Allowance specified in this Act; and shall have likewise provided a sufficient School

And Twenty-five Pounds per annum,

a School House,

and 20 Scholars, to entitle second Class Teachers to allowance:

House, to be exclusively used for that purpose; and that during the same period no less than Twenty Scholars shall have been under his Tuition.

VIII. *And be it further enacted,* That no Schoolmaster of the Third or highest Class of Teachers shall be entitled to receive any Allowance under and by virtue of this Act, unless the Inhabitants of the District to which such Teacher may be appointed shall have first subscribed and raised for him the sum of Thirty Pounds, to be paid for his service as Teacher for the Year for which he claims to be entitled to the Allowance as specified by this Act; shall have likewise provided a sufficient School House, to be exclusively used for that purpose; and that during the same period no less than Twenty-five Scholars, *five* of whom at least shall be reading the Latin or Greek Classics, or the higher Branches of the Mathematics, shall have been under his Tuition—and such Schools of the last mentioned class shall not exceed in any one County the number of Five, nor be situated within a less distance than Six Miles of each other.

and Thirty Pounds,

a School House,

and in every year 25 Scholars, five at least to read the Latin or Greek Classics, or higher branches of Mathematics.

Number of Masters not to exceed five in each County, nor to be less than six miles distant from each other.

IX. *Provided always, and be it further enacted,* That nothing herein contained shall prevent any such School House as aforesaid being used as a place of Public Worship, with the consent of a majority of the Trustees thereof, when the same shall not interfere with the teaching of Scholars therein, as is contemplated by this Act.

School House may be used for Public Worship, with consent of Trustees.

X. *And be it further enacted,* that it shall be in the power of the Inhabitants of any Settlement or District with this Island, who shall have subscribed the respective sums as mentioned by this Act, and shall have provided a School House as aforesaid, and they are hereby required, to nominate and appoint Five Trustees, three of whom shall be a Quorum, whose duty shall be to examine the said School quarterly, and shall at the end of each Year report to the Board the state of such School, and give to such

Inhabitants of Districts or Settlements having subscribed, as directed by this Act, and provided a School House,

to appoint five Trustees, three to be a quorum.

Duties of Trustees.

licensed Teacher who has had the management thereof the necessary Certificate as required by this Act.

XI. *And be it further enacted*, That in case of any dispute arising between the Subscribers to such School, or the Trustees thereof, and the Master duly qualified and engaged as aforesaid, respecting the payment of his Salary or otherwise, it shall be referred to the Board to make inquiry into the circumstances, and to report the same to the Lieutenant Governor, or other Commander-in-Chief for the time being, who shall, if he see fit, order the sum allowed by this Act to be paid to such Schoolmaster, notwithstanding the Inhabitants of the District shall not have paid the sum agreed for.

Disputes between Subscribers or Trustees and Master respecting the payment of Salary, to be referred to Board to report to Lieutenant Governor,

who may order allowance under this Act to be paid, notwithstanding Inhabitants have not paid.

XII. *And be it further enacted*, That it shall be the duty of the Trustees, and they are hereby authorized, empowered and required, either by themselves or such person as they shall appoint, to enforce the payment of such sum or sums as the Inhabitants shall have respectively subscribed towards the Maintenance of the Master or Teacher, by suing for the same, in case the sum due from the person so sued shall not exceed the sum of Five Pounds, before any Two of the Commissioners of Small Debts in the County or Place where they reside, and shall hand over the Monies so sued for and recovered to the Master or Teacher entitled to receive the same—the same to be recovered in the usual manner that Small Debts are recoverable before such Commissioners.

Trustees to enforce payment of Subscriptions, by suing for same.

If under £5, before Commissioners of Small Debts, in the usual manner.

XIII. *And be it further enacted*, That each and every Teacher, on producing from the Board aforesaid a Certificate of Qualification, together with a Certificate that the Provisions of this Act shall have been duly complied with, and also from the Trustees of the School of which he shall have been appointed Master or Teacher, an annual Certificate of good conduct, attention and sobriety, (which last Certificate shall also be signed by two Justices of the Peace

Allowance to Teachers.

nearest to such School) shall be entitled to receive from the Treasury of this Island—that is to say, Teachers of the First Class, the sum of Five Pounds; Teachers of the Second Class, the sum of Ten Pounds; and Teachers of the last or highest Class, the sum of Twenty Pounds—to be paid by Warrant under the Hand and Seal of the Lieutenant Governor, or other Commander-in-Chief for the time being, by and with the advice and consent of His Majesty's Council. *Provided always*, That the Monies so to be paid by virtue of this Act, for the Improvement of Education, shall not exceed in the whole the sum of Seven Hundred Pounds in any one Year.

Of the First Class £5.

of the Second Class £10.

of the highest Class £20.

How paid.

Proviso.

Sum paid under this Act not to exceed £700 in each year.

XIV. *And provided also, and be it further enacted*, That when any licensed Teacher of the First or Lowest Class as aforesaid, shall have had under his Tuition a greater number of Scholars for the period aforesaid than Twenty, and shall have produced the necessary Certificate prescribed by this Act, such Teacher shall be entitled to receive, in addition to the said sum of Five Pounds, a further sum of One Pound for every Five Scholars over and above the number of Twenty as aforesaid.

Teachers of the First Class to receive £1 additional for every five Scholars over twenty.

XV. *And be it further enacted*, That the Teacher of the National School in Charlotte-Town, although under the controul and management of the Society for the Propagation of the Gospel, shall nevertheless be entitled to the same amount as is intended to be paid to Second Class Teachers under and by virtue of this Act.

Teacher of National School in Charlotte-Town, to be paid as a Second Class Teacher.

XVI. *And be it further enacted*, That until Masters shall have been appointed to the Academy of Charlotte-Town, and that Institution shall be in operation, there shall be granted and paid to the Master of the Charlotte-Town Grammar School, now appointed, or who shall hereafter be appointed, the sum of Twenty-five Pounds quarterly, and every Quarter—the same to be drawn by Warrant of the Lieutenant Governor in Council—which said School

Master of Charlotte-Town Grammar School to be paid £25 quarterly.

shall be regulated and governed by the Trustees now appointed, and under its present Regulations.

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

Act to continue 3 years, &c.

CAP. II.

An ACT for the Summary Trial of Common Assaults and Batteries.

[Passed March 27th, 1834.]

WHEREAS it is expedient that a Summary Power of punishing Persons for Common Assaults and Batteries should be provided:

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Assembly,* That it shall and may be lawful for the Lieutenant Governor to appoint, in each County of this Island, at least Three Justices of the Peace, to hear, determine, and adjudge Common Assaults and Batteries; and which said Justices shall have power and authority to meet and adjudicate at such places as shall be deemed most convenient in the respective Counties, *four times* in each year—that is to say, on the Second Thursday in March, June, September and December—to fulfil the purposes of this Act; and which said Justices shall have power and authority to adjourn from day to day until such Cases as may come before them shall be heard and determined.

Lieutenant Governor to appoint three Justices of the Peace in each County to try Common Assaults and Batteries.

Times of meeting.

II. *And be it further enacted,* That any Two of such Justices, when so assembled and met at the time and place so required by this Act, shall form a Quorum.

Two to be a quorum.

III. *And be it further enacted,* That when any person shall unlawfully assault or beat any other person, it shall be lawful for the Justices of the Peace to be appointed as aforesaid, to hear and

Persons convicted to pay a Fine not exceeding £5, with Costs,

determine such Offence; and the Offender, upon Conviction thereof before them, shall forfeit and pay such Fine as shall appear to them to be meet, not exceeding the sum of Five Pounds, together with Costs; which Fine shall be paid into His Majesty's Treasury, to and for the use of His Majesty's Government: And if such Fine as shall be awarded by the said Justices, together with Costs, if ordered, shall not be paid, either immediately after the Conviction, or within such period as the said Justices shall at the time of the Conviction appoint, it shall be lawful for them to commit the Offender to Jail, there to be imprisoned for any term not exceeding Two Months, unless such Fine and Costs be sooner paid: But if the Justices upon hearing of any such case of Assault or Battery, shall deem the Offence not to be proved, or shall find the Assault or Battery to have been justified, or so trifling as not to merit any Punishment, they shall accordingly dismiss the Complaint, and shall forthwith make out a Certificate under their hands, stating the fact of such Dismissal, and shall deliver such Certificate to the Party against whom the Complaint was preferred.

or to be committed to Jail for a term not exceeding two months.

Duty of Justices in cases of Assault, &c. being not proved, or trivial, or justified.

IV. *And be it further enacted*, That the said Justices shall and may give Costs to either Complainant or Defendant, or compel each to pay their own, as they shall see fit.

Costs.

V. *And be it further enacted*, That if any Person against whom any such Complaint shall have been preferred for any Common Assault or Battery, shall have obtained such Certificate as aforesaid, or having been convicted, shall have paid the whole amount adjudged to have been paid under such Conviction, or shall have suffered the Imprisonment awarded for non-payment thereof, in every such case he or they shall be released from all further or other criminal proceedings for the same cause.

Persons certified as discharged, or convicted and fined or imprisoned, not to be proceeded against a second time.

Proviso.

VI. *Provided always, and be it further enacted*, That in case the said Justices shall find the Assault

or Battery complained of to have been accompanied by any attempt to commit Felony, they shall cease to adjudicate thereon.

In case of attempt to commit Felony,

VII. *And be it further enacted,* That all Justices of the Peace before whom any Complaint of Assault or Battery shall have been made, shall take the usual Recognizance, and they are hereby required to cause such Parties, as also the Prosecutor and Witnesses, to appear before the said Justices so to be appointed as aforesaid, at their next sitting after such Offence shall have been committed, except in such Cases as are excepted in the Sixth Section of this Act: and if the said person or persons so bound by Recognizance to appear, shall make Default and shall not appear, according to the Condition of his or their said Recognizance, the said Justices shall, and they are hereby required to certify such Default under their Hands and Seals, to His Majesty's Supreme Court of Judicature, together with the said Recognizance, where the same shall be liable to be estreated by His Majesty's Attorney or Solicitor General, in the same way and manner as if such Default had been made on any Recognizance returnable in the said Supreme Court; and the said Justices so appointed, if on investigating any such Assault, on the appearing of such Persons so charged, shall find the Party or Parties deserving a higher or greater Fine than is prescribed by this Act, it shall and may be lawful, and they are hereby required, to bind the said Offender or Offenders by Recognizance, to appear at His Majesty's Supreme Court of Judicature, at its then next Sitting; and also to bind the Prosecutor or Prosecutors, and Witnesses, if necessary, to appear and prosecute.

Justices to take the usual Recognizance.

Recognizance, in case of Assault, to be estreated.

Justices deeming offence deserving a higher fine than prescribed by this Act, to bind Offenders to appear at Supreme Court,

and Prosecutor and Witnesses.

VIII. *Provided always, and be it further enacted,* That the Prosecution for every Offence punishable on Summary Conviction, by virtue of this Act, shall be commenced within One Calendar Month after the commission of the Offence, and not otherwise.

Prosecutions under this Act to be commenced within 1 Calendar Month.

IX. *And be it further enacted*, That the Justices before whom any person shall be summarily convicted of any Offence, by virtue of this Act, shall cause the Conviction to be drawn up in the following Form of words, that is to say:

Form of Conviction.

"Be it remembered, that on the Day
" in the Year of Our Lord at
" in the County of A. B. is
"convicted before us of His Majesty's Justices
"of the Peace, acting under and by virtue of an Act
"intituled (here insert the Title of this Act), for that
"he the said A. B. did (specify the Offence, and the
"time and place when and where the same was
"committed, as the case may be); and we the said
"Justices adjudge the said A. B., for his said
"Offence, to forfeit and pay the sum of and
"also the sum of for Costs; and we order that
"the said sums shall be paid by the said A. B. on or
"before the Day of ; and in Default
"thereof to be committed to Jail, there to remain
"for the space of ; unless the said sums shall
"be sooner paid.

"Given under our Hands and Seals, the Day and
"Year first above mentioned."

Conviction to be returned into Supreme Court.

Which said Conviction, and all other Proceedings in the Cause, the said Justices are hereby required and enjoined to return into His Majesty's Supreme Court, on or before the first day of the Term next ensuing the taking thereof; and the said Justices neglecting to make such Returns, shall forfeit and pay for every such neglect the sum of Five Pounds, to be recovered by Bill, Plaint or Suit in His Majesty's Supreme Court, and paid into the Treasury, to be applied as herein-before directed.

Justices neglecting to make return to forfeit £5.

