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At the **GENERAL ASSEMBLY** of the Province of Nova-
 Scotia, begun and holden at Halifax, on Thursday, the
 Twenty-fifth day of January, 1838, in the First Year of
 the Reign of Our Sovereign Lady Victoria, by the Grace
 of God, of the United Kingdom of Great-Britain and Ire-
 land, **QUEEN**, Defender of the Faith, &c. &c. &c. being
 the Second Session of the Sixteenth General Assembly
 convened in the said Province.*

* In the time of Sir COLIN CAMPBELL, Lieutenant-Governor; Simon Bradstreet Robie, President of the Legislative Council; Samuel George William Archibald, Speaker of the Assembly; Sir Rupert D. George, Provincial Secretary; and John Whidden, Clerk of Assembly.

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CAP. I.

**An Act to provide for the opening of certain New Roads
 in Queen's County.**

(*Passed the 29th day of March, 1838.*)

WHEREAS, the Roads leading from the Town of Liverpool, on the West side of the River, to the Village of Milton, and to the same Village, on the eastern side of the River, have been recently altered by proceedings had in the Court of Sessions for the County of Queen's County, and a new line, avoiding steep and difficult hills, to pass along the borders of the said River, has been established by order of said Court; *And whereas*, it is necessary for the accommodation of the Inhabitants to complete said new line of Roads immediately, and thereby save an unnecessary outlay upon the old Roads, but in consequence of the demands of other portions of the said County, it will be convenient to appropriate at one time a sufficient sum of Money for that purpose, out of the Monies granted for the service of Roads and Bridges in that County; *And whereas*, a similar alteration is proposed to be made through the District of Brookfield in the same County, for the purpose of avoiding the same difficulties, but for which, for the reasons aforesaid, sufficient monies cannot at one time be appropriated; *And whereas*, certain individuals, it is believed, would advance monies to the extent required for the above improvements, to be repaid by instalments:

Preamble

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That when and so soon as any person or persons shall have given sufficient security, to the satisfaction of the Governor, Lieutenant-Governor or Commander in Chief for the time being, and in manner, and to such amount, as he shall direct, that such new lines of Road shall be without delay completed, and that monies for that purpose will be forthwith provided and paid and advanced, when and as required during the progress of the work, it shall and may be lawful for the said Governor, Lieutenant-Governor or Commander in Chief for the time being, to appoint, in the usual manner, a Commissioner or Commissioners, for the said new lines of Road for which such security shall be given, and which may have been ordered to be opened by the said Court of Sessions, and such Commissioner or Commissioners shall, without delay, and with the utmost despatch, proceed to complete the said Roads, and return upon oath to the office of the Secretary of the Province, for the information of the Governor, Lieutenant-Governor or Commander in Chief for the time being, a full, true and accurate, account of the monies expended in such work, and when, and from whom, or from what source received.

Commissioner to be appointed to complete new Lines of Roads

II. *And be it further enacted*, That when and so soon as the said line of Roads, or any one, or more of them, shall be opened and completed, and until all monies advanced by any

Appropriation for new Lines of Roads

any such person or persons giving such security as aforesaid, for and towards the completion of the Roads aforesaid, or any one or more of them, with legal interest thereon, shall be fully repaid, there shall be annually appropriated from and out of the monies granted and allotted for the service of Roads and Bridges in the said County of Queen's County, the sum of Ninety Pounds, in case so much shall be allotted and granted for such service, to be applied to the re-payment of all monies so advanced by such person or persons giving such security, in whose favour it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being, to draw a Warrant on the Treasury for such yearly amount; but in case the monies allotted and granted for the service of Roads and Bridges in the said County shall be less than the said sum of Ninety Pounds in any one year, then, in every such year, the whole monies so allotted and granted shall be appropriated for the purposes aforesaid.

Proviso

III. *Provided always, and be it further enacted,* That in case hereafter no monies shall be appropriated, allotted or granted, for the service of Roads and Bridges in the County of Queen's County, this Act, or any thing herein contained, shall not be, and shall not be held or taken to be, any pledge, guarantee or lien, of, for or upon, the public Funds or Revenue of this Province, or of or upon the public for the re-payment of any monies which may have been advanced for the purposes of this Act, and which may remain and be unpaid.

CAP. II.

An Act to Incorporate the Halifax Marine Insurance Company.

(Passed the 29th day of March, 1838.)

Preamble

WHEREAS the Trade and Navigation of this Province will be benefitted by the establishment of another Company for carrying on the business of Marine Insurance, under proper guards and provisions; *And whereas,* the several persons hereafter named, have united, with many others, to raise a Capital or Joint Stock, in that behalf:

Incorporation of Company

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That Mather B. Almon, Stephen Binney, Edward Allison, James N. Shannon, Michael Tobin, Jun. James McNab, John Leander Starr, Andrew M. Uniacke, Edward Kenny, John T. Wainwright, George P. Lawson, William M. Allan, William Murdoch, Alexander Keith and Robert Noble, and all and every such other person and persons as shall, from time to time, become Proprietors of shares in the Company and Undertaking hereby established, as hereinafter is mentioned, and their respective Successors, Executors, Administrators and Assigns, shall henceforth be, and they are hereby united into, a Company, and declared to be one Body, Politic and Corporate, by the name of "The Halifax Marine Insurance Company," and by that name shall have perpetual succession, and a Common Seal, with power the same Seal to change, alter, break and make new, as to the Company shall seem fit, and by that name also shall and may sue, and be sued, plead or be impleaded, at Law or in Equity, and shall and may prefer and prosecute any Bill or Bills of Indictment, against any person or persons who shall commit any Felony, Misdemeanour or other Offence, by Law indictable, and shall by that name be capable; authorized and empowered, to purchase, have, hold, receive, possess and enjoy, Lands, Messuages, Houses, Hereditaments, and Real Estates whatsoever, within this Province, either in fee simple, or for term of life or lives, or years, or in any other manner, but not exceeding in value Thirty Thousand Pounds; and likewise Monies, Securities for Money, Goods, Chattles, Effects, and other things of whatsoever kind or quality, and shall by that name, and in their Corporate capacity, be capable, authorised and empowered; to give, grant, sell, assign, mortgage, demise, absolutely or conditionally, or otherwise dispose of, all or any part of such Real and Personal Estate and Property as aforesaid, as to the said Company shall seem meet, and at their free will and pleasure.

Powers, privileges, &c.

Real Estate of Company

Provided always, That the purchase money of the Lands, Messuages, Houses or Real Estate, requisite for the Offices and Buildings for the business of the Company, and the expenditure for the erection of such Offices and Buildings, shall not exceed the sum of Two Thousand

and Pounds, unless to replace the same, or to repair damages sustained by the accidental destruction thereof, a larger expenditure shall become necessary.

II. *And be it further enacted,* That it shall be lawful for the said Company, and the Subscribers thereto, or Shareholders therein, to raise or contribute among themselves, in such proportions as they shall think proper, for carrying on the business of Marine Insurance, an original Capital or Joint Stock of Forty Thousand Pounds, and at any future time an additional Capital or Joint Stock of Ten Thousand Pounds, and the same original Capital shall be divided into Eight Hundred Shares, of Fifty Pounds each, and any additional Capital into shares of the like denomination; and all such shares shall be numbered in regular progression; and every such share shall always be distinguished by the number affixed thereto; and the said shares shall be, and are hereby, vested in, the several persons so raising and contributing the same, and their several and respective Executors, Administrators and Assigns, proportionably to the sum they shall severally raise and contribute; and all persons, their several and respective Executors, Administrators and Assigns, who shall severally subscribe for one or more share or shares, or such sum or sums of money as shall be demanded in lieu thereof, for the purposes of the said Company, shall bear and pay, in the manner hereinafter directed, an equal and proportionable sum, according to his or their number of shares, towards carrying on the business of the said Company, and shall be entitled to, and receive (according to the number of shares so held, and money so by him or them respectively paid,) distribution of an equal and proportional part of the nett profits and advantages that shall or may arise or accrue from the business and transactions of the said Company.

Capital of Company

Shares

III. *And be it further enacted,* That the names and designations of the several persons who have subscribed for, or may at any time hereafter subscribe for, or be entitled to, a share or shares in the said Company, with the respective numbers of such shares; and also, the proper number by which every share shall be distinguished, shall be distinctly and clearly entered into the books for the registration thereof, and to be called the Registry of Shares, to be kept by the Secretary, Broker or Brokers, of said Company; and, after such entry, a Certificate, under the Seal of the Company, and signed by such Officer as shall be appointed for this purpose, shall be delivered to every Proprietor, upon demand, specifying the share or shares to which such Proprietor is entitled in the said Company; and such Registry, or the Certificate of a share or shares shall be evidence of the property or ownership thereof—but the want of such Certificate shall not hinder or prevent the owner of any such share or shares from selling or disposing thereof.

Registry of Shares

Certificate of Registry

IV. *And be it further enacted,* That the several persons who become Subscribers toward the said Undertaking, shall, and they are hereby required to, pay the sum of money by them respectively subscribed, or such parts or proportions as from time to time shall be called for, as hereinafter is mentioned, at such times and places as shall be directed, in pursuance of the provisions of this Act; and in case any person or persons shall neglect or refuse to pay the same, at the time, and in the manner, required for that purpose, it shall be lawful for the said Company to sue for, and recover the same, in any Court of Law or Equity, or otherwise, for the Board of Directors herein after established, at their option, to declare the share of any such defaulter forfeited, as in and by the Bye-laws shall be provided.

Payment of Shares

V. *And be it further enacted,* That all the shares in the original or increased Capital of the said Company, and in the Undertaking for which it is established, and in the profits and advantages thereof, shall be, and be deemed, Personal Estate, and as such Personal Estate shall be assigned and transmissible accordingly; but no share shall be devisable, or divided, or assigned, in parts, and the several Shareholders or Subscribers to the said Undertaking respectively, and their several and respective Executors, Administrators and Assigns, shall not, except as hereinafter provided, be liable to any debts of, or demands against, the said Company, beyond the amount of their several and respective subscriptions, or the shares they may severally and respectively hold or possess, in the said Company, nor under any calls or assessments to be made by the said Company or Board of Directors, or in any way by any means, nor on any pretence whatsoever, be liable to, the payment of any greater sum of money, in the whole, than the sum of Fifty Pounds, on or for, each several share subscribed for, or held by, or standing in the name of, such Subscriber or Shareholder, at the time of ordering any call or assessment; and that the said sum of Fifty Pounds shall include all the calls and payments to be made on one share, and that no greater sum than Fifty Pounds in the whole shall be paid on any one share in the said Company.

Shares deemed Personal Estate

Limitation of Liability of Shareholders

VI.

Debts of Com-
pany

VI. *And be it further enacted,* That the said Joint Stock, and Real and Personal Estate of the said Corporation, shall be liable for, and subject to, the payment of all debts contracted by the said Company, and that none of the present or future members of the said Company shall be liable for the payment of any debt contracted beyond the amount of the calls or assessments due and unpaid on the Shares of the Stock held by such individual member, except in the cases hereafter provided for.

Shares to be
paid by instal-
ments

VII. *And be it further enacted,* That the said original Capital of Forty Thousand Pounds shall be paid and contributed in and by the following calls or payments, that is to say—the first call or payment, being the sum of Fifteen Pounds for and upon each and every share subscribed for, shall be paid within Thirty days after Public Notice is given, by the Board of Directors, in two of the Halifax Newspapers, that the same is required; and that all other subsequent calls or payments shall be in such Sums, and at such times, as the Board of Directors, having reference to the state of the business and affairs of the Company, shall order and direct. *Provided always,* that of the day to be hereafter appointed respectively for any subsequent call or payment, notice shall be given by Advertisements, published in at least two of the Halifax Papers, thirty days at the least, previous to such day, and all the said calls or payments shall be made by the Proprietor of every share in such Coin or Money, as at the time of such payment shall be a legal tender in this Province.

Security to be
given by Share-
holders

VIII. *And be it further enacted,* That every Subscriber to, or Shareholder in, the said Company, shall at or before the time appointed for the payment of the first call, make, execute, and deliver to the said Company, either a Bond, with a Mortgage to accompany the same, on Real Estate, or otherwise a Bond, with two sufficient Sureties to the satisfaction of the President and Directors, or a majority of them—said Bonds to be renewable as often as the President and Directors shall require, and to be conditioned for the payment of the residue of the calls to become due and payable as aforesaid, on the several shares by him subscribed and taken in the said Company—which Bond or Securities shall be subject to the approval of the first nine persons named in this Act, until the Board of Directors shall be chosen, and afterwards to the approval of such Board.

Payment of
Shares on in-
creased Cap-
ital

IX. *And be it further enacted,* That all shares in any increased Capital shall be paid and payable in such proportion, and at such times, as the Board of Directors shall appoint, and such and the like Securities as are hereinbefore required for the payment of the future calls of the original Capital, shall be taken from the Subscribers for shares in any future increased Capital of the said Company.

President, Di-
rectors and
other Officers of
Company

X. *And be it further enacted,* That the management and regulation of the affairs and business of the said Company shall be conducted by, and vested in, a Board of Directors, to consist of a President and twelve Directors, and that the necessary Officers of the said Company shall be, and at all times, except in case of vacancies arising from death, resignation, or otherwise, shall consist of one President, twelve Directors, a Secretary, Broker or Brokers, and two Auditors or Examiners of the Accounts of the Company, and such other Officers and Servants as the Company shall think proper to constitute and appoint for the better management and conducting the business thereof, and that the several powers, authorities, duties, rights and privileges, of such President, Directors, Secretary, Broker or Brokers, Auditors and other Officers and Servants of the said Company, so to be appointed, shall be, as in and by this Act is, or by the Bye-laws of the said Company shall hereafter be, prescribed and established.

Qualification
of President
and Directors

XI. *And be it further enacted,* That no Shareholder in the said Company shall be qualified to be elected, or to sit or act as President, or one of the Directors of the same, unless he shall, at the day of election, bona fide hold and possess, and during the time that he or they shall continue to be such President and Directors, continue to hold and be possessed of Five shares, at the least, of the Joint Stock of the said Company, nor unless, if chosen at any election occurring after Eighteen Months from the passing of this Act, the said number of Shares shall have stood in his name on the Books, during at least Six Calendar Months before the day of Election.

Meetings of
Company

XII. *And be it further enacted,* That the Annual General Meeting of the said Company shall be held in the month of January, in every year, after this present year, and at such day and place as the Board of Directors shall appoint, and that Special Meetings of the Company shall be summoned by the Directors, when they shall deem the same necessary, or whensoever a requisition

requisition therefor in writing shall be delivered to the Board, signed by twenty Shareholders, owning not less than One Hundred shares, and specifying the object of such meeting; and that meetings of the Board of Directors shall be held at the Office of the Company, at least three days in every week, and at such other times as the Directors shall think proper, or as the business of the Company may require; *Provided always*, that notice of the day appointed for the Annual, or any General or Special Meeting of the Company shall be given by an Advertisement, published at least ten days previous thereto, in two of the Public Newspapers in Halifax.

XIII. *And be it further enacted*, That at every Annual, General, and Special Meeting of the Company, every Proprietor or Shareholder having paid up all calls on him made, and then due and payable, shall be entitled to vote, according to the number of shares which any such Proprietor or Shareholder may possess in the Company, in manner following, that is to say—the owner of one share shall be entitled to one vote, the owner of five shares to two votes, and the owner of ten shares and upwards, to three votes, and may give such vote or votes by his or her proxy, duly constituted, according to the Bye-laws, such proxy being a Shareholder entitled to vote; and whenever any share shall be held by more than one person, in such case the person present at the meeting, who is first named on the Stock Certificate or Registry, shall be entitled to vote therefor; and at every meeting of the Board of Directors, each Director shall have one vote only, and every question, matter or thing, which shall be proposed, discussed or considered, at any general or special meeting of the Company, shall be determined by a majority of the votes and proxies then given, and every question, matter or thing, which shall be proposed, discussed or considered, at any meeting of the Board of Directors, shall be determined by the majority of votes then given by the Directors then present; and in case it should happen that at any general or special meeting of the Company, or meeting of the Board of Directors, the votes shall be equal, then the President of the Company, or, in his absence, the Chairman of the meeting, or of the Board, shall be entitled to a casting vote, upon the matters under discussion, besides and in addition to his own personal vote, unless such right to a casting vote shall be abrogated by the Bye-laws hereafter to be made.

Qualification
of Voters at
Meetings of
Company

Question de-
termined by
majority of
votes

XIV. *And be it further enacted*, That no annual or special meeting of the Company shall be held, unless there be present thereat, and at the giving of the votes, at least Twenty Proprietors, holding at least Two Hundred shares in the said Company, and at every such annual, general or special meeting of the Company, the President of the Company, or in his absence, the senior Director present, or in the absence of all the Directors, one of the Proprietors, to be chosen at such meetings respectively, shall be Chairman of such meeting or meetings respectively; and that if, at any day appointed for such meetings of the Company, a sufficient number of Shareholders shall not attend within one hour after the time appointed for the meeting, then, and in every such case, the meeting shall be adjourned until the next or some future day, by the President or senior Director, or, if no Director be present, by the Secretary, Broker or Brokers of the Company, as the case may be, or by such person as may attend in his or their place.

Twenty Pro-
prietors to be
present at
Meetings

XV. *And be it further enacted*, That the orders or proceedings of every general or special meeting of the Company shall be entered by the Secretary, Broker or Brokers, of the Company, or such other person as shall attend in his or their place, in a Book or Books to be kept for that purpose, and shall then be signed by the President or Chairman of the Meeting, and being so entered and signed, shall be taken and deemed to be the original orders and proceedings of such meeting, and shall be received as such, upon due proof thereof, in all Courts and places, and on all occasions whatsoever.

Proceedings of
Meetings to be
entered in a
Book by Se-
cretary

And whereas, all the said shares have been already subscribed and taken by persons desirous of becoming Proprietors of the said Stock, none of whom are Subscribers for more than Ten Shares:

Preamble

XVI. *Be it therefore enacted*, That the Five Persons first named in this Act, shall, as soon as conveniently may be, after the passing hereof, by an Advertisement to be published in at least three of the Newspapers printed in Halifax, give notice that Subscription Books for taking Shares in the said Company, will be opened on a day, and at a certain place to be mentioned, and shall then and there open proper Books for the purpose, and therein receive and take the Subscriptions of all Persons who have agreed to take Shares as aforesaid, and shall

Subscription
Books to be
opened by
five first per-
sons named in
this Act

shall be willing to stand and continue as Proprietors of shares in, and Members of, said Company, and for want thereof, of all other Persons who shall be willing and desirous to become Proprietors and Members as aforesaid; and the said Five Persons shall make an entry of the number of shares taken by each Subscriber, and shall not permit any individual to subscribe or take, nor shall themselves take, nor shall any person hold a greater number than Twenty shares therein. And when and so soon as the first call or payment on the said shares become due, the said Five Persons shall receive the same, and the said Nine Persons first named in this Act shall also demand and take, for and on behalf of the Company, such Securities as are hereinbefore directed to be taken for the payment of the future calls to be made on the said shares respectively.

Payments and Security—to whom to be made and given

Organization of Company

XVII. *And be it further enacted*, That so soon as the number of Eight Hundred Shares of the said original Capital of Forty Thousand Pounds shall have been subscribed, the said Five Persons first named in this Act shall, by public advertisement, to be printed in at least two of the Newspapers at Halifax, during ten days, appoint a day and place for the first general meeting of the Subscribers, and shall assemble such meeting, and a Chairman thereof being chosen from among the Subscribers present, with a Secretary, Broker or Brokers, the Company hereby Incorporated shall be formed and organised, and go into operation under this Act; and the said Subscribers then and there present, or their proxies, shall and may, forthwith, in the manner in this Act prescribed, proceed to elect Thirteen Directors for the said Company, and a Secretary, Broker or Brokers, Auditors, and such other Officers as may be deemed expedient for organising the business thereof; and from and after such election, the persons so elected and chosen shall be, and become forthwith, the Officers of the said Company; and the said Directors shall choose and elect one from among themselves, by ballot, to be the President of the said Company for the ensuing year, during which time the said President shall remain in office, unless, by a vote of any general or special meeting of the Shareholders, his office shall be declared vacant; and the said Directors and other Persons so to be elected shall hold, exercise and enjoy, their respective Offices from the day of such their Election until the first Annual General Meeting in January, One Thousand Eight Hundred and Thirty-nine, and thence continually until a new choice of Directors and Officers be made by the Company, pursuant to this Act, and the Bye-laws in that behalf to be provided.

Annual Elections of Directors

Proviso

XVIII. *And be it further enacted*, That on the second Tuesday of January, in each and every year, the Directors of the said Company, for the then ensuing year, shall be elected by ballot, in the following manner, viz:—The Shareholders shall first elect eight Directors for the then ensuing year, out of the Thirteen Directors who have served for the preceding year, and shall then elect five other Directors from the Shareholders of the Company, qualified to become Directors. *Provided always*, That it shall and may be lawful for the said Shareholders to re-elect three, and no more, of the Five Persons who were Directors the preceding year, if they shall think proper so to do.

Vacancies among Directors or Officers of Company—how to be filled up

XIX. *And be it further enacted*, That the Office of the President or Directors, Secretary, Broker or Brokers, or Auditors of the Company, shall become, and may by the Board be declared, vacant, on the death, resignation, three months absence, or permanent removal of such Officer from the Province, by his ceasing to hold the number of shares required as a qualification, or by a vote of the General Meeting of the Stockholders, removing the Officer for misconduct or malversation in office, and every such vacancy, except in the Office of President, shall be filled up by the choice of a Shareholder, to be made by the Board of Directors, and who shall serve until the annual meeting, and at every such annual meeting, qualified persons shall be elected to supply the place of those Officers, who are, as aforesaid, to go out of Office on the second Tuesday of January annually, after the present year, or whose Offices have been vacated as aforesaid, and all Officers elected at the Annual Meeting shall enter upon their Offices on the second Tuesday of January, in every year after the present year; *Provided always*, that any Director or other Officer, so going out of Office, shall be capable of being re-elected by the Company.

When Company may commence business

XX. *And be it further enacted*, That when and so soon as the sum of Twelve Thousand Pounds shall have been actually paid to the proper Persons, in manner before provided, upon the calls aforesaid, by the several Proprietors of shares, and sufficient Securities shall have been given, by said Proprietors, for any balances of their Shares, then, in that case,

case, it shall and may be lawful for the Board of Directors, by public advertisement, to be printed in at least two of the Newspapers in Halifax, to declare the same, and make known the intention of the Company to transact the business of Marine Insurance, and to fix the time when their Office will be open for such business; and thereupon, the said company shall and may, at the day so named, commence and carry on, in their Office, in Halifax, or elsewhere in this Province, the business and operations of Marine Insurance, in all its branches, and shall and may receive and accept orders, directions, and proposals for Insurances, and make Insurance upon all Ships and Vessels whatsoever in Port or at Sea, or for and upon any Voyages or Adventures whatsoever, and for and upon all Goods, Merchandise, Property and Effects whatsoever, and all Money, Coins, Bullion, or other valuable things whatsoever, in and upon any such Ship, laden or to be laden, and in and upon the Freight of Goods or Merchandise, carried or to be carried upon any Ship or Vessel, or on any Voyage whatsoever; and also upon Monies lent or advanced upon Bottomry or Respondentia, and upon expected profits and Commissions, or Adventures by Sea, and upon all subjects of Marine Insurance whatsoever, and the same shall and may Insure against all Losses, Perils, and Dangers whatsoever, of the Seas, Fire, Enemies, Thieves, and other risks of the Seas and Navigation, usually insured against by Underwriters, and either for or during the respective Voyage, or for any time or times whatsoever; and shall and may agree for, fix and establish, the premiums and compensations to them to be paid for such Insurances, and shall and may make and execute all such Writings and Policies of Insurance, and with or under such reservations and conditions, as shall be agreed upon or ordered by the Board, and shall and may accept, receive and take, the abandonment, relinquishment, and surrender of any Ship or Vessel, to said Company, abandoned under any such Insurance, and shall and may adjust and settle claims and demands for losses, for or in respect of any such Insurances, or of any orders therefor to the said Company given, and generally shall and may perform and transact all matters and things whatsoever, relating to the business of an Insurance Broker, and Insurer or Underwriter on Ships or Goods belonging or appertaining, and to all intents and purposes whatsoever.