X. *And be it further enacted*, That no Warrant of Commitment shall be held void by reason of any defect therein, provided it be therein alleged that the Party has been convicted, and there be a good and valid Conviction to sustain the same.

Warrant of Commitment not void for defect, if Conviction be inserted and Conviction valid.

XI. *And be it further enacted,* That the following Fees shall be allowed for the services enjoined by this Act: Fees.

JUSTICES' FEES.	s.	d.
Drawing and Engrossing Affidavit	1	6
Subpœna	1	0
Every Oath	1	0
Each Warrant	1	0
For every Recognizance	1	6
For every Judgment and Conviction	7	6
CONSTABLES' FEES.		
For executing each Warrant, or for serving other Process	1	0
For every Mile travelled	0	3
WITNESSES' FEES.		
For each Day's attendance	2	0
For every Mile travelled, in coming to and returning from Court	0	3

XII. *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 then next Session of the General Assembly, and no longer. Act to be in force for five years, &c.

CAP. III.

An ACT for regulating the TOLL for the Manufacture of OATMEAL and PEARL BARLEY, and to amend an Act ascertaining the Toll to be taken at Grist Mills.

[Passed March 27th, 1834.]

WHEREAS it is necessary to regulate and define the Toll to be taken by Millers for the Manufacture of Oatmeal and Pearl Barley:

I. *Be it enacted, by the Lieutenant Governor, Council and Assembly,* That from and after the passing hereof, no greater Toll shall be taken by any Miller within this Island, for kiln drying, shelling Toll taken for preparing and grinding

Oats into Meal, to be four pounds of Meal for each Bushel of Oats;

and grinding Oats into Meal, than Four Pounds for every Bushel delivered to any such Miller to be manufactured, which said Toll shall be taken in Meal, after the Oats so delivered have been manufactured.

And six pounds per Bushel for the manufacture of Pearl Barley.

II. *And be it further enacted,* That no greater Toll shall be taken by any Miller as aforesaid for pearling Barley, than Six Pounds for every Bushel delivered as aforesaid to be manufactured into Pearl Barley.

Miller to return Bran, &c.

III. *And be it further enacted,* That no Miller shall be entitled to keep any Bran or other offal that may be made from any Oats or Barley manufactured as aforesaid, but that the same shall belong to the Owner of such manufactured article, provided the same shall be removed with the Meal or Pearl Barley, but not otherwise, except with the consent of the Miller.

Regulations and Penalties imposed by 30th Geo. 3d. Cap. 1, extended to this Act.

IV. *And be it further enacted,* That every Miller within this Island, who shall keep a Public Mill for the Manufacture of Oatmeal or Pearl Barley, as herein before mentioned, shall, in respect to the Provisions of this Act, be subject to the same Regulations and Penalties for breach thereof, as are made and inflicted by an Act made and passed in the Thirtieth Year of His late Majesty King George the Third, intituled *An Act ascertaining the Toll to be taken at the different Grist Mills in this Province.*

Miller taking greater Toll, or changing Grain (except by consent), or neglecting or refusing to deliver manufactured Grain, to forfeit a sum not exceeding £2, and damages.

V. *And be it further enacted,* That any Miller within this Island who shall take a greater Toll for the Manufacture of Oats or Pearl Barley, or who shall change any Grain so delivered as aforesaid, or shall change any Wheat, Barley or other Grain delivered to be ground under the above recited Act (except with the consent of the Owner thereof), or who shall neglect or refuse to deliver any such Grain as aforesaid, when ground or manufactured, shall, for every such neglect or refusal, forfeit and pay a

Fine not exceeding Two Pounds, over and above any Damage the Owner of the same may thereby sustain.

VI. *And be it further enacted*, That all Fines arising under and by virtue of this Act, and the before mentioned Act, shall be recovered as directed in the said before recited Act, over and above the Costs of Prosecution; and one half of every such Fine inflicted by this Act and the before recited Act shall be paid into the Treasury of this Island, to and for the use of His Majesty's Government, and the other half to the person who shall prosecute and recover the same—any thing in the before recited Act to the contrary notwithstanding.

Fines, how disposed of.

CAP. IV.

An ACT for establishing the Size and Quality of FISH BARRELS and TIERCES, and for regulating the Weight of FISH the same shall contain.

[Passed March 27th, 1834.]

WHEREAS it is desirable that there should be uniformity in the Size and Quality of Barrels, Half-Barrels and Tierces, in which Pickled Fish shall be packed, either for Exportation or Home Consumption, and that the Weight of Fish the same shall contain should be regulated:

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Assembly*, That from and after the passing of this Act, all Barrels, Half-Barrels and Tierces, in which Pickled Fish, either for Exportation or Home Consumption, shall be packed (for sale), shall be made of sound well seasoned Timber, free from Sap, and constructed of Staves of the thickness of not less than half an Inch in the thinnest part, if made of Hardwood, or three-fourths of an Inch if made of Softwood, and shall have the Bung Stave made of Hardwood, with Heading well seasoned and planed, and free from Sap; the Barrels, Half-

Barrels, half Barrels and Tierces containing Pickled Fish for sale, to be made of sound well-seasoned timber, &c.

Thickness of Staves. Hardwood. Softwood.

Bung Stave and Heading.

Number of Hoops.

Length of Barrel Staves to be 28 inches.

Head 17 inches between the Chimes; to contain not less than 29 gallons nor over thirty gallons. Half Barrels to contain not less than 15 gallons, and Tierces not less than 45 nor more than 46 gallons.

Every Barrel of Pickled Fish to contain 200 pounds of Fish. Half Barrels and Tierces in proportion.

Penalties for offending against provisions of this Act

to be recovered, if under 40s. before one Justice;

over 40s., and not exceeding £5, before two, with Costs;

to be levied by Distress, &c.

and for want of distress, Offender to be imprisoned not less than 15 nor more than 30 days.

If fine exceed £5, to be recovered in Supreme Court.

Barrels and Tierces to be well hooped, having at least Four Hoops on each Chime, and Four on each Bilge; the Barrel Staves to be Twenty-eight Inches in length, and the Heads to be Seventeen Inches between the Chimes, and to contain not less than Twenty-nine nor over Thirty Gallons; the Half-Barrels to contain not less than Fifteen Gallons, and the Tierces to contain not less than Forty-five nor more than Forty-six Gallons.

II. *And be it further enacted*, That every Barrel of Pickled Fish shall contain Two hundred Pounds Weight of Fish, and in the same proportion for Half-Barrels and Tierces.

III. *And be it further enacted*, That all and every person or persons who shall or may sell, or cause to be sold, any Pickled Fish in Barrels, Half-Barrels or Tierces, of a less Size or Weight than is prescribed by this Act, shall, for each and every Barrel, Half-Barrel or Tierce so sold, forfeit and pay to His Majesty a Fine of Five Shillings—the said Fine, where the amount shall not exceed the sum of Forty Shillings, to be recovered before any one of His Majesty's Justices of the Peace—or where the same shall be more than Forty Shillings and shall not exceed Five Pounds, before any two of His Majesty's Justices of the Peace, together with the Costs of Prosecution, the same to be recovered on the Oath of one or more credible Witness or Witnesses, and be levied by Warrant of Distress under the Hand and Seal of such Justice or Justices, and Sale of the Offender's Goods and Chattels; and for want of sufficient Distress, such Offender shall suffer not less than Fifteen Days nor more than Thirty Days Imprisonment; and in case such Fine shall exceed Five Pounds, the same shall be recovered in His Majesty's Supreme Court of Judicature, by Action of Debt, together with Costs of Suit—

the said Fines to be paid into the Treasury of this Island, to and for the use of His Majesty's Government.

All Fines to be paid into Treasury.

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

Act to continue in force for 7 years, &c.

CAP. V.

An ACT for the appointment of SHEEP REEVES, and to restrain Rams from being at large at improper Seasons, and to repeal the Acts formerly passed for that purpose.

[Passed March 27th, 1834.]

WHEREAS the rearing of Sheep and improving the Breed thereof is of great importance to the Inhabitants of this Colony:

I. *Be it therefore enacted*, That from and after the passing hereof, it shall and may be lawful for the Commissioners of Highways for the time being, in their respective Districts, and they are hereby required and directed, to nominate and appoint yearly, on or before the first day of *July* as many fit and proper persons as they may conceive necessary, to act as Sheep Reeves in the several Settlements for which they are appointed; and whose duty it shall be to take up and seize any Ram or Rams going at large beyond the Enclosures of the Owner or Owners' Farm or Farms within such Settlement or District, between the Fifteenth day of August and the Tenth day of December in each year; and on receiving Information of any Ram or Rams being at large as aforesaid, and on the same being shewn to the Sheep Reeve of such Settlement or District, shall seize and take, or cause to be seized and taken, any such Ram or Rams going at large; and the said Sheep Reeve is hereby

Commissioners of Districts to appoint yearly on or before 1st July, as many Sheep Reeves as they think necessary.

Duty of Sheep Reeves so appointed,

to seize and take Rams going at large between 15th August and 10th December.

May call upon Inhabitants to assist.

authorized to call on such of the Inhabitants of such Settlement or District as he may deem necessary, to assist him to effect the same: and

To give notice of appointment.

such Reeve shall give notice of his appointment, by posting at least two Notices, in writing, in the most public places within his District, in Ten Days after he shall receive such appointment.

Refusing to serve, or neglecting or refusing to act when appointed, to forfeit 40s.

II. *And be it further enacted*, That if any such Sheep Reeve so appointed shall refuse to serve when appointed, or neglect or refuse to perform the duties required of him by this Act immediately on his receiving the Information as aforesaid, he shall forfeit and pay to His Majesty, for each and every refusal or neglect, the sum of Forty Shillings—and each and every person refusing or

Persons neglecting or refusing to assist Reeve in execution of his duty, when required, to forfeit 5s.

neglecting to assist in seizing and taking any Ram or Rams at large as aforesaid, within the District or Settlement where such person may reside, when requested by the Sheep Reeve of such District or Settlement, shall, for each neglect or refusal, forfeit and pay to the said Sheep Reeve the sum of Five Shillings.

Owners of Rams found running at large to pay 15s.

III. *And be it further enacted*, That for every Ram so found at large as aforesaid, the Owner or Owners shall forfeit and pay to the Sheep Reeve of such Settlement or District the sum of Fifteen Shillings; and if no Owner can be found to claim

No Owner appearing within 3 days, Ram to be sold.

such Ram or Rams so found at large as aforesaid, within Three Days after the Seizure thereof, it shall and may be lawful for the said Sheep Reeve to sell, or cause to be sold, at Public Auction (at least Three Days Notice of such Auction having been previously given, by posting written Notices at two of the most public places in such Settlement or District wherein such Ram or Rams was or were taken), and the Proceeds of

Reeve to keep the proceeds of sale.

such Sale shall be paid as a Recompence to the Sheep Reeve for his trouble.

IV. *And be it further enacted*, That if any

person or persons shall obstruct any of the Sheep Reeves in the execution of their duty, such person or persons shall severally forfeit and pay to the Sheep Reeve so obstructed a Fine not exceeding Twenty Shillings, to be recovered as is hereinafter directed.

Penalty on persons obstructing Reeves not to exceed 20s.

V. *And be it further enacted,* That no person shall be compelled to serve as a Sheep Reeve, under and by virtue of this Act, oftener than *once in three* Years.

No one to be compelled to serve as Reeve oftener than once in three years.

VI. *And be it further enacted,* That all Fines and Forfeitures arising under and by virtue of this Act, shall be sued for within *thirty days* after the commission of the Offence for which the same shall have been incurred, and be recovered before any one of His Majesty's Justices of the Peace within the County where such Offence shall have been committed; and the same shall be levied by Warrant of Distress on the Goods and Chattels of the Offender or Offenders; and if no Goods and Chattels can be found whereon to levy, the said Justice is hereby authorized and empowered to commit the Offender or Offenders to Prison, for a period not exceeding One Month.

Fines and Forfeitures to be sued for within 30 days,

before any Justice of the Peace for the County.

How levied.

Offender may be committed.

VII. *And be it further enacted,* That an Act made and passed in the Thirty-first Year of the Reign of His Majesty King George the Third, intituled *An Act to prevent the running at large of Rams at improper Seasons*—and an Act made and passed in the Forty-third Year of His said Majesty's Reign, intituled *An Act to amend an Act made and passed in the Thirty-first Year of His present Majesty's Reign, intituled 'An Act to prevent the running at large of Rams at improper Seasons'*—and an Act made and passed in the First Year of His present Majesty's Reign, intituled *An Act to prevent the running at large of Rams at improper Seasons, and to regulate the Appointment of Sheep Reeves, and to suspend*

Repeals 31 G. 3, C. 6.