XXI. *And be it further enacted*, That all orders and directions for such Insurance to the said Company given, and by them accepted, and all Policies of Insurance by the said Company made and sealed with the common seal thereof, and signed by the President of the Company, or any Chairman of the Board of Directors, and countersigned by the Secretary, Broker or Brokers, of the Company, shall be binding and obligatory upon the said Company, and all the Joint Stock, Capital, Funds, Property and Effects thereof whatsoever, and the amount by such Policies insured, and which, upon adjustment of any loss, is, or ought to be, payable to the assured thereupon, shall be faithfully and truly paid and satisfied, within sixty days from the time of such loss, settled or adjusted. *Provided always*, that until the expiration of one year from the constitution of the said Company as aforesaid, no greater sum than Four Thousand Pounds, and after the said one year expired no greater sum than Five Thousand Pounds, shall be insured by the said Company, and be at risk at any one time upon any one Ship or Vessel, or upon any Goods, Wares or Merchandise, on board thereof, or upon any Freight by such Vessel to be carried, or commission or profits expected to arise during the Voyage insured, or from the Cargo on board thereof, or upon any security of the nature of a Mortgage, or Bottomry or Respondentia, given for or upon such Vessel, her Cargo or Freight, but the several Insurances made upon the several risks in, or depending on, any one Vessel, may collectively amount to any sum not exceeding Four Thousand Pounds, during the first year, and Five Thousand Pounds afterwards.

XXII. *And be it further enacted*, That the affairs and business of the said Company shall be managed and transacted by the Board of Directors thereof, of whom three Directors with the President, or in case of his death, sickness, or absence from any other cause, four Directors, one of whom being Chairman of the Meeting, shall constitute a meeting, and the same Board of Directors for the time being shall have full powers and authority to meet and adjourn, from time to time, and from place to place, as they shall see fit, and also to direct, manage and conduct, with the assistance of the Secretary, Broker or Brokers, all the affairs and business of the Company, and the taking and accepting orders for Insurance, fixing the premium therefor, executing, sealing, and delivering Policies of Marine Insurance, adjusting, settling, paying or compromising for losses claimed under Policies, procuring, purchasing or obtaining, suitable buildings,

Orders for Insurance—liability of Company

Proviso

Extent of risk

Business of Company—how to be conducted

buildings, offices and places, for the business of the said Company, and fitting the same with all things necessary therefor, and investing the Funds, and taking Securities for the Monies of, or Debts due to, the said Company, upon public or private Stocks, or Real or Personal Securities, and making and carrying into effect all contracts and bargains touching the said Company, and the affairs thereof, but subject, nevertheless, to such Orders, Bye-laws, Rules and Regulations, as at any time shall be duly made by the said Company, in restraint, control, or regulation of the powers and authorities hereby vested in the said Board of Directors.

XXIII. *And be it further enacted*, That it shall be lawful for the said Board of Directors to allow and pay to the Secretary, Broker or Brokers, and any other Officers and Servants of the Company, such compensation and allowances as may be reasonable or agreed upon, and to the President such compensation as the Company, at any General Meeting, shall order for his services; but the said Directors and Auditors shall not be entitled to take or receive any payment or remuneration whatsoever for their services respectively.

XXIV. *And be it further enacted*, That the surplus Funds remaining from Dividends, and the Capital Stock of the said Company from time to time as the same shall be paid in and collected, and all surplus of Monies received, shall be kept constantly invested on good Real or Personal Securities, to be taken by instruments under Seal, or in the public Funds, at interest, in the name of the Company, but no part thereof shall, beyond the sum absolutely necessary for procuring the necessary buildings, offices, and accommodations of the Company's business, be invested in Real Estate, nor shall any part thereof be lent or advanced on Bottomry or Respondentia, or on Mortgage of Ships or Vessels.

Provided always, That for, and as an additional Security for, any part of the Capital Stock or surplus Funds of the said Company, which may be invested as aforesaid, or for or in respect of any Debts that may be contracted with them, Mortgage of Real Estate, or Personal Property, may be made to, and held by, the Company; *Provided also*, that Mortgage Interests in Ships, Vessels or Goods, may be insured thereby, nor shall the said Funds be used or employed in Merchandize, nor shall the Company trade or carry on any business as Merchants, or deal in buying and selling Goods or Personal Property whatsoever, nor shall any Dividend be made on any pretence of the Capital or Joint Stock of the Company, or whereby the same shall be in any way reduced or impaired; *Provided also*, that no loan of the Capital Stock, at any time to be raised under the provisions of this Act, or any part thereof, shall be made directly or indirectly, to any Director of the said Company, nor shall any such Director be a party to any Security for any such Loan; and no Stockholder to whom any part of the Capital Stock shall have been lent, shall be eligible as a Director, during the continuance of such Loan.

XXV. *And be it further enacted*, That the said Board of Directors shall have power and authority, and they are hereby strictly required, to cause to be balanced the Books of the said Company on the last day of December, One Thousand Eight Hundred and Thirty Eight, or at such other period as any General Meeting shall require, and the same, being so balanced, shall be carefully examined and signed by the said Auditors, and approved by the Board of Directors, and an abstract of the said balance, shewing clearly and explicitly the state of the debts and credits of the said Company, and shewing how many, and what part of the Insurances made by the Company, are determined or remain undetermined, and at risk, and what claims for losses are unsettled, and what deductions or allowances ought to be made thereupon; and also, shewing how, and in what manner, the Capital Stock of the Company is invested or disposed of, and what sums of money are due to the Company, and also stating such further particulars as by the Bye-laws and Regulations of the Company shall be required, shall be produced by them at the Annual General Meeting, for the inspection of the Proprietors, and a duplicate thereof in like manner, signed and attested, shall be transmitted to the Office of the Secretary of Province, for the information of the Lieutenant-Governor and Her Majesty's Council, and of the General Assembly.

XXVI. *And be it further enacted*, That the Books, Papers, and Correspondence, and all other Documents and Writings of the Company, shall at all times be open to the Members of the Board of Directors, and shall be subject to the order and disposal of the Board; but the rendering such accounts as aforesaid to the General Meeting shall not be construed to confer on any Proprietor, not a Director or Auditor, the right to inspect, in the Books of the Company, the account of any individual, other than himself, with the said Company.

XXVII.

Payment of
Secretary,
Brokers, &c.

Surplus Funds
of Company—
how disposed
of

Mortgage In-
terest of Com-
pany

Books of Com-
pany to be
balanced—ab-
stract to be
submitted to
Proprietors

Inspection of
Books, &c. of
Company

XXVII. *And be it further enacted*, That at every Annual Meeting, or some adjournment thereof, there shall be made out of the clear residue of the profits and advantages, Rents, Premiums, and Interest, to the said Company accrued, or by the same previously made, after deducting therefrom an allowance sufficient to discharge the outstanding and probable claims against the Company, such Dividend or Dividends as the Proprietors at such meeting shall order and direct, and such Dividend or Dividends shall be at and after the rate of so much for every share held by the Members thereof, their Executors, Administrators or Assigns, or else the said clear residue, or some part thereof, shall be directed to accumulate, and be added to the Capital stock; *Provided always*, that the monies received, or securities taken, for the premiums of Insurance undetermined and outstanding, on the last day of December, One Thousand Eight Hundred and Thirty Eight, and in each year thereafter, shall not be deemed to be part of such profits.

Dividends

XXVIII. *Provided always, and be it further enacted*, That if at the Annual Meeting in January, One Thousand Eight Hundred and Thirty Nine, or at any subsequent Annual meeting, the nett surplus and profits of the Company from the business of the year then next preceding such meeting, shall suffice to make therefrom a Dividend of more than five per cent. per annum, but less than ten per cent. per annum, or more than Ten Pounds, and less than Fifteen Pounds per cent. or more than Fifteen Pounds, and less than Twenty Pounds per cent. and so on in the like proportion, for every share in the Company, then, and in each and every such case, all surplus and excess of profits more than sufficient to make the respective Dividends of Five, Ten, Fifteen or Twenty Pounds, and so in the like proportion per cent. but not sufficient to increase such Dividends by the full sum of Five Pounds per cent. respectively, shall be added to, and form part of, the capital or joint stock of the Company, and shall not be the subject of any Dividend.

Dividends restricted to certain per centages

XXIX. *And be it further enacted*, That the said Company shall have full power and authority, from time to time, at the first or at any of the General Meetings as aforesaid, to make, ordain, and put into execution, such Rules, Orders, and Bye-laws, as to them shall seem meet and proper, for regulating the proceedings of the Company, the transfer, forfeiture, and registration of shares, the enforcing payment of calls, the proceedings of the Board of Directors, the transaction of the business of the Company, the government and regulation of all the officers and servants of the Company, and for the superintendance and management of the affairs of the Company, in all respects whatsoever, and from time to time, to alter and repeal such Rules, Orders, and Bye-Laws, or any of them, and to make others as to the Shareholders of the Company, at a General Meeting, shall seem meet and expedient, and all Rules, Orders and Bye-laws, so made as aforesaid, being reduced into writing, and signed by the Chairman present at any such meeting, and sealed with the Seal of the Company, shall, in all or any Court of Law or Equity, be deemed and taken to be the Rules, Orders and Bye-laws of such Company; *Provided always*, That such Rules, Orders and Bye-laws, be not repugnant to the Laws of the Province, or to the Laws in force within the same, or to the express directions and provisions of this Act; *And provided also*, That no Bye-law of the said Company, and no repeal of any Bye-law, shall be in force, or executed, until the same respectively is approved by the Lieutenant-Governor and Her Majesty's Council.

Bye-laws may be established

XXX. *And be it further enacted*, That the Books and Accounts of the said Company, shall at all times be open to the examination of such person, or persons, as the Lieutenant-Governor, for the time being, with the advice of Her Majesty's Council, shall appoint to inspect the same, and that before any Policy of Insurance shall be issued by the said Company, the mode and securities in and upon which the Surplus Capital Stock of the Company shall have been invested, shall be first sanctioned and approved by the Lieutenant-Governor, for the time being.

Proviso

Books of Company open to the Inspection of Government

XXXI. *And be it further enacted*, That if it shall happen that by, or in consequence of, any losses or misfortunes, or other means whatsoever, the original or increased Capital and Joint Stock of the Company shall at any time be wholly expended, or claims against the Company shall be outstanding and unsettled, to an amount equal to the existing and available Capital and Funds of the Company, then, as soon as the same shall be known to, or ascertained by, the President or Board of Directors, it shall not be lawful for the Company to make, or for the said Board to accept, orders for or sign or issue any new or further In-

Capital of Company expended—Insurances to cease

surances

surances or Policies therefor whatsoever; and if any such further Insurances shall be made, or Policies therefor be signed or issued, after such knowledge of the state of the affairs of Company had by the President or Directors, or any of them, then, for and upon all losses and monies payable for losses under such Insurances and Policies so issued and signed, the said President; and each of the said Directors, who shall accept or make such Insurances, or authorize or sign the same Policy, shall be personally, and in their Estates jointly, and severally liable and accountable to the full amount of such losses, and all charges incident thereto.

Company may be dissolved

XXXII. *And be it further enacted,* That upon the happening of any such losses or misfortunes, as last mentioned, to the extent of the said Capital and Funds, or upon the vote of three fourths in number of the Proprietors in the said Company, holding at least three fourths of the whole number of shares in the said Company, it shall be lawful for the said Proprietors to dissolve the said Company, and to declare that the same shall cease, on a day to be fixed, and therefrom the said Company, on that day, shall cease and determine, but the President, and Board of Directors and Officers of the Company, shall continue in office, during such time as shall be required for winding up the affairs and business of the Company, and all corporate powers for this purpose necessary and requisite, shall subsist and remain in force, until the whole of its affairs shall be finally settled and closed, and the Board of Directors for the time being shall, and are hereby required to, adopt the most immediate and effectual measures for settling, winding up and closing, all the accounts, affairs and business of the Company, ascertaining, adjusting, and paying the demands against the same, collecting the debts due, and converting the Capital and Property of the Company into money, and for dividing, and paying to and among the Shareholders and Proprietors entitled thereto, the whole nett proceeds of the same, according to their respective shares and interests in the said Company.

Further liability of Shareholders

XXXIII. *And be it further enacted,* That in case of any loss or deficiency which shall or may hereafter arise, or occur in the Capital or Joint Stock of the said Corporation, whether arising from the official mismanagement of the Directors of the said Company, or from any other cause whatsoever, the persons who are or may be Shareholders in such Company, at the time of any such loss or deficiency so occurring as aforesaid, shall, in their private individual capacities, be respectively liable to make good any such loss or deficiency, so far as may be requisite and necessary to pay off and discharge any claims or demands against the said Corporation then existing; *Provided always,* That in no case shall any one Shareholder be liable to pay a sum exceeding the amount of the stock then actually held by such Shareholder, in addition to the stock so held by him. *Provided,* That nothing herein contained shall limit or apply to the liability of any President, Directors, or other officers of the said Company, for official misconduct or mismanagement.

Proviso

Continuation of Act

XXXIV. *And be it further enacted,* That this Act shall continue for the term of Eighteen Years, and no longer, unless the same shall be determined in the manner before expressed.

CAP. III.

An Act to Incorporate the Union Marine Insurance Company of Nova-Scotia.

(Passed the 29th day of March, 1838.)

WHEREAS the business of Marine Insurance has of late years greatly increased in this Province, and it is expedient that every facility and advantage should be given and allowed to Merchants and others, engaged and interested in the Navigation and Shipping thereof; *And whereas,* the persons hereinafter named, together with others, undertake and agree to subscribe and raise a sufficient Capital for the carrying on such business, and are desirous of obtaining an Act to Incorporate them into a Company for that purpose:

Preamble

It be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That William Stairs, David Allison, James A. Moren, Joseph Fairbanks, James H. Reynolds, John Strachan

Incorporation of Company

Strachan, Joseph Starr, John E. Fairbanks, Robert M. Brown, John Clark, Martin Gay Black, Hugh Lyle, and all and every other person and persons as shall, from time to time, become Proprietors of shares in the Company and Undertaking hereby established, as herein-after is mentioned, and their respective Successors, Executors, Administrators and Assigns, shall henceforth be, and they are hereby, united into a Company, and declared to be one Body, Politic and Corporate, by the name of "The Union Marine Insurance Company of Nova-Scotia," and by that name shall have perpetual succession, and a Common Seal, with power the same Seal to change, alter, break and make new, as to the Company shall seem meet, and by that name also shall and may sue, and be sued, plead and be impleaded, at Law or in Equity, and shall and may prefer and prosecute any Bill or Bills of Indictment, against any person or persons who shall commit any Felony, Misdemeanour or other Offence, by Law indictable, and shall by that name be capable, authorized and empowered, to purchase, have, hold, possess, receive and enjoy, Lands, Messuages, Houses, Hereditaments, and Real Estates whatsoever, within this Province, either in fee simple, or for term of life or lives, or years, or in any other manner, but not exceeding in value Thirty Thousand Pounds; and likewise Monies, Securities for Monies, Goods, Chattles, Effects, and other things of whatsoever kind or quality, and shall by that name, and in their Corporate capacity, be capable, authorised and empowered, to give, grant, sell, assign, mortgage, demise, absolutely or conditionally, or otherwise dispose of, all or any part of such Real and Personal Estate and Property as aforesaid, as to the said Company shall seem meet, and at their free will and pleasure.

Powers, privileges, &c

Provided always, That the purchase money of the Lands, Messuages, Houses or Real Estate, requisite for the Offices and Buildings for the business of the Company, and the expenditure for the erection of such Offices and Buildings, shall not exceed the sum of Two Thousand Pounds, unless, to replace the same, or to repair damages sustained by the accidental destruction thereof, a larger expenditure shall become necessary.

Real Estate of Company

II. *And be it further enacted,* That it shall be lawful for the said Company, and the Subscribers thereto, or Shareholders therein, to raise or contribute among themselves, in such proportions as they shall think proper, for carrying on the business of Marine Insurance, an original Capital or Joint Stock of Forty Thousand Pounds, and at any future time an additional Capital or Joint Stock of Ten Thousand Pounds, and the same original Capital shall be divided into Eight Hundred Shares, of Fifty Pounds each, and any additional Capital into shares of the like denomination; and all such shares shall be numbered in regular progression; and every such share shall always be distinguished by the number affixed thereto; and the said shares shall be, and are hereby, vested in the several persons so raising and contributing the same, and their several and respective Executors, Administrators and Assigns, proportionably to the sum they shall severally raise and contribute; and all persons, their several and respective Executors, Administrators and Assigns, who shall severally subscribe for one or more share or shares, or such sum or sums of money as shall be demanded in lieu thereof, for the purposes of the said Company, shall bear and pay, in the manner hereinafter directed, an equal and proportionable sum, according to his or their number of shares, towards carrying on the business of the said Company, and shall be entitled to, and receive (according to the number of shares so held, and money so by him or them respectively paid,) distribution of an equal and proportional part of the nett profits and advantages that shall or may arise or accrue from the business or transactions of the said Company.

Capital of Company

Shares

III. *And be it further enacted,* That the names and designations of the several persons who have subscribed for, or may at any time hereafter subscribe for, or be entitled to, a share or shares in the said Company, with the respective numbers of such shares; and also, the proper number by which every share shall be distinguished, shall be distinctly and clearly entered into the books for the registration thereof, and to be called the Registry of Shares, to be kept by the Secretary, Broker or Brokers, of said Company; and, after such entry, a Certificate, under the Seal of the Company, and signed by such Officer as shall be appointed for this purpose, shall be delivered to every Proprietor, upon demand, specifying the share or shares to which such Proprietor shall be entitled in the said Company; and such Registry, or the Certificate of such share or shares, shall be evidence of the property or ownership thereof—but the want of such Certificate shall not hinder or prevent the owner of any such share or shares from selling or disposing thereof.

Registry of Shares

Certificate of Registry

IV.

Payment of
Shares

IV. *And be it further enacted,* That the several persons who become Subscribers toward the said Undertaking, shall, and they are hereby required to, pay the sum of money by them respectively subscribed, or such parts or proportions as shall from time to time be called for, as hereinafter is mentioned, at such times and places as shall be directed, in pursuance of the provisions of this Act; and in case any person or persons shall neglect or refuse to pay the same, at the time, and in the manner, required for that purpose, it shall be lawful for the said Company to sue for, and recover the same, in any Court of Law or Equity; or otherwise, for the Board of Directors hereinafter established, at their option, to declare the share of any such defaulter forfeited, as in and by the Bye-laws of the said Company shall be provided.

Shares deem-
ed Personal
Estate

V. *And be it further enacted,* That all the shares in the original or increased Capital of the said Company, and in the Undertaking for which it is established, and in the profits and advantages thereof, shall be, and be deemed, Personal Estate, and as such Personal Estate shall be assigned and transmissible accordingly; but no share shall be devisable, or divided, or assigned, in parts, and the several Shareholders or Subscribers to the said Undertaking respectively, and their several and respective Executors, Administrators and Assigns, shall not, except as hereinafter provided, be liable to any debts of, or demands against, the said Company, beyond the amount of their several and respective subscriptions, or the shares they may severally and respectively hold or possess in the said Company, nor under any calls or assessments to be made by the said Company or Board of Directors, or in any way by any means, or on any pretence whatsoever, be liable to the payment of any greater sum of money, in the whole, than the sum of Fifty Pounds, on or for each several share subscribed for, or held by, or standing in the name of, such Subscriber or Shareholder, at the time of ordering any call or assessment; and that the said sum of Fifty Pounds shall include all the calls and payments to be made on one share, and that no greater sum than Fifty Pounds in the whole shall be paid on any one share in the said Company.

Limitation of
Liability of
Shareholders

Debts of Com-
pany

VI. *And be it further enacted,* That the said Joint Stock, and Real and Personal Estate of the said Corporation, shall be liable for, and subject to, the payment of all debts contracted by the said Company, and that none of the present or future members of the said Company shall be liable for the payment of any debt contracted beyond the amount of the calls or assessments due and unpaid on the Shares of the Stock held by such individual members, except in the cases hereinafter provided for.

Shares to be
paid by Instal-
ments

VII. *And be it further enacted,* That the said original Capital of Forty Thousand Pounds shall be paid and contributed in and by the following calls or payments, that is to say—the first call or payment, being the sum of Fifteen Pounds for and upon each and every share subscribed for, shall be paid within Thirty days after Public Notice is given, by the Board of Directors, in two of the Halifax Newspapers, that the same is required; and that all other subsequent calls and payments shall be in such Sums, and at such times, as the Board of Directors, having reference to the state of the business and affairs of the Company, shall order and direct. *Provided always,* that of the days to be hereafter appointed respectively for any subsequent call or payment, notice shall be given by Advertisements, published in at least two of the Halifax Papers, thirty days at least, previous to such days, and all the said calls and payments shall be made by the Proprietor of every such share in such Coin or Money as at the time of such payment shall be a legal tender in this Province.

Security to be
given by Share-
holders

VIII. *And be it further enacted,* That every Subscriber to, or Shareholder in, the said Company, shall at or before the time appointed for the payment of the first call, make, execute, and deliver to the said Company, either a Bond, with a Mortgage to accompany the same, on Real Estate, or otherwise a Bond, with two sufficient Sureties to the satisfaction of the said President and Directors, or a majority of them; and which said Bond and Securities shall be renewable as often as the President and Directors shall require, and to be conditioned for the payment of the residue of the calls to become due and payable as aforesaid, on the several shares by him subscribed and taken in the said Company—which Bond or Securities shall be subject to the approval of the first nine persons named in this Act, until the Board of Directors shall be chosen; and afterwards to the approval of such Board.

Payment of
Shares on in-
creased Cap-
ital

IX. *And be it further enacted,* That all shares in any increased Capital shall be paid and payable in such proportion, and at such times, as the Board of Directors shall appoint, and such and the like Securities as hereinbefore required for the payment of the future calls.

calls of the original Capital, shall be taken from the Subscribers for shares in any future increased Capital of the said Company.

X. *And be it further enacted*, That the management and regulation of the affairs and business of the said Company shall be conducted by, and vested in, a Board of Directors, to consist of a President and twelve Directors, and that the necessary Officers of the said Company shall be, and at all times, except in case of vacancies arising from death, resignation, or otherwise, shall consist of one President, twelve Directors, a Secretary, Broker or Brokers, and two Auditors or Examiners of the Accounts of the Company, and such other Officers and Servants as the Company shall think fit to constitute and appoint for the better management and conducting the business thereof, and that the several powers, authorities, rights, duties and privileges, of such President, Directors, Secretary, Broker or Brokers, Auditors and other Officers and Servants of the said Company, so to be appointed, shall be, as in and by this Act is, or by the Bye-laws of the said Company shall hereafter be, prescribed and established.

President, Directors and other Officers of Company

XI. *And be it further enacted*, That no Shareholder in the said Company shall be qualified to be elected, or to sit or act as President, or one of the Directors of the same, unless he shall, at the day of election, bona fide hold and possess, and during the time that he or they shall continue to be such President and Directors, continue to hold and be possessed of, Five shares, at least, of the Joint Stock of the said Company, nor unless, if chosen at any election occurring after Eighteen Months from the passing of this Act, the said number of Shares shall have stood in his name on the Books, during at least Six Calendar Months before the day of Election.

Qualification of President and Directors

XII. *And be it further enacted*, That the Annual General Meeting of the said Company shall be held in the month of January, in every year, after this present year, and at such day and place as the Board of Directors shall appoint, and that Special Meetings of the Company shall be summoned by the Directors, when they shall deem the same necessary, or whensoever a requisition in writing therefor shall be delivered to the Board, signed by twenty Shareholders, owning not less than One Hundred shares, and specifying the object of such meeting, and that meetings of the Board of Directors shall be held at the Office of the Company, at least three days in every week, and at such other times as the Directors shall think proper, or as the business of the Company may require; *Provided always*, that notice of the day appointed for the Annual, or any General or Special Meeting of the Company shall be given by an Advertisement, published at least thirty days previous thereto, in two of the Public Newspapers in Halifax.

Meetings of Company

XIII. *And be it further enacted*, That at every Annual, General, and Special Meeting of the Company, every Proprietor or Shareholder having paid up all calls on him made, and then due and payable, shall be entitled to vote, according to the number of shares which any Proprietor or Shareholder, may possess namely: the owner of one share to one vote, the owner of five shares to two votes, and the owner of ten shares to three votes, and may give such vote or votes by his or her proxy, duly constituted, according to the Bye-laws, such proxy being a Shareholder entitled to vote; and every such vote by proxy shall be as good and sufficient, to all intents and purposes, as if such principal had voted in person; and whenever any share shall be held by more than one person, then the person present at the meeting, who stands first on the Registry, or is first named on the Stock Certificate, shall vote therefor; and at every meeting of the Board of Directors, each Director shall have one vote only, and every question, matter or thing, which shall be discussed, proposed or considered, at any general or special meeting of the Company, shall be determined by a majority of votes and proxies then given, and every question, matter or thing, which shall be proposed, discussed or considered, at any meeting of the Board of Directors, shall be determined by the majority of votes then given by the Directors then present; and in case it should happen that at any general or special meeting of the Company, or meeting of the Board of Directors, the votes shall be equal, then the President of the Company, or, in his absence, the Chairman of the meeting, or of the Board, shall be entitled to a casting vote, upon the matters under discussion, besides and in addition to his own personal vote, unless such right to a casting vote shall be abrogated by the Bye-laws hereafter to be made.