43 G. 3, C. 5;

1 W. 4, C. 10.

two certain Acts therein mentioned, be and the same are hereby respectively repealed.

CAP. VI.

An ACT relating to Costs, in Cases of Penalties recoverable before Justices of the Peace.

[Passed March 27th, 1834.]

WHEREAS there are several Acts of this Island which inflict Penalties for certain Offences, without ordering Costs, whereby such Acts are in a great measure rendered nugatory and useless:—For remedy whereof,

Be it declared and enacted, by the Lieutenant Governor, Council and Assembly, That in all Cases of Convictions which hereafter may be had before any Justice or Justices of the Peace against any person or persons whomsoever, under and by virtue of any Acts of this Island which inflict Penalties or order Damages without adding Costs thereto, it shall and may be lawful for such Justice or Justices to tax and award Costs to the Plaintiff in case of Conviction, or to the Defendant in case the Plaintiff shall make Default or be non-suited, agreeably to the Scale established by the Act now in force for the Recovery of Small Debts, and to issue a Warrant of Distress or Execution for the same, together with the amount of the Penalty or Damages assessed.

In cases of Convictions for Penalties before Justices of the Peace under Acts which are silent as to Costs, Justices may add Costs, according to scale in Small Debt Act,

and issue Distress or Execution.

CAP. VII.

An ACT to enable the Supreme Court to give Costs in Cases of Certiorari.

[Passed March 27th, 1834.]

WHEREAS doubts have arisen whether the Supreme Court can award Costs to Plaintiffs in Cases of Certiorari—For remedy whereof,

I. *Be it enacted, by the Lieutenant Governor, Council and Assembly,* That it shall and may be lawful to and for the Justices of the Supreme Court, (and they are hereby empowered so to do,) to give reasonable Costs in Cases of Certiorari, as well to the Plaintiff as to the Defendant; any Rule of Court, Law, Usage or Custom to the contrary thereof in any wise notwithstanding.

Supreme Court may give Costs in Cases of Certiorari, as well to Plaintiff as Defendant.

II. *Provided always, and be it further enacted,* That in all Cases where an Appeal is given by any Act to the Supreme Court, no such Writ of Certiorari shall be issued, unless special cause on Affidavit be shewn to the Chief Justice or other Justices of the said Court; and unless Notice of such Motion for a Writ of Certiorari shall have been served upon the Party against whom such Writ of Certiorari is prayed, at least *Ten Days* before such Motion shall be intended to be made.

Proviso.

III. *And be it further enacted,* That no Writ of Certiorari shall be issued unless the same shall have been applied for within *One Month* from the time of Judgment having been given in the Court below.

Writ to be applied for within 1 month.

CAP. VIII.

An ACT for the more effectual PUNISHMENT of OFFENDERS, by enabling the Supreme Court to add HARD LABOUR to the Sentence of Imprisonment.

[Passed March 27th, 1834.]

WHEREAS there is no provision made in any of the Statutes of this Island by which the Supreme Court may, in addition to the Term of Imprisonment, direct that Offenders be kept to Hard Labour: And whereas it will conduce greatly to the Suppression of Crime, if such Power were given to the said Court:

I. *Be it therefore enacted, by the Lieutenant*

Supreme Court may order persons convicted of Felony or Misdemeanour to be kept to Hard Labour.

Governor, Council and Assembly, That it shall and may be lawful for the Supreme Court, in Cases of Conviction for Felony or Misdemeanour, to order, if it shall see fit, that the person or persons so convicted be kept to Hard Labour during the time of his or her Imprisonment.

One Room in the Basement Story of the Jail to be a Workhouse.

II. *And be it further enacted,* That one of the Rooms on the Basement Story of the Jail in Charlotte-Town, shall be appropriated for the purpose of being used as a Workhouse, in such Manner and under such Regulations as the Commissioners herein-after to be appointed shall deem most expedient.

Lt. Governor to appoint five Commissioners,

III. *And be it further enacted,* That it shall and may be lawful for the Lieutenant Governor, or other Administrator of the Govenment, by and with the advice and consent of His Majesty's Council, to appoint *Five* fit and proper persons to be Commissioners for carrying this Act into effect, who shall have power to make such Rules Regulations and Orders, and to prescribe the place, time and mode of performing such Labour, whether within or without the said Jail, as may to the majority of them seem best adapted to the more effectual Punishment of Offenders so convicted and imprisoned as aforesaid.

who are to make Rules, &c., and to direct when, where, and how Labour is to be performed.

Commissioners may reward Prisoners by allowing them additional Food;

IV. *And be it further enacted,* That the Commissioners shall have power to reward such Prisoners, by allowing them such coarse but wholesome Provisions, in addition to the allowance now furnished, as they shall from time to time see fit; and such Commissioners shall be allowed to make such Rules and Regulations, for the more effectually compelling such Prisoners to work, as to the majority may seem meet—Provided, that such Rules and Regulations shall be approved of by the Lieutenant Governor in Council.

and make Rules, &c. to compel them to work.

Provided such Rules &c. be approved of by Lt. Governor in Council.

V. *And be it further enacted,* That the Pro-

ceeds of the Labour of such Offenders, if any, after deducting necessary Charges, shall be paid into the Treasury of this Island, for the use of His Majesty's Government.

Proceeds of Labour to be paid into Treasury.

VI. *And be it further enacted,* That this Act shall be and continue in force for and during the space of One Year from the passing thereof.

Act to continue in force for one year.

CAP. IX.

An ACT for the Regulation of the JAILS in King's and Prince Counties.

[Passed March 27th, 1834.]

WHEREAS the Public Jails of King's County and Prince County in this Island are now in a state of forwardness, and will soon be ready for the reception of Prisoners; and whereas the various Acts now in force contemplate Imprisonment in the Jail of Charlotte-Town only:

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Assembly,* That when and so soon as either of the said Jails shall be completed and finished, and so declared by the Commissioners appointed to superintend the building thereof, all persons liable to be committed to Jail within any County in this Island, shall be sent to the Jail of the County in which the Offence is alleged to have been committed—except in Cases after Trial, where it shall form part of the Sentence that the Prisoner be put to Hard Labour in the Jail of Charlotte-Town; any thing contained in the former Acts of Assembly of this Island to the contrary notwithstanding.

When Jails in King's County and Prince County shall have been completed, prisoners are to be committed to the Jail of the County where Offence is alleged to have been committed,

except when sentenced to Hard Labour in the Jail of Charlotte-Town.

Provided, that no person shall be confined in either of the said Jails, until the same shall have been declared completely finished and duly prepared for the reception of Prisoners as aforesaid.

Proviso. No person to be confined until Jails are completely finished, &c.

Jailors to take the same Fees as the Jailor of Charlotte-Town,

and to be bound by the Laws respecting such Jailor.

II. *And be it further enacted,* That the Jailors of such Jails shall take and receive the same Fees, and no other than are taken by the Jailor of the Jail of Charlotte-Town; and all Laws heretofore passed respecting the conduct of such Jailors be, and the same are, hereby extended to the said Jails of King's County and Prince County respectively.

Until Law passed for that purpose, Lt. Governor and Council to fix Limits to Jails in King's and Prince Counties.

III. *And be it also enacted,* That until the same shall be settled by Law, it shall and may be lawful for the Lieutenant Governor, by and with the advice and consent of His Majesty's Council, to appoint and fix Limits to the said last mentioned Jails, under the Regulations prescribed for the Limits and Rules of the Jail of Charlotte-Town.

CAP. X.

An ACT for the better preventing ACCIDENTS by FIRE within the Town of Charlotte-Town.

[Passed March 27th, 1834.]

WHEREAS the herein-after mentioned Acts have been found ineffectual for the objects intended:

Repeals Acts 54 G. 3, C. 1;

11 G. 4, C. 6.

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Assembly,* That an Act made in the Fifty-fourth Year of the Reign of His late Majesty King George the Third, intituled *An Act for better preventing Accidents by Fire within Charlotte-Town and the Suburbs thereof;* and an Act made in the Eleventh Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to amend and suspend certain parts of an Act made and passed in the Fifty-fourth Year of His late Majesty's Reign, intituled 'An Act for better preventing Accidents by Fire within Charlotte-Town and the Suburbs thereof,'* be, and the same are, hereby respectively repealed.

II. *And be it further enacted,* That within One Calendar Month from and after the Publication hereof, it shall and may be lawful for the Lieutenant Governor, or other Administrator of the Government for the time being, by and with the advice and consent of His Majesty's Council, to appoint *Eight* Persons within the Town of Charlotte-Town to be Fire Wardens, which Persons shall be sworn faithfully to discharge their duty, and who shall remain in Office during the continuance of this Act.

Lt. Governor in Council to appoint 8 persons as Fire Wardens,

who are to be sworn, &c.

III. *And be it further enacted,* That it shall and may be lawful for the Fire Wardens, or any *five* of them, to license proper persons for the sweeping of Chimnies, which persons shall enter into and give Bond for the regular performance of their respective duties; and any Neglect or Violation in the performance of their Duty, as hereafter to be specified by the Fire Wardens, shall subject the Party to a Fine not exceeding Five Shillings.

Fire Wardens, or any five, to license Chimney Sweepers, who shall give Bond,

and be liable for any violation of duty to a Fine not exceeding 5s.

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

No person to follow the occupation of Chimney Sweeper unless first licensed

under penalty of 40s.

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

Chimnies to be swept once in two months between 1st May and 31st October,

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

Licensed Chimney Sweeper refusing or neglecting, or negligently or improperly sweeping Chimnies when required, liable to a penalty not exceeding 10s.

Licensed Chimney Sweepers to receive for each Flue what Fire Wardens may direct to be just and reasonable,

notice of which must be inserted in Royal Gazette 4 successive weeks after fixing.

Amount for sweeping Chimnies may be varied from time to time by a majority of Fire Wardens.

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

Chimney taking fire, Occupant of House to incur a penalty of 10s., with certain exceptions.

VII. *And be it further enacted,* That if the Chimney of any House in Charlotte-Town shall take fire, and if the Occupant or Occupants of such House cannot produce sufficient evidence that the said Chimney had previously been swept by a licensed Chimney Sweeper within the period prescribed by Law, or that a licensed Chimney Sweeper had been duly requested, but had neglected to sweep the said Chimney, the said Occupant or Occupants shall incur a Penalty of Ten Shillings.

Tenant, &c. of the yearly value of £10 & upwards, to keep a Leathern Bucket.

Name to be painted thereon, and hung up in passage, &c.

under a penalty of 5s. for each offence.

VIII. *And be it further enacted,* That the Tenant or Occupant of every House in the said Town, of the yearly value of Ten Pounds and upwards, shall be provided with and keep one leathern Bucket, to contain not less than Two Gallons, on which the Owner's Name shall be painted; which Bucket shall be kept hung up in the Passage or Hall of such House, under the Penalty of Five Shillings for each and every time the said Bucket shall not be found so hung up in its proper place as aforesaid, by the Fire Wardens, when they shall visit the said House: And within Three Months from the time which any person or persons shall in future occupy any House within the said Town, such person or persons shall in like manner be provided with a Ladder or Ladders,

Persons occupying any House shall within 3 months after occupation, be provided with a Lad-

the same to be ready for use at all times in case of Fire; and which Ladder or Ladders shall be of a length corresponding to the height of the House, sufficient to enable Water to be carried to any part of the same in the event of Fire.

der or Ladders correspondent to the height of the same.

IX. *And be it further enacted*, That the Occupier of any such House or Houses omitting to have the said Bucket and Ladder, or not having the same in sufficient repair and fit for immediate use, shall incur a Penalty of Twenty Shillings for each and every such omission.

Penalty for not having Bucket or Ladders or not keeping same in repair, 20s.

X. *And it is hereby enacted*, That the expense of providing and keeping in repair the said Ladders shall be borne by the Proprietors of the Houses, and the expense of procuring and keeping in repair the said Buckets shall be borne by the Tenant or Occupier of each House: And if any Proprietor shall neglect or refuse to provide the said Ladders, the Occupier shall procure the same, and deduct the value thereof from the Rent: Provided, that no person shall be subject to be fined a second time by virtue of this Clause, if he shall provide or repair his Ladders or Bucket within Ten Days next after any Fine shall have been imposed thereunder and paid by him.

Expense of providing and keeping Ladders in repair, to be borne by Proprietor; of Bucket, by Tenant, &c.

Proprietor neglecting, &c. to provide Ladders, Occupier to do so and deduct the value from the rent.

Proviso. No person to be fined a second time if he provides or repairs Ladders or Buckets within 10 days after fine imposed and paid.

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

Fire Wardens to visit each House within his Ward once in 3 months, and inspect Buckets and Ladders, under a penalty of 5s. for each house neglected;

may visit any house once a month between 11 o'clock & 4 o'clock in the day time, to inspect Buckets, &c.

Housekeeper refusing to produce Buckets, &c. to forfeit 5s.

House-keeper having Hay, Straw, or Flax,

or Ashes on a wooden floor or vessel in House or Out-house, to forfeit 10s., and the Hay, &c.

XII. *And be it further enacted,* That if any Housekeeper in the said Town shall collect or keep, or permit to be kept, any Hay, Straw or Flax in any part of a Dwelling House, or shall collect or keep Ashes on a Wooden Floor, or in a Wooden Vessel in the said House or any Out-house appertaining thereto, such Housekeeper shall forfeit Ten Shillings for every such Offence, and likewise the Hay, Straw or Flax found in such Dwelling House —excepting always such Hay or Straw as may be in use for Bedding.

Penalty for carrying a lighted Candle, Fire, or Fire-brand from House to House, &c. unless properly secured, &c.

to forfeit 5s. Minors or Apprentices offending, Parents, Masters or Guardians to pay penalty.

XIII. *And be it further enacted,* That no lighted Candle, Fire or Firebrand shall be carried from House to House, or Place to Place, through the Streets of Charlotte-Town, unless such Fire or Firebrand shall be properly enclosed, or otherwise secured, so as to prevent accident; and any person carrying such lighted Candle, Fire or Firebrand, not secured as aforesaid, shall forfeit and pay a Penalty of Five Shillings for each and every such Offence— the said Fine or Penalty to be paid by the Parents, or by the Masters, Mistresses or Guardians of any Minors or Apprentices so offending.

No greater quantity than 25lbs. of Gunpowder to be kept at one time in any Dwelling-House, &c.; nor 25lbs. unless the same be kept in a covered Copper, Lead, &c. Canister. If in wooden Keg or Vessel same to be secured in Leathern Bag, under penalty of £2 for each offence.

Justices of the Peace on information on oath,

XIV. *And be it further enacted,* That no person residing within the said Town shall keep, or permit to be kept, in any Dwelling House, Store, Shop, Stable or Out-house any greater quantity than Twenty-five Pounds Weight of Gunpowder at any one time; nor shall any quantity of Gunpowder be so had or kept unless the same be contained in a covered Copper, Lead, Tin, or Pewter Canister, or if in a covered Wooden Keg or Vessel, such Keg or Vessel shall be secured in a Leathern Bag; and all persons found offending herein shall incur a Penalty of Two Pounds for each Offence: And it shall and may be lawful for any One of His Majesty's Justices of the Peace, upon Information on oath being made before him of a reasonable ground of suspicion, that any person in Charlotte-Town has a greater quantity of Gunpowder than Twenty-five

Pounds Weight in any place or places, contrary to the true intent and meaning of this Act, to issue a Warrant, directed to any Constable of the District, to search such suspected place or places along with one of the Fire Wardens, and on any greater quantity being found, a Penalty shall be incurred of Two Shillings for every Pound Weight of Gunpowder so found above the quantity by this Act allowed to be kept.

may issue Warrant to Constable to search with Fire Warden any suspected place, and if more than 25lbs. be found, penalty incurred of 2s. per lb for all above 25lbs.

Provided always, That no person shall incur the Penalties for having Gunpowder in his or her keeping, contrary to the intent and meaning of this Act, unless there shall be in Charlotte-Town, or the Suburbs thereof, a Magazine for the Reception and Security of Gunpowder, to which the Public can have access.

Proviso. No penalty to be incurred unless there be a Magazine to which the public can have access.

XV. *And be it further enacted,* That no Stove Pipe within Charlotte-Town aforesaid shall be passed through any Partition of Wood, or of Wood and Lime, or through any Wooden Floor or Roof, unless there shall have been left *Five Inches* clear between the Pipe and the Partition, or Floor, or Roof, and which Pipe shall be surrounded with a Sheet of Iron, Tin, Lead or Copper, which shall be nailed to every such Partition, Floor or Roof; and Close Stoves shall be fixed and set up in such manner as that in all cases they shall be at least *Eighteen Inches* in every direction, except the Bottom, from any Wainscot, Laths or Wooden Partition, through or alongside of which the same may be placed; or if at a less distance, then the Wall or Partition shall be well and securely protected by Sheet Iron or Lead, to the satisfaction of the Fire Wardens: and any person offending in the Premises shall incur a Penalty of Twenty Shillings; and the several persons to be appointed Fire Wardens in pursuance of this Act are hereby required to pay due attention to this Clause at the time of the different Inspections or Visitations herein-before mentioned.

No Stove-pipe to pass through any wooden partition, floor or roof, unless there be 5 inches clear between the Pipe and the Partition, &c.

Pipe to be surrounded with a sheet of Iron, Tin, &c.

Close-Stoves to be 18 inches in every direction except the bottom from any Wainscot, Laths, or Wooden Partition;

if at a less distance, to be protected by Sheet-Iron or Lead, to satisfaction of Fire Wardens.

Penalty 20s.

Fire Wardens to pay due attention to this Clause.

XVI. *And be it further enacted,* That on the discovery of the breaking out of any Fire, an alarm

In case of Fire alarm Drum to be

beat and Church Bells rung.

Drum shall be beat, and the Church Bells of the different Churches shall be rung; and all the Inhabitants of the said Town shall be bound to give their assistance to the said Fire Wardens, who are hereby jointly and severally empowered to require the assistance of the said Inhabitants for the purpose of securing or removing any Property that it may be thought necessary or practicable to save, and for extinguishing and putting out any such Fire; and also to require the assistance of the said Inhabitants on any service calculated to stop or to prevent the further spreading of the Fire; and to suppress all tumults and disorder; and if any person or persons shall wantonly and wilfully make any false alarm of Fire, and be thereof convicted on Oath before a Justice of the Peace, such person or persons shall for such Offence forfeit and pay a sum not exceeding Five Pounds.

Fire Wardens may require Inhabitants to give assistance for security or removal of property,

and for extinguishing, putting out,

or preventing the spreading of Fire, and may suppress tumults, &c.

Persons convicted of raising false alarm of Fire, to forfeit not exceeding £5.

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

Fire Wardens to have a Staff;

to attend Fires, and regulate exertions of Inhabitants,

Inhabitants to obey Fire Wardens.

Persons convicted within one week, of disobedience, &c. to forfeit not exceeding 20s.

XVIII. *And be it further enacted,* That the Constables of Charlotte-Town shall, upon all occasions of Fire, be ready to attend with their Staves and enforce the commands and directions of the Fire Wardens, to prevent Theft, and for other necessary purposes.

Constables to attend at Fires with their Staves and enforce orders of Fire Wardens, to prevent theft, &c.

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

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

Persons refusing to accept office of Fire Warden, to pay 40s.

XX. *And be it further enacted,* That no person already appointed, or who shall hereafter be appointed an Officer or Member of the Fire Engine Company, under and by virtue of an Act made and passed in the Eighth year of His late Majesty King George the Fourth, intituled *An Act to authorize the Formation of a Fire Engine Company for the Town of Charlotte-Town,* or any Act continuing the same, shall be at liberty to resign or withdraw from the said Company (unless with permission of the Officer commanding the said Company for the time being), until such person shall have served at least One Year in the said Company, and have given to such Commanding Officer at least Three Months previous Notice in writing, of such his intention to resign.

Persons already, or hereafter appointed Officer or Members of Fire Engine Company under 8 G. 4, C. 8, must serve one year unless permitted to resign by Officer commanding Company.

Three months notice of wish to resign must be given.

XXI. And whereas Hooks, Chains, Ropes, Ladders and Axes have been provided by the voluntary subscription of the people of Charlotte-Town, and it will conduce much to good order at the time of Fires if the same were put into the custody and charge of fit and proper persons; *Be it therefore enacted,* That it shall and may be lawful for the Captain and Officers of the said Fire Engine Company, from time to time, and so often as the same may be necessary, to choose and appoint such number of prudent and discreet men, not exceeding Four, as may be found necessary, who shall be denominated Fire-men, and shall have the charge of the said Hooks, Chains, Ropes, Ladders and Axes, and shall be obliged to keep them in good order and fit for service on all occasions; and the persons so appointed shall be exempted from all Statute Labour upon the Highways so long as they duly perform this service.

Hooks, Chains, Ropes, &c. having been provided,

Officers of the Fire Engine Company to appoint Fire-Men, not exceeding four, to take charge of, and keep in good repair the said Hooks, Chains, &c.

who shall be exempted from Statute Labour.

In case of Fire, Fire-men to bring said Implements to the place of Fire and use them under the direction of Fire Wardens.

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

Persons having in their possession the said Hooks, Chains, &c.

and neglecting to return them in 24 hours,

or using, except in time of Fire, or alarm thereof, subject to a penalty of 5s. Constables neglecting to attend, or refusing to obey orders of Fire Wardens at time of Fire, to pay not exceeding 10s.

XXIII. *And be it further enacted,* That if any person or persons shall have in his, her or their possession any of the said Hooks, Chains, Ropes, Ladders or Axes which belong to the said Fire-men, and shall neglect to return them for Twenty-four Hours after such Fire, or shall be found using the same except at the time of Fire, or the alarm of Fire, he, she or they shall be subject to the penalty of Five Shillings; and all and every Constable or Constables who shall hereafter neglect to attend at the time of Fire, or who at the time of such Fire, or alarm of Fire, shall refuse or neglect to obey the orders of any Fire Warden, such Constable or Constables, on Conviction thereof before any one of His Majesty's Justices of the Peace, shall forfeit and pay a fine not exceeding Ten Shillings; and every such Constable for the Town of Charlotte-Town, if called on by any Justice of the Peace after any Fire, or alarm of Fire, shall prove by Certificate from one or more of said Fire Wardens that he or they duly attended and did his or their duty at such Fire, or shall otherwise show some good and sufficient cause to the satisfaction of the said Justice that prevented him or them from attending at such Fire or Alarm: and every one of said Constables who shall, when called upon as aforesaid, neglect or refuse to produce such Certificate or other good excuse as aforesaid, shall be liable for each and every such neglect to be fined as last aforesaid; and those who may administer the Oaths of Office to any Consta-

and if called on by any Justice, shall prove by Certificate of one or more Fire Wardens that they duly attended,

or show good cause why they were prevented;

and in default of such Certificate or other excuse, to be fined 10s.

Persons administering Oath of Office to

bles for the Town of Charlotte-Town, shall likewise read to them this Clause.

Constables, to read to them this Clause.

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

Parents and Masters liable for Children and Apprentices.

XXV. *And be it further enacted,* That when the Inhabitants of Charlotte-Town shall meet under or by virtue of any Act of the General Assembly of this Island for making and repairing the Pumps and Wells of the said Town, the Majority of such Inhabitants may at any such Meetings vote such sum or sums as may be considered necessary for the purchase or repair of any Fire Engine or Engines, or any Apparatus for the same, or for providing any Implements to be used at Fires; and the same shall be assessed on the Inhabitants of the said Town, and collected in the same manner as the sums voted for making and repairing the Pumps and Wells of the said Town are now by Law assessed and collected.

Inhabitants of Charlotte-Town may, at their meetings for the making and reparing Pumps and Wells,

vote Money for the purchase of Engines, Apparatus, &c.

to be assessed and collected as Pump and Well Monies are.

XXVI. *And be it further enacted,* That the said Town shall be divided into Eight Wards or Districts, and One Fire Warden shall be appointed to each Ward, and the same shall be numbered and bounded as mentioned and described in the Schedule at the end of this Act: and in case of the removal of any Fire Warden by death, resignation or otherwise, it shall be lawful for the Administrator of the Government for the time being, and he is hereby required, within Thirty Days after notice in writing from any Fire Warden shall be given to him of such vacancy, if by death or removal from the said Town, to appoint another Fire Warden in the place and stead of him who is so removed.

Town to be divided into 8 Wards, 1 Fire Warden to each.

Removal or Death of Fire Warden, how provided for.

A majority of the Fire Wardens who may be present at any Fire, or in their absence two Justices may order Houses to be pulled down, in order to stop the progress of the Fire.