Qualification of Voters at Meetings of Company

Question determined by majority of votes

XIV. *And be it further enacted*, That no annual or special meeting of the Company shall be

be

Twenty Proprietors to be present at Meetings

be held, unless there be present thereat, and at the giving of the votes, at least Twenty Members of the said Company, holding at least Two Hundred Shares in the said Company, and at every such annual, general or special meeting of the said Company, the President of the said Company, or, in his absence, the senior Director present, or in the absence of all the Directors, one of the Proprietors, to be chosen at such meetings respectively, shall be Chairman of such meeting or meetings respectively ; and that if, at any day appointed for such meetings of the Company, a sufficient number of Shareholders shall not attend within one hour after the time appointed for the meeting, then, and in every such case, the meeting shall be adjourned until the next or some future day, by the President or senior Director, or, if no Director be present, by the Secretary, Broker or Brokers of the Company, as the case may be, or by such person as may attend in his or their place.

Proceedings of Meetings to be entered in a Book by Secretary

XV. *And be it further enacted*, That the orders and proceedings of every general and special meeting of the Company shall be entered by the Secretary, Broker or Brokers, of the Company, or such other person as shall attend in his or their place, in a Book or Books to be kept for that purpose, and shall then be signed by the President or Chairman of the Meeting, and being so entered and signed, shall be taken and deemed to be the original orders and proceedings of such meeting, and shall be received as such, upon due proof thereof, in all Courts and places, and on all occasions whatsoever.

Subscription Books to be opened by five first persons named in this Act

XVI. *And be it further enacted*, That the Five Persons first named in this Act shall, as soon as conveniently may be, after the passing of this Act, open a Book for the purpose of receiving the Subscriptions, and entering the names of the Persons hereinbefore named, and of such other persons as have already agreed together to take shares in the said Company, and shall then still be desirous of retaining such shares, with the number of shares by them taken against their names respectively ; and in case the number of shares taken by such persons so agreeing, and still being, at the time of opening such Book, desirous of retaining their respective interests, shall not amount to the said number of Eight Hundred Shares, then the said five persons first named shall be authorized to take and receive further Subscriptions in said Book, until the whole number of Eight Hundred Shares shall be subscribed for and taken, and the several persons whose names shall be so entered in the said Book shall form and constitute the Company aforesaid, and when and so soon as the first payment of the said shares so taken become due, the said five first persons named shall receive the same, and shall also demand and take for and on behalf of the Company, such Securities as hereinbefore are directed to be taken for the payment of the future calls or payments to be made on the said shares respectively ; *Provided always*, that no Proprietor or Shareholder in the said Company shall be entitled to purchase, obtain, retain and hold, nor shall purchase, obtain, retain or hold, more than twenty shares in the said Company ; *Provided always*, that nothing herein contained shall extend or be construed to extend to shares held, or to be held or retained by any person or persons as the Executor or Executors, or Administrator or Administrators, of any deceased Shareholder.

Payments and Security—to whom to be made and given

Proviso

XVII. *Provided always, and be it further enacted*, That if the number of Eight Hundred Shares shall not be subscribed for and taken within twelve months after the passing of this Act, then the said Securities shall be given up to the parties executing the same, and the first call paid on the respective shares shall be repaid to the respective Subscribers, deducting only therefrom a proportional share of any expenses to be incurred in the matters aforesaid.

Shares to be taken up within 12 months

Organization of Company

XVIII. *And be it further enacted*, That so soon as the number of Eight Hundred Shares of the original Capital of Forty Thousand Pounds shall have been subscribed, the said Five Persons first named in this Act shall, by public advertisement, to be printed in at least two public Newspapers printed at Halifax, during twenty days, appoint a day and place for the first general meeting of the Subscribers, and shall assemble such meeting, and a Chairman being chosen from among the Subscribers present, with a Secretary, Broker or Brokers, the Company hereby Incorporated shall be formed and organised, and go into operation under this Act; and the said Subscribers then and there present, or their proxies, shall and may, forthwith, in the manner in this Act prescribed, proceed to elect a President and Twelve Directors for the said Company, and a Secretary, Broker or Brokers, Auditors, and such other Officers as may be deemed expedient for managing the business thereof; and therefrom the persons so elected shall be, and become forthwith, the Officers of the said Company ; and the said President and Directors shall constitute the Board of Directors thereof; and the said President

sident shall remain in office until by a vote of some annual or special meeting his office shall be declared vacant, and a new President be chosen and appointed to enter on his office, on some day by such Resolutions to be specified; and the said Directors and other Persons so to be elected shall hold, exercise and enjoy, and retain their respective Offices from the day of such their Election until the Annual General Meeting in January, One Thousand Eight Hundred and Thirty-nine, and thence continually until a new choice of Officers be made by the Company, pursuant to this Act, and the Bye-laws in that behalf to be provided.

XIX. *And be it further enacted,* That on the third Wednesday of January, in each year, the Directors of the said Company, for the then ensuing year, shall be elected by ballot, in the following manner, viz:—The Shareholders shall first elect eight Directors for the then ensuing year, out of the Directors who have served for the preceding year, and shall then elect four other Directors from the Shareholders of the Company, qualified to become Directors. *Provided always,* That it shall and may be lawful for the said Shareholders to re-elect the Persons who were Directors the preceding year, if they shall think proper so to do.

Annual Elections of Directors

Proviso

XX. *And be it further enacted,* That the Office of the President or Directors, Secretary, Broker or Brokers, or Auditors of the Company, shall become, and may by the Board be declared, vacant, on the death, resignation, three months absence, or permanent removal of such Officer from the Province, by his ceasing to hold the number of shares required as a qualification, or by a vote of the General Meeting of the Stockholders, removing the Officer for misconduct or malversation in office, and every such vacancy, except in the Office of President, shall be filled up by the choice of a Shareholder, to be made by the Board of Directors, and who shall serve until the annual meeting, and at every such annual meeting, qualified persons shall be elected to supply the place of those Officers, who are, as aforesaid, to go out of Office on the third Wednesday of January annually, after the present year, or whose Offices have been vacated as aforesaid, and all Officers elected at the Annual Meeting shall enter upon their Offices on the third Wednesday of January, in every year after the present year; *Provided always,* that any Director or other Officer, so going out of Office, shall be capable of being re-elected by the Company.

Vacancies among Directors or Officers of Company—how to be filled up

XXI. *And be it further enacted,* That when and so soon as the sum of Twelve Thousand Pounds shall have been actually paid to the proper Persons, in manner before provided, upon the calls aforesaid, by the several Proprietors of shares, and sufficient Securities shall have been given, by said Proprietors, for any balances of their Shares, then, and in that case, it shall and may be lawful for the Board of Directors, by public advertisement, to be printed in at least two of the Newspapers in Halifax, to declare the same, and make known the intention of the Company to transact the business of Marine Insurance, and to fix the time when their Office will be open for such business; and thereupon, the said company shall and may, at the day so named, commence and carry on, in their Office, in Halifax, or elsewhere in this Province, the business and operations of Marine Insurance, in all its branches, and shall and may receive and accept orders, directions, and proposals for Insurances, and make Insurance upon all Ships and Vessels whatsoever in Port or at Sea, or for and upon any Voyages or Adventures whatsoever, and for and upon all Goods, Merchandise, Property and Effects whatsoever, and for and upon all Money, Coins, Bullion, or other valuable thing whatsoever, in and upon any such Ship, laden or to be laden, and in and upon the Freight of Goods or Merchandise, carried or to be carried upon any Ship or Vessel, or on any Voyage whatsoever; and also upon Monies lent or advanced upon Bottomry or Respondentia, and upon expected profits and Commissions, or Adventures by Sea, and upon all subjects of Marine Insurance whatsoever, and the same shall and may Insure against all Losses, Perils, and Dangers whatsoever, of the Seas, Fire, Enemies, Thieves, and other risks of the Seas and Navigation, usually insured against by Underwriters, and either for or during the respective Voyage, or any time or times whatsoever; and shall and may agree for, fix and establish, the premiums and compensations to them to be paid for such Insurances, and shall and may make and execute all such Writings and Policies of Insurance, and with and under such reservations and conditions, as shall be agreed upon or ordered by the Board, and shall and may accept, receive and take, the abandonment, relinquishment, and surrender of any Ship or Vessel, to said Company, abandoned under any such Insurance,

When Company may commence business

and

and shall and may adjust and settle all claims and demands for losses, for or in respect of any such Insurances, or of any orders therefor to the said Company given, and generally shall and may perform and transact all matters and things whatsoever, relating to the business of an Insurance Broker, and Insurer or Underwriter, on Ships or Goods belonging or appertaining, and to all intents and purposes whatsoever.

Orders for Insurance—liability of Company

XXII. *And be it further enacted*, That all orders and directions for such Insurance to the said Company given, and by them accepted, and all Policies of Insurance by the said Company made and sealed with the common seal thereof, and signed by the President of the Company, or any Chairman of the Board of Directors, and countersigned by the Secretary, Broker or Brokers, of the Company, shall be binding and obligatory upon the said Company, and all the Joint Stock, Capital, Funds, Property and Effects thereof whatsoever, and the amount by such Policies insured, and which, upon adjustment of any loss, is, or ought to be, payable to the assured thereupon, shall be faithfully and truly paid and satisfied, within sixty days from the time of such loss, settled or adjusted. *Provided always*, that until the expiration of one year from the constitution of the said Company as aforesaid, no greater sum than Four Thousand Pounds, and after the said one year expired no greater sum than Five Thousand Pounds, shall be insured by the said Company, and be at risk at any one time upon any one Ship or Vessel, or upon any Goods, Wares or Merchandize, on board thereof, or upon any Freight by such Vessel to be carried, or commission or profits expected to arise during the Voyage insured, or from the Cargo on board thereof, or upon any security of the nature of a Mortgage, or Bottomry or Respondentia, given for or upon such Vessel, her Cargo or Freight, but the several Insurances made upon the several risks in, or depending on, any one Vessel, may collectively amount to any sum not exceeding Four Thousand Pounds, during the first year, and Five Thousand Pounds afterwards.

Proviso

Extent of risk

Business of Company—how to be conducted

XXIII. *And be it further enacted*, That the affairs and business of the said Company shall be managed and transacted by the Board of Directors thereof, of whom three Directors with the President, or, in case of his sickness or absence, four Directors, one of whom being Chairman of the Meeting, shall constitute a meeting, and the said Board of Directors for the time being shall have full powers and authority to meet and adjourn, from time to time, and from place to place, as they shall see fit, and also to direct, manage and conduct, with the assistance of the Secretary, Broker or Brokers, all the affairs and business of the Company, and the taking and accepting orders for Insurance, fixing the premium therefor, executing, sealing, and delivering Policies of Marine Insurance, adjusting, settling, paying or compromising for losses claimed under Policies, procuring, purchasing or obtaining, suitable buildings, offices and places, for the business of the said Company, and fitting the same with all things necessary therefor, and investing the Funds, and taking Securities for the Monies of, or Debts due to, the said Company, upon public or private Stocks, or Real or Personal Securities, and making or carrying into effect all contracts and bargains touching the said Company, and the affairs thereof, but subject, nevertheless, to such Orders, Bye-laws, Rules and Regulations, as at any time shall be duly made by the said Company, in restraint, control, or regulation of the powers and authorities hereby vested in the said Board of Directors.

Payment of Secretary, Brokers, &c.

XXIV. *And be it further enacted*, That the surplus Funds remaining from Dividends, and the Capital Stock of the said Company from time to time as the same shall be paid in and collected, and all surplus of Monies received, shall be kept constantly invested on good Real or Personal Securities, to be taken by instruments under Seal, or in the public Funds, at interest, in the name of the Company, but no part thereof, beyond the sum absolutely necessary for procuring the necessary buildings, offices, and accommodations of the Company's business, shall be invested in Real Estate, nor shall any part thereof be lent or advanced on Bottomry or Respondentia, or on Mortgage of Ships or Vessels.

Provided always, That for, and as an additional Security for, any part of the Capital Stock or surplus Funds of the said Company, which may be invested as aforesaid, or for or in respect of any Debts that may be contracted with them, Mortgages of Real Estate, or Personal Property, may be made to, and held by, the said Company; *Provided also*, that Mortgage Interest in Ships, Vessels or Goods, may be insured thereby, nor shall the said Funds be used or employed in Merchandize, nor shall the Company trade or carry on any business as Merchants, or deal in buying and selling Goods or Personal Property whatsoever, nor shall any Dividend be made on any pretence of the Capital or Joint Stock of the Company, or whereby the same shall be in any way reduced or impaired.

Surplus Funds of Company—how disposed of

XXV. *And be it further enacted,* That the said Board of Directors shall have power and authority, and they are hereby strictly required, to cause to be balanced the Books of the said Company on the last day of December, One Thousand Eight Hundred and Thirty Eight, or at such other period as any General Meeting shall require, and the same, being so balanced, shall be carefully examined and signed by the said Auditors, and approved by the Board of Directors, and an abstract of the said balance, shewing clearly and explicitly the state of the debts and credits of the said Company, and shewing how many, and what part of the Insurances made by the Company, are determined or remain undetermined, and at risk, and what claims for losses are unsettled, and what deductions or allowances ought to be made thereupon; and also, shewing how, and in what manner, the Capital Stock of the Company is invested or disposed of, and what sums of money are due to the Company, and also stating such further particulars as by the Bye-laws and Regulations of the Company shall be required, shall be produced by them at the Annual General Meeting, for the inspection of the Proprietors, and a duplicate thereof in like manner, signed and attested, shall be transmitted to the Office of the Secretary of the Province, for the information of the Lieutenant-Governor and Her Majesty's Council, and of the General Assembly.

Books of Company to be balanced—abstract to be submitted to Proprietors

XXVI. *And be it further enacted,* That the Books, Papers, and Correspondence, and all other Documents and Writings of the Company, shall at all times be open to the Members of the Board of Directors, and shall be subject to the order and disposal of the Board; but the rendering such accounts as aforesaid to the General Meeting shall not be construed to confer on any Proprietor, not a Director or Auditor, the right to inspect, in the Books of the Company, the account of any individual, other than himself with the said Company.

Inspection of Books, &c. of Company

XXVII. *And be it further enacted,* That at every Annual Meeting, or some adjournment thereof, there shall be made out of the clear residue of the profits and advantages, Rents, Premiums, and Interest, to the said Company accrued, or by the same previously made, after deducting therefrom an allowance sufficient to discharge the outstanding and probable claims against the Company, such Dividend and Dividends as the Proprietors at such meeting shall order and direct, and such Dividend or Dividends shall be at and after the rate of so much for every share held by the Members thereof, their Executors, Administrators or Assigns, or else the said clear residue, or some part thereof, shall be directed to accumulate, and added to the Capital Stock; *Provided always,* that the monies received, or the securities taken, for the premiums of Insurance undetermined and outstanding, on the last day of December, One Thousand Eight Hundred and Thirty Eight, and in each year thereafter, shall not be deemed to be part of such profits.

Dividends

XXVIII. *Provided always, and be it further enacted,* That if at the Annual Meeting in January, One Thousand Eight Hundred and Thirty Nine, or at any subsequent Annual meeting, the nett surplus and profits of the Company from the business of the year then next preceding such meeting, shall suffice to make a Dividend therefrom of more than five per cent. per annum, but less than ten per cent. per annum, or more than Ten Pounds, and less than Fifteen Pounds per cent. or more than Fifteen Pounds, and less than Twenty Pounds per cent. and so in the like proportion for every share in the Company, then, and in each and every such case, all surplus and excess of profits more than sufficient to make the respective Dividends of Five, Ten, Fifteen or Twenty Pounds, and so in the like proportion per cent. but not sufficient to increase such Dividends by the full sum of Five Pounds per cent. respectively, shall be added to, and form part of, the capital or joint stock of the Company, and shall not be the subject of any Dividend.

Dividends restricted to certain per centages

XXIX. *And be it further enacted,* That the said Company shall have full power and authority, from time to time, at the first or any of the General Meetings as aforesaid, to make, ordain, and put into execution, such Rules, Orders, and Bye-laws, as to them shall seem meet and proper, for regulating the proceedings of the Company, the transfer and forfeiture, and registration of shares, the enforcing payment of calls, the proceedings of the Board of Directors, the transaction of the business of the Company, the government and regulation of all the officers and servants of the Company, and for the superintendance and management of the affairs of the Company, in all respects whatsoever, and from time to time; to alter and repeal such Rules, Orders, and Bye-Laws, or any of them, and to make others as to the Shareholders of the Company, at a General Meeting, shall seem meet and expedient, and all Rules, Orders and Bye-laws, so made as aforesaid, being reduced into

Bye-laws may be established

writing,

writing, and signed by the Chairman present at any such meeting, and sealed with the Seal of the Company, shall, in all or any Court of Law or Equity, be deemed and taken to be the Rules, Orders and Bye-laws of such Company; *Provided always*, That such Rules, Orders and Bye-laws, be not repugnant to the Laws of this Province, or to the Laws in force within the same, or to the express provisions and directions of this Act; *Provided also*, That no Bye-law of the said Company, and no repeal of any Bye-law, shall be in force, or executed, until the same respectively is approved by the Lieutenant-Governor and Her Majesty's Council.

Proviso

Books of Company open to the Inspection of Government

XXX. *And be it further enacted*, That the Books and Accounts of the said Company, shall be at all times open to the examination of such person or persons, as the Lieutenant-Governor, for the time being, with the advice of Her Majesty's Council, shall appoint to inspect the same, and that before any Policy of Insurance shall be issued by the said Company, the mode and securities in and upon which the Surplus Capital Stock of the said Company shall have been invested, shall be first sanctioned and approved by the Lieutenant-Governor, or Commander in Chief, for the time being.

Capital of Company expended—Insurances to cease

XXXI. *And be it further enacted*, That if it shall happen that by, or in consequence of, any losses or misfortunes, or other means whatsoever, the original or increased Capital or Joint Stock of the Company shall at any time be wholly expended, or claims against the Company shall be outstanding and unsettled, to an amount equal to the existing and available Capital and Funds of the Company, then, as soon as the same shall be known to, and ascertained by, the President or Board of Directors, it shall not be lawful for the Company to make, or for the said Board to accept, orders for or sign or issue any new or further Insurances or Policies therefor whatsoever; and if any such further Insurances shall be made, or Policies therefor be signed or issued, after such knowledge of the state of the affairs of the Company had by the President or Directors, or any of them, then, for and upon all losses and monies payable for losses under such Insurances and Policies so issued and signed, the said President, and each of the said Directors, who shall accept or make such Insurances, or authorize or sign the same Policies, shall be personally, and in their Estates jointly and severally liable and accountable to the full amount of such losses, and all charges incident thereto.

Company may be dissolved

XXXII. *And be it further enacted*, That upon the happening of any such losses or misfortunes, as last mentioned, to the extent of the said Capital and Funds, or upon the vote of three fourths in number of the Proprietors in the said Company, holding at least three fourths of the whole number of shares in the said Company, it shall be lawful for the said Proprietors to dissolve the said Company, and to declare that the same shall cease, on a day to be fixed, and therefrom the said Company shall, on that day, cease and determine, but the President, Board of Directors and Officers of the Company, shall continue in office, during such time as shall be required for winding up the affairs and business of the Company, and all corporate powers for this purpose necessary and requisite, shall subsist and remain in force, until the whole of its affairs shall be fully settled and closed, and the Board of Directors for the time being shall be, and are hereby required to, adopt the most immediate and effectual measures for settling, winding up and closing, all the accounts, affairs and business of the Company, ascertaining, adjusting, and paying the demands against the same, collecting the debts due, and converting the Capital and Property of the Company into money, and for dividing, and paying to and among the Shareholders and Proprietors entitled thereto, the whole nett proceeds of the same, according to their respective shares and interests in the said Company.

Further liability of Shareholders

XXXIII. *And be it further enacted*, That in case of any loss or deficiency which shall or may hereafter arise, or occur in the Capital or Joint Stock of the said Corporation, whether arising from the official mismanagement of the Directors of the said Company, or from any other cause whatsoever, the persons who are or may be Shareholders in such Company, at the time of any such loss or deficiency so occurring as aforesaid, shall, in their private individual capacities, be respectively liable to make good any such loss or deficiency, so far as may be necessary or requisite to pay off and discharge any claims and demands against the said Corporation then existing; *Provided always*, That in no case shall any one Shareholder be liable to pay a sum exceeding the amount of the stock then actually.

ally held by such Shareholder, in addition to the stock so held by him. *Provided*, That nothing herein contained shall limit or apply to the liability of any President, Directors, or other officers of the said Company, for official misconduct or mismanagement.

XXIV. *And be it further enacted*, That it shall be lawful for the said Board of Directors to allow and pay to the Secretary, Broker or Brokers, and any other Officers and Servants of the Company, such compensation and allowances as may be reasonable or agreed upon, and to the President such compensation as the Company, at any General Meeting, shall order for his services; but the said Directors and Auditors shall not be entitled to take or receive any payment or remuneration whatsoever for their services respectively.

Payment of
Secretary,
Brokers, &c.

XXXV. *And be it further enacted*, That no Loan of the Capital Stock at any time to be raised under the provisions of this Act, or any part thereof, shall be made directly or indirectly to any Director of the said Company, nor shall any such Director be a party to any security for any such Loan; and no Stockholder, to whom any part of the Capital Stock shall have been lent, shall be eligible as a Director, during the continuance of such Loan.

Loans

XXXVI. *And be it further enacted*, That this Act shall continue for the term of Eighteen Years, and no longer, unless the same shall be determined in the manner hereinbefore mentioned.

Continuation
of Act

CAP. IV.

An Act to continue and amend the Act, entitled, An Act for granting Colonial Duties of Impost for the support of His Majesty's Government within this Province, and for promoting the Agriculture, Commerce and Fisheries, thereof.

(Passed the 29th day of March, 1838.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the sixth year of the reign of His late Majesty King William the Fourth, entitled, An Act for granting Colonial Duties of Impost for the support of His Majesty's Government within this Province, and for promoting the Agriculture, Commerce, and Fisheries thereof, and every matter, clause and thing, therein contained, save and except as hereinafter altered or amended, shall be continued, and the same are hereby continued from the thirty-first day of March, in this year of Our Lord One Thousand Eight Hundred and Thirty-eight, until the thirty-first day of March, which will be in the year of Our Lord One Thousand Eight Hundred and Thirty-nine, and no longer.

Act 6, Wm.
IV. continued
(with excep-
tions)

II. *And be it further enacted*, That in addition to the Articles in the Table of Duties, to the said Act annexed, contained, marked "Duty free," and declared to be free of duty by the fifth Section of the said Act, the several Articles hereinafter mentioned, when imported into this Province, that is to say—the Articles of Barilla and Soda—all Copper or Iron Castings, of all descriptions, for machinery for Mills or Steam Boats—all Sheet Iron imported for, and intended to be used in, manufacturing Cut Nails—all Copper and Composition Nails and Spikes, for Ship Building—and all Iron Rails for Rail Roads, whether the same shall be of British or of Foreign growth, production or manufacture, when hereafter imported or brought into this Province, shall be, and the same are hereby declared to be, free of Colonial duty, under the said Act, in the same manner as if the said several Articles hereinbefore respectively specified had been, and were respectively inserted in the said Table of Duties in the said Act contained, with the words "Duty free" inserted in the several columns of the said Table opposite to or against the same, and also the Article of Coffee, when of British growth and production, and hereafter imported into this Province, shall be, and the same is hereby declared to be, free of Colonial duty, under the said Act, in the same manner as if such last mentioned Article had been, and was inserted in the said Table of Duties in the said Act contained, with the words "Duty free" inserted in the first column of the said Table, opposite to or against the same.

Articles ex-
empted from
Colonial Duty

Duty on Wines

III. *And be it further enacted*, That upon all Wines in the said Table of Duties specified, as therein charged and chargeable by or under the said Act, with a Colonial Duty of One Shilling and Three-pence Sterling the Gallon, hereafter to be imported, instead of the said duty, there shall hereafter be substituted, levied, imposed and paid, a Duty of One Shilling Sterling the Gallon, and no more.

Duty on Molasses

IV. *And be it further enacted*, That upon all Molasses hereafter to be imported or brought into this Province, there shall be levied, imposed and paid, a Colonial duty as follows, that is to say—upon all Molasses of British growth, production or manufacture, a Colonial duty of One penny Sterling for each and every Gallon upon all Molasses of Foreign growth, production or manufacture, Three-pence Sterling for each and every Gallon.

Duties secured and collected

V. *And be it further enacted*, That all the Colonial duties of this Act imposed, levied, charged and substituted, for and upon Molasses, and upon such Wines hereinbefore mentioned, shall be ascertained, secured, paid, levied, collected, recovered, and applied, under and according to the same directions, provisions, regulations and penalties, and by the same ways and means respectively, as if such Colonial Duties hereby so imposed, levied, charged or substituted, had been originally inserted against the said respective Articles, in the first and second columns of the said Table of Duties to the said Act annexed.