XXVII. *And be it further enacted*, That when any Fire shall break out in the said Town of Charlotte-Town, a Majority of the Fire Wardens of the said Town who may be present—or in their absence, any Two of His Majesty's Justices of the Peace resident in the said Town—shall and may, and are hereby empowered to give directions for pulling down any such House or Houses as shall by them be adjudged meet to be pulled down, for the stopping or preventing the further spreading of the Fire; and if it shall so happen that the pulling down of any such House or Houses by the direction aforesaid, shall be the occasion of stopping the said Fire, or that the said Fire shall stop before it come to the same, that then all and every Owner of such House or Houses shall receive reasonable satisfaction, and be paid for the same by the Owners of Houses in the said Town, whose Houses shall not have been burned, in the manner herein-after prescribed—that is to say, the Owner or Owners of such House or Houses so pulled down, and entitled as aforesaid, shall, as soon as may be, make application to a Meeting of the said Fire Wardens and the Assessors in Office, who may have been appointed under and by virtue of the Law for making and keeping in repair the Pumps and Wells of Charlotte-Town; and the Majority of persons attending such Meeting being satisfied, by such Proof as shall be made or brought, of the justice of the claims made, they shall then issue an Order for a Valuation of the Damages so sustained, to be made by Five indifferent persons, to be therein named, (*Three* of whom shall be a Quorum), and who shall make a Return of their Proceedings upon Oath to another like Meeting on the day which may be affixed in such Order for the same to take place; whereupon the Majority of the Meeting last mentioned shall appoint two or more Assessors, who shall tax the Houses of the said Inhabitants that have not been burnt, at such Rate or Rates as shall by them be thought just, in proportion to the value of the Houses that are to be so taxed, for pay-

If Houses so pulled down stop the Fire, or the Fire stop before it come there, then the Owner shall be paid for the same by the Owners of other Houses which have not been burnt.

Mode of recovering satisfaction for Houses pulled down in order to stop fire.

ing the said Damages and Charges of Valuation, Taxation and Collection, and all other reasonable and necessary Charges and Expenses attending the same, to be ascertained, fixed and settled before the making of such Assessment; and the said last mentioned Assessors are to report their Proceedings also upon Oath to another such Meeting as aforesaid, at a time to be appointed at the last previous Meeting; and such Assessment and Rate being made, the Meeting shall proceed to appoint a Collector of the said Tax; and in case of non-payment the same shall be levied *ex-officio* by such Collector, by Warrant of Distress, to be obtained from any one of His Majesty's Justices of the Peace residing near to the said Town, and not being interested in the payment of the said Tax or Assessment; and as soon as the Assessments and Charges are collected, the Parties claiming shall be paid according to a Report to be made and approved of by a Majority of the persons who may attend such Meeting as last aforesaid.

Proviso. That the pulling down the House where the Fire began shall not entitle the Owner to Compensation;

Provided, that if the House where the Fire began or broke out shall be adjudged to be pulled down, to prevent the increase and further spreading of the Fire, that then the Owner of such House shall receive no manner of Compensation therefor, any thing herein contained to the contrary notwithstanding. And provided also, that if it shall appear to the Majority of the persons, being Fire Wardens and Assessors, who may attend at the first Meeting mentioned in the last foregoing Clause, that any House or Building which may be pulled down as aforesaid, must inevitably have been burnt down by the Fire which existed when it was pulled down, then the Owner or Owners of such House shall receive no Compensation for the same; nor shall the Owner or Owners of any House which may be so pulled down as aforesaid receive any greater sum than shall be allowed by a Majority of such Assessors and Fire Wardens at some of their

nor if it appears that the House so pulled down must have been inevitably burnt down,

Owner of House pulled down not to receive more than shall be allowed by a majority of Assessors and Fire Wardens.

Meetings mentioned in the said last mentioned Clause of this Act, who shall, in their discretion, regulate and fix the amount of such Compensation, according to the greater or less risk there was that such House would or would not have been burnt if left standing, or if it had not been pulled down.

Fines and Forfeitures, how recovered and applied.

XXVIII. *And be it further enacted,* That all Fines and Forfeitures imposed by this Act shall be recovered, with Costs, if not exceeding Five Pounds exclusive of Costs, before a Justice or Justices of the Peace, or a Commissioner or Commissioners for the Recovery of Small Debts, in like manner in all respects as Small Debts of the same amount may now be recovered, but without any right of Appeal to any Party: and if such Fines and Penalties shall exceed Five Pounds, exclusive of Costs, the same shall be sued for and recovered, with Costs, by due course of Law, in His Majesty's Supreme Court of Judicature of this Island; and the said Fines, Penalties and Forfeitures, when recovered, shall be paid over to the Treasurer for the time being, appointed, or to be appointed, under and by virtue of any Act for making and keeping in repair the Pumps and Wells of Charlotte-Town, to be by the Assessors for the time being, under such Act, applied towards the making or repairing of Pumps and Wells in the said Town, or for the better Prevention of Fires within the said Town, as to the said Assessors shall appear most proper.

Act to continue in force for 3 years, &c.

XXIX. *And be it further enacted,* That this Act shall continue in force for and during the Term of Three Years, from and after the passing thereof, and from thence to the end of the then next Session of the General Assembly, and no longer.

SCHEDULE.

No. 1.—The East side of Cumberland Street, and all to the Eastward thereof.

No. 2.—From the East Side of Weymouth Street to the Western side of Cumberland Street.

No. 3.—From the East side of Hillsborough Street to Western side of Weymouth Street.

No. 4.—From East side of Prince's Street to the Western side of Hillsborough Street.

No. 5.—All South of Queen's Square.

No. 6.—All North of Queen's Square.

No. 7.—From East side of Pownal Street to West side of Queen's Street.

No. 8.—All the rest of the Town West of Pownal Street.

CAP. XI.

An ACT to repeal certain Acts therein mentioned.

[Passed March 27th, 1834.]

BE *it enacted, by the Lieutenant Governor, Council and Assembly,* That an Act made and passed in the Twentieth Year of the Reign of His late Majesty King George the Third, intituled *An Act to regulate the Salmon, Salmon Trout and Eel Fishery;* and an Act made and passed in the Twenty-first Year of the Reign of His late Majesty King George the Third, intituled *An Act to explain and amend an Act passed in the Twentieth Year of His present Majesty's Reign, intituled 'An Act to regulate the Salmon, Salmon Trout and Eel Fishery;'* and an Act made and passed in the Tenth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to continue an Act made and passed in the Eighth Year of His present Majes-*

20 G 3, C. 5.

21 G. 3, C. 1.

10 G. 4, C. 17.

ty's Reign, intituled An Act to continue an Act made and passed in the Sixth Year of His present Majesty's Reign, intituled An Act to revive, alter and continue an Act made and passed in the Fifty-second Year of His late Majesty, intituled An Act for raising a Fund to make and keep in repair the Pumps, Wells and Streets of Charlotte-Town, and for other purposes therein mentioned, be, and each and every of the said Acts, and each and every Clause, Matter and Thing therein contained, be and the same are hereby respectively repealed.

Repealed.

CAP. XII.

An ACT for continuing the GENERAL ASSEMBLY in case of the DEATH or DEMISE of His MAJESTY, his Heirs and Successors.

[Passed March 27th, 1834.]

WHEREAS the Peace, Welfare and Security of this Island might be exposed to great dangers, if the General Assembly of this Island should be dissolved by the Death or Demise of the King our Sovereign Lord (whom God long preserve), or by the Death or Demise of any of His Majesty's Heirs and Successors: For remedy thereof—

I. *Be it enacted, by the Lieutenant Governor, Council and Assembly*, That this General Assembly, or any other General Assembly of this Island which shall have been summoned and called by our present Sovereign Lord King William the Fourth, or His Heirs and Successors, shall not determine or be dissolved by the Death or Demise of his said Majesty, His Heirs and Successors; but such General Assembly shall, and it is hereby enacted, to continue, and may meet, convene and sit, proceed and act, notwithstanding such Death or Demise, in the same

Present or other General Assembly summoned by the now King, not to be dissolved by his death or demise.

manner as if such Death or Demise had not happened.

II. *Provided always, and it is hereby enacted,* That nothing in this Act contained shall extend, or be construed to extend, to alter or abridge the power of the King, His Heirs and Successors, to prorogue or dissolve the General Assembly of this Island.

Proviso.

Not to prevent the King from proroguing or dissolving the General Assembly.

Provided, that nothing in this Act contained shall be of any force or effect until His Majesty's pleasure thereon shall be known.

Suspending Clause.

CAP. XIII.

An ACT to to regulate the Conveyance of the MAILS by a STEAM VESSEL, and to repeal an Act formerly passed for that purpose.

[Passed March 27th, 1834.]

BE *it enacted, by the Lieutenant Governor, Council and Assembly,* That when and so soon as His Excellency the Lieutenant Governor, by and with the advice of His Majesty's Council, shall contract with any person or persons residing within this Island, for the Conveyance of the Mails between *Charlotte-Town* in this Island, and *Pictou* in the Province of *Nova-Scotia;* and from *Charlotte-Town* aforesaid to *Miramichi,* in the Province of *New-Brunswick,* from the opening of the Navigation in the Spring, until the closing thereof in each Year, by a good and sufficient Steam Vessel, of at least Fifty Horse Power, having good accommodations for Passengers, and being properly equipped and manned, it shall and may be lawful for the Lieutenant Governor, or Administrator of the Government for the time being, by and with the advice and consent of His Majesty's Council, to pay, or cause to be paid, out of the Public Treasury of this Island, to the person or persons so con-

When Lt. Governor, &c. shall have contracted for the Conveyance of the Mails by a Steam Boat between this Island and Pictou in Nova-Scotia, and Miramichi in New-Brunswick, with a person resident in this Island,

Lt. Governor, &c. may pay such Contractor an annual sum not exceeding £500.

tracting as aforesaid, a sum not exceeding Five Hundred Pounds per annum: Provided always, that if no person or persons residing within this Island should within Six Months from the passing of this Act, offer and give Security for the due Conveyance of the Mails by a Steam Vessel as aforesaid, it shall and may be lawful for the Lieutenant Governor, or other Administrator of the Government for the time being, by and with the consent of His Majesty's Council, to contract with any other person or persons residing out of this Colony, to furnish a Steam Vessel for the Conveyance of the Mail, agreeably to the Provisions of this Act.

Proviso. If no person residing within the Island shall offer,

Lt. Governor, &c. may contract with any person out of the Island to furnish a Steam Boat for the Conveyance of the Mails.

II. *And be it further enacted*, That the said Contractor or Contractors shall enter into good and sufficient Security for the Performance of such Contract, and shall be bound to cause such Steam Vessel to be at *Pictou*, and ready to receive the Mail, weekly, during the period herein-before mentioned, on its arrival there from *Halifax;* and immediately on receiving the same, to proceed therewith to *Charlotte-Town*, and from thence to *Miramichi*, calling at *Charlotte-Town* on her return, for the purpose of taking and carrying the return Mails to *Pictou*.

Contractor to enter into good Security for the performance of his Contract.

Steam Vessel to be ready to receive Mail at Pictou,

to proceed to Charlotte-Town,

and thence to Miramichi, calling at Charlotte-Town on her return to Pictou.

III. *And be it further enacted*, That it shall and may be lawful for the Lieutenant Governor, or other Administrator of the Government for the time being, by and with the advice and consent of His Majesty's Council, on the Contractor or Contractors giving the Security required as aforesaid, and on the said Steam Vessel performing her first Trip to the satisfaction of the Lieutenant Governor and Council, and on request made by the said Contractor or Contractors, to cause to be paid to him or them, a sum not exceeding One Thousand Pounds in advance, on account of the said Contract.

Contractor having given requisite Security, and Steam Boat having performed her first trip to the satisfaction of Lt. Governor and Council, Contractor to be paid not exceeding £1000 in advance.

IV. *And be it further enacted,* That an Act made and passed in the Second Year of His present Majesty's Reign, intituled *An Act to provide for the Conveyance of the Mails between Charlotte-Town and Pictou, by a Steam Vessel,* be and the same is hereby repealed.

2 W. 4, C. 26, repealed.

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

Continuance of Act.

CAP. XIV.

An ACT authorizing Collectors of Impost to appoint Deputies.

[Passed March 27th, 1834.]

BE *it enacted, by the Lieutenant Governor, Council and Assembly,* That the Clerk or Deputy of any Collector of Impost and Excise within this Island, is hereby authorized, in the absence of any such Collector as aforesaid, to perform the duties of the said Collector, as prescribed in and by the respective Acts of this Island, whereby any Duty of Impost is levied and imposed, and wherein the same is directed to be paid and secured.

Clerk or Deputy of Collector of Impost to perform duties of Principal in his absence.

II. *And be it further enacted,* That every such Collector of Impost as aforesaid, who shall hereafter appoint any such Clerk or Deputy, shall require him to be duly sworn faithfully and impartially to perform the duties of his Office; and every such Collector of Impost shall, and is hereby declared to be responsible and liable for all and every neglect of duty, or improper conduct, on the part of any such Clerk or Deputy appointed by him in discharge of his duty as aforesaid.

Clerk or Deputy to be sworn to the faithful discharge of his duty.

Collector liable for neglect of duty or improper conduct of Clerk or Deputy.

III. *And be it further enacted,* That all such Clerks or Deputies so appointed and sworn as aforesaid, shall and they are hereby authorized

Such Clerks, &c. authorized to make seizures.

and required to seize and detain any Article or Articles that they may find fraudulently and improperly landed, contrary to the Acts of this Island in such case made and provided.

CAP. XV.

An ACT for ascertaining and establishing the BOUNDARY LINES of Counties and Townships and parts of Townships, and for regulating the DUTY of SURVEYORS, and to repeal a certain Act therein mentioned.

[Passed March 27th, 1834.]

WHEREAS the Lines and Boundaries of the different Counties and Townships into which this Island is divided, although laid down and marked in the General Survey thereof, have not generally been ascertained and settled by actual Survey, nor have any known Rules and Principles yet been provided by Statute for ascertaining and establishing the same:

Commencement of County and Township Boundaries, how ascertained.

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Assembly,* That the Commencement of the several County and Township Boundaries shall be ascertained by Admeasurement from such natural or other marks on each side thereof as are of the most certain or unchangeable nature, connected with such other Evidence as can be best obtained of the real and true Commencement of such County and Township Boundaries; and that all County and Township Boundary Lines shall be run from the Point of Commencement, in such manner ascertained and fixed, according to the Magnetic Position of the Year One thousand seven hundred and sixty-four, by which it appears that the whole of the several Boundaries were laid down on the original Survey of this Island—being

County and Township Boundary Lines to be run from the point of commencement according to magnetic of 1764, being N. 15 deg. 30 min. W.

North, Fifteen degrees Thirty minutes West—and from which the Descriptions in the several Grants from the Crown of the respective Townships were taken.

II. *And be it enacted,* That it shall and may be lawful for the Lieutenant Governor, or other Administrator of the Government, by and with the advice of His Majesty's Council, to appoint *Three* Commissioners, one of whom shall be the Surveyor General of this Island for the time being, who, together with two other Persons duly qualified to carry into effect the Provisions of this Act, but who shall not be practising Land Surveyors, which said Commissioners shall be duly sworn before the Lieutenant Governor in Council to perform the duties of such office faithfully and honestly, according to the best of their skill and abilities, and strictly according to the directions of this Act; and such Commissioners shall have full power and authority to summon Witnesses and examine them on oath when they shall deem it necessary; and it shall be their duty to ascertain and fix the Points of Commencement of each County or Township Boundary, which Point of Commencement so fixed by them shall be binding on all Parties interested therein; and all Lines shall be run from such Points of Commencement by the Surveyor General or other Surveyor duly qualified by this Act as herein after mentioned: and in case of the Death or Absence, or other Removal of any of the said Commissioners, it shall and may be lawful for the Lieutenant Governor, by and with the advice of His Majesty's Council, to appoint another or others duly qualified as aforesaid, in the place of such Commissioner or Commissioners removed by Death or otherwise, so as there shall be at all times Three effectual Commissioners to act during the continuance of this Act. Provided neverthe-

Lt. Governor to appoint three Commissioners, of whom Surveyor General to be one.

The other Commissioners not to be practising Land Surveyors, who shall be sworn, &c.

Power to summon Witnesses, &c.

Their duty.

In case of death, &c. how vacancy filled up.

Proviso.

Not to interfere with Surveyor General's duty as respects Crown Lands.

less, that the authority so vested in the said Commissioners shall not extend, or be construed to extend, to interfere with the Surveyor General in the discharge of his duty in any thing relating to Crown Lands.

III. And whereas it is highly expedient and necessary that the two County Lines should be run marked and staked—

Boundary Line between King's County and Queen's County, how to be run.

Be it therefore enacted, That the Commissioners appointed by virtue of this Act, after having ascertained the Commencement of the Line between King's County and Queen's County, on the South side of this Island, under the direction and in pursuance of this Act, shall run, or cause the same to be run, according to its true Course, from said Point of Commencement to the Southern Boundary of Townships Numbers Thirty-seven or Thirty-eight, where it shall be connected, either East or West, or as the case may be, with the Division Line of Townships Numbers Thirty-seven and Thirty-eight, which Division Line, after being ascertained, shall be the remainder of said County Line, and which said Boundary of Townships Numbers Thirty-seven and Thirty-eight, after ascertaining the correct Point of Commencement on the North side of the Island, shall be run according to its true Course to the extent of said Townships.

Boundary Line between Queen's County and Prince County, how to be run.

IV. *And be it enacted*, That the Commissioners aforesaid shall in like manner ascertain the Commencement of the Line between Queen's County and Prince County on the North and South sides of the Island, and run, or cause the same to be run, respectively, according to their true Courses, to the Southern Boundary of Township Number Twenty-five, which said Boundary of Township Number Twenty-five shall connect the said County Line.

Commissioners to cause County Lines

V. *And be it enacted*, That immediately after His Majesty's Royal Allowance of this Act shall be signified, the Commissioners appointed under and

by virtue of the same shall cause the County Lines to be run as hereinbefore directed, the expense of which shall be paid by the Government of this Island; but before the Commissioners so to be appointed as aforesaid shall proceed to ascertain the Commencement of either of the said County Lines, they shall give Public Notice in the *Royal Gazette* of the time and place of holding the Survey for that purpose, at least *Thirty Days* previous to holding such Survey.

to be run, on Royal Assent having been signified to this Bill. Expense to be borne by Government of this Island.

Commissioners to give public notice of time and place of holding Survey, &c.

VI. *And be it enacted*, That any Proprietor who shall be desirous of having the Boundary Lines ascertained and established between his Township and the adjoining Township, may apply to the Commissioners aforesaid for that purpose, who are hereby required and directed, on such application to give *Thirty Days* Notice to the Proprietor of the adjoining Township, or to his Agent, that he may be present at such Survey if he think fit: and should it so happen that there be no Proprietor or Agent for such Township resident within the Island, then and in that case the Commissioners aforesaid shall signify the same to the Lieutenant Governor in Council, who is hereby authorized to appoint a person for such absent Proprietor, to attend the said Commissioners; and any Township Boundary Lines, of which the Points of Commencement shall be proved to the said Commissioners to have been ascertained and fixed agreeably to the Descriptions in the Original Grants, and run according to the Magnetic Position of the Year One thousand seven hundred and sixty-four, by the Surveyor General, or any other person, which the Proprietors interested therein have acknowledged and acted upon, are hereby declared to be good and valid and binding upon all Parties concerned, any thing in this Act contained to the contrary notwithstanding.

Proprietor may apply to Commissioners to have Boundary Line ascertained between his and the adjoining Townships.

30 days notice to be given to Proprietor of adjoining Township.

If no Proprietor or agent resident in the Island,

Lt. Governor, &c. to appoint a person for such absent Proprietor.

Township Boundary Lines proved to be agreeable to description in the Grants, and run according to magnetic of 1764, and acknowledged so by Proprietors interested therein, to be good and valid.

VII. *And be it enacted*, That all Township Boundary Lines which run through this Island shall

Township Boundary Lines running

through the Island how to be run.

be run from the Points of Commencement on each side thereof, duly fixed and ascertained under the directions of this Act, to the Centre or Midway between such Points of Commencement; and in all cases where Lines do not meet or correspond with the original Survey of the Island, the Boundary shall be settled and connected by a Line perpendicular to the said Lines, either North or South, East or West, as the case may be; and the expense attending the establishment and running of Township Boundary Lines shall be paid in equal proportions by the Proprietors of the Lands bounding on such Lines.

Expense of running to be borne by Proprietors of Lands bounding on such Lines.

No person to be disturbed in the *bona fide* possession, &c. of Land, by reason of any Line intersecting it.

VII. *And be it enacted,* That if on accurately settling any County or Township Boundary Line, under the directions of this Act, it shall appear that the said Line intersects or divides any Land in the *bona fide* possession or occupation of any person whomsoever, such person shall not, in consequence thereof, be disturbed in his said possession or occupation; and in case he shall be a Tenant or Lessee, he shall continue to pay his Rent to his Lessor as heretofore; and nothing in this Act contained shall extend, or be construed to extend, to enable the Commissioners so to be appointed under and by virtue of this Act, to adjudicate upon the Title to any Lands within this Island, but that their Jurisdiction shall be confined in the strictest manner to the settling of Boundary Lines, or the Commencement of such Boundary Lines.

Such person, being a Tenant, to pay Rent to his Lessor, as heretofore.

Commissioners not to adjudicate upon Titles to Land.

Supposed Proprietor of intersected Land having leased the same shall pay to true Proprietor the future Rent reserved;

and if sold, the purchase money.

IX. *And be it enacted,* That the supposed Proprietor of such intersected or divided Land, who hath leased or sold the same, shall, if leased, pay to the true Proprietor of any part thereof, or his Agent, the further Rent reserved for the said Land, yearly and every Year during the continuance of the said Lease; and if the same hath been sold, shall account for and pay to the true Proprietor thereof, or his Agent, the sum or purchase Money for which

the same hath been so sold—the said yearly Rent and purchase Money to be recoverable by the true Proprietor, his Heirs, Executors or Administrators, against the said supposed Proprietor, his Heirs, Executors or Administrators, in His Majesty's Supreme Court of Judicature of the said Island: and in all cases where such Lands are held under Lease for any Term of Years, the Tenant or Tenants, Occupier or Occupiers thereof, shall, at the expiration of his, her or their Term therein, peaceably and quietly yield, surrender and deliver up the same to the true Proprietor, his Heirs, Executors or Assignees.

Tenants, &c. at the expiration of Lease or Tenancy, to give quiet possession to true Proprietor.

X. *And be it enacted*, That no person shall be deemed a competent Surveyor to run any County or Township Line under the authority of this Act, who shall not previously have obtained from the Commissioners appointed under and by virtue of this Act, a Certificate that he is duly qualified for such office: and every Surveyor of Lands so qualified is hereby required, annually, to demand and obtain from the said Surveyor General a Certificate that the several Instruments of such Surveyor to be used by him in surveying are good and sufficient; and in the Certificate so to be granted shall be set down and expressed the Variation of said Instruments at the period of making such Certificate, which Certificate the said Surveyor General is hereby required and authorized to grant: and each and every Surveyor, being duly qualified as aforesaid, is hereby authorized and required to administer an Oath to each of the Chainmen employed by him, in the words following, viz:—

Surveyors of County or Township Lines to obtain Certificate from Commissioners of their competency,

and from Surveyor General annually, that the Instruments used by them are good, &c.

Variation of Instruments to be expressed in Certificate.

Surveyor qualified to administer Oath to Chainmen.

"You do swear, that you will justly and truly "admeasure, according to the best of your skill and "judgment, and conformable to such Instructions as "you shall from time to time receive from me in the "premises, and render a correct account thereof.

"So help you God."

Form of Oath.

And each and every Surveyor shall cause accurate Plans of the different Boundaries, as surveyed or

Surveyor to cause accurate plans of

lines surveyed by him to be made,

ascertained by him or them, to be drawn, delineating thereon the adjacent parts of the different Townships which the respective Boundary Lines divide; and

and annex a particular description of the Point of Commencement;

they shall also annex to the said Plans in every case a particular Description of the Point where the Boundary Line commences, its distance from any Headland, River, Creek, or other natural mark on either side

and cause a square Post or Stone to be fixed at the Corners of Township.

thereof, and shall also cause a square Post or Stone to be fixed at each corner of such Township, with the words "Boundary of the Township Number " (*as the case may be*), engraved on each side thereof;

Plans and Descriptions to be lodged in the Surveyor General's Office, which shall be evidence.

and the said Plans and Descriptions of the different Boundaries hereby directed to be made, shall be lodged in the Office of His Majesty's Surveyor General of Lands for this Island for the time being, and shall be given in evidence at all times to come in any dispute or question as to the said Boundaries respectively: and any persons interested in said Boundary

Surveyor General to furnish copies when demanded.

shall be furnished from the said Office with a copy of any such Plan and Description, on paying the usual Fee: and any Surveyor neglecting to comply with the

Penalty on Surveyor not complying with directions of this Act, not to exceed £20.

directions of this Act shall, for each and every offence, forfeit and pay a sum not exceeding Twenty Pounds, to be recovered by suit in His Majesty's Supreme Court of Judicature in this Island, to be

How applied.

applied to the use of His Majesty's Government.