Proviso—respecting duty on Molasses

VI. *Provided always, and be it further enacted*, That, whenever the Importer or Importers of any Molasses of Foreign growth, production or manufacture, chargeable with Colonial duty under this Act, or the Party or Parties by whom such duty shall have been secured, shall make it appear by satisfactory proof, either by certificate from the Officers of the Customs, or otherwise, to the proper Officer of the Colonial Revenue for the port or place where such Duties shall have been so secured, that all or any Duties payable or chargeable, or imposed on the said Molasses, under and by virtue of the Act of the Imperial Parliament, passed in the third and fourth year of the Reign of His late Majesty King William the Fourth, entitled, An Act to regulate the Trade of the British Possessions abroad, or any Act or Acts passed or to be passed in amendment of the said Act, have been actually and truly paid, then and in such case, the said proper officer of the Colonial Revenue shall forthwith give credit to the said Importer or Importers, Party or Parties, for all Duties payable on the said Molasses, under and by virtue of this Act, in the same manner as if such last mentioned Duties had actually been paid to the proper Officer of the Colonial Revenue.

Continuation of Act

VII. *And be it further enacted*, That this Act shall continue and be in force from the Thirty-first day of March, in the year of Our Lord One Thousand Eight Hundred and Thirty-eight, until the Thirty-first day of March, which will be in the year of Our Lord One Thousand Eight Hundred and Thirty-nine, and no longer.

CAP. V.

An Act to continue the Act for the general regulation of the Colonial Duties.

[Passed the 29th day of March, 1838.]

Act 4, Wm. IV. continued (with exceptions.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Fourth Year of the Reign of His late Majesty King William the Fourth, entitled, An Act for the general regulation of the Colonial Duties, which Act will continue in operation until the Thirty-first day of March, in the Year of Our Lord One Thousand Eight Hundred and Thirty-eight, and every matter, clause and thing, in the said Act contained, save and except the third Clause or Section thereof, shall thenceforth remain in operation, and be further continued until the Thirty-first day of March, which will be in the Year of Our Lord One Thousand Eight Hundred and Thirty-nine, and no longer.

CAP. VI

An Act for the Regulation of Juries.

(Passed the 29th day of March, 1838.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Thirty-sixth year of the Reign of His late Majesty King George the Third, entitled, An Act to regulate Juries; the second Section of an Act, passed in the Forty-sixth year of the Reign of His late Majesty, entitled, An Act for the further regulation of Inferior Courts and Special Jurors; an Act, passed in the Sixth year of the Reign of His late Majesty George the Fourth, entitled, An Act relating to Special Jurors; an Act, passed in the Second year of the Reign of His late Majesty King William the Fourth, entitled, An Act concerning the Inferior Courts of Common Pleas within this Province, and an Act, passed in the Third year of the Reign of His late Majesty William the Fourth, entitled, An Act relating to Grand Jurors, be, and the same are hereby, repealed.

Act 36, Geo. III. Sec. 2, of Act 46, Geo. III—Act 6, Geo. IV—and Act 3, Wm. IV. repealed

1. 367
2. 61
3. 214
4. 150-231

II. And be it further enacted, That, from and after the passing of this Act, every person, not hereinafter exempted, who shall have been actually resident in the County, for which he shall be summoned, for Twelve Calendar months, and shall own, and be possessed of, a Freehold Estate within such County, of the clear yearly value of Fifteen Pounds, or a Personal Estate of the value of Three Hundred Pounds, shall be liable to serve as a Grand Juror, or shall own, and be possessed of, a Freehold Estate within such County, of the clear yearly value of Forty Shillings, or a Personal Estate of the value of One Hundred Pounds, shall be qualified and liable to serve as a Petit Juror, in this Province; Provided always, That the Members of the Executive and Legislative Councils or of the House of Assembly—the Treasurer and Secretary of the Province—the Surveyor General of Crown Lands—the Registrar of Deeds—the Officers of Her Majesty's Courts—the Officers composing the Staff of the Army—the Clerks belonging to the several Departments of the Army—the Officers and Clerks belonging to, and Labourers actually employed in the Naval Yard, or in and to Her Majesty's Ordnance, or in or to the Departments of the Customs, and Excise and Post Office, Ministers, Attornies, Physicians, Surgeons, Engine and Firemen—Persons above Sixty years of age, and the Cashiers or Accountants and Tellers actually employed in the several Banks, shall be, and all such persons are hereby, exempted from serving on Juries; Provided also, that no person shall be liable to serve on Grand or Petit Jurors, more than once in three years respectively, unless in such cases where a new Summons shall be issued for Jurors to supply the place of Jurors not attending, as hereinafter directed.

Qualifications of Grand and Petty Jurors

Exemptions also Members of Council to qualify 1843 fol 43.

III. And be it further enacted, That the several Sheriffs of each County shall, once in every year, in the month of December, return to the Prothonotaries or Clerks of the several Courts in which such Juries shall be required to serve, Lists of all persons, not exempted as aforesaid, and qualified to serve on Petit Juries; and such Prothonotaries or Clerks shall thereupon cause the names of such Persons to be written on distinct and similar pieces of paper, which shall then be severally folded up, and put together in Boxes, to be kept by them respectively for that purpose; and such Sheriffs, in order to make up such Lists, shall have the right of free access to all Public Documents, in whosoever custody they may be. Provided always, that no person returned as a Petit Juror shall be put on the Grand Jury List.

Proviso

Sheriffs to return names of Persons qualified to serve as Jurors to Prothonotaries

IV. And be it further enacted, That, at the first General Sessions of the Peace to be held in each County, from and after the passing thereof, there shall be selected by the Justices of the Peace, in their said General Sessions, three of their number, resident in different Sections or Districts of the County, who shall be duly sworn to the faithful and impartial performance of their duties; and who shall, together with the Sheriff of the County, forthwith prepare Lists of all persons properly qualified as aforesaid, to serve as Grand Jurors within each of the several Townships and Settlements within the said County, and return the said Lists to the then next ensuing Supreme Court.

Lists of Grand Jurors to be made out by three Magistrates and returned to Supreme Court

V. And be it further enacted, That the said Court of General Sessions in each of the Counties of this Province shall, from time to time, as they may think requisite, fix and determine what number of such Grand Jurors, for each of the Townships and Settlements in said County, shall be annually summoned to serve as such; and the said Sheriff and the Prothonotary

Grand Jurors to be drawn for

Prothonotary shall, at each time of drawing a Jury to serve, have the names of the said Jurors for each of the Townships and Settlements, compared with the Lists, and placed in separate Boxes, wherein such names shall be kept, and at each time of drawing a Grand Jury to serve as hereafter mentioned, the Prothonotary shall draw from such Boxes respectively, in open Court, the number so fixed and determined by such Court, and those so drawn, shall be summoned in the usual manner.

VI. *Provided always, and be it further enacted and declared,* That it shall not be lawful for any Justice of the Peace to serve as a Grand Juror at any Court of General or Special Sessions, any Law, usage or custom, to the contrary notwithstanding.

VII. *And be it further enacted,* That the said Courts of General Sessions, within the several Counties of this Province, shall and may from time to time, alter or change any one or more of the said Three Justices, to be appointed and sworn as aforesaid, and select others in their room, or in the place of any one or more of them, and when such change shall be made, the Justice or Justices newly selected shall be sworn as aforesaid.

VIII. *And be it further enacted,* That the several Lists of Grand Jurors to be made and returned as aforesaid, shall, once in every three Years, or oftener, if the said Courts of General Sessions shall so direct, be revised by the Sheriff, and the three Justices to be appointed as aforesaid, and new Lists made up and returned in the manner hereinbefore mentioned and directed.

IX. *And be it further enacted,* That the Grand Juries for the several Counties shall be drawn from the said Boxes, in the Supreme Court, during the last term, which shall be held in every year, and the Jurors being afterwards summoned and sworn at the first ensuing term of the Supreme Court, or at the first Quarter or General Sessions in the following year, shall serve on such Grand Jury during the whole of that year.

X. *And be it further enacted,* That whenever any Grand Jury in any County in this Province, shall assemble in Court for the first time, and Twelve or more thereof shall appear, the Court, before the said Jury shall be sworn, shall direct them to retire and to choose their Foreman, to be presented for the approval of the Court, and upon their returning into Court, and presenting for approval the one of their number chosen by them for that purpose, such one, if approved of by the Court, shall be sworn as Foreman of such Jury, in the usual manner; and in case of such one not being approved of and accepted by the Court, the Jury shall again retire and choose another of their number to be approved of, and sworn or rejected, in like manner, and so on in the same way, until a Foreman shall be chosen and approved of in manner aforesaid; any Law, usage or custom, to the contrary notwithstanding.

XI. *And be it further enacted,* That the Petit Juries for the several Counties shall be drawn from the Boxes, first above mentioned in open Court, at each term or Sessions of the Supreme or Inferior Courts, and Court of General Sessions, for the Term or Sessions then next ensuing, and the Chief or First Justice presiding at the time shall sign the lists of such Petit Juries, as also of the Grand Juries, to be drawn as aforesaid, and the Prothonotary or Clerk of the said Courts shall issue Writs of Venire Facias, and deliver the same to the Sheriff, at least thirty days before the meeting thereof respectively, for summoning the persons contained in such lists to attend the same.

XII. *Provided always, and be it further enacted,* That any Grand or Petit Juries who may be now serving or summoned to any Court throughout the Province, shall continue to serve and attend such Court, as if they had been returned under this Act.

XIII. *And be it further enacted,* That every person duly summoned as aforesaid, at least four days before the day on which he shall be bound to appear to serve upon any Grand or Petit Jury, and who shall not appear and serve thereon, shall forfeit and pay for every day's default, if a Grand Juror, a fine not exceeding Twenty Shillings; and if a Petit Juror, a fine not exceeding Ten Shillings.

XIV. *And be it further enacted,* That, if by reason of just excuses to be allowed of by the Court, a sufficient number of persons, so summoned as aforesaid, either as Grand or Petit Jurors, should not be likely to attend in any particular Term, Sessions or Year, it shall be in the discretion of the Court to return the names of the persons so excused, or of such of them as the Court may think fit, into the Box, as though they had not been drawn, and to draw others in their stead, who shall be forthwith summoned by the Sheriff, and be subject

Justices of the Peace not to serve as Grand Jurors

Magistrates appointed to select Grand Jurors may be changed

Revision of Lists of Grand Jurors

Grand Juries drawn for— term of service

Choice of Foreman

Petit Juries drawn for

Term of service of Petit Jurors

Fines imposed on Jurors for not attending

Jurors excused, &c.— others may be drawn—tales allowed

to all the consequences of non-attendance, as before provided; and in every case where a full Jury, for the trial of any Cause, shall not appear, or appearing, shall, by challenge of either of the parties or otherwise, prove deficient, a Tales de Circumstantibus shall be awarded, and immediately returned at the instance of either party, in manner as heretofore practised.

XV. *And be it further enacted*, That when in the Supreme Court or in any of the Inferior Courts of Common Pleas, a view shall be allowed in any Cause, six or more of the Jurors to be mutually consented to by the parties or their agents, or if they cannot agree, to be named by the Court, together with two persons, to be in like manner appointed, to shew them the matters in question, shall have the same; and the said viewers, or such of them as appear, shall be first sworn upon the Jury to try the Cause in which it shall have been allowed; and in case a view shall either not have been had at all, or not had by the number, yet the trial shall proceed, and no objection be received on either side on account thereof.

XVI. *And be it further enacted*, That in all cases of the trial of any Issues, Actions or Prosecutions, Civil or Criminal, by Petit Juries, and of the assessment of damages, on the finding of Inquisitions by Sheriff's Juries, it shall be the right of the party Plaintiff or Plaintiffs, Prosecutor or Prosecutors, and of the party Defendant or Defendants, Prisoner or Prisoners, peremptorily, to challenge, without cause assigned, any number of the Juries or Talesmen who may be called for the trial, not exceeding three on each side, as the Jurors or Talesmen respectively come to be sworn. *Provided always*, that this Act shall in no manner apply to Prisoners or Defendants in Criminal trials, who are now allowed or entitled, peremptorily, to challenge any of the Jurors called for their trial. *Provided also*, that nothing herein contained shall affect or abridge the rights of challenge to Juries or Jurors now existing on the right of objecting to Jurors or Talesmen, upon cause assigned as now practised.

XVII. *And be it further enacted*, That it shall and may be lawful for Her Majesty's Supreme Court in any Cause, Civil or Criminal, and of Her Majesty's Inferior Courts, in any Cause therein depending, to order a Special Jury to be struck before the Prothonotary or Clerk, from the Grand Jury Boxes above mentioned, and kept in his office, for which he shall be entitled to a fee of Five Shillings, and the Jury so struck shall be the Jury to be summoned and returned for the trial of such Cause, and a Special Jury may, in like manner, be allowed on the assessment of damages, where the Writ of Inquiry is executed before such Courts, and they shall think fit to order the same, upon motion made on behalf of either party, Plaintiff or Defendant.

XVIII. *And be it further enacted*, That such Special Jurors shall be entitled to receive Two Shillings and Six Pence each, in every Cause, and no more, except in Halifax; and that any Special Juror duly summoned, and who shall not appear to serve on such Jury when called, shall forfeit and pay a fine not exceeding Ten Shillings, except in Halifax.

XIX. *And be it further enacted*, That in all Causes where a Special Jury shall have been ordered, it shall be in the discretion of the Court to allow or refuse to the party who applied therefor, the costs of such Jury, according as the Court shall consider that the subject in dispute did or did not require a Special Jury for the trial thereof, or might more properly, and without inconvenience, have been tried by the common Jury.

XX. *And be it further enacted*, That Special Jurors on the trial of any Cause in the Supreme Court at Halifax, shall be entitled to receive Five Shillings each, in every Cause, and no more; and that every Special Juror duly summoned for any trial at Halifax, and who shall not appear to serve on such Jury when called, shall forfeit and pay a fine not less than Forty Shillings, and not exceeding Sixty Shillings.

XXI. *And be it further enacted*, That hereafter in making and returning the lists of Grand and Petit Juries, as hereinbefore directed, for the County of Halifax, all persons duly qualified to serve as Grand and Petit Jurors, and not hereby exempted from serving therein, living within fifteen miles of the Town of Halifax, shall be returned on such lists to serve on the Grand and Petit Juries of the Supreme and Inferior Courts and Court of General Sessions of the Peace respectively. *Provided always*, that no person who shall be by the Sheriff returned on the Petit Jury list for the Supreme and Inferior Courts of Common Pleas at Halifax, shall be returned on the list of the Petit Jurors for the Court of General Sessions at Halifax,

Viewers

Challenges

Proviso

Special Juries may be struck and summoned

Allowance to special Jurors, except in Halifax.—Fine for non attendance

Costs of Special Jurors may be allowed or not

Allowance to Special Jurors in Halifax.—Fine for non attendance

Persons living within 15 miles of Halifax liable to serve as Jurors

cc C. VI
1840 fol 22

Halifax, nor shall, on the contrary, any person returned by the said Sheriff on the Petit Jury list for the said Court of Sessions, be also returned on the Petit Jury list for the Supreme and Inferior Courts.

Fines may be remitted

XXII. *Provided always, and be it further enacted,* That all fines imposed under this Act for the non-attendance of Juries shall be remitted, if a sufficient excuse shall be shewn by affidavit, to the satisfaction of the Court which the Jurors were summoned to attend.

Recovery of Fines

XXIII. *And be it further enacted,* That all fines for the non-attendance of Jurors, imposed by this Act, shall be levied, if necessary, by Warrant of Distress and Sale, and shall be paid to the Prothonotary or Clerk respectively of the several Courts, and be by him accounted for at the end of each Term or Sessions to the Treasurer of the respective Counties, to be from time to time applied by the Justices of the several Courts for the Counties' use.

Continuation of Act

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

CAP. VII.

An Act to continue and amend the Act for regulating the Importation of Goods.

(Passed the 29th day of March, 1838.)

Act 4. Wm. IV. continued (with exceptions)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act of the General Assembly of this Province, passed in the Fourth Year of the Reign of His late Majesty King William the Fourth, entitled, An Act for regulating the Importation of Goods, which Act will continue in operation until the Thirty-first day of March, in the Year of Our Lord One Thousand Eight Hundred and Thirty-eight, and also every matter, clause and thing, in the said Act contained, save and except the Fourth and Forty-sixth clauses or sections of the said Act; and also, save and except so far as the said Act is altered or amended by this present Act, shall remain thenceforth in operation, and be further continued until the Thirty-first day of March, which will be in the Year of Our Lord One Thousand Eight Hundred and Thirty-nine, and no longer.

Goods Warehoused; Bonds given to Officers of Customs

II. *And be it further enacted,* That whenever, during the continuance of the said Act, the Importer of any Goods shall think proper to make entry thereof for Warehouse, as provided by the fifth Section of the said Act, and it shall appear by the Certificate of the proper Officer or Officers of the Customs, that the same Goods have been duly entered at the Custom-House to be warehoused, and Bonds given therefor as required by the provisions of any Imperial Statute, then, and in every such case, the Bond for warehousing the said Goods required by the said Fifth Section to be entered into by the Importer, shall be dispensed with, and the Landing Permit shall be granted for such Goods, and shall specify that security for the due warehousing thereof hath been certified to have been given at the Custom-House.

Duties not exceeding £10 to be paid down

III. *And be it further enacted,* That if, on the first entry of any Goods subject to Colonial Impost Duties, or on entry thereof from the Warehouse for Home use, the Colonial Impost Duties thereon, to be ascertained, as in and by the Act hereby continued and amended is provided, shall not exceed the sum of Ten Pounds, then the said Duties shall be paid down by the Importer or person making the entry thereof, before any permit shall be granted for the Goods contained in such entry; but if the amount of such Colonial Duties shall exceed the sum of Ten Pounds, then the Importer shall give Bond, with two sufficient Sureties, to be approved of by the Collector of Impost, in treble the Duties payable on such Goods, with a condition for the payment of the said Duties by instalments, and in manner following; that is to say: one fourth part of said Duties in six months, another fourth part thereof in nine months, and the remaining half part thereof in one year from the date of such Bond respectively; and such Bond shall be given in the manner and form prescribed therefor by the Board of Revenue, and a Warrant of Attorney shall also then and there be executed by the same parties and in the form by the said Board to be directed, for the Confession of a Judgment for the amount of the said Bond, in case default should happen

Duties exceeding £10—Bond to be given

Condition of Bond

pen to be made in payment of any instalment thereof; *Provided always*, that where Goods have been warehoused above one year, then the Colonial Duties, if exceeding Ten Pounds, shall be payable one half in three months, and the other half in six months, from the date of the entry from Warehouse, and the Bond shall be made accordingly. Proviso

IV. *And be it further enacted*, That, instead of the period of Twenty Days allowed by the Twenty-seventh Clause of the said Act hereby amended for the entry inwards of Goods, after the arrival of the Importing Ship, there shall be allowed for such entry six days only, after such arrival, and if due entry inwards be not made within the said six days, it shall and may be lawful to proceed as in and by the said clause is directed, in the same manner as if the said period of six days had been inserted in such clause instead of twenty days, as therein mentioned. Period for entering Goods limited to six days

CAP. VIII.

An Act to continue and amend the Act for the Warehousing of Goods.

(Passed the 29th day of March, 1838.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Fourth Year of the Reign of His late Majesty King William the Fourth, entitled, An Act for the Warehousing of Goods, which Act will continue in operation until the Thirty-first day of March, in the year of Our Lord One Thousand Eight Hundred and Thirty-eight; and also, every matter, clause and thing, in the said Act contained, except so far as the same is altered or amended by this present Act, shall remain thenceforth in operation, and be further continued until the Thirty-first day of March, which will be in the year of Our Lord One Thousand Eight Hundred and Thirty-nine, and no longer.

Act 4, Wm. IV. continued (with exceptions.)

II. *And be it further enacted*, That in every case, during the continuance of the said Act, where Goods charged with Colonial Duties, and also, with Imperial Duties, being of Foreign growth, produce or manufacture, shall be warehoused in a King's Warehouse, under or in pursuance of the regulations prescribed by any Act of the Imperial Parliament; and also, in every case where Goods charged with Colonial Duties, being of British growth, produce or manufacture, shall be warehoused in a King's Warehouse, and the Owner or Importer of such Goods shall have given bond at the Custom House for the due warehousing the said Goods respectively, as prescribed by the said regulations, then, and in every such case, the bond for the Colonial Duties thereon, by the twenty-first Section of the Act hereby continued, required to be entered into, shall be wholly dispensed with, and the bond entered into at the Custom-House shall be deemed the security for the due warehousing the said Goods; but it shall not be lawful for any Collector or other Officer of Her Majesty's Customs to permit any Goods, so warehoused, to be taken out of Warehouse for Home Consumption or for the Fisheries, until a Permit therefor, under the hand of the Collector of Impost, shall be produced at the Custom House, and there filed, setting forth that the Colonial Duties to which such Goods are or may be subject have been fully paid or secured; and if any such Goods shall be removed or taken from such King's Warehouse before such Permit shall be granted and filed at the Custom House, the same Goods shall be forfeited, and the owner thereof, and the person or persons by whom the same shall be removed from the Warehouse, shall be liable to a penalty of One Hundred Pounds, or five-times the amount of the Colonial Duties thereon, at the election of the Board of Revenue.

Bond for Duties on Goods warehoused given at Custom House declared sufficient

Permit from Collector of Impost required for removal of Goods from Warehouse

CAP. IX.

An Act to continue and amend the Act concerning Goods exported, and for granting Drawbacks.

(Passed the 29th day of March, 1838.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the fourth year of the reign of His late Majesty King William the Fourth, entitled,

Act 4, Wm. IV. continued (with exceptions.)

An Act concerning Goods exported, and for granting Drawbacks, which Act will continue in operation until the thirty-first day of March, in the year of Our Lord One Thousand Eight Hundred and Thirty-eight, and every matter, clause and thing, in the said Act contained, save and except the second and thirty-first Clauses or Sections of the said Act, and save and except so far as the same is hereinafter altered or amended, shall thenceforth remain in operation, and be further continued until the thirty-first day of March, which will be in the year of Our Lord One Thousand Eight Hundred and Thirty-nine, and no longer.

Preable *And whereas*, it is expedient for the encouragement of the Fisheries and Trade of this Province, to provide for the relinquishment of certain Colonial Duties imposed by the Act, passed in the sixth year of His late Majesty's reign, for granting Colonial Impost Duties upon certain Foreign Goods, over and above, and in addition to, the Imperial Duties thereon charged, under the Act of the Imperial Parliament.

Goods liable to Colonial Impost Duties purchased with proceeds of Fish, &c. exempted from Duty

II. *Be it therefore enacted*, That the Board of Revenue shall be, and the said Board is hereby authorised by any order of the Board, to free and exempt from all Colonial Impost Duties thereon imposed, in addition to, and over and above, the Imperial Duty thereon, all such Foreign Goods liable to Colonial Impost Duties, which, on satisfactory proof on oath, shall appear to the said Board actually and bona fide to have been shipped in some port or place in South America or in Europe, and purchased or procured with the proceeds of Fish or Fish Oil, caught, cured and made, by the Inhabitants of this Province, and others employed in the Fisheries thereof; and which Fish or Fish Oil shall have been exported in Vessels owned and registered in this Province, or belonging to British Merchants engaged in and carrying on the Fisheries of the same, to some port or place in South America or in Europe, and there sold, and all which proof shall be taken in writing, in such way as that the same may be submitted to the inspection of the General Assembly. *Provided always*, that nothing herein contained shall extend or be construed to extend, to authorize or empower the said Board of Revenue, to free or exempt any such Foreign Goods from any Duties of any kind or description whatsoever, or howsoever imposed, which shall or may have been paid, or shall or may be paid or payable to, or received or receivable by, the officers of the Customs. *And provided also*, that nothing in this Clause contained, shall extend, or be construed to extend to any Foreign Goods purchased or procured, by or with any Whale Oil or Sperm Oil, or the proceeds thereof, or of any Whaling Voyage, which shall or may have been exported from this Province to any part of Europe or South America.

Proviso

CAP. X.

An Act to continue the Act for granting Duties on Licenses for the Sale of Spirituous Liquors, and for Sales by Auction, to Persons resident in the Town of Halifax.

(Passed the 29th day of March, 1838.)

Act 7, Wm. IV. continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, An Act for granting Duties on Licenses for the Sale of Spirituous Liquors, and for Sales by Auction, to persons resident in the Town of Halifax, which will continue in force and remain in operation until the thirty-first day of March, in the year of Our Lord One Thousand Eight Hundred and Thirty-eight, and every matter, clause and thing, therein contained, shall be further continued, and the same are hereby continued until the Thirty-first day of March, which will be in the year of Our Lord One Thousand Eight Hundred and Thirty-nine, and no longer.

CAP. XI.

An Act to continue the several Acts for the prevention of Smuggling.

(Passed the 29th day of March, 1838.)

Act 4, Wm. IV. continued (with exceptions)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the fourth year of the reign of His late Majesty King William the Fourth, entitled, An

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An Act for the prevention of Smuggling, which Act will continue in operation until the thirty-first day of March, in the year of Our Lord One Thousand Eight Hundred and Thirty Eight, and every matter, clause and thing, in the said Act contained, save and except so far as the same is altered or amended by the Act hereinafter mentioned; also, the Act, passed in the fifth year of the reign of His said late Majesty King William the Fourth, to continue and amend the said first mentioned Act, and which Act last mentioned will also continue in operation until the thirty-first day of March, in this same year One Thousand Eight Hundred and Thirty-eight, and every matter, clause and thing, in the said last mentioned Act contained, shall remain thenceforth in operation, and said Acts are respectively hereby further continued until the thirty-first day of March, which will be in the year of Our Lord One Thousand Eight Hundred and Thirty-nine, and no longer.

CAP. XII.

An Act to continue and amend the Act to encourage the manufacture of Tobacco in this Province, by granting a Bounty thereon.

(Passed the 29th day of March, 1838.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Fourth Year of the Reign of His late Majesty King William the Fourth, entitled, An Act to encourage the Manufacture of Tobacco in this Province, by granting a Bounty thereon, which will continue in force until the Thirty-first day of March, in the Year of Our Lord One Thousand Eight Hundred and Thirty-eight, and every matter, clause and thing, therein contained, save and except as herein after altered or amended, shall remain thenceforth in operation, and be further continued, and the same are hereby further continued, until the Thirty-first day of March, which will be in the Year of Our Lord One Thousand Eight Hundred and Thirty-nine, and no longer.

Act 4, Wm.
IV. continued
(with exceptions)

II. And be it further enacted, That instead of the Bounty of Twelve Pounds and Ten Shillings for every Hundred Pounds of the original cost of Leaf Tobacco, by the first section of the Act hereby continued, directed to be paid, there shall be paid a Bounty of Six Pounds and Ten Shillings, and no more, for every Hundred Pounds of the original cost of all Leaf Tobacco manufactured by any person or persons within this Province, as in and by the said Act is mentioned, in the same manner as if the same Bounty of Six Pounds and Ten Shillings had been originally inserted in the first section of said Act, instead of Twelve Pounds and Ten Shillings.

Bounty granted

CAP. XIII.

An Act to continue the Act for granting a Bounty on Chocolate manufactured in this Province.

(Passed the 29th day of March, 1838.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, An Act for granting a Bounty on Chocolate manufactured in this Province, which will continue in force until the thirty-first day of March, in the year of Our Lord One Thousand Eight Hundred and Thirty-eight, shall be further continued and remain thenceforth in operation, and the said Act, and every matter, clause and thing, therein contained, are hereby further continued until the Thirty-first day of March, which will be in the year of Our Lord One Thousand Eight Hundred and Thirty-nine, and no longer.

Act 7, Wm.
IV. continued

CAP. XIV.

An Act to continue the Act for granting Duties on Licences, and in amendment thereof.

(Passed the 29th day of March, 1838.)

Act 4, Wm. IV. continued (with exceptions)

BE it enacted, by the Lieutenant Governor, Council and Assembly, That the Act, passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, An Act for granting Duties on Licences for the sale of Spirituous Liquors, which will continue in force until the thirty-first day of March, in the year of Our Lord One Thousand Eight Hundred and Thirty-eight, shall remain in operation, and be further continued, and the said Act, and every matter, clause and thing, therein contained, (save and except only so far as the same are or may be altered or amended by this present Act,) are hereby further continued until the thirty-first day of March, which will be in the year of Our Lord One Thousand Eight Hundred and Thirty-nine, and no longer.

Tavern or Shop Licences (except in Halifax) to be granted only upon recommendation of Grand Jury

II. *And be it further enacted,* That no Tavern or Shop License shall be hereafter granted to any person whomsoever, (except in the Town of Halifax,) unless upon the recommendation of the Grand Jury for the County wherein such License is to be granted.

Quantity of Liquor to be sold under Shop License

III. *And be it further enacted,* That no person holding a Shop License, (except in the Town of Halifax,) shall hereafter, on any pretence, sell Spirits, Wines, or other strong or intoxicating Liquor, in any quantity less than one gallon, under the same penalty, to be recovered in the like manner as by Law is imposed, and to be recovered on and from persons selling such Liquors without License.

Clerk of Licences (except in Halifax) to be appointed annually

IV. *And be it further enacted,* That the Clerks of the License in all the Counties and Districts of this Province, (except in the Town of Halifax,) shall hereafter be appointed annually; and the Grand Jury in each County and District shall return to the several Sessions of the Peace, at their first or Spring Sessions, the names of three fit and proper persons to fill the said Office—one of whom shall be appointed by the said Sessions, on the terms and conditions they are now appointed.

Continuation of Act

V. *And be it further enacted,* That this Act shall continue and remain in force from the thirty-first day of March, in the year of Our Lord One Thousand Eight Hundred and Thirty eight, until the thirty-first day of March, which will be in the year of Our Lord One Thousand Eight Hundred and Thirty-nine and no longer.

CAP. XV.

An Act to Incorporate a Company for the purpose of prosecuting the Whale Fishery, by the name of the Nova-Scotia Whaling Company.

(Passed the 29th day of March, 1838.)

Preamble

WHEREAS, the carrying on of the Whale Fishery from this Province is attended with great expense, and it has been proposed by certain persons to form a Company for the purpose of prosecuting such Fishery, which may be productive of public benefit:

Incorporation of Nova Scotia Whaling Company

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That Mather B. Almon, Michael Tobin, Stephen Binney, William A. Black, James N. Shannon, John L. Starr, James Leishman, James G. A. Creighton, George P. Lawson, and Andrew M. Uniacke, and all and every person or persons as shall from time to time become proprietors of shares in the Corporation hereby established, their Successors and Assigns, shall be, and they are hereby erected into a Company, and declared to be a Body, Politic and Corporate, by the name of "The Nova-Scotia Whaling Company," and by that name shall and may have succession and a Common Seal, and by that name shall and may sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended, in any Court, or Courts of Law or Equity or place whatsoever, and be able and capable in Law to have, hold, purchase,

purchase, take, receive, lease, possess and enjoy, any Houses, Stores, Lands and Tenements whatsoever, in fee simple, leasehold or otherwise, and also, any Ship or Ships, Vessel or Vessels, Stock, Materials, Goods and Chattles, and all other things, real, personal and mixed, and also, to give, grant, sell, let, assign, or convey the same, or any part thereof, and to do and execute all other things in and about the same or any part thereof, as shall and may be thought necessary and proper, for the benefit and advantage of the said Company; and also, that the said Company, or the major part of them shall, from time to time, and at all times, have full power and authority and license to constitute, ordain, make and establish, change, vary and alter, such Bye-laws and Ordinances, as may be thought necessary for the good rule and government of the said Corporation; *Provided* such Bye-laws and Ordinances be not contradictory or repugnant to the Laws or Statutes of the Province, and those in force within the same; *And provided also*, that such Bye-laws and Ordinances, shall not be of any force or effect until the same have been submitted to, and approved by, the Governor, Lieutenant-Governor or Commander in Chief, for the time being.

Powers and Privileges of Company

II. *Provided always, and be it further enacted*, That the said Company shall not have, take, hold, possess or enjoy, at any one time, Lands, Tenements or Hereditaments, of greater value than Thirty Thousand Pounds.

Proviso—as respects Real Estate

III. *And be it further enacted*, That the said Company, and its affairs and business, shall be under the direction and management of the President, and such other Officers as shall or may be named and designated by the Bye-laws of the said Company, and the Capital of the said Company shall be divided into shares of such amount as by the said Bye-laws may be hereafter provided, and such shares shall be assignable and transferable in such manner and upon such terms as by the said Bye-laws may be also provided and directed.

Officers of Company

IV. *And be it further enacted*, That for and notwithstanding any Real Estate, which the said Company may hold at any time, the Shares and interests of the Shareholders, of and in the said Capital Stock and Funds of the said Company, shall be held and deemed to be personal property, to all intents and purposes whatsoever.

Shares deemed personal Estate

V. *Provided always, and be it further enacted*, That nothing herein contained shall be held or construed to give the said Corporation the privilege to become underwriter or underwriters, upon any Insurance on a Ship or Vessel, or marine risk, or upon any loss by fire, or upon any life or lives.

Corporation not to be concerned in Insurances

VI. *And be it further enacted*, That the Joint Stock or Property of the said Corporation shall alone, in the first instance, be responsible for the debts and engagements of the said Corporation, and that no creditor or person or persons, having any demands against the said Corporation, for or on account of any dealings with the said Corporation, shall have recourse against the separate property of any Shareholder on account thereof, except in case of deficiency, or when the Joint Stock of the said Corporation shall fall short of, or not be equal to, the payment of any debt due, or demand against the same, that then and in such case the Goods and Chattles, Lands and Tenements, of each Shareholder, shall and may be levied upon, and seized respectively, to satisfy such debt or demand, to the extent of double the amount of the share or shares, or interest of such Shareholder in the Joint Stock of the Corporation, but no more, and that such double amount, or so much as may be necessary to satisfy such debt, due or demand, shall and may be levied and seized by process of Execution, in the same suit in which such debt, due or demand, may be recovered against the said Corporation.

In case of Joint Stock not being sufficient to meet demands

VII. *And be it further enacted*, That this Act shall continue and be in force for nine years from the passing thereof, and from thence to the end of the then next Session of the General Assembly.

Continuation of Act

CAP. XVI.

An Act respecting the exportation of Grindstones from this Province.

(Passed the 29th day of March, 1838.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the first day of April next, all Grindstones made within this Province, and intended for

Grindstones for Exportation

Shipment

Shipment and Exportation therefrom, shall be free from spalts, shakes, cracks, bull's eyes or seams, and shall be made exactly round, of equal thickness, square on the edges, neatly and smoothly cut, with the eyes properly fitted and finished, in such manner as to be fit for immediate use.

Surveyor of Grindstones to be appointed

Proviso

II. *And be it further enacted,* That in any County in this Province, where it shall be deemed necessary, the Court of General Sessions of the Peace, upon the presentment of the Grand Jury, at the Term or Sessions when Town Officers are appointed, shall and may appoint in the same manner as other Town Officers are appointed, so many fit and proper persons as may be deemed necessary, from time to time, to be Surveyors of Grindstones, who shall be sworn to the faithful discharge of the duties of such office, before some one Justice of the Peace ; *Provided always,* that in such Counties wherein the next General Sessions of the Peace shall not be held before the first day of April next ensuing the passing hereof, it shall and may be lawful for any Special Sessions, of at least three Justices of the Peace, to nominate and appoint so many fit and proper persons as they may deem requisite to be Surveyors of Grindstones in such County, who, being duly sworn as aforesaid, shall remain in Office until the next Sessions at which Town Officers shall be by Law required to be appointed.

Duty of Surveyors

Grindstones for Exportation must be Surveyed

III. *And be it further enacted,* That it shall be the duty of such Surveyors, in the several Counties or Townships for which they may be appointed respectively, to measure, examine and survey, all Grindstones intended for Shipment from this Province, when called upon for that purpose ; and every such Surveyor shall mark every Grindstone which he may so survey, and deem merchantable, and made in the manner directed by the first Section of this Act, with the initial letters of his name ; and that no Grindstones shall be shipped on board of any Vessel or Boat, in order to be carried away, or removed from or out of this Province, unless made, examined, surveyed and marked, in the manner directed in and by this Act, upon pain of forfeiture thereof ; and if any Grindstones are so shipped, contrary to the provisions of this Act, it shall be the duty of the Surveyors, appointed as aforesaid, to seize and secure the same, and after advertizing the same, together with the time and place of such intended sale, in some public place, near to the place where such Grindstones shall be deposited, for at least twenty days, to sell the same by Public Auction, to the highest bidder, and the proceeds thereof, after deducting the necessary expenses of making such seizure and sale, shall be paid, one half to the said Surveyor who shall seize the same, and the other half to the Overseers of the Poor for the Township or Settlement where the seizure shall be made, to the use of the Poor of such Township or Settlement ; *Provided always,* that in case any Grindstones, shipped contrary to the Provisions of this Act, shall be carried or removed from this Province, so that the same cannot be seized as before directed, that then the person or persons removing or carrying away such Grindstones, or selling such Grindstones for the purpose of being removed or carried away, shall forfeit and pay the sum of Four Shillings for every Grindstone in measurement, according to the Tables now in use, so shipped contrary to the provisions of this Act, upon due conviction thereof, before any two of Her Majesty's Justices of the Peace in and for the said County, upon the Oath of one or more credible Witness or Witnesses, or confession of the party, to be levied by warrant of distress, and sale of the offender's Goods and Chattles ; and such penalty, when recovered, to be applied in the following manner, that is to say ;—One half thereof to be paid to the person who shall inform and prosecute for the same, and the other half to be paid to the Overseers of the Poor, in and for the Township or Settlement where such offence shall be committed, for the use of the Poor of the said Township or Settlement.

Penalty for violation of Act

Grindstone Blocks not allowed to be exported

IV. *And be it further enacted,* That no Sheets or Blocks of Stone rounded or perforated, and intended for making Grindstones, shall be shipped or put on board of any Vessel or Boat, for the purpose of being carried out of this Province, unless completely manufactured, surveyed and marked, as aforesaid, upon pain of forfeiture thereof, as directed by the Third Section of this Act ; and any person or persons, selling such Stones for the purpose of shipment thereof, shall forfeit and pay the sum of Five Shillings for every Sheet or Block of Stone so shipped ; to be recovered, levied and applied in the manner directed in and by the third Section of this Act.

Allowance to Surveyor

V. *And be it further enacted,* That Surveyors of Grindstones shall be entitled to receive One Penny for each and every Grindstone, in measurement as aforesaid, which shall be surveyed

veyed by them respectively ; and also, at the rate of Three Pence for each and every mile which any such Surveyors shall necessarily travel to make such survey, to be paid by the person or persons who may require them to make such Survey.

VI. *And be it further enacted*, That if any Surveyor, to be appointed in pursuance of this Act, shall be guilty of any neglect or wilful default in the performance of his duty, he shall forfeit and pay the sum of Three Pounds for every such neglect or default, to be recovered, levied and applied, in the manner directed in and by the third Section of this Act.

Forfeitures

VII. *Provided always, and be it further enacted*, That for a first offence or breach of this Act of which he shall be convicted, no person shall forfeit any greater quantity of Grindstones than shall be equal in value to Five Pounds, nor shall any greater or larger penalty be imposed upon any person, for any such first offence or breach of this Act of which he shall be convicted, for Shipping or Exporting Grindstones contrary to this Act, when any pecuniary penalty shall be exacted under this Act, than the said sum of Five Pounds.

Proviso

VIII. *Provided also, and be it further enacted*, That nothing in this Act shall apply to any Grindstones, Sheets or Blocks of Stone, that may be hereafter exported from any part of the Island of Cape Breton or the County of Pictou.

Proviso—Act not applicable to Cape Breton or Pictou

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

Continuation of Act

CAP. XVII.

An Act further to amend the Act concerning Cemeteries or Burial Grounds in the Town of Halifax.

(Passed the 29th day of March, 1838.)

WHEREAS, by the Act, passed in the third year of the reign of His late Majesty King William the Fourth, entitled, An Act concerning Cemeteries or Burial Grounds for the Town of Halifax, the site for the Public Cemetery by such Act directed to be selected is confined to some part of the Common of Halifax. *And whereas*, a certain piece of Land near the Town of Halifax, which by deed made by Mary Morris and Charles Morris, dated on or about the tenth day of December, One Thousand Seven Hundred and Eighty-two, and entered on record in the office for the Registry of Deeds at Halifax, was granted and conveyed to His late Majesty King George the Third, His Heirs and Successors, forever, is considered a more eligible site for such Public Cemetery than any part of the Common of Halifax, and it is therefore expedient to authorize the Commissioners for Public Cemeteries to receive a grant from the Crown of some such piece of Land as may be found convenient and proper for the site of such Public Cemetery :

S. W. V. C. 32

Preamble

x Vide 2 Vol 1837
c 25 An Act

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to grant under the Great Seal of this Province to the Commissioners for Public Cemeteries in Halifax, or otherwise, in such manner as may be proper for vesting, and forever securing, the same for the purposes of a Public Cemetery in Halifax, any such portion of the said piece of Land before mentioned, or of any other Land on the Peninsula of Halifax, now belonging to, or vested in, Her Majesty, as shall be found to be convenient for the site of such Public Cemetery, and best adapted for such purpose, which grant shall be made to the said Commissioners, by the name of "The Commissioners of Public Cemeteries in Halifax," or otherwise, in such manner and form as may be necessary or proper for effecting the object of this Act, and which grant shall enure to vest in the said Commissioners and their Successors in office or otherwise, according to the form and meaning of such grant, the Land in such grant described for the purposes of a Public Cemetery, in the same manner as if the Land in such grant contained and described had been and was originally inserted and described in the said Act hereinbefore mentioned ; *Provided always*, that nothing in this Act contained shall repeal, or shall be construed to repeal, or in any wise affect the Act, passed in the sixth year of the reign of His late Majesty King William the Fourth, entitled, An Act to amend and repeal certain provisions in the Act concerning Cemeteries or Burial Grounds in the Town of Halifax.

The Governor authorized to grant Land for Cemetery at Halifax

6 Wm V. C. 83 From
Cath. Conveyance of
St. Marks

CAP. XVIII.

An Act to prevent Injuries to the Fisheries within the County of Lunenburg, by Mill Dams, or any other obstruction.

(Passed the 29th day of March, 1838.)

WHEREAS, the provisions of an Act, passed in the twenty-sixth year of the reign of His late Majesty King George the Third, entitled, "An Act in addition to, and amendment of, an Act, passed in the third year of His said Majesty, entitled, An Act to prevent Nuisances by Hedges, Wears and other Incumbrances, obstructing the passage of Fish in the Rivers, Streams and Lakes of this Province," have been found insufficient to prevent serious injuries to the Fisheries within the said County of Lunenburg—for remedy whereof:

Preamble

Overseers of Fisheries to be appointed

Overseers neglecting their duty

Rivers, &c. to be surveyed

Complaints

Obstructions &c. to be removed

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly,* That it shall and may be lawful to and for Her Majesty's Justices of the Peace, in and for the said County of Lunenburg, at their first General Sessions in each year, to nominate, constitute and appoint, such number as to them may seem necessary, of fit and proper persons as Overseers of the Fisheries within the several Townships of said County, who shall respectively be sworn before any one or more of said Justices; and that each of said Overseers shall be subject to a fine not less than One Pound, and not more than Five Pounds, for refusing or neglecting faithfully to act as such Overseer, or for any neglect of duty, such fine to be recovered and levied as in cases of debt, and to be applied and disposed of by the Justices of said County, in General Sessions.

II. *And be it further enacted,* That each of such Overseers shall from time to time, and at least three times in each year, carefully examine and survey the different Rivers, Streams, Branches of Rivers, Lakes, Mill Ponds, and Brooks within his limits as such Overseer, and in case any Mill-dam, erection, nuisance or obstruction, whatever, or any Slabs, Boards, Stones, or any other thing injurious to the Fisheries, shall have been constructed, made or placed, or suffered to be or remain in, on or across, any such River, Lake, Stream, Branch of River, Mill-pond or Brook, by which Fish cannot freely pass up in the spring months of the year, or freely return down again in the fall months thereof, then and in either such case it shall be the positive duty of each of said Overseers to report the same on oath in writing to any Justice of the Peace, in and for the said County.

III. *And be it further enacted,* That the Justice of the Peace to whom such complaint by such Overseer, or any complaint on Oath, by any person whomsoever shall be made, shall notify the same to the Clerk of the Peace of said County, who shall thereupon convene and assemble a Special Sessions of any three or more of the Justices of the Peace in and for the said County, and shall give timely notice of the time and place thereof to the owner or owners, occupier or occupiers, of the premises, on or near which such matter complained of shall be or remain, or to any other person offending, and the said Special Sessions shall examine into said complaint, and if they shall adjudge the same to be well grounded and proved, such Special Sessions shall and may make up their Order in writing, directing such owner or owners, occupier or occupiers, or other offender, to remove the same according to the true intent and meaning of this Act within a reasonable time, in such order to be limited; and further, the said Special Sessions shall and may convict such owner or owners, occupier or occupiers, in a penalty of not less than Two Pounds, and not more than Ten Pounds for each offence, together with the reasonable costs of prosecution to be taxed by the said Special Sessions.

IV. *And be it further enacted,* That the said Justices in Special Sessions shall and may (if they deem it expedient) also issue their Warrant to the Sheriff of said County, under their hands and seals, directing him within a certain period in said Warrant to be specified, to proceed to the place to which the proceedings may relate, with such assistants as the Sheriff may deem necessary, and well and sufficiently to remove or destroy the obstruction or nuisance to be described in said Warrant; and each and every person whose aid shall be required by the said Sheriff in such proceedings, is hereby required to be aiding and assisting him therein, under the same penalty as that set forth in the first Section of this Act, to be recovered and applied in like manner on information by said Sheriff or by either of said Overseers.

V. *And be it further enacted*, That the General Sessions in and for said County shall and may order and direct to be paid by the Treasurer of said County, out of the County Rates of money as they may deem necessary for the enforcement of this Act. Enforcement of Act

VI. *And be it further enacted*, That if any person convicted under the third Section of this Act, shall refuse or neglect to pay the fine and costs therein mentioned, it shall and may be lawful for the said Justices, in Special Sessions, to issue a Warrant for levying said fine and costs by distress, and sale to be made of his Goods and Chattles, and for want thereof, such person shall be committed to the Jail of the said County, there to remain for the space of two months, or until he shall have paid said fine and costs. Refusal to pay Fines

VII. *And be it further enacted*, That if any person or persons shall find himself or themselves aggrieved by any judgment or conviction, under or by virtue of this Act, he or they may on first giving sufficient security to abide the event of such appeal to the next General Sessions, who are authorized and empowered to give such relief, and make such final order, as shall be agreeable to the tenor of this Act. Appeal allowed

And whereas, it is necessary and expedient that the General Sessions in the said County shall and may have power and authority to regulate the Fisheries within said County in all places, whether the Land on either or both sides of the Fishing Ground be owned or possessed by individuals or otherwise, and also to forbid and prevent the use of dip Nets on such times and places as such Sessions may point out. Preamble

VIII. *Be it therefore further enacted*, That all and every person or persons whomsoever, whether such owner or occupier or otherwise, shall be bound and governed by all and every the rules and regulations of the Court of General Sessions of the said County of Lunenburg in regard to the Fisheries, and subject and liable to all penalties for infraction thereof. Observance of Regulations of Sessions

IX. *And be it further enacted*, That it shall and may be lawful for the said Court of General Sessions to make rules and regulations as to fishing by dip Nets or Scoops, and, for breach of any such rule or regulation, the party offending shall be liable to the same penalty, as for the breach of any other rule or regulation relating to the Fisheries. Fishing by Dip Nets, &c.

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

CAP. XIX.

An Act to continue the Act to regulate the Expenditure of Monies hereafter to be appropriated for the service of Roads and Bridges, and the Acts in amendment thereof.

(Passed the 29th day of March, 1838.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the fourth and fifth year of the Reign of his late Majesty King George the Fourth, entitled, An Act to regulate the expenditure of Monies hereafter to be appropriated for the service of Roads and Bridges; and also, the Act, made and passed in the ninth year of His said late Majesty's reign, to continue, alter and amend the said Act, and every matter, clause and thing, in the said Acts contained, except so far as the same are or may be altered or amended by the Act hereinafter mentioned; also, the Act, passed in the last Session of the General Assembly, entitled, An Act to continue the Act to regulate the Expenditure of Monies hereafter to be appropriated for the service of Roads and Bridges, and the Act in amendment thereof; and to alter and amend the said Acts, and every matter, clause and thing, in the said last mentioned Act contained, shall be continued, and the said Acts, except as aforesaid, are hereby respectively continued for one year, and from thence to the end of the then next Session of the General Assembly. Act 4 and 5, Geo. IV. and Act 9, Geo. IV. continued (with exceptions)
Act of last Session continued

CAP. XX.

An Act to continue the Act in further addition to, and in amendment of, the Act for the choice of Town Officers and regulating of Townships, and the Act to alter and amend the same.

(Passed the 29th day of March, 1838.)

Acts 10, Geo.
IV. & 2, Wm.
IV. continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the tenth year of the reign of His late Majesty King George the Fourth, entitled, An Act in further addition to, and in amendment of, the Act for the choice of Town Officers and regulating of Townships; and the Act, passed in the second year of the reign of His late Majesty King William the Fourth, entitled, An Act to alter and amend the Act in further addition to, and in amendment of, the Act for the choice of Town Officers and regulating of Townships. and every matter, clause and thing, in the said several Acts contained, shall be continued, and the same are hereby respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. XXI.

An Act to amend the Act for the support and regulation of Light-Houses.

(Passed the 29th day of March, 1838.)

Preamble

WHEREAS, certain Vessels owned and registered in this Province, partially employed in the Coasting Trade thereof, and which consequently pay duty as Coasting Vessels, under the Act passed in the fourth year of the reign of His late Majesty King William the Fourth, entitled, An Act for the support and regulation of Light Houses, sometimes are engaged in Voyages to the Island of Newfoundland, when they are charged with Duties upon their Tonnage, as other Vessels than Coasting Vessels are charged, which creates a greater expense than the Trade carried on in such Vessels can sustain. *And whereas*, certain other Vessels owned and registered as aforesaid, are advantageously employed in voyages from this Province to certain Ports in the United States of America, between Mount Desert and Cape Cod, which are also charged with Tonnage Duties under the said Act, upon each Voyage made, whereby such last mentioned Vessels are also exposed to a greater outlay for such duties than ought to be fairly charged upon the Trade carried on by them as aforesaid. *And whereas*, it is therefore expedient to charge upon both the above classes of Vessels a specific and certain duty in lieu of all other duties by the said Act payable:

Annual Light
Duty to be paid
by a certain
description of
Vessels

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That every Vessel owned and registered in this Province, of the Registered Burthen of seventy-five tons, or less than seventy-five tons, which shall be partly employed in the Coasting Trade of this Province, or in the Fishery, and partly in the Trade between this Province and the Island of Newfoundland, and every Vessel so owned and Registered in this Province, and of the burthen of seventy-five Tons, or less than seventy-five tons, as aforesaid, and which shall be partly engaged in such Coasting Trade or Fishery, and partly in the Trade from this Province to any Port or Ports in the United States of America, between Mount Desert and Cape Cod, or which may be wholly engaged in such last mentioned Trade, shall pay an annual duty of Forty Shillings and no more, to be paid, levied, secured and recovered, at the time, in the manner, by the same ways and means, and under the same liabilities, forfeitures and penalties, as the duty imposed by the Act hereinbefore referred to, upon Coasting or Fishing Vessels, is thereby directed to be paid, levied, secured and recovered. *Provided always*, that in every case where a Vessel shall have paid duty as a Coasting or Fishing Vessel, as by the said Act is directed; and shall afterwards become liable to duty under this Act in the same year, then such Vessel shall only be required and compelled to pay the difference between the duty already paid by said Vessels, and the duty by this Act imposed thereon.

Province

II. *And be it further enacted*, That this Act shall continue and be in force for one year from the passing hereof, and from thence to the end of the then next Session of the General Assembly. Continuation of Act

CAP. XXII.

An Act to modify the provisions of the Act for preventing Persons leaving the Province without a Pass.

(Passed the 29th day of March, 1838.)

WHEREAS, in the present situation of this Province, the operation of the Act, passed in the thirty-second year of the reign of His late Majesty King George the Second, entitled, An Act for preventing Persons leaving the Province without a Pass, has been found in many cases injurious, by interrupting the constant intercourse which the trade of the country requires with the adjoining North American Colonies: Preamble

I. *Be it therefore enacted; by the Lieutenant-Governor, Council and Assembly*, That hereafter no Master of a Vessel shall be liable to any Action or Prosecution, or to pay any penalty, forfeiture or damages, under the Act hereinbefore mentioned, or the Act, passed in the sixth year of the reign of His late Majesty King George the Third, entitled, An Act for extending an Act, made and passed in thirty-second year of His late Majesty's reign, entitled, An Act for preventing Persons leaving the Province without a Pass, for carrying away any person out of this Province, to any Port in the Province of New-Brunswick, or of Lower Canada, or in the Island of Prince Edward, or Newfoundland, notwithstanding the person so carried away shall have no Pass, as required by the said Acts. Masters of Vessels exempted from penalty for carrying persons out of Province to certain places

II. *Provided always, and be it further enacted*, That in every case where the Master of a Vessel shall receive direct and actual notice from any Creditor or Creditors, not to take away from the Province any particular person, and, after such notice, shall take away from and out of this Province, such person without a Pass, as provided for by this Act, such Creditor or Creditors shall or may maintain and have an Action or Actions against the said Master as heretofore, any thing in this Act contained to the contrary notwithstanding. Proviso—Masters acting against notice from Creditors

CAP. XXIII.

An Act to regulate the Fisheries of Chedabucto Bay.

(Passed the 29th day of March, 1838.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the publication hereof, it shall not be lawful for any person or persons whomsoever, to set or place any Net or Nets on any part of the Shores and Border of Chedabucto Bay aforesaid, within the County of Guysborough, at any time between Sunrise and an hour before Sunset, in each and every day. No Nets to be placed in day time

II. *And be it further enacted*, That no person or persons shall hereafter set or place more than a fleet or two Nets affixed or joined together on any part of the Shores and Borders of said Bay within the said County, but every person who may set or place more than a fleet or two Nets therein, shall leave a space of at least four hundred feet between each and every fleet of Nets that the course or passage of Mackarel or other Fish may not be hindered or obstructed thereby. Placing of Nets

III. *And be it further enacted*, That no person or persons shall hereafter permit or allow his, her, or their Net or Nets to remain set and placed on any part of the Shores or Border of said Bay, within the said County, longer than an hour after Sunrise, in each and every day, unless such person or persons shall necessarily be prevented from removing or taking up the same by the violence of the wind, or by stress of weather. Removal of Nets

IV. *And be it further enacted*, That the Master or Commander of every Ship or Vessel which may anchor at any of the hauling grounds, so called, within the said Bay, shall weigh anchor. Vessels anchoring at hauling grounds

anchor and remove such Ship or Vessel therefrom within a convenient time after he shall have been notified and requested so to do by any Overseer or Overseers of Fishery, to be appointed under and by virtue of this Act. *Provided always*, that no Master or Commander of any Ship or Vessel coming to anchor in any of the said hauling grounds for shelter, or in stress of weather, or which being at anchor cannot obstruct the passage of Fish or the hauling thereof in Seines, shall be required to weigh anchor or remove therefrom.

Proviso

Fastening
Boats to Seines

V. *And be it further enacted*, That no person or persons, other than the Seinemen, shall presume to lay hold of, tie or fasten, his or their Boat or Boats to any Seine or Seines enclosing, encircling or containing, any Mackerel or other Fish, in the hauling grounds within the said Bay, or presume to dip any Fish from and out of any Seine or Seines, that may be there hauled, until the Owner or Owners of such Seine, or other person having the charge and management thereof, shall publicly declare his assent thereto, or give his permission to such person or persons to dip and take fish thereout.

Penalties for
violation of
Act

VI. *And be it further enacted*, That if any person shall offend against any of the foregoing enactments, he or they shall forfeit and pay for each and every offence as follows, that is to say:—For setting or placing his or their Net or Nets on any part of the Shores or Border of Chedabucto Bay aforesaid, between Sunrise and an hour before Sunset, in each and every day, for the first offence not less than five or more than twenty Shillings, and for every subsequent offence not less than twenty or more than forty Shillings. For setting or placing more than a fleet or two Nets, affixed or joined together on any part of the Shores or Border of said Bay, and not leaving a space of at least four hundred feet between each fleet of Nets, for the first offence not less than five or more than twenty Shillings, and for every subsequent offence not less than twenty Shillings or more than forty Shillings. For permitting or allowing any Net or Nets to remain set or placed on any part of the Shores and Borders of said Bay longer than an hour after Sunrise in each and every day, unless necessarily prevented from removing or taking up said Net or Nets for the causes hereinbefore mentioned, for the first offence not less than five Shillings or more than twenty Shillings, and for every subsequent offence not less than twenty Shillings or more than forty Shillings. For anchoring at any of the hauling grounds within the said Bay, and not weighing anchor, and removing any Ship or Vessel therefrom, within a convenient time after being notified and requested so to do, by any Overseer or Overseers of Fishery, unless permitted to remain at anchor for the causes hereinbefore mentioned, not less than Five Pounds or more than ten Pounds. For laying hold of or fastening any Boat to any Seine enclosing or containing any Mackerel or other Fish on any of the hauling grounds within the said Bay, or dipping any fish from and out of any Seine that may be there hauled, until the Owner or Owners of such Seine or other person having the charge or management thereof, shall publicly declare his assent thereto, or give his permission to such person or persons to dip and take Fish thereout, not less than Twenty Shillings or more than Five Pounds.

Appointment
of Overseers of
Fisheries

VII. *And be it further enacted*, That it shall and may be lawful for the Justices of the Peace for the County of Guysborough, at any General Sessions of the Peace, upon the recommendation of the Grand Jury, to appoint two or more fit persons to be Overseers of the Fisheries in said Bay, who shall be sworn to the faithful discharge of their duty, and any person so appointed as aforesaid shall be subject to a fine of Five Pounds for neglecting or refusing to act or serve as Overseers as aforesaid.

Power of Overseers

VIII. *And be it further enacted*, That the said Overseers, or either of them, shall have power to remove and take into his or their possession any Net or Nets which may be set and placed on the Shores and Border of the said Bay, contrary to any of the foregoing enactments, and to retain such Net or Nets until payment of the penalty or penalties that may be incurred for breach of any of the said enactments, and if no owner appear to claim the same in ten days after public notice shall have been given of the removing and taking possession thereof as aforesaid, the said Net or Nets shall, together with the fish found therein, be forfeited and sold to satisfy the penalty or penalties aforesaid.

Prosecutions
for Penalties

IX. *And be it further enacted*, That all or any penalty or penalties, forfeiture or forfeitures, that may be incurred under this Act, shall be sued for and recovered by and in the name of the said Overseers, or either of them, before one Justice or two Justices of the Peace for the said County, by the same process, and with the same costs, according to the amount of any such penalty or penalties, as if the same was or were a private debt due to the

the said Overseers; and when recovered, shall be paid and applied, one half to the said Overseers, and the remaining one half thereof to the County Treasurer, to be applied and expended under the direction of the Court of General Sessions of the Peace for said County, on the Highways, Roads and Bridges, in the Township or Settlement where the said penalties may be incurred.

X. *And be it further enacted*, That no Master or other person in charge or command of any Ship or Vessel, shall discharge or throw over any ballast from such Ship or Vessel, in any part of the anchoring grounds in Chedabucto Bay aforesaid, under a penalty of not less than Twenty Shillings, and not exceeding Five Pounds, to be sued for, recovered and applied, as hereinbefore provided, with respect to other penalties.

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

Vessels not allowed to throw ballast overboard in Chedabucto Bay

Continuation of Act

CAP. XXIV.

“An Act to enable a Company called the Bank of British North America, to sue and be sued in the name of any one of the Local Directors, or of the Manager for the time being of the said Company in this Province.”

[Passed the 29th day of March, 1838.]

WHEREAS, several persons have formed themselves into a Company or Partnership, called or known by the name of the “Bank of British North America,” for the purpose of establishing and carrying on Banks of Issue and Deposits at various Towns and Places within this Province, as well as in the other British Possessions and Colonies in North America, and adjacent to British North America, and have subscribed a considerable sum of money in order to carry on the business of the said Bank; *And whereas*, the said Company has introduced into this Province the system of Cash Credits, and of allowing interest upon deposits, usually called the Scotch system of Banking, with such checks and restrictions as experience has proved to be necessary, whereby it is expected this Province will be greatly benefitted; *And whereas*, difficulties may hereafter arise in recovering debts due to the said Company, and also in enforcing claims for or on account of the said Company, and generally in suing and being sued, and also in proceeding against and prosecuting persons who may steal, injure, or embezzle the property of, or who may commit or be guilty of any other offence against, or with intent to injure or defraud the said Company, since, by Law, all the Proprietors or Shareholders for the time being of the said Company must, in such cases, sue and be sued, and prosecute, by their several and distinct names and descriptions—wherefore, for obviating and removing the difficulties aforesaid :

Preamble

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That, from and after the passing of this Act, all actions and suits whatsoever, at Law or in Equity, which may be brought, instituted or prosecuted, within this Province, against any person or persons already indebted, or who may be hereafter indebted to the said Company, called the “Bank of British North America,” and all actions, suits, and other proceedings whatsoever, at Law or in Equity, within this Province, for any injury or wrong done to any real or personal property of the said Company, in whomsoever the same may, for the time being, be vested, whether in said Company, or some person or persons in trust for the said Company, or in some person or persons for the use and benefit thereof, or upon, or in respect of, any present or future liability or liabilities to the said Company, or to any person or persons in trust for the said Company, or to any person or persons for the use or benefit thereof, or upon any Bonds, Covenants, Contracts or Agreements, which already have been or hereafter shall be given or entered into with the said Company, or to or with any person or persons whomsoever in trust for the said Company, or to or with any person or persons for the use or benefit thereof, or wherein the said Company is or shall be interested; and all instruments, petitions or proceedings, for issuing or prosecuting any Writ of Attachment or proceeding under any Law against insolvent or absconding Debtors, now or hereafter to be in force in this

Legal privileges granted to Company

this Province, against any person or persons indebted, or who may hereafter be indebted to the said Company, or to any person or persons in trust for the said Company, or to any person or persons for the use or benefit thereof, and generally all other proceedings whatsoever, at Law or in Equity within this Province, wherein the said Company is or shall be concerned or interested against any person or persons, or Body or Bodies, Politic or Corporate or others, whether such person or persons, or any of such persons, or such Body or Bodies, Politic or Corporate, or any member or members thereof respectively is or are or shall be a Proprietor or Proprietors, or other holder or holders of any Share or Shares in the said Company or not, shall, and lawfully may be commenced, made, instituted and prosecuted, in the name of any one of the local Directors, or any one of the Managers of the said Company in this Province, at the time when any such action or suit or other proceeding shall be commenced or instituted, as the nominal plaintiff, or as acting in any other character, for or on behalf of the said Company, and all actions, suits, and other proceedings at Law or in Equity within this Province, to be commenced, instituted or prosecuted, against the said Company, by any person or persons, or Body or Bodies, Politic or Corporate, whether such person or persons, or any of such persons or such Body or Bodies, Politic or Corporate, or any member or members thereof respectively, is or are, or shall be, a Proprietor or Proprietors, or other holder or holders of any Share or Shares in the said Company or not, shall, and lawfully may be commenced, instituted and prosecuted, against one of the local Directors or any one of the Managers of the said Company in this Province, at the time when any such action or suit, or other proceedings, shall be commenced or instituted, as the nominal defendant in such last mentioned action, suit or proceeding, for and on behalf of the said Company; and the death, resignation or removal, or any other act of such local Director or Manager, shall not abate or prejudice any action, suit, or other proceeding at Law or in Equity, commenced or instituted under this Act, but the same may be continued, prosecuted, carried on or defended, in the name of any other local Director, or of the Manager for the time being, in this Province, of the said Company.

II. *And be it further enacted*, That, from and after the passing of this Act, it shall be lawful for the said Company, by any local Director or Manager for the time being within this Province, of the said Company, to prefer any Indictment or Indictments, information or informations, or other criminal proceeding or proceedings, in any Court or Courts within this Province, against any person or persons for any offence already committed, or which shall hereafter be committed against the said Company, and in all indictments, informations and other proceedings, against any person or persons, whether such person or persons, or any of such persons, be a Proprietor or Proprietors, or other holder or holders of any Share or Shares in the said Company or not, for feloniously taking, stealing or embezzling, damaging or destroying, or for any offence whatever, relating to any goods, chattles, notes, bills, bonds, deeds, or any securities, monies, effects, or any real or personal property whatever, of or belonging to the said Company, in whomsoever the same may be vested, whether in the Company, or in some person or persons in trust for the said Company, or in some person or persons, for the use or benefit thereof, such goods, chattles, notes, bills, bonds, deeds, securities, monies, effects or property respectively, may be laid and stated to be, the goods, chattles, notes, bills, bonds, deeds, securities, monies, effects or property, respectively, of "The Bank of British North America;" and in all indictments, informations, or other proceedings against any person or persons, whether such person or persons, or any of such persons be a Proprietor or Proprietors, or other holder or holders of any Share or Shares in the said Company or not, for any conspiracy, crime, fraud or offence, already committed, or which shall hereafter be committed, with intent to injure or defraud the said Company, the same may be laid or stated to have been done with intent to injure or defraud "The Bank of British North America;" and it shall not be necessary to state in any such indictment, information or other proceeding, the name or names of all or any of the persons now, or at any time hereafter, constituting the said Company, and any offender or offenders shall or may thereupon be lawfully convicted of such conspiracy, crime, fraud or offence, in as full, valid, and effectual a manner, to all intents and purposes, as if the names of all the persons constituting the said Company, and the name or names of the person or persons in whom the goods, chattles, notes, bills, bonds, deeds, securities, monies, effects or property, relating to which such indictment, information, or other proceedings, shall be preferred, were inserted or used in such

Company may prefer Indictments for offences committed against Company

such indictment, information or other proceeding, or in any proceeding or proceedings consequent or attendant thereon.

III. *And be it further enacted*, That any person being or having been a Proprietor or other holder of any Share or Shares in the said Company, and having any claim or demand upon the Company, or the funds or property thereof, on any account whatsoever, may, for such claim or demand, commence, prosecute, and carry on, any action, suit, or other proceeding, either at Law or in Equity, within this Province, against any local Director or the Manager for the time being, of the said Company in this Province, as the nominal Defendant, and any local Director or the Manager for the time being of the said Company in this Province, may, as the nominal Plaintiff, commence and carry on in his own name, any action, suit, or other proceeding, at Law or in Equity within this Province, against any individual Proprietor, or other holder of any Share or Shares in the said Company, against whom the said Company may have any claim or demand, and all such actions, suits or other proceedings, shall be as valid and effectual as if all the Proprietors or other holders of Shares in the said Company had been made parties thereto: and every Judgment, Decree and Order, made therein, shall be binding for or against the said Company, and all the Proprietors, or other holders of Shares in the said Company, and no abatement shall arise from the death, resignation, removal, or any other act of the said local Director or Manager pending any such action, suit or other proceeding, but that the same may be continued, defended, prosecuted or carried on, in the name of any other local Director or the Manager for the time being, of the said Company in this Province.

Proprietors may institute actions against Company

Company may institute actions against Proprietors

IV. *Provided always, and be it further enacted*, That in case for the purpose of discovery, or for any other purpose, any person or persons having any claims or demands against the said Company, whether such person or persons, or any of such persons, be a Proprietor or Proprietors, or other holder or holders of any Share or Shares of the said Company or not, shall be desirous to include any Proprietor or Proprietors, or other holder or holders of any Share or Shares in the said Company, besides such local Director or Manager as aforesaid, as a Defendant or Defendants, in any Bill or other proceeding in any Court of Equity, it shall be lawful for him, her or them, so to do, any thing in this Act contained to the contrary notwithstanding.

Proviso

V. *Provided always, and be it further enacted* That every person being a Proprietor or other holder of any Share or Shares in the said Company, shall, in all cases, be liable to be sued, prosecuted or proceeded against, by or for the benefit of the said Company, under the powers of this Act, by such actions, suits and other proceedings, in such and the same manner as effectually, and with such and the same legal consequences, as if such person had not been a Proprietor or other holder of any Share or Shares in the said Company.

Proviso

VI. *Provided always, and be it further enacted*, That no person or persons, or body or bodies, politic or corporate, having or claiming, or who shall have or claim any demand upon or against the said Company, whether such person or persons, or any such persons, shall be a Proprietor or Proprietors, or other holder or holders of any Share or Shares in the said Company or not, shall bring more than one action or suit, in respect of such demand, and in case the merits in respect of any demand shall have been determined in any action or suit against any local Director, or any one of the Managers of the said Company in this Province, the proceedings of such action or suit may be pleaded in bar of any other action or suit, or actions or suits, for the same demand, against any other local Director or Manager of the said Company in this Province, and in case the merits in respect of any demand which the Company now has or hereafter may have on any person or persons, or Bodies, Politic or Corporate, whether such person or persons, or any of such persons, shall be a Proprietor or Proprietors or other holder or holders of any Share or Shares in the said Company or not, shall have been determined in any action or suit commenced and prosecuted by any local Director or the Manager of the said Company in this Province, the proceedings in such action or suit may be pleaded in bar of any other action or suit, or actions or suits for the same demand, which may be commenced or prosecuted by the same, or any other local Director or Manager of the said Company in this Province.

No second action to be brought against Company on same grounds

VII. *And be it further enacted*, That Execution upon any judgment or decree, in any action or suit, or other proceeding under this Act, obtained against any local Director, or any one of the Managers, for the time being, of the said Company in this Province, whether as Plaintiff or as Defendant, may be issued against any Proprietor or Proprietors, or other holder

Execution on Judgment

Proviso

er or holders for the time being, of any Share or Shares in the said Company. *Provided always*, that in case such Execution against any Proprietor or Proprietors, or other holder or holders of any Share or Shares in the said Company, shall be ineffectual for obtaining payment of, and satisfaction for, the sum or sums sought to be recovered thereby, it shall be lawful for the party or parties who shall have obtained a Judgment or Decree against any local Director or any one of the Managers for the time being, of the said Company in this Province, to issue Execution against any other person or persons who was or were a Proprietor or Proprietors, or other holder or holders of any Share or Shares in the said Company, at the time the Contract or Contracts was or were entered into, upon which such action or suit or other proceeding may have been brought or instituted, but no such Execution as last mentioned shall be issued without leave first granted by the Court in which such action, suit, or other proceeding may have been brought or instituted, which leave shall be applied for on motion to be made in open Court, on notice to the person or persons sought to be charged. *Provided also*, that nothing herein contained shall render such past Proprietors liable for payment of any debt for which such action, suit, or other proceeding, may have been brought to, which they would not have been liable by operation of Law as Partners, in case any action, suit or other proceeding, had been originally brought against them for the same. *Provided also*, that nothing herein contained shall be deemed or taken to enable any Plaintiff, Prosecutor or Defendant, in any action, suit or other proceeding, under this Act, to recover from any proprietor or other holder for the time being, of Shares in the said Company, or any other person whomsoever, any greater sum or sums of money than such proprietor or other holder or person would or might have been liable to pay either at Law or in Equity, under any Contract for the time being subsisting, if this Act had not been passed. *Provided also*, that every local Director or Manager, in whose name any action, suit or proceeding, under this Act, shall be commenced, prosecuted or defended, and every Proprietor or other holder of any Share or Shares in the said Company, against whom any Execution upon any Judgment or Decree obtained in any such action, suit or proceeding, shall be issued as aforesaid, shall always be reimbursed and re-paid out of the funds of the said Company, all such costs, charges, losses and damages, as by the event of such action, suit or proceeding, he or they shall be put unto, or become chargeable with, and if the funds of the said Company, for the time being, shall be insufficient to pay such costs, charges, losses or damages, in full, then the deficiency shall be made good by the Proprietors or other holders for the time being, of shares in the said Company.

VIII. *And be it further enacted*, That all and every Judgment or Judgments, Decree or Decrees, which shall at any time, after the passing of this Act, be obtained or recovered in any Action, Suit or other proceeding, in Law or Equity, against any Local Director, or any one of the Managers of the said Company in this Province, shall have the like effect and operation upon and against the Funds or Property of the said Company, as if such Judgment or Judgments, Decree or Decrees, had been recovered or obtained against the said Company in any Action, Suit or proceeding, in Law or Equity, brought or commenced against the said Company, by or in the several and distinct names and descriptions of the several Proprietors or other holders of Shares in the said Company, and as if this Act had not been passed; and further, that the insolvency of such Local Director or Manager, in his individual character or capacity, shall not be, or be construed to be, the insolvency of the said Company; and the said Company, and the Funds and Property thereof, shall, notwithstanding the insolvency of any such Local Director or Manager, be attached or attachable, and be in all respects liable to the lawful claims and demands of the Creditor or Creditors of the said Company, in like manner as if no such insolvency had happened or taken place.

IX. *And be it further enacted*, That a memorial of the names of the several Local Directors and the Manager and Managers for the time being of the said Company within this Province, and of the names, residence and description, of the several Proprietors or other holders of Shares in the said Company, whether in this Province or elsewhere, in the form or to the effect expressed in the Schedule to this Act, or as near thereto as the circumstances of the case will admit, shall be verified by a declaration in writing, in the form (or as near thereto as the circumstances of the case will admit) prescribed in the Schedule to this Act, which shall be made by one of the Local Directors, or the Manager for the time being of the said Company in this Province, before the Chief Justice, or one of the Assistant Jus-

tices

Costs reim-
bursed out of
funds of Com-
pany

Judgment
against local
Director to be
considered as
against Com-
pany

Memorials to
be enrolled in
Secretary's
Office of names
of Directors,
&c.

tices of His Majesty's Supreme Court in this Province, and, when so verified, shall be enrolled in the Office of the Secretary of this Province, within Twelve Calendar Months after the passing of this Act; and when any new Local Director or Directors, Manager or Managers, shall be appointed, a memorial of the name or names of the new Director or Directors, Manager or Managers, specifying in whose place or places he or they shall have been appointed, shall in like manner be verified by one of the Local Directors or Manager for the time being of the said Company in this Province, and enrolled within Twelve Calendar Months after such appointment or appointments in the form or to the effect expressed in the said Schedule for that purpose; and when any person or persons shall cease or discontinue to be a Proprietor or Proprietors of the said Company, a memorial of his, her or their, name or names shall, in like manner, be verified by one of the Local Directors or Manager for the time being of the said Company in this Province, and enrolled within Twelve Calendar Months after such person or persons shall have so ceased, or discontinued to be such Proprietor or Proprietors; and when any new Proprietor or Proprietors shall be admitted into the said Company, a memorial of his, her or their, name or names shall in like manner be verified by one of the Local Directors or Manager for the time being of the said Company in this Province, and enrolled within Twelve Calendar Months after any such new Proprietor or Proprietors shall have been so admitted into the said Company; and when and so often as it shall be necessary and proper to memorialize the name or names of any person or persons who shall have been appointed a new Local Director or Directors, or Manager or Managers of the said Company in this Province, and also, of any person or persons who shall have ceased or discontinued to be a Proprietor or Proprietors of the said Company, and also, of any person or persons who shall have been admitted a new Proprietor or Proprietors into the said Company, or to memorialize the names of any two or more of the above class of persons—the names of such persons respectively may be contained in one and the same Memorial, to the form and effect expressed in the said Schedule, and be verified and enrolled as hereinbefore directed; *Provided always*, that if any declaration so made shall be false or untrue in any material particular, the person wilfully making such false declaration shall be deemed guilty of a Misdemeanor.

X. *Provided always, and be it further enacted*, That until the first Memorial shall have been duly enrolled in manner by this Act directed, no Action, Suit or other proceeding, shall be commenced, made or instituted, under the authority of this Act; and until the Memorial by this Act required to be enrolled, in the event of any person or persons ceasing or discontinuing to be a Local Director or Directors, or Manager or Managers of the said Company in this Province, or a Proprietor or Proprietors of the said Company, shall have been enrolled as hereinbefore mentioned, the persons whose names shall appear in the last Memorial, which shall have been made as hereinbefore required, shall be and continue liable to all such Actions, Suits, Executions and other proceedings, under this Act, and shall be entitled to be reimbursed out of the Funds or Property of the said Company, all costs, charges, losses, damages and expenses, incurred or sustained thereby, in the same manner as if he, she or they, had not ceased or discontinued to be a Local Director or Manager, or Local Directors or Managers of the said Company in this Province, or a Proprietor or Proprietors of the said Company. Proviso

XI. *And be it further enacted*, That an examined copy of the enrolment of every Memorial to be enrolled, pursuant to this Act, shall be received in evidence, as proof of the contents of such Memorial, and proof shall not be required that the person by whom the Memorial purports to be verified was at the time of such verification one of the local Directors or one of the Managers of the said Company, in this Province. Memorial to be received in evidence

XII. *And be it further enacted*, That this Act, and the provisions herein contained, shall extend, and be construed and taken to extend to the said Company, called "The Bank of British North America," at all times during the continuance thereof, whether the said Company hath been heretofore from time to time, or shall hereafter be, composed of all or some of the persons who were the original Proprietors thereof, or of all or some of those persons, together with some other person or persons, or whether the said Company be, at the time of the passing this Act, composed altogether of persons who were not original Proprietors. Application of Act

prietors of the said Company, or whether the said Company shall hereafter be composed of persons who were not original Proprietors thereof, or of persons all of whom shall have become Proprietors of the said Company, subsequently to the passing of this Act.

XIII. *Provided always, and be it further enacted,* That nothing herein contained shall extend, or be deemed, construed or taken to extend, to incorporate the said Company, or to relieve or discharge the said Company, or any of the Proprietors or other Holders of Shares in the said Company, from any responsibility, contract, duty, or obligation whatsoever, to which, by Law, they, he or she, now are or is, or at any time hereafter may be subject or liable, either as between such Company and other parties, or as between the said Company and any of the individual Proprietors, or other holders of Shares in the said Company, and others, or as between or among themselves, or in any other manner howsoever.

XIV. *And be it further enacted,* That in case the officers of the said Company in the usual Banking Hours, at the said Bank, shall refuse or delay payment in Gold or Silver, of any Note or Bill, made or issued in this Province, of the said Company, there presented for payment, the said Company shall be subject to pay on the amount of such Note or Bill to the holder thereof twelve per cent. interest per annum, from the day of such refusal to the time of payment.

XV. *And be it further enacted,* That the said Company shall be liable to pay any *bona fide* holder the original amount of any Note of the said Bank which shall have been counterfeited or altered in course of its circulation to a larger amount, notwithstanding such alteration.

XVI. *And be it further enacted,* That nothing herein contained shall be taken or construed to prevent the Legislature of this Province, at any time hereafter, from making such provisions, as to the amount and description of Notes which may be issued by the said Bank, as may be deemed necessary, nor shall any thing herein contained authorize the said Bank to issue or deal in any Notes or Bills that now are or hereafter may be by Law prohibited to be made, issued or circulated, within this Province, but that no other restrictions shall be imposed upon the said Bank than are or may be imposed upon any other Banks.

XVII. *And be it further enacted,* That this Act shall continue and be in force for nine years, and from thence to the end of the then next Session of the General Assembly. *Provided always,* that it shall and may be lawful for the said Company to have, use, and exercise, all the privileges and powers conferred by this Act, notwithstanding the same shall have expired, in, about and concerning, all transactions, contracts and dealings, of the said Company, within this Province, then subsisting and being, and for and in respect thereof all Actions and Suits shall be commenced and prosecuted by and against the said Company, and all Indictments and other legal proceedings at their instance, for and in respect of such transactions, contracts and dealings, then subsisting and being, shall be had and sustained, under and by virtue of this Act, as if the same were still in full force and effect,

SCHEDULE TO WHICH THE ACT REFERS.

Memorial made the _____ day of _____ of the names of the present Local Directors and Manager, in the Province of Nova-Scotia, of "The Bank of British North America," and the Proprietors of the said Bank in this Province and elsewhere, enrolled pursuant to an Act, passed in the first year of the reign of Her Majesty Queen Victoria, entitled, "An Act to enable the Proprietors or Shareholders of a Company called "The Bank of British North America" to sue and be sued, in the name of any one of the Local Directors, or the Manager for the time being of the said Company, in this Province.

- A. B. of
 - C. D. of
 - E. F. of
 - G. H.
 - J. K.
 - &c. &c.
- } Local Directors.
} Manager.
} Proprietors

L. M. one of the Local Directors (or Manager) of the said Company, doth declare that the above written Memorial doth contain the names of the present Local Directors and Manager of the said Company in this Province, and of all the present Proprietors of the said Company,

Proviso

Officers of Bank refusing to pay its Notes in Specie

Notes of Bank counterfeited

Reservation as respects issues of Notes

Continuation of Act

Proviso

Company, as the same appear in the Books of the said Company by the latest Returns received in this Province.

IN CASE OF A CHANGE OF LOCAL DIRECTORS OR MANAGER.

Memorial made the _____ day of _____ of the name of the new Local Directors (or Manager,) in this Province, of the Bank of British North America, and of the persons in whose places they have (or he has) been appointed, enrolled pursuant to an Act passed in the first year of the reign of Her Majesty Queen Victoria, entitled, "An Act to enable the Proprietors or Shareholders of a Company, called "The Bank of British North America," to sue and be sued, in the name of any one of the Local Directors or Manager for the time being, of the said Company, in this Province."

E. F. of _____ in the place of A. B. of _____

G. H. of _____ in the place of C. D. of _____

H. I. of _____ one of the Local Directors (or Manager) of the said Company, doth declare that the above written Memorial contains the names of the new Local Directors or Manager of the said Company, in this Province, and of the persons in whose places they have (or he has) been appointed, as the same appear in the Books of the Company.

[Signed]

H. J.

N. B.—The last Memorial as to new Local Directors (or Manager) was enrolled on the _____ day of _____

IN CASE OF PERSONS CEASING TO BE PROPRIETORS.

Memorial made the _____ day of _____ of the names of the persons who have ceased or discontinued to be Proprietors of the Bank of British North America, since the _____ day of _____ being the date of the Memorial last registered, respecting the Proprietors of the said Company, enrolled pursuant to an Act, passed in the first year of the reign of Her Majesty Queen Victoria, entitled, "An Act to enable the Proprietors or Shareholders of a Company, called "The Bank of British North America," to sue and be sued, in the name of any one of the Local Directors, or of the Manager for the time being of the said Company in this Province."

A. B. of _____

E. F. of _____ one of the Local Directors (or Manager) of the said Company, in this Province, doth declare that the above Memorial doth contain the name or names of the persons who have ceased or discontinued to be Proprietors of the said Company, since the _____ day of _____ so far as the latest returns received in this Province shew.

[Signed]

E. F.

IN CASE OF PERSONS BECOMING NEW PROPRIETORS.

Memorial made the _____ day of _____ of the persons who have become new Proprietors in the Bank of British North America, since the _____ day of _____ being the date of the Memorial last enregistered, respecting new Proprietors of the said Company, enrolled pursuant to an Act, passed in the first year of the reign of Her Majesty Queen Victoria, entitled, "An Act to enable the Proprietors or Shareholders of a Company, called "The Bank of British North America," to sue and be sued, in the name of any one of the Local Directors, or of the Manager for the time being of the said Company, in this Province."

J. K. of _____

L. M. of _____

A. B. of _____ one of the Local Directors (or Manager) of the said Company in this Province, doth declare, that the above Memorial doth contain the names of the persons who have become new Proprietors of the said Company, since the _____ day of _____ so far as the latest returns received in this Province shew.

[Signed]

A. B.

IN CASE OF MEMORIALIZING SEVERAL CHANGES AT THE SAME TIME.

Memorial made the _____ day of _____ of the names of the new Local Directors, and of the Manager in this Province, of the Company called "The Bank of British North

North America," and of the persons in whose places they have been appointed, and of the names of the persons who have ceased or discontinued to be Proprietors of the said Company, enrolled pursuant to an Act, passed in the first year of the reign of Her Majesty Queen Victoria, entitled, An Act to enable the Proprietors or Shareholders of a Company called "The Bank of British North America," to sue and be sued, in the name of any one of the Local Directors, or of the Manager for the time being of the said Company in this Province."

Names of the new Local Directors, and of the persons in whose places they have been appointed.

E. F. of _____ in the place of A. B. of _____
 G. H. of _____ in the place of C. D. of _____
 Name of the Manager and of the person in whose place he has been appointed.
 E. F. of _____ in the place of A. B. of _____

NAMES OF THE PERSONS WHO HAVE CEASED TO BE PROPRIETORS.

A. B. of _____
 C. D. of _____

NAMES OF NEW PROPRIETORS.

J. K. of _____
 L. M. of _____

E. F. _____ in the District of _____ (description) one of the Local Directors or Manager of the said Company, in this Province, doth declare that the above written Memorial doth contain the names of the new Local Directors, and of the Manager of the said Company, in this Province, and of the persons in whose places they have been appointed, and of the persons who have ceased or discontinued to be Proprietors of the said Company, and of the new Proprietors of the said Company, as the same respectively appear in the Books of the said Company, so far as the latest returns received in this Province shew.

[Signed] E. F.

N. B.—The last Memorial as to new Local Directors, was enrolled on the _____ day of _____
 The last Memorial as to the appointment of Manager, was enrolled on the _____ day of _____
 The last Memorial as to the ceasing and discontinuing of Proprietors, was enrolled on the _____ day of _____
 The last Memorial as to new Proprietors, was enrolled on the _____ day of _____

CAP. XXV.

An Act to continue the Act for appointing Supervisors to take charge of Public Grounds, and for other purposes, and the Act in amendment thereof.

(Passed the 29th day of March, 1838.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the fourth year of the Reign of His late Majesty King William the Fourth, entitled, An Act for appointing Supervisors to take charge of Public Grounds, and for other purposes, and every matter, clause and thing, therein contained, save and except so far as the same is or may be altered or amended by the Act hereinafter mentioned; also, the Act passed in the fifth year of His said late Majesty's reign, to amend the said first mentioned Act, and every matter, clause and thing, therein contained shall be continued, and the said Acts, except as aforesaid, are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 4, Wm. IV continued (with exceptions)

CAP. XXVI.

An Act to continue the Act in amendment of the Act relating to Highways, Roads and Bridges.*(Passed the 29th day of March, 1838.)*

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the fourth year of the reign of His late Majesty King William the Fourth, entitled, **An Act in amendment of the Act relating to Highways, Roads and Bridges, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.**

Act 4, Wm.
IV continued

CAP. XXVII.

An Act to continue the Act to preserve and regulate the Navigation of the Harbour of Pugwash.*(Passed the 29th day of March, 1838.)*

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the third year of the reign of His late Majesty King William the Fourth, entitled, **An Act to preserve and regulate the Navigation of the Harbour of Pugwash, and every matter, clause and thing therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.**

Act 3, Wm.
IV continued

CAP. XXVIII.

An Act to continue the several Acts now in force, in addition to, and amendment of, the Act relating to Wills, Legacies and Executors, and for the Settlement and Distribution of the Estates of Intestates.*(Passed 29th day of March, 1838.)*

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the fifty-second year of the reign of His late Majesty King George the Third, entitled, **An Act in further addition to the Act relating to Wills, Legacies and Executors, and for the Settlement and Distribution of the Estates of Intestates, and every matter, clause and thing therein contained; also, the Act, passed in the tenth year of the reign of His late Majesty King George the Fourth, entitled, An Act in amendment of an Act, made and passed in the thirty-second year of the reign of His late Majesty King George the Second, entitled, An Act relating to Wills, Legacies and Executors, and for the Settlement and Distribution of the Estates of Intestates; and the Act, passed in the thirty-fourth year of His said late Majesty's reign, in amendment of the said Act, and every matter, clause and thing therein contained; also, the Act, passed in the fourth year of the reign of His late Majesty King William the Fourth, entitled, An Act in addition to, and in amendment of, the Act relating to Wills, Legacies and Executors, and for the Settlement and Distribution of the Estates of Intestates, and every matter, clause and thing therein contained, shall be continued, and the said Acts are hereby respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.**

Acts continued

CAP. XXIX.

An Act to continue the Act for regulating the Fishery in the River Shubenacadie.*(Passed the 29th day of March, 1838.)*Act 4, Wm.
IV continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the fourth year of the reign of His late Majesty King William the Fourth, entitled, An Act for regulating the Fishery in the River Shubenacadie, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. XXX.

An Act respecting Elections for the County of Colchester.*[Passed the 29th day of March, 1838.]*Where Polls
are to be held

BE it enacted, by the Lieutenant Governor, Council and Assembly, That at any Election to be hereafter held for electing a Member for the County of Colchester, the Poll shall be opened at the Court-House in Truro, and be there held and continued for three days, unless sooner closed according to Law, and be thence removed and adjourned to some central and convenient place in Upper Stewiacke, at or near the Meeting-House, and be there held and continued for two days, unless sooner closed according to Law, and be thence removed and adjourned to some central and convenient place in the Village of Port-a-Pique, and be there held and continued for two days, unless sooner closed according to Law, and be thence removed and adjourned to some central and convenient place in Tatamagouche, to be there held and continued for three days, unless sooner closed according to Law.

When Polls
are to be open-
ed after ad-
jourment

II. *And be it further enacted,* That the Poll when so removed and adjourned, as herein before directed, shall be opened at the next place of adjournment, on the day next but one after the last day hereby limited for the continuance of the Poll at the place where the same shall be then last held, unless such day shall happen to be Sunday, Christmas Day or Good Friday, when the said Poll shall be opened on the Monday or the day after Christmas day or Good Friday.

Sheriff to be
guided by the
Laws

III. *Provided always, and be it further enacted,* That in the conduct of the said Election, and all proceedings had thereat, except as herein before directed, the Sheriff or Officer holding the same shall be guided and governed by the Laws now or to be in force, for the management and conduct of Elections, and for the government of the Sheriff or Officer conducting the same.

CAP. XXXI.

An Act to continue the Act in amendment of an Act, made and passed in the first and second years of His late Majesty's reign, entitled, An Act to extend the Laws and Ordinances of the Province of Nova-Scotia to the Island of Cape-Breton.*(Passed the 29th day of March, 1838.)*Act 1, Wm.
IV continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, made and passed in the first year of the reign of His late Majesty King William the Fourth, entitled, An Act in amendment of an Act, made and passed in the first and second years of His late Majesty's reign, entitled, An Act to extend the Laws and Ordinances of the Province of Nova-Scotia to the Island of Cape-Breton, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. XXXII.

An Act to alter the times of holding the Inferior Courts of Common Pleas and General Sessions of the Peace at Arichat, in the County of Richmond.

[Passed the 29th day of March, 1838.]

WHEREAS the present days of opening the Inferior Court of Common Pleas and General Sessions of the Peace at Arichat, in the County of Richmond, have been found inconvenient, in consequence of the limited time allowed between the closing of the Inferior Court of Common Pleas and General Sessions at Sydney, in the County of Cape Breton, and the opening of such Courts at Arichat aforesaid.

Preamble

I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That instead of the days now appointed by Law for the opening of the said Inferior Court of Common Pleas and General Sessions of the Peace at Arichat aforesaid, such Courts shall hereafter, severally and respectively, be opened and held on the First Wednesday of April and the Second Wednesday of November in each year, and all Writs, Process and Proceedings whatsoever, and all Suitors, Witnesses, Sheriffs, Officers, Constables, Parties and Persons whatsoever, returnable, or held, bound, summoned or required to be or appear at either of said Courts respectively, at the next sitting thereof, shall be returnable and held bound, summoned and required, to be and appear on the First Wednesday of April, instead of the day now by Law appointed for the opening and holding of the said Courts respectively.

Time of holding Inferior Court and General Sessions of Peace at Arichat

CAP. XXXIII.

An Act to authorize the Settlement of a certain Debt claimed from the Township of Windsor.

(Passed the 29th day of March, 1838.)

WHEREAS, John Jack, by Petition to the House of Assembly, hath stated that he has a claim on the Town of Windsor in respect to the sinking and providing of certain Wells and Pumps in and for such Town, which claim, by reason of the death of the Public Officers by whom he was employed, he cannot enforce. *And whereas, it is just, if such claim is correct, that the same should be paid by, and out of, the Funds appropriated for public Services of the same description, within the said town.*

Preamble

I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That Richard A. McHaffey, Joseph Dill and Charles Smith, all of Windsor aforesaid, Gentlemen, shall be, and they are hereby appointed Commissioners to investigate and examine into the claim of the said John Jack, and to ascertain, settle and award, what amount, if any, he the said John Jack is in justice entitled to be paid from such Town.

Commissioners to investigate claims

II. And be it further enacted, That upon the award in writing of the said three Commissioners, or of any two of them, if any Sum of Money shall be awarded to the said John Jack, as due to him for the services herein before mentioned, such Sum of Money shall be paid by the Commissioners of Streets for the Town of Windsor to the said John Jack, from and out of the proportion of the Duties upon Licensed Houses and for Selling Spirituous Liquors, which by Law shall be payable and paid to the said Commissioners of Streets: and upon the refusal of the said Commissioners of Streets to pay the amount (if any) so to be awarded as due to the said John Jack, if funds from such Duties as aforesaid come to the hands of such Commissioners of Streets sufficient to pay such amount, the said John Jack shall and may enforce payment from the said Commissioners of Streets in an action, as for so much money had and received to his use, and in such action, proof of the making of the award of any sum as due to the said John Jack, from the said Town of Windsor, under the hands of the Commissioners hereby appointed, or any two of them; and proof of notice of such award given to the Commissioners of Streets, and proof that monies from the said duties

Award of Commissioners

duties on Licensed Houses and for selling Spirituous Liquors sufficient to pay the amount of such sum so awarded as aforesaid, have at any time or times after such notice of the said award, been received by the said Commissioners of Streets, or any one or more of them, shall be sufficient to entitle the plaintiff to recover the amount so awarded to him.

CAP. XXXIV.

An Act to continue the Act to provide against the occurrence of Diseases from the Bite of Animals.

(Passed the 29th day of March, 1838.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Third Year of the Reign of His late Majesty King William the Fourth, entitled, An Act to provide against the occurrence of Diseases from the Bite of Animals, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 3, Wm.
IV. continued

CAP. XXXV.

An Act to continue the Act respecting the Collection of Poor's Rates of Pictou.

(Passed the 29th day of March, 1838.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the sixth year of the reign of His late Majesty King William the Fourth, entitled, An Act respecting the collecting of Poor's Rates of Pictou, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 6, Wm.
IV. continued

CAP. XXXVI.

An Act to enable the Proprietors of a certain Island at Punico, called John's Island, to divide the same.

(Passed the 29th day of March, 1838.)

WHEREAS, by a Grant, under the Great Seal of this Province, bearing date on the sixth day of November, in the year of Our Lord One Thousand Seven Hundred and Seventy-one, there was granted unto the several persons hereinafter named, a certain tract of Land, containing one thousand eight hundred acres of Upland, and two hundred and seventy acres of Marsh Land, divided among such persons in certain proportions, which, in the said Grant are described, specified, and set forth, as follows, that is to say:—Unto Philip Brown, Lots number one and five, containing one hundred acres each, and thirty acres of Marsh Land, containing in the whole two hundred and thirty acres; unto Walter Larkin, lots number two and six, containing one hundred acres each, and thirty acres of Marsh Land, containing in the whole, two hundred and thirty acres; unto Benjamin Selly, lots number three and four, containing one hundred acres each, and thirty acres of Marsh Land, containing in the whole two hundred and thirty acres; unto Lange Amoreau, lot number seven, containing one hundred acres, and fifteen acres of Marsh Land, containing in the whole one hundred and fifteen acres; unto Charles Belliveau, lot number eight, containing one hundred acres, and fifteen acres of Marsh Land, containing in the whole one hundred and fifteen acres.

Preamble

acres; unto Isidore Belliveau and Isidore Amereau, lot number nine and seventeen, containing one hundred acres each, and thirty acres of Marsh Land, containing in the whole two hundred and thirty acres; unto Michael Belliveau, lot number ten, containing one hundred acres, and fifteen acres of Marsh Land, containing in the whole one hundred and fifteen acres; unto Paul and Benoni D'Entremont, lots numbers eleven, twelve and fifteen, containing one hundred acres each, and forty-five acres of Marsh Land, containing in the whole three hundred and forty-five acres; unto James Amereau, lot number thirteen, containing one hundred acres, and fifteen acres of Marsh Land, containing in the whole one hundred and fifteen acres; unto Joseph D'Entremont, lot number fourteen, containing one hundred acres, and fifteen acres of Marsh Land, containing in the whole one hundred and fifteen acres; unto Able, alias Abel Duijon, lot number sixteen, containing one hundred acres, and fifteen acres of Marsh Land, containing in the whole one hundred and fifteen acres; and unto Pelatiah Goodwin, lot number eighteen, containing one hundred acres, and fifteen acres of Marsh Land, containing in the whole one hundred and fifteen acres. *And whereas*, in the said grant there was also contained a grant of an Island, called Isle John, lying to the southward of the Harbour of Pubnico, containing one hundred acres, which was thereby granted to and among all the several persons before mentioned, as a Common. *And whereas*, such Island, as a Common, is of comparatively little value to the Proprietors thereof, who, by the death of many of the original Grantees, and from other causes, have become numerous, and many of them are absent, or minors, or for some other reason incapable of executing legal conveyances. *And whereas*, a large majority of the Proprietors of the said Island are desirous that the same should be divided among the several parties interested therein, according to their respective proportionable rights or portions thereof. *And whereas*, no division or partition of the said Island can be had in the ordinary Tribunals of this Province, by reason of the absence, infancy or disability, of many of the parties now interested therein, as hereinbefore stated.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That Herbert Huntington, of Yarmouth, and Matthew Jaffery and John Rider, of Argyle, shall be, and they are hereby constituted Commissioners for dividing the said Island, called John's Island, which Commissioners, before entering upon the exercise of their duties, shall be sworn before some Justice of the Peace, faithfully, and without partiality, to perform the same.

Commissioners appointed — to be sworn.

II. *And be it further enacted*, That when and so soon as such Commissioners are sworn as aforesaid, they shall proceed to the said Island, and shall divide the same, according to the best of their skill and ability, into eighteen Lots or Shares, of equal value, which shall be, by the said Commissioners, laid off by metes and bounds, of as nearly equal extent and similar shape as the situation, quality and description, of the Lands of said Island will admit, and when so laid off, such lots shall be plotted down on a plan to be made thereof, and shall be designated with and by numbers respectively, from number one to number eighteen inclusive.

Division of Island to be made by Commissioners

III. *And be it further enacted*, That when and so soon as such Island shall be divided into such Lots, and a plan made of such division, and the Lots thereon designated by numbers as aforesaid, the said Commissioners shall proceed to assign and apportion in such manner as may appear to them just and proper, the several Lots of the said Island, into which the same shall be divided to and among the several persons interested therein, according to their proportionable rights and interests, under the said Grant, as herein mentioned and directed.

Assignment of Lots

IV. *And be it further enacted*, That the said Commissioners, by an award in writing, to be annexed to the plan hereinbefore directed to be made of such Island, signed by such Commissioners, or any two of them, in the presence of two witnesses, shall designate and specify the Lots so assigned and apportioned, in the form following, that is to say—

Designation and specification of Lots

We, the Commissioners, (or if two only shall sign the said award, *We and two of the Commissioners*), appointed under the Act, passed in the first year of the reign of Her Majesty Queen Victoria, entitled, An Act to enable the Proprietors of a certain Island at Pubnico, called John's Island, to divide the same, do hereby assign and apportion the said Island to and among the several persons interested therein, agreeably to the provisions of such Act, in manner following, that is to say:—

Form of Assignment

To or for Philip Brown, or the person or persons, now representing him, or the legal owner or owners of the Lots respectively granted to him, two Lots of the said Island, being Lots numbers _____ and _____ on the annexed plan.

To or for Walter Larkin, or the person or persons now representing him, or the legal owner or owners of the Lots respectively granted to him as aforesaid, two Lots of the said Island, being Lots numbers and on the annexed plan.

To or for Benjamin Selly, or the person or persons now representing him, or the legal owner or owners of the Lots respectively granted to him as aforesaid, two Lots of the said Island, being lots numbers and on the annexed plan.

To or for Lange Amoreau, or the person or persons now representing him, or the legal owner or owners of the said Lot to him granted as aforesaid, one Lot of the said Island, being Lot number on the annexed plan.

To or for Charles Belliveau, or the person or persons representing him, or the legal owner or owners of the Lot granted to him as aforesaid, one Lot of the said Island, being Lot number on the annexed plan.

To or for Isidore Belliveau, Isidore Amereau, or the person or persons representing them respectively, or the legal owner or owners of the several Lots to them granted as aforesaid, two Lots of the said Island, being Lots numbers and on the annexed plan.

To or for Michael Belliveau, or the person or persons representing him, or the legal owner or owners of the Lot to him granted as aforesaid, one Lot of the said Island, being Lot number on the annexed plan.

To or for Paul and Benoni D'Entremont, or the person or persons representing them respectively, or the legal owner or owners of the Lots to them respectively granted as aforesaid, three Lots of the said Island, being Lots numbers on the annexed plan.

To or for James Amereau, or the person or persons representing him, or the legal owner or owners of the Lot to him granted as aforesaid, one Lot of the said Island, being Lot number on the annexed plan.

To or for Joseph D'Entremont, or the person or persons representing him, or the legal owner or owners of the Lot to him granted as aforesaid, one Lot of the said Island, being Lot number on the annexed plan.

To or for Able, alias Abel Duijon, or the person or persons representing him, or the legal owner or owners of the Lot granted to him as aforesaid, one Lot of the said Island, being Lot number on the annexed plan.

To or for Pelatiah Goodwin, or the person or persons representing him, or the legal owner or owners of the Lot granted to him as aforesaid, one Lot of the said Island, being Lot number on the annexed plan.

Which said Lots respectively assigned and allotted as aforesaid, we do hereby award and direct, shall be hereafter held in severalty, by the person or persons to whom the same are hereby respectively assigned and allotted, agreeably to the provisions of the said Act.

Witness our Hands, this day of in the year of our Lord One Thousand Eight Hundred and

Signed and published by the Commissioners, }
in the presence of }

V. *And be it further enacted*, That when and so soon as such award and plan shall be made, signed and attested, as hereinbefore directed, the same shall be registered at the office of the Registry of Deeds, for the County of Yarmouth, and in the same manner, upon the oath of one of the attesting Witnesses, as any Deed or Conveyance is by Law required to be registered, and, when so registered, the original plan and award shall be filed in the office of the Prothonotary of the Supreme Court, for the County of Yarmouth, to be there kept and recorded as any Writ of Partition or proceeding had in partition, would be filed and recorded. *Provided always*, that for the proof of such award and plan in any Court, the production of the original in any such Court, by the Prothonotary of the Supreme Court, or his Deputy, or by the Officer in charge of the office of Prothonotary at Yarmouth, with the Certificate of Registry thereon, shall, without proof thereof, by the subscribing Witness, always be sufficient, and in case of loss of such original, on proof of such loss duly made, an examined copy from the Registry shall, in such case, be and be held to be sufficient evidence of the said award and plan.

VI. *And be it further enacted*, That after such award so made, with the plan annexed, and signed and registered as aforesaid, the several persons to or for whom such Lots of the said Island

Award to be registered

Proviso

Rights under Award secured

Island shall be assigned and apportioned by the respective numbers designated in such award, shall have and hold such several and respective Lots, according to their several rights, estates, shares and interests, therein precisely, as if the several Lots so to be assigned and apportioned to or for the said respective original Grantees or their Representatives, had been originally included in such Grant, and been thereby granted separately and distinctly to the said respective original Grantees.

VII. *Provided always, and be it further enacted,* That nothing herein contained shall extend, or be construed to extend, to abridge, alter or defeat, any rights, titles, claims or interests, possessory or otherwise, which, by Law, any person or persons may now have, in and to the said Island, or any part thereof, independently of, or adverse to, the rights of the said original Grantees, and persons having title by, through or under them, or some or one of them, their Heirs and Assigns, but that the rights, titles and claims, of such persons, shall remain and be in force as if this Act had not been made. Proviso

CAP. XXXVII.

An Act to continue the Acts in force relative to the inspection of Pickled Fish.

(Passed the 29th day of March, 1838.)

BE it enacted, by the Lieutenant Governor, Council and Assembly, That the Act, passed in the ninth year of the reign of His late Majesty King George the Fourth, entitled, An Act for the more effectually enforcing the inspection and encouraging the Exportation of Pickled Fish, and every matter, clause and thing, therein contained, save and except so far as the same may be altered or amended by the Acts hereinafter mentioned; also, the Act, passed in the tenth year of His said late Majesty's reign, in amendment of the said Act, and every matter, clause and thing, therein contained, save and except so far as the same is or may be altered or amended by the Act hereinafter mentioned; also, the Act, passed in the last Session of the General Assembly, entitled, An Act to continue, alter and amend, the several Acts now in force, relative to the inspection of Pickled Fish, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly

Acts 9 & 10,
Geo. IV. con-
tinued (with
exceptions)

CAP. XXXVIII.

An Act to establish that part of the Township of Clements, lying in the County of Digby, into a separate Township.

(Passed the 29th day of March, 1838.)

WHEREAS, a certain portion of the ancient Township of Clements, by an Act, passed in the last Session of the General Assembly, entitled, An Act to divide the County of Annapolis, and to regulate the representation thereof, which has been assented to by Her Majesty, has become part of the County of Digby, and the inhabitants thereof are desirous of still being a separate Township:

Preamble

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That all that part of the Township of Clements, which is now situated in the new County of Digby, shall be, and shall be deemed and held to be, a separate and distinct Township, to all intents and purposes whatsoever, to be known as and called the Township of Hillsburgh, and shall have the right to vote Money for the support of its own Poor, and to have Town Officers appointed, and to exercise the same authority and power, with respect to all such Township business and purposes, as other Townships of this Province. *Provided always,* that nothing herein contained shall extend, or be construed to extend, to prevent any Freeholder or Freeholders, resident in the Township hereby established, from voting for a Member for the Township.

Clements es-
tablished as a
distinct Town-
ship by name
of Hillsburgh
—its privileges

Township of Digby, or to abridge, or in any manner interfere with, the right of such Freeholder or Freeholders to vote for such Township of Digby, as by the said Act hereinbefore mentioned is permitted and enacted.

CAP. XXXIX.

An Act to continue the Act in amendment of the Act for the Settlement of the Poor in the several Townships within this Province.

(Passed the 29th day of March, 1838.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the third year of the reign of His late Majesty King William the Fourth, entitled, An Act in amendment of the Act for the Settlement of the Poor in the several Townships within this Province, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 3, Wm.
IV continued

CAP. XL.

An Act to continue the Act to regulate certain Landings in the County of King's County.

(Passed the 29th day of March, 1838.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the fifth year of the reign of His late Majesty King William the Fourth, entitled, An Act to regulate certain Landings in the County of King's County, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 5, Wm.
IV continued

CAP. XLI.

An Act to continue the Act for the support and regulation of Light-Houses.

(Passed the 29th day of March, 1838.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the fourth year of the reign of His late Majesty King William the Fourth, entitled, An Act for the support and regulation of Light-Houses, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 4, Wm.
IV continued

CAP. XLII.

An Act to continue the Act to amend an Act for establishing a Public School in the Town of Halifax.

(Passed the 29th day of March, 1838.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the fifty-first year of the reign of His late Majesty King George the Third, entitled, An Act to amend the Act, passed in the twentieth year of His Majesty's reign, entitled, An Act for establishing a Public School in the Town of Halifax, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 51, Geo.
III. continued

CAP. XLIII.

An Act respecting the Fire-men of the Town of Halifax.*(Passed the 29th day of March, 1838.)*

WHEREAS, the Fire-men of the Town of Halifax, (commonly known as and called Axemen,) are, by Law, entitled to certain privileges and exemptions. *And whereas,* the services of such Fire-men are and have been uniformly highly beneficial to the Public at times of Fire, and been also attended with great danger and fatigue; and for their encouragement, and in order to procure young and active men for such duty, it is expedient to extend their privileges and exemptions: Preamble

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That every person now appointed or hereafter to be appointed a Fire-man, for the Town of Halifax, and who shall continue to perform his duties as such, for the period of sixteen years from the date of his appointment, shall be, and he is hereby declared to be, entitled to all the same privileges and exemptions by Law allowed to Fire-men, although he shall then retire from his situation of Fire-man, and cease thereafter to perform the duties of such office. *Provided always,* that such Fire-man retiring as aforesaid, and seeking such exemptions and privileges, shall obtain and receive from the Captain or Lieutenant commanding such Fire-men and Secretary, a Certificate under their hands, that he, the said Fire-man, has actually been in such office for sixteen years, and during that time has actively and satisfactorily performed his duties. Privileges to which Firemen are entitled after term of service

II. *And be it further enacted,* That upon every such retirement of any Fire-man, the vacancy thereby occasioned shall be forthwith reported to the proper authority or authorities, in order that another fit and proper person may be appointed in the stead of the party so retiring, as aforesaid. Vacancies to be filled up

CAP. XLIV.

An Act to authorize the sale of the Old Jail at Liverpool, in Queen's County, and the Lot of Land on which it stands.*(Passed the 29th day of March, 1838.)*

WHEREAS, from the defective condition and inconvenient situation of the Jail in Liverpool, the Grand Jury of said County of Queen's, by their Presentment, determined upon the erection of a new one upon a different spot of Land, and for that purpose presented a sum of money towards the erection thereof, in the expectation that by a Sale of the old Jail and premises, a further sum might be raised for that purpose. *And whereas,* the new Jail is nearly completed, and it is desirable that an immediate Sale of the old one should take place, possession thereof only to be delivered when the former is in a condition to be occupied. Preamble

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That Joshua Newton, Esquire, the Custos Rotulorum of said County, and Robert Roberts, Esquire, High Sheriff thereof, shall be, and they are hereby invested, with full power and authority to sell all that Lot or parcel of Lot, situate in Liverpool aforesaid, by whatever metes or bounds the same may be distinguished, usually occupied as the Jail Ground, together with the old Jail thereon, at Public Auction, to the highest bidder, after giving thirty days public notice of the time and place of making such Sale, and to sign, seal and deliver, to the purchaser or purchasers thereof, such Deed or Deeds of conveyance, upon payment of the consideration money for the same, which Deed or Deeds shall be sufficient to vest in the purchaser or purchasers thereof, his, her, or their Assigns, a good and sufficient Estate in fee simple; and upon receipt of said purchase money, the said Joshua Newton and Robert Roberts shall pay the same over to the Treasurer of the County, to be by him applied for the purpose aforesaid, under the direction of Her Majesty's Court of Sessions of the Peace for that County. *Provided always,* that possession of said Jail and Lot of Land be not delivered to the purchaser or purchasers until the new Jail be in a condition to be occupied. Power to sell old Jail vested in certain persons
Proviso

CAP. XLV.

An Act to continue the Act more effectually to provide against the introduction of Infectious or Contagious Diseases, and the spreading thereof in this Province, and the Act in amendment thereof.

(Passed the 29th day of March, 1838.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the second year of the reign of His late Majesty King William the Fourth, entitled, An Act more effectually to provide against the introduction of Infectious or Contagious Diseases, and the spreading thereof in this Province, and every matter, clause and thing, therein contained, save and except the twelfth Clause or Section thereof, and also, except so far as the same is or may be altered or amended by the Act hereinafter mentioned; also, the Act, passed in the fifth year of His said late Majesty's reign, entitled, An Act to amend and continue the Act more effectually to provide against the introduction of Infectious or Contagious Diseases, and the spreading thereof in this Province, and every matter, clause and thing, in the said last mentioned Act contained, shall be continued, and the said Acts are hereby respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 2, Wm.
IV. continued
(with exceptions)

CAP. XLVI.

An Act to continue the Act in addition to, and in amendment of, the Act to prevent Nuisances, by Hedges, Wears, and other Incumbrances, obstructing the passage of Fish in the Rivers of this Province.

(Passed the 29th day of March, 1838.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the tenth year of the reign of His late Majesty King George the Fourth, entitled, An Act in addition to, and in amendment of, an Act, passed in the third year of the reign of His late Majesty King George the Third, entitled, An Act to prevent Nuisances, by Hedges, Wears, and other Incumbrances, obstructing the passage of Fish in the Rivers of this Province, and every matter, clause, and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 10, Geo.
IV. continued

CAP. XLVII.

An Act to continue the Act to authorize the Sessions of the Peace for the County of Queen's County, to make regulations for the gathering of Sea Manure in the said County.

(Passed the 29th day of March, 1838.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the third year of the reign of His late Majesty King William the Fourth, and entitled, An Act to authorize the Sessions of the Peace for the County of Queen's County, to make regulations for the gathering of Sea Manure in said County, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 3, Wm.
IV. continued

CAP. XLVIII.

An Act to continue the Act to prevent the spreading of Contagious Diseases, and for the performance of Quarantine, and the Act in amendment thereof.

(Passed the 29th day of March, 1838.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the second year of the reign of His late Majesty King William the Fourth, entitled, An Act to prevent the spreading of Contagious Diseases, and for the performance of Quarantine; and also, the Act, passed in the third year of His said late Majesty's reign, to continue and amend the said Act, and every matter, clause and thing, in the said Acts contained, shall be continued, and the said Acts are hereby respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

Acts 2 and 3,
Wm. IV. con-
tinued

CAP. XLIX.

An Act to repeal the Act to regulate the Public Landing at Windsor, and to substitute other provisions in lieu thereof.

(Passed the 29th day of March, 1838.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the eleventh year of the reign of His late Majesty King George the Fourth, entitled, An Act to regulate the Public Landing at Windsor, and every matter, clause and thing, therein contained, shall be, and the same are hereby repealed.

Act 11, Geo.
IV. repealed

II. *And be it further enacted*, That, from and after the passing hereof, it shall and may be lawful for the Freeholders of the Township of Windsor, at the first Public Meeting, after the passing of this Act, to vote money for the Poor of the said Township, to be convened agreeably to Law, and annually thereafter to nominate and appoint three fit and proper persons, being Freeholders, as a Committee to take charge of the Public Landing for the Township of Windsor, which Committee shall remain in office until the meeting of the Freeholders in the next ensuing year, and have the care and custody of the said Public Landing, during the period aforesaid.

Public Land-
ing at Windsor
to be placed in
charge of a
Committee

III. *And be it further enacted*, That in case of any vacancy happening in the said Committee, by the death, removal, or refusal to act, of any of the said Committee, it shall and may be lawful for the remaining Members of the said Committee to fill up such vacancies, by nominating *ad interim* some Freeholder or Freeholders of said Township, to fill the same, until the next meeting of the Freeholders to be convened for voting money for the Poor as aforesaid, when such *ad interim* appointment shall be confirmed by the vote of the majority of the Freeholders present at such Meeting, or otherwise, some fit and proper person or persons, being a Freeholder or Freeholders as aforesaid, shall be at such Meeting appointed to such vacancies.

In case of vac-
ancies occur-
ring in Com-
mittee

IV. *And be it further enacted*, That, at any annual choice of the said Committee, it shall and may be lawful for the Freeholders then assembled to re-appoint the whole or any part of the Committee of the previous year upon the Committee for the ensuing year, or otherwise to select and appoint an entirely new Committee.

Committee
may be re-ap-
pointed

V. *And be it further enacted*, That it shall and may be lawful for the said Freeholders of the Township of Windsor, at their several Meetings to be convened and held as aforesaid, to vote such sum or sums of money, not exceeding at one time the sum of Ten Pounds, as may be requisite and necessary to be voted and expended for, or in respect of, the said Public Landing, and for the improvement, repair, and upholding of the same; and such monies, when voted, shall be added to the amount voted for the poor of said Township, and shall be assessed, levied and collected, together with, and in the same manner as, monies voted, and to be assessed, levied and collected, for the use and benefit of the poor as aforesaid.

10l. may be
annually voted
for repair of
Public Land-
ing

VI. *And be it further enacted*, That when and as such Monies voted as aforesaid, as well for the benefit of the Poor as for such Public Landing, are collected and got in, the same

Money to be
paid to Com-
mittee

shall be paid over to the Overseers of the Poor, who shall account for, and pay over to the Committee to be appointed under this Act, the proportion of such monies voted for such Public Landing—which proportion of Monies shall, by the said Committee, be expended and applied for the improvement, repair, and upholding, of said Public Landing, and be faithfully accounted for to the then next Meeting of Freeholders to be convened and held as aforesaid, in the said Township of Windsor.

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

Continuation
of Act

CAP. L.

An Act to continue the Act for the Summary Trial of Actions, and the Acts in amendment thereof.

(Passed the 29th day of March, 1838.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, made and passed in the third year of the reign of His late Majesty King George the Fourth, entitled, An Act for the Summary Trial of Actions; and also, the Act in amendment of the said Act, passed in the sixth year of His said late Majesty's reign, and every matter, clause and thing, in the said Acts contained, except so far as the same are or may be altered, or amended by the Act hereinafter mentioned; also, the Act, passed in the last Session of the General Assembly to continue and amend the said Acts, and every matter, clause and thing, therein contained, shall be continued, and the said several Acts, except as aforesaid, are hereby respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

Acts 3 and 4,
Geo. IV. con-
tinued (with
exceptions)

CAP. LI.

An Act to continue the Act to lessen the expense of the Proof of Written Documents, in Actions depending in any of the Courts within this Province.

(Passed the 29th day of March, 1838.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the third year of the reign of His late Majesty King William the Fourth, entitled, An Act to lessen the expense of the Proof of Written Documents, in Actions depending in any of the Courts within this Province, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 3, Wm.
IV continued

CAP. LII.

An Act to continue the Act in amendment of the Acts relating to Commissioners of Sewers.

(Passed the 29th day of March, 1838.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the fifth year of the reign of His late Majesty King William the Fourth, entitled, An Act in amendment of the Acts relating to Commissioners of Sewers, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 5, Wm.
IV. continued

CAP. LIII.

An Act to continue the Act to restrain the issuing Writs of Attachment in certain cases.*(Passed the 29th day of March, 1838.)*

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, made and passed in the fourth and fifth year of the reign of His late Majesty King George the Fourth, entitled, An Act to restrain the issuing Writs of Attachment in certain cases, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 4 and 5,
Geo. IV. continued

CAP. LIV.

An Act to continue the Act concerning Malicious Injuries to Property.*(Passed the 29th day of March, 1838.)*

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the second year of the reign of His late Majesty King William the Fourth, entitled, An Act concerning Malicious Injuries to Property, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 2, Wm.
IV. continued

CAP. LV.

An Act to continue the Acts to provide for the regulation and management of the Grammar School or Academy at Annapolis.*(Passed the 29th day of March, 1838.)*

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the ninth year of the reign of His late Majesty King George the Fourth, entitled, An Act to provide for the regulation and management of the Grammar School or Academy at Annapolis; and also, the Act, passed in the fourth year of the reign of His late Majesty King William the Fourth, to continue and amend the said Act, shall be continued, and the said Acts, and every matter, clause and thing, therein contained, shall be continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 9, Geo.
IV. and Act
4, Wm. IV.
continued

CAP. LVI.

An Act to continue the Act relating to Marriage Licenses.*(Passed the 29th day of March, 1838.)*

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the second year of the reign of His late Majesty King William the Fourth, entitled An Act relating to Marriage Licenses, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 2, Wm.
IV. continued

CAP. LVII.

An Act to continue the Act for regulating the Exportation of Red or Smoked Herring.*(Passed the 29th day of March, 1838.)*Act 3, Wm.
IV. continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the third year of the reign of His late Majesty King William the Fourth, entitled, An Act for regulating the Exportation of Red or Smoked Herrings, and every matter, clause and thing therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. LVIII.

An Act to continue the Act, additional, concerning Nuisances.*(Passed the 29th day of March, 1838.)*Act 5, Wm.
IV. continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the fifth year of the Reign of His late Majesty King William the Fourth, entitled, An Act, additional, concerning Nuisances, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for One Year, and from thence to the end of the then next Session of the General Assembly.

CAP. LIX.

An Act to continue the Act to prevent damage to the Nets of Fishermen by Coasting Vessels,*(Passed the 29th day of March, 1838.)*Act 5, Wm.
IV. continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Fifth Year of the Reign of His late Majesty King William the Fourth, entitled, An Act to prevent damage to the Nets of Fishermen by Coasting Vessels, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for One Year, and from thence to the end of the then next Session of the General Assembly.

CAP. LX.

An Act to continue the Act to encourage the Killing of Bears, Loup Cerviers and Wild Cats.*(Passed the 29th day of March, 1838.)*Act 3, Wm.
IV. continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Third Year of the Reign of His late Majesty King William the Fourth, entitled, An Act to encourage the killing of Bears, Loup Cerviers and Wild-Cats, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for One Year, and from thence to the end of the then next Session of the General Assembly.

CAP. LXI.

An Act respecting the Travelling Fees of Constables in certain cases.*(Passed the 29th day of March, 1838.)*

WHEREAS, from the uncertainty of the Law, on the subject of the Fees to be allowed to Constables for travel, when serving Writs issued by Justices of the Peace, in cases of debt, doubts have arisen whether Travelling Fees are to be allowed to such Constables both for going and returning to and from the place of service of such Writ, and the practice as to such travelling fees has not been uniform: Preamble

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That from and after the passing of this Act, the Fees to be allowed to any Constable or other Officer for travel, to serve or execute any Writ or process whatsoever, issued by a Justice or Justices of the Peace, in any action for a debt or debts or for other matters, for which an action may or can by Law be brought before such Justice or Justices, and whereon fees of travel are now allowed, shall be as follows, that is to say: Three-pence for each and every mile such Constable or other Officer may or shall necessarily travel, from the office from which such Writ shall be issued, to the place where he shall serve or execute the said Writ or process, and no more. Travelling Fees allowed

CAP. LXII.

An Act to establish the County or Shire Town in the County of Digby.*[Passed the 29th day of March, 1838.]*

WHEREAS, the Act, passed in the last Session of the General Assembly, entitled, *An Act to divide the County of Annapolis, and to regulate the Representation thereof,* has been assented to by Her Majesty, whereby the same has come into operation, and no provision is made in such Act for establishing a County or Shire Town for the new County of Digby: Preamble

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That the Town of Digby, in the said County of Digby, shall be, and is hereby established and declared to be, the Shire or County Town of the said County, for all purposes whatsoever, and that there shall be held the Supreme Courts, and also, the Inferior Courts of Common Pleas, and one Term or Sessions of the General Sessions of the Peace. Digby established as Shire Town

And whereas, The Township of Clare, which is a large and populous Township, for various reasons, is entitled to have one Sessions or Term of the General Sessions of the Peace held there: Preamble

II. *Be it therefore enacted,* That it shall and may be lawful for the Grand Jury and Court of Sessions for the said County of Digby, and they are hereby directed to furnish and provide a Sessions House in some central and convenient place in the Township of Clare; and that when such Sessions House is provided, there shall be annually held therein, at such time as shall be appointed, during this present or at any future Session of the General Assembly, one Term or Sessions of the Court of General Sessions of the Peace in such Township of Clare, at which all Town Officers for the said Township shall be appointed in manner by Law prescribed for the appointment of Town Officers. Court-House to be provided in Clare and Court of Sessions held there

III. *And be it further enacted,* That all Town Officers for the Township of Digby, and other parts of the said County of Digby, except the Township of Clare, shall be appointed at the Term or Sessions of the General Sessions of the Peace held at Digby. Appointment of Officers

IV. *Provided always, and be it further enacted,* That until the Session House in the Township of Clare shall be provided, and one Term of the Court of General Sessions of the Peace appointed there, agreeably to this Act, the Town Officers for the Township of Clare shall be appointed at the Court of General Sessions of the Peace to be holden at Digby. Proviso