XI. *And be it enacted,* That no Action or

No Action at Law to be sustained for Trespass, in consequence of Line being altered by this Act.

Suit at Law shall or may be sustained on account of any Trespass alleged to have been committed in consequence of any Township Division Line having been run according to the then Meridian, but now altered by this Act.

This Act to extend to Sub-division Lines of Townships where not divided into more than 4 parts.

XII. *And be it enacted,* That the Provisions of this Act shall extend, and be construed to extend, to settling and ascertaining the Sub-division Lines of Townships which shall have been divided into not more than Four parts; and such Sub-division Lines shall be adjusted and settled in the same mode and manner as is hereinbefore prescribed for the adjusting and settling the Lines and Boundaries of Townships.

XIII. *And be it enacted*, That an Act passed in the Eleventh Year of His late Majesty's Reign, intituled *An Act to ascertain and establish the Boundary Lines of the several Counties and Townships of this Island, and to regulate the Duty of Surveyors*, be, and the same is hereby repealed.

Repeals 11 G. 4, C. 10.

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

Suspending Clause.

CAP. XVI.

An ACT in further amendment of an Act passed in the Tenth Year of His late Majesty's Reign, intituled *An Act to regulate the laying out and altering of* HIGHWAYS, *and to provide a mode of obtaining* COMPENSATION *for those who may thereby be injured, and to cause those who are benefited thereby to contribute towards their Formation.*

[Passed March 27th, 1834.]

WHEREAS the Fifth Section of an Act made and passed in the Tenth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to regulate the laying out and altering of Highways, and to provide a mode of obtaining Compensation for those who may thereby be injured, and to cause those who are benefited thereby to contribute towards their Formation*, stands in need of some amendment:

10. G. 4, C. 10, S. 5.

I. *Be it therefore enacted*, That before any Proprietor shall be called upon to pay his proportion of the sum adjudged by the Jury to be paid by him, or to surrender the Land as directed by the said recited Act, the Road which is intended to pass through and over such Proprietor's Land, together with the necessary Bridges, shall have been made and completed.

Proprietor not to be called upon to pay Money or to surrender Land, according to 10 G. 4, C. 10, until Road and Bridges have been made.

Sheriff or Coroner having returned the Inquisition, no Road to be contracted for until Commissioner of Roads, &c. shall have advertised for Tenders 3 times in the Royal Gazette, or given like notice that Roads, &c. will be let at Public Auction.

II. *And be it enacted,* That when the Sheriff or Coroner shall have returned the Inquisition so directed to be made, no such contemplated Road and Bridges shall be contracted for, until the Commissioner for the District shall have advertised at least *Three* times in the *Royal Gazette* that Tenders will be received at a time and place therein specified, and that the lowest Tender, on Security for the due performance thereof having been given, will be accepted, or that the same will be let at Public Auction at the time and place therein specified; and if the Contract upon such Tender, or the Bidding at such Auction, shall be for a less sum than that assessed by the Jury on the Inquisition, such Proprietor shall be called upon to pay no greater sum than that specified in the Tender or Contract, or bid for at such Auction, in the proportion that he has been assessed by the Jury; and if such Proprietor shall be the Contractor or Bidder, and shall perform the Work agreeably to Contract and Specification, to the satisfaction of the Commissioner, he shall not be called upon to pay any sum or sums of Money, or to surrender any Lands whatever; but shall receive such further or greater sum than that assessed by the Jury as shall be necessary to complete the amount specified in such Contract or bid for at such Auction.

Contract or bidding being for a less sum than assessed by Jury, Proprietor to pay no greater sum than contract or bidding. Proprietor being Contractor or Bidder, and performing work satisfactorily, not to pay money or to surrender land, but receive the difference between the sum assessed by the Jury and that contracted or bid for.

CAP. XVII.

An ACT to suspend for One Year a certain part of an Act passed in the Third Year of His present Majesty's Reign, authorizing a further Issue of TREASURY NOTES, to the amount of Five Thousand Pounds.

[Passed March 27th, 1834.]

Suspends for one year 3d, 4th, 5th,

BE *it enacted, by the Lieutenant Governor, Council and Assembly,* That so much of an Act made and passed in the Third Year of His pre-

sent Majesty's Reign, intituled *An Act to authorize a further Issue of Treasury Notes, to the amount of Five Thousand Pounds, and to repeal an Act therein mentioned,* as requires that One Thousand Pounds of the Notes now in Circulation shall be cancelled in One Year from the Date of the Notes so to be issued under and by virtue of the said recited Act, be, and the same is hereby suspended for One Year from and after the First Day of *May* next.

Sections of 3 W. 4, C. 13.

CAP. XVIII.

An ACT for the better Conveyance of the MAILS in the Winter Season.

[Passed March 27th, 1834.]

WHEREAS it is necessary for the safe Conveyance of the Mails and Passengers between this Island and *Nova Scotia* during the Winter Season, that a sufficient Ice Boat be provided by Government, and proper Regulations made for the management of the same:

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Assembly,* That from and immediately after the passing of this Act, a good and sufficient Ice Boat, of not less than the length of Sixteen Feet, and breadth of Four Feet Eight Inches, shall be built at the public expense, under the direction of two competent Mechanics or persons to be appointed by the Administrator of the Government for the time being, which Boat when built shall be provided by the said Mechanics or persons appointed as aforesaid, at the expense of the Government, with not less than three Oars, plated at the end of the Blade with Iron or Steel, two Boat Hooks, two Grapnels, thirty fathoms of Line or Rope, a Compass, four light Boards and two Beetels, and an Oil Cloth sufficient to cover the Boat in case of need—and which Boat, when so built and

Administrator of Government to cause an Ice Boat, not less than 16 feet long and 4 feet 8 inches broad, to be built at the public expense,

under the direction of two Mechanics.

Boat to have not less than 3 Oars plated, 2 Boat Hooks, 2 Grapnels, 30 fathoms of Line, a Compass, 4 Boards and 2 Beetels, and an Oil Cloth;

and to be used for carrying Mails and Passengers between this Island and Cape Tormentine.

provided, shall afterwards be used for the purpose of carrying the Mails and Passengers between this Island and *Cape Tormentine*, and for no other use or purpose whatsoever.

Lt. Governor, &c. to contract with two persons to take care of Boat when built with her apparatus and to carry the Winter Mails for 5 years.

II. *And be it further enacted*, That when and so soon as the said Boat shall be built and provided as aforesaid, it shall and may be lawful for the Lieutenant-Governor, or other Administrator of the Government for the time being, by and with the advice and consent of His Majesty's Council, to contract with two fit and proper Persons to take charge of the said Boat and the said Articles so to be provided as aforesaid, and to carry the Winter Mails between this Island and *Cape Tormentine* for the Term of Five Years —which persons when so engaged, shall enter into good and sufficient Security for the faithful performance of the Contract so made.

Contractors to give Security.

Contractors to have two other active Men to assist in conveying the Winter Mails.

III. *And be it further enacted*, That the Persons so contracting to carry the Mails as aforesaid shall, during the Winter of every Year of the Term of their Contract, provide and keep at their own proper cost and expense, two other active and able bodied men, who shall at all times be in attendance at the time and place that may be fixed and specified in the Contract so made as aforesaid, and shall assist in carrying the said Mails between this Island and *Cape Tormentine*.

Contractors with their Assistants to attend at Cape Traverse at a specified day in each week, and remain till a time offers for crossing to Cape Tormentine, receive the Mails and return to the Island.

IV. *And be it further enacted*, That the Persons so contracting, together with their two Assistants, shall be required to attend at a specified day in each and every week for the Term of their Contract, at *Cape Traverse*, and there remain until a fit and proper time offers for crossing from this Island to the opposite Coast; and after crossing from this Island to *Cape Tormentine*, shall there receive any Mail or Mails that may be ready, and shall thereafter take the first safe opportunity to return to this Island.

V. *And be it further enacted,* That the Persons so contracting shall give good and sufficient Security for the safe keeping of the said Boat and Articles to be provided as aforesaid; and shall at all times during their said Contract keep the said Boat and other Articles, at their own proper cost and expense, in good and sufficient repair; and shall, when required by the Lieutenant-Governor, or other Administrator of the Government, return the said Boat and other Articles to any person or persons appointed to receive the same, under a Penalty of Fifty Pounds.

Contractors to give Security for keeping Boat in good repair,

and to return Boat, &c. when ordered,

under a penalty of £50.

VI. *And be it further enacted,* That it shall and may be lawful for the Lieutenant-Governor, or other Administrator of the Government, to cancel any such Agreement as aforesaid, in case either of the said Contractors shall be guilty of any breach thereof, or shall at any time neglect or refuse to perform the duties imposed thereby, or if either of them shall at any time while crossing the Strait be intoxicated; and the said Lieutenant Governor, or other Administrator of the Government, is hereby authorized, in case of neglect as aforesaid, or in case of the death of either of the Contractors, to contract with other persons (but of whom the Survivor may be one) under the directions of this Act, for the carriage of the Winter Mails as aforesaid. *Provided always,* that a Condition shall be inserted in such Contract so to be made as aforesaid, by which the Lieutenant-Governor, or other Administrator of the Government, if it shall be considered for the benefit of this Government, shall, on giving One Month's notice to the Contractors as aforesaid, be able to cancel the same at the end of such Month.

Lt. Governor &c. may cancel agreement for breach thereof, or for neglect, &c. of duty, or intoxication while crossing.

In case of vacancy by death or removal, Lt. Governor to contract with other persons (of whom survivor may be one) for carriage of Mails, &c.

Condition to be inserted in Contract that Lt. Governor may cancel agreement on giving 1 month's notice.

VII. *And be it further enacted,* That the Persons so contracting shall at all times be provided with good and sufficient Clothing, and shall at all times have with them while crossing all and

Contractors to be provided with good clothing, and have with them while

crossing all the articles provided, under a penalty not to exceed £2.

every of the Articles provided as aforesaid, under a Penalty, for every Article deficient, not exceeding Two Pounds.

No more than 4 Passengers to cross at any one time, under a penalty not exceeding £5.

VIII. *And be it further enacted,* That no greater number of persons shall be taken at any one time, over and above the persons required by this Act to manage the Boat, than Four, under a Penalty for every Offence not exceeding the sum of Five Pounds.

Rates of Passage.

IX. *And be it further enacted,* That the Rates of Passage shall be, for each and every Person, the sum of Twelve Shillings and no more, who shall be entitled to carry Twenty Pounds of Baggage and no more; and that at the respective places specified in the Contract, there shall be kept a Book wherein the Persons wishing to cross may enter their names, and that Person whose name stands first on the said Book shall be entitled to priority of Passage, provided at the time he shall have so entered his name he shall have paid to the Person keeping the Book the Passage Money herein-before directed.

Books to be kept at places mentioned in the Contract for persons to enter their names.

Persons first entering name and paying passage money, to have priority.

Contractors to receive £6 per trip.

X. *And be it further enacted,* That there shall be paid out of the Monies that may hereafter be in the Treasury of this Island, the sum of Six Pounds for every time such Contractors shall cross to *Cape Tormentine* and return to the Island with the Mails as aforesaid.

Fines and Penalties how recovered and applied.

XI. *And be it further enacted,* That all Fines and Penalties arising under and by virtue of this Act, shall be recovered, with Costs of Prosecution, before any Two of His Majesty's Justices of the Peace, if the same shall not exceed the sum of Ten Pounds, by Warrant of Distress and Sale of the Offender's Goods and Chattels, which Fines and Penalties shall be paid into His Majesty's Treasury, to and for the use of His Majesty's Government; and if no Goods and Chattels can be found whereon to levy, then the

said Offender shall be imprisoned for a Term not exceeding Sixty Days.

CAP. XIX.

An ACT to continue an AD-VALOREM DUTY on all Goods, Wares and Merchandise, imported into this Island, with certain exceptions.

[Passed March 27th, 1834.]

WHEREAS it is deemed expedient to continue and amend the Act levying an Ad-valorem Duty on all Goods, Wares and Merchandise:

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Assembly,* That an Act made and passed in the Third Year of His present Majesty's Reign, intituled *An Act for continuing for One Year an Ad-valorem Duty on all Goods, Wares and Merchandise imported into this Island, with certain exceptions,* be and the same is hereby continued in force for One Year, from the Seventh day of *May* next, and no longer.

3 W. 4, C. 35, continued for one year from 7th May 1834.

II. *And be it further enacted,* That it shall and may be lawful for the Clerks or Deputies of any Collector of Impost within this Island, and they are hereby authorized, to administer such Oaths as are prescribed by the above recited Act, or any other Act of this Island whereby a Duty of Impost is directed to be levied.

Clerks, &c. of Collectors of Impost may administer oaths, &c.

CAP. XX.

An ACT to continue for One Year an Act levying a DUTY on TOBACCO and TEA.

[Passed March 27th, 1834.]

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, intituled *An Act for levying a*

3 W. 4, C. 36.

continued for one year from 7th May 1834.

Duty on Tobacco and Tea, be and the same is hereby continued in force for One Year, from the Seventh day of *May* next, and no longer.

CAP. XXI.

An ACT for continuing for One Year an Act imposing an additional DUTY on WINES and SPIRITUOUS LIQUORS.

[Passed March 27th, 1834.]

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, intituled *An Act to continue for One Year an additional Duty imposed on Wines and Spirituous Liquors imported into this Island,* be and the same is hereby continued in force for One Year, from the Seventh day of *May* next, and no longer.

3 W. 4, C. 34 continued for one year from 7th May 1834.

CAP. XXII.

An ACT for levying a LIGHT DUTY on all VESSELS clearing out at any of the Custom Houses in this Island.

[Passed March 27th, 1834.]

BE *it enacted, by the Lieutenant Governor, Council and Assembly,* That from and after the passing hereof, there shall be paid by the Master of every Vessel clearing out of any of the Custom Houses in this Island for any other Port or Colony whatsoever, a Light Duty of Twopence per Ton for each and every Ton such Vessel may register—the said Duty to be paid at the time or before the clearing of any such Vessel at any of the Custom Houses as aforesaid, to such person or persons as are now appointed, or may hereafter be appointed, by the Administrator of the Government for the time being, to receive

Masters of Vessels clearing out at the Custom Houses for any other Port or Colony, to pay twopence per ton before clearing, to Collector of Light Duty.

the same; and upon refusal of payment, to sue for and recover such Duty before any One of His Majesty's Justices of the Peace; which Justice is hereby directed and required to cause a Capias to be issued for the Recovery of the same, and immediately to proceed and adjudicate thereon.

In case of refusal, how recovered.

II. *Provided always, and be it further enacted,* That all Vessels belonging to this Island while actually and exclusively engaged in the Fishery, shall be exempted from paying any Light Duty; any thing in this Act to the contrary notwithstanding.

Vessels &c. actually engaged in the Fishery exempted.

III. *And be it further enacted,* That all Monies arising under and by virtue of this Act shall be paid into the Treasury of this Island, and applied in such manner as may hereafter be directed by the Legislature of this Colony, in aid of supporting Light Houses.

Duty to be paid into the Treasury, and applied in aid of supporting Light Houses.

IV. *And be it further enacted,* That every Collector of the Duties imposed by this Act shall be allowed and paid Fifteen *per Centum* as Commission on all Monies received by him under and by virtue of this Act.

Collector of Light Duty to be allowed 15 per cent.

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

Act to continue in force for 5 years.

CAP. XXIII.

An ACT for APPROPRIATING certain MONIES therein mentioned, for the Service of the Year of Our Lord One thousand eight hundred and thirty-four.

[Passed March 27th, 1834.]

May it please Your Excellency;

WE His Majesty's dutiful and loyal Subjects, the House of Assembly of His Majesty's Island Prince Edward, towards appropriating the Supplies granted to His Majesty by the General Assembly in

this present Session, and for supplying the Exigencies of His Majesty's Government, do humbly beseech that it may be enacted—and 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 Island, arising from said Supplies, there shall be paid—

L. 260 to the Collector of Impost for his Salary during the present year:

The Sum of Two hundred and sixty Pounds to the Collector of Impost and Excise for the District of *Charlotte-Town*, for his Salary for the present Year:

L. 200 for Salaries of Sub-Collectors of Customs:

And a further Sum of Two hundred Pounds, to the Lieutenant Governor, to defray the Salaries of Sub-Collectors of Customs for the present Year:

L. 500 to the Treasurer, for his Salary.

And a further Sum of Five hundred Pounds, to the Treasurer of this Island, for his Salary for the present Year:

L. 40 to the Wharfinger of Charlotte-Town Wharf for his Salary:

And a further Sum of Forty Pounds, to the Wharfinger of the Public Wharf of *Charlotte-Town*, for his Salary for the same period:

L. 180 for conveying Inland Mails:

And a further Sum of One hundred and eighty Pounds, to defray the expence of conveying the Inland Mails, for the same period:

L. 20 to Richard Chappell, Postmaster:

And a further Sum of Twenty Pounds, to Richard Chappell, Postmaster, for managing the Inland Mails for the past Year:

L. 1500 for the Contingent Expenses the Government:

And a further Sum of One thousand five hundred Pounds, to defray the Contingent Expenses of the Government of this Island for the present Year—to be drawn for, from time to time, by Warrant of the Lieutenant Governor in Council:

L. 100 Sterling to John Bainbridge, Esq. Colony Agent:

And a further Sum of One hundred Pounds Sterling, to John Bainbridge, Esq. for his services as Colony Agent for the past Year:

L. 150 to Commissioners of Highways:

And a further Sum of One hundred and fifty Pounds, to the Commissioners of Highways, for their services for the present Year:

L. 50 to person

And a further Sum of Fifty Pounds, to the Person

appointed to correspond with the Road Commissioners, for the same period:

appointed to correspond with Road Commissioners:

And a further Sum of Seventy-five Pounds, to the Officer appointed under the Act of Third William Fourth, Chapter Thirty, for receiving the Returns from the Commanders of Regiments and Battalions, and for inspecting the Militia when so directed, for his Salary for the same period:

L. 75 to Inspecting Field Officer of Militia:

And a further Sum of One hundred Pounds, to aid in building a Wharf on the South side of Dunk River, Bedeque:

L. 100 in aid of Wharf on South side of Dunk River:

And a further Sum of Eighty Pounds, to aid in building a Bridge over Bay Fortune River:

L. 80 in aid of Bay Fortune River Bridge.

And a further Sum of Forty Pounds, to the Central Agricultural Society, for the purchase of Seeds; and Twenty Pounds to each of the Agricultural Societies in Prince County, provided the number shall not exceed two; and Twenty Pounds to each of the Agricultural Societies in King's County, provided the number shall not exceed two; the Grants to the said Societies last mentioned to be also expended in the purchase of Seeds:

L. 40 to Central Agricultural Society:

L. 20 to Agricultural Societies in Prince County, and £20 to Agricultural Societies in King's County, provided the number of Societies in each County does not exceed two.

And a further Sum of Twenty Pounds, to each Member of the Assembly, exclusive of the Speaker, to indemnify them for their attendance at the present Session; together with One Shilling per Mile to each Member for every Mile travelled coming to the Assembly and returning home, this present Session:

L. 20 to each Member of Assembly exclusive of Speaker:

And a further sum of Forty Pounds, to the Speaker of the House of Assembly, for his services during the present Session:

L. 40 to the Speaker of the House of Assembly.

And a further Sum of Ninety Pounds, to the Lieutenant Governor, to be expended, if necessary, for the maintenance and safe keeping of Insane persons for the present Year:

L. 90 for the safe keeping of Lunatics:

And a further Sum of Seventy Pounds, for the purpose of extending and covering the Georgetown Wharf:

L. 70 for Georgetown Wharf:

And a further Sum of One hundred and fifty

L. 150 for Inci-

dental repairs on Roads and Bridges:

Pounds, to the Lieutenant Governor, to defray the incidental Repairs on Roads and Bridges for the present Year:

L. 25 to Alexander Morrison, as remuneration for a Road running through his Land:

And a further Sum of Twenty-five Pounds, to Alexander Morrison, as a remuneration for running a Road through his Farm in Georgetown Royalty, on his executing an Assignment to His Majesty of his interest in the said Road:

L. 10 to Mrs. Hannah Bullpitt:

And a further Sum of Ten Pounds, to Mrs. Hannah Bullpitt, for conducting a preparatory School in Charlotte-Town:

L. 15 to Bazil Porrier for support of an Idiot.

And a further Sum of Fifteen Pounds, to Bazil Porrier, for the support of an orphan Idiot:

L. 10 for securing Wharf opposite Mount Stewart:

And a further Sum of Ten Pounds, for the repairing and securing the outer end of the Wharf opposite Mount Stewart:

L. 1000 for Furniture for new Government House:

And a further Sum of One thousand Pounds, to be placed at the disposal of Two Members of His Majesty's Council and Three Members of the Assembly, to be appointed by the Lieutenant Governor, and applied for the purchase of Furniture for the Hall, three Rooms, the Office and Ante-room, and the necessary Stoves for the new Government House.

L. 50 in aid of a Bridge over Indian River:

And a further Sum of Fifty Pounds, to aid in building a Bridge over Indian River, on the new line of Road from Princetown to New Annan:

L. 2000 for the service of Roads and Bridges:

And a further Sum of Two thousand Pounds, at the disposal of the Lieutenant Governor, to be applied and expended for the service of Roads and Bridges, agreeably to the Report of the Committee of the House of Assembly for the consideration of all matters relating to Roads and Bridges:

L. 30 to John O. Nantes, for an Index to Registry Books:

And a further Sum of Thirty Pounds, to John Ogle Nantes, Deputy Register, in full for an Index to the Register Books:

L. 10 to John Ready, a blind person:

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

L. 12 to William

And a further Sum of Twelve Pounds, to William

Purcell, a blind person, to be paid to him in half yearly payments:

Purcell, a blind person.

And a further Sum of Twenty Pounds, for the support of James Symondson, a destitute and aged blind person, to be paid in quarterly payments:

L. 20 to James Symondson, a blind person.

And a further Sum of Thirty Pounds, to aid in rebuilding the Bridge over the Hunter River, at New Glasgow:

L. 30 in aid of the Bridge over Hunter River:

And a further Sum of Eighty Pounds, to aid in completing that part of Anderson's Road being in Queen's County:

L. 80 in aid of Anderson's Road in Queen's County:

And a further Sum of One hundred Pounds, for raising and extending the Slip at Charlotte-Town Ferry, on the South side of the Hillsborough:

L. 100 for the Slips at Charlotte-Town Ferry.

And a further Sum of Seven hundred Pounds, to the Lieutenant Governor, for the Encouragement of Schools, in the manner specified in an Act passed this Session, intituled *An Act for the Encouragement of Education.*

L. 700 for the encouragement of Schools.

And a further Sum of Nine Pounds, for the purchase of a right of way from Saint Peter's Bay to the Road leading to the North shore by Leslie's Mill:

L. 9 for purchasing a right of way from St. Peter's Bay to North Shore Road:

And a further Sum of Eight Pounds, to a blind person at Belfast, of the name of Maddox, in indigent circumstances:

L. 8 to a blind person of the name of Maddox:

And a further Sum of Eight Pounds, to William M'Neil, of Seven Mile Bay, an aged blind person:

L. 8 to William M'Neil, a blind person:

And a further Sum of Fifty Pounds, to the Trustees of Saint Andrew's College, in aid of the Funds of that Institution:

L. 50 to the Trustees of St. Andrew's College.

And a further Sum of Fifteen Pounds, to be applied under the direction of such persons as the Lieutenant Governor may appoint, for exploring and ascertaining what improvement can be made in the road communication from De Sable to Mabey's, and the probable expence of making the same; to be reported to the House at its next Session:

L. 15 to such persons as may be appointed to explore and report upon the Road from De Sable to Mabey's:

L. 15 to the Secretary of the Board of Education:

And a further Sum of Fifteen Pounds, to such person as may be appointed Secretary to the Board of Education, in lieu of Stationary and other incidental expenses, for the present Year:

L. 100 for the conveyance of the Winter Mails:

And a further Sum of One hundred Pounds, to the Lieutenant Governor, towards defraying the expenses of conveying the Mails between this Island and Nova-Scotia during the Winter season:

L. 349 9s. 7d. to the Contractors of the Public Wharf of Charlotte-Town:

And a further Sum of Three hundred and forty-nine Pounds, Nine Shillings and Sevenpence, to the Contractors for extending the Public Wharf of Charlotte-Town, for the extra work performed thereon:

L. 25 to Henry Lewellin, for extra work on Sturgeon Bridge.

And a further Sum of Twenty-five Pounds, to Henry Lewellin, for extra work performed on Sturgeon Bridge